

Student Publication/Audio/Video Release Form
Frequently Asked Questions for Hawaii Public Schools' Faculty and Staff

1. Why are there two versions of the Student Publication/Audio/Visual Release Form?
ANSWER: Schools have indicated challenges with RS 16-1391 (blue insert in Parent Notification Student Information Document, Notice, and Forms for SY 2019-2020) since some families have refused to sign the form which has been "all or nothing" in terms of consent for publication. Therefore, RS 17-0924, which is an event-based form, is now available. RS 17-0924 specifies a specific event/publication or a list of specific events/publications for which consent is being granted. For example, RS 17-0924 may be used for release of photo for yearbook only. High schools should consider using this form as part of their students' graduation/commencement contract to specifically cover graduation programs and videos. Having two forms requires more record keeping for schools but provides more flexibility, at schools' discretion, than in the past.

2. Schools spend large amounts of time attempting to collect forms, signed and with a "Yes" or "No" selection. Is the school able to default the selection for the students that return the form only with signatures and for students who don't return the form at all?
ANSWER: No. School staff should remind students and parents of the importance of returning completed forms. If the form is misplaced or forgotten, school staff should send home an additional form or inform the parent that the form is available to print the form from home (reference: <http://ferpa.k12.hi.us>). School staff may not default to "Yes" or "No" on behalf of the parent, nor is the school able to pre-populate the form with a "Yes" prior to seeking signature.

 Schools should attempt to collect the form from the student until the date of the event. Schools should include a note in the student's folder that indicates the dates and times of the attempts to collect the form from the parent/guardian.

3. Schools want to file the form by homeroom teacher, can a line be added for the teacher's name on the form?
ANSWER: To minimize what the parent has to fill out on the form, a teacher's name will not be a line on the form. Space is provided in the signature area for schools to write the teacher's name or homeroom number if the school files the forms by homeroom.

4. The new Student Information System has one check box for Student Publication. How do we use the Student Information System to capture the activities / events we have parent consent for?
ANSWER: The Student Information System does not have the capability to log each activity / event. Schools may choose to log the permission by each student for each activity or event. This log must be kept in a secured and locked cabinet or location and should not be saved on

the Internet using free webhosting services such as Google or Dropbox. The original signed form must be filed in the student's folder.

5. Where does the school file these forms?

ANSWER: Per Family Educational Rights and Privacy Act (34 C.F.R §99.32) and Hawaii Administrative Rule Section 8-34-15, these documents must be stored in the student's folder. Schools may establish procedures they believe will work best for their school. Options may include but are not limited to:

- Establishing a separate folder with the student's name to file all forms in, such as the Student Publication/Audio/Video Release form, the TRUF, the various Opt Out forms and letters, etc. This separate folder may be kept with the Student's Cumulative folder.
- Establishing a separate folder for each event or activity and placing all consents in that folder, alphabetically.

6. Parent requested to review their child's educational record including the publications and recordings their child has been in. Are they able to request this?

ANSWER: Yes, the parent may request to review this. Based on the process established, school staff will need to access the folder where the student's release forms have been stored and retrieve for parent review, as requested.

7. Schools requested to have parent/guardian email or contact number added to the form in the event parents must be contacted. Why doesn't the form have this information?

ANSWER: This request was considered. Supporting the direction to minimize what the parent is required to fill out on the form, this information was not added. Furthermore, if the form is not returned, school personnel would still need to access the student's record to obtain the contact information.

8. A significant number of parents are turning in signed release forms but the "Yes" or "No" boxes are left unchecked. What do we do with these forms?

ANSWER: Schools should make reasonable attempts to have parent/guardian or eligible student complete the form until the event date has passed.

9. Parents of school athletes are taking videos of the games (or pep rallies or fundraising activities) and want to post it on the school's social media site or the school's website. Is this allowable?

ANSWER: The video must be reviewed by school staff and approved by the school administrator before posting to the school's site. All school athletes have signed permission release forms in order to play in the official games where published rosters are required, but other students may be included in the recording who may not have provided permission. Parents may not post directly to school's social media or website, nor add a hyperlink from the school's website to the parent's site to view the videos.

10. The HDOE State Office routinely posts student photos onto the social media or website or retweets school's social media postings. How are they covered to use the photographs of our students?

ANSWER: HIDOE State Office verifies with the school that the parents, guardians of the students or eligible student featured in the photo has signed the consent.

11. Student has an entire Directory Information Opt Out on file but parent provided a ‘Yes’ on the Student Publication/Audio/Release Form for an event or activity. How does the school handle this?

ANSWER: A “Yes” on the Student Publication/Audio/Visual Release Form for an event or activity shall supersede a directory information Opt-Out on file. Though not required, school personnel may contact the parent and confirm the permission. If parent confirms permission, school may display student’s photo, student’s work, video and audio records for the purpose or event stated on the form, but student is still unable to be named in school-related activities and sports if student’s directory information is to be released, exchanged, or communicated. For example, student is able to participate in the graduation ceremony and have their name listed in the program but if directory information opt out has not been rescinded, student’s name cannot be called during the ceremony nor any awards or honors recognized publicly. It would be best for the school to communicate with the parent or legal guardian to verify this was their intention with a complete Directory Information opt out.

12. Teachers are still unclear on whether it is okay to post / display student work publication in the classroom. Teachers feel posted graded or commented work encourages the students to work harder and smarter and take pride in their school work. Please clarify what can be posted.

ANSWER: Refer to the matrix:

Parent Permission on Student Publication Release Form	Graded or Ungraded	Posted/Displayed Student Work	Explanation
If Yes	Ungraded or with no comments	OK to post/display with or without name visible	Student Publication/Audio/Video release form authorizes this
If No	Ungraded or with no comments	Unable to post or display with name visible	Student Publication/Audio/Video release form restricts this
If Yes	Graded or with comments from teachers or peers	Best to not post or display If this posted of commented/graded work is tied to educational	Grades/feedback on student’s work is an <u>Educational Record</u> and identity must be protected unless consent received
If No	Graded or with comments from teachers or peers	interests, post/display but name or any PII information is to be removed or listed on the back (where no one can see)	Grades/feedback on student’s work is an <u>Educational Record</u> and identity must be protected unless consent received

13. A current teacher is also a candidate for a Master’s or Doctoral Degree. For their coursework the master or doctoral degree candidate wishes to photograph or video record their classroom or a peer’s classroom. What must the school do before the candidate proceeds?

ANSWER: The school's Principal must approve the study and confirm the coursework will not interfere with the classroom curriculum. Once approval is received, the candidate will contact the Data Governance and Analysis Branch to finalize a Data Sharing Agreement. The candidate must also create their own personal consent request for parents of the students who may be photographed or recorded, to sign. The candidate's consent form must clearly indicate the reason for the photographs and/or recording, and that this is not HIDOE- or school-related, but for personal reasons of the teacher. This would also apply to third parties, such as Lion's Club, Marshallese Day, etc., as well. The candidate may not photograph or video record if all consent forms are not collected, or if consent forms indicate that parent does not consent.