

AMERICAN SAMOA
DEPARTMENT OF EDUCATION

PARENT NOTIFICATION

QUICK GUIDE TO
Student Information Privacy

What is FERPA?

FERPA is a Federal law that protects students' personally identifiable information (PII) and any information directly related to a student that is maintained in student education records. Schools and the ASDOE District offices maintain student information in paper and electronic formats.

These records may contain contact information, enrollment forms, report cards, transcripts, disciplinary letters, and more. PII includes any information which can be linked to a specific student, and which would allow a reasonable person in the community to identify the student.

Parents, guardians, and eligible students (those 18 and older) may:

- Inspect and review student's education records by submitting a written request to the school principal that identifies the record(s) they wish to inspect;
- Request the amendment of the student's education record to correct inaccurate or misleading information, or correct a violation of the student's privacy rights under FERPA;
- Provide written consent before the school releases information contained in the student's education record;
- File a complaint with ASDOE and/or the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA.

Parents, guardians, or eligible students may make their written requests directly to the school when requesting to inspect, review or amend records or to provide consent to release records.

Who is responsible for protecting student information?

Because employees and volunteers in ASDOE may come across student information, whether intentionally or by accident, everyone in our schools and ASDOE offices is responsible for protecting that information.

Who may have access to student education records and PII?

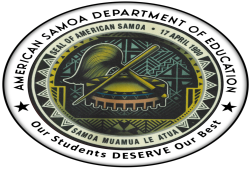
Generally, ASDOE must have written permission from the parent, guardian, or eligible student in order to disclose PII or information from a student's education record to non-ASDOE personnel. However, school officials may, if they have a legitimate educational interest or to fulfill their professional responsibility, have access to those records without consent. Some examples:

- To analyze data to improve teaching and learning;
- To manage ASDOE operations;
- To evaluate student, teacher, school, and program outcomes;
- To provide support or services to students, teachers, and schools;
- To ensure records are accurate.

When is consent not required to release student information?

Generally, PII and information from a student's education record cannot be shared without consent, but there are several cases where FERPA regulations allow ASDOE to share records without consent. ASDOE makes every effort to ensure student information privacy is protected, and to notify parents, guardians, and eligible students when information is going to be shared and why. The most common situations include:

- *School Officials.* Individuals designated as school officials by ASDOE may, if they have legitimate educational interest, receive student information without a parent, guardian, or eligible student consent. ASDOE encourages staff in our public schools to share student data with colleagues in order to conduct evaluations of programs and student performance to improve outcomes and opportunities for students.



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- A school official is a person hired by ASDOE, in an administrative, supervisory, instructional, support staff, research, or evaluation position, including contractors, consultants, or other outside parties to whom ASDOE has outsourced services or functions instead of using ASDOE employees.
- A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records; a parent or student volunteering to serve on an official school committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional educational responsibility.

Directory Information. ASDOE may designate some information as Directory Information, which may be released without consent, unless the parent, guardian, or eligible student has requested that information not be shared – this request is sometimes called an “opt-out” request. Releasing Directory Information is not considered harmful or an invasion of privacy.

Directory information is typically used in school publications, such as:

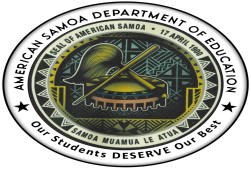
- A playbill, showing the student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as wrestling, show the weight and height of team members.

ASDOE has designated the following information as Directory Information:

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| • Student’s name | • | * Enrollment or withdrawal dates |
| • Address | • | * Grade/class level |
| • Telephone number | • | * Participation in official activities and sports |
| • Date and place of birth | | *Weight, and height of members of athletic teams |
| • Awards received, including honors, diploma | | *Most recent former educational agency, institution, or school attended |
| • Graduation | | |

If a parent, guardian, or eligible student submits a written request for non-disclosure, sometimes referred to as an “opt-out,” ASDOE may not disclose any or part of the student’s directory information per the non-disclosure request. The school will accept a signed and dated letter from the parent, guardian, or eligible student. “Notice for Directory Information” can be found at: www.doe.as

- *Transfer of Education Records.* ASDOE may disclose education records to another school or post-secondary institution at which the student seeks or intends to enroll or transfer if the disclosure is for purposes of the student’s enrollment or transfer.
- *Health or Safety Emergency.* ASDOE may disclose information from education records in order to protect the health or safety of students or other individuals in the event of an impending or actual emergency or natural disaster.
- *Territory and Federal Agencies.* ASDOE may release education records to authorized representatives of the United States Comptroller, and Attorney General. ASDOE may also release education records to territory and educational authorities.
- *Audits, Accreditation, Studies, and Evaluations.* An individual, company, or organization conducting an audit, accrediting functions, study, or evaluation on behalf of ASDOE may receive information from student education records if they only use the information for a specified purpose, and may not reuse that information or share it with another individual, company, or organization. They also may not use that information for marketing purposes



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What is the Protection of Pupil Rights Amendment (PPRA)?

The federal PPRA affords parents certain rights regarding the conduct of surveys, collection, and use of information. These include, but are not limited to, the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas if it is supported by the U.S. Dept. of Education:
 1. Political affiliations or beliefs of the student or student's parent;
 2. Mental or psychological problems of the student or student's family;
 3. Sexual behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or student's parents; or
 8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of:
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under territory law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use:
 1. Protected information surveys of students, created by a third party;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material is used as part of the educational curriculum.

ASDOE will notify parents of students who are scheduled to participate in specific activities or surveys that involve one or more of the protected areas listed above and will provide an opportunity for the parent to opt his or her child out of participation.

Parents who believe their rights have been violated may file a complaint with the American Samoa Department of Education at:

Department of Education
P.O. Box DOE
Pago Pago, American Samoa 96799

OR with the

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue,
SW Washington, DC 20202-5901

A complaint may also be filed electronically via email, at: <https://studentprivacy.ed.gov/file-a-complaint>
Notification for Rights Under the PPRA can be found at: <https://studentprivacy.ed.gov/legal-basics>