

Students

Administrative Procedure - Student Records

Student Records Defined

A student record is any record that contains personally identifiable information or other information that would link the document to an individual student if it is maintained by the District, except: (1) records kept in a school staff member's sole possession destroyed not later than the student's graduation or permanent withdrawal, and not accessible or revealed to any other person except a temporary substitute teacher, (2) records kept by law enforcement officials working in the school, (3) video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes, or (4) electronic recordings made on school buses, as defined in Section 14-3 of the Criminal Code of 1961.

Maintenance of School Student Records

The District maintains two types of school records for each student: a *permanent* record and a *temporary* record.

The *permanent record* shall include:

- Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s)
- Scores on college entrance examinations, and the unique student identifier assigned and used by the SIS
- Attendance record
- Health record
- Record of release of permanent record information in accordance with 105 ILCS 10/6(c)
- Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

If not maintained in the temporary record, the *permanent record* may include:

- Honors and awards received
- Information concerning participation in school-sponsored activities and athletics, or offices held in school-sponsored organizations.

No other information shall be kept in the permanent record. The permanent record shall be maintained for at least 60 years after the student graduated, permanently withdrew, or transferred.

All information not required to be kept in the student permanent record is kept in the student *temporary record* and must include:

- A record of release of temporary record information in accordance with Section 6(c) of the Act
- Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8)
- Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, or the imposition of punishment or sanction
- Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act as required by Section 2(f) of the Act. No report other than what is required under Section 8.6 of the Abused and Neglected Child Reporting Act shall be placed in the student temporary record.
- Completed home language survey form
- Health-related information

Accident reports

The *temporary record* may include:

Family background information

Intelligence test scores, group and individual

Aptitude test scores

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews

Elementary and secondary achievement level test results

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations

Honors and awards received

Teacher anecdotal records

Other disciplinary information

Special education records

Records associated with plans developed under section 504 of the Rehabilitation Act of 1973

Any verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the education of the student

Information in the temporary record will indicate authorship and the date it was added to the record. The District will maintain the student's temporary record for at least 5 years after the student transferred, graduated, or permanently withdrew. Temporary records that may be of assistance to a student with disabilities who graduates or permanently withdraws, may, after 5 years, be transferred to the parent(s)/guardian(s) or to the student, if the student has succeeded to the rights of the parent(s)/guardian(s).

The Building Principal is the records custodian for his or her respective building and is responsible for the maintenance, care, and security of a student's permanent or temporary records. Upon a student's graduation, transfer, or permanent withdrawal, the Building Principal or designee shall notify the parent(s)/guardian(s) and the student when the student's permanent and temporary school records are scheduled to be destroyed and of their right to request a copy. Before any student record is destroyed or information deleted there from, the parent/guardian must be given reasonable prior notice at his or her last known address and an opportunity to copy the record and information proposed to be destroyed or deleted. Student records shall be destroyed under the conditions set forth in the Local Records Act. Student records shall be reviewed at least every 4 years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and correct inaccurate information.

The District uses students' Social Security numbers for intra-school identification purposes, if at all. However, the District may not require students or their parents/guardians to provide them. Absent a court order the District will not provide educational records to the Immigration and Naturalization Service.

For the purposes of this administrative procedure, a "court order" is a document signed by a judge. A subpoena signed by a court clerk, an attorney, or an administrative agency office shall not be considered a court order unless signed by a judge.

Access to Student Records

The District shall grant access to student records as follows:

1. Neither the District nor any of its employees or school officials shall release, disclose, or grant access to information found in any student record except under the conditions set forth in the Illinois School Student Records Act, the Mental Health and Developmental Disabilities Confidentiality Act, and their respective implementing rules..

2. The parent(s)/guardian(s) of a student under 18 years of age, or designee, shall be entitled to inspect and copy information in the child's records; a student less than 18 years old may inspect or copy information in the student's permanent school record. Such requests shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 15 school days of the District's receipt of such a request.

Where the parents/guardians are divorced or separated, both shall be permitted to inspect and copy the student's records unless the District receives a copy of a court order indicating otherwise. The District shall send copies of the following to both parents/guardians at either's request, unless the District has a copy of a court order indicating otherwise:

- a. Academic progress reports or records;
- b. Health related information;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses, graduations, and other major school events including pupil-parent/guardian interaction.

When the student reaches 18 years of age, graduates from high school, marries, or enters military service all rights and privileges accorded to parent(s)/guardian(s) become exclusively those of the student.

Access shall not be granted the parent(s)/guardian(s) or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to January 1, 1975, provided such letters and statements are not used for purposes other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements.

3. The District may grant access to, or release information from, student records without parental/guardian consent or notification to District employees or school officials or the employees or officials of the Illinois State Board of Education, who have a current, demonstrable, educational or administrative interest in the student, in furtherance of such interest. A "school official" is a Board member, attorney, auditor, insurance representative, independent evaluator, or a contractor, consultant, volunteer, or other person to whom the District has outsourced institutional services or functions for which the District would otherwise use employees. A "current, demonstrable educational or administrative interest" means that the person requires access to the student record information to perform his or her required services or functions for the District.
4. The District may grant access to, or release information from, student records without parental/guardian consent or notification to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
5. The District shall grant access to, or release information from, a student's records pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order's terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's records without notice to or the consent of the student's parent(s)/guardian(s). Parents of students who are named in a court order shall be deemed to have

received the required written notice, except where mental health or developmental disabilities records/information as defined in the Mental Health and Developmental Disabilities Confidentiality Act is in a student's records. The school shall respond to the order no earlier than 5 school days after its receipt in order to afford parents the opportunity to review, inspect and challenge the records if the parents choose to do so.

6. The District shall grant access to, or release information from, any student record as specifically required by federal or State law.
7. The District shall grant access to, or release information from, student records to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student stating to whom the records may be released; the information or record to be released; and the reason for the release; the right of the parent(s)/guardian(s) or eligible student to copy the information to be disclosed, challenge its contents, limit the consent to designated record(s) or portion(s) of the information contained in those records, and revoke the consent in writing at any time; the consequences of a refusal to consent, if any; and the date on which the consent expires. One copy of the signed consent form will be kept in the temporary records and one copy is mailed to the parent(s)/guardian(s) or eligible student by the Superintendent.
8. The District may release student records, or information contained therein, to the official records custodian of another Illinois school, or an official with similar responsibilities in a school outside of Illinois, in which the student has enrolled or intends to enroll, upon written request from such official. This exception includes, but is not limited to, the disclosure of student records/information in connection with determining an appropriate placement for a student with disabilities under the IDEA, provided that the parent(s)/guardian(s) shall be given prompt written notice.
9. Prior to the release of any records, or information under items 6 and 8 above, the District shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release is under 6 above and relates to more than 25 students, a notice published in the newspaper is sufficient.
10. The District may release student records, or information contained therein, in connection with an emergency without parent/guardian consent if the knowledge of such information is necessary to protect the health or safety of the student or other persons. District employees and school officials shall make this decision taking into consideration the nature of the emergency, the seriousness of the threat to the health or safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District shall notify the parent(s)/guardian(s) or eligible student as soon as possible of the information released, the date of the release, the person, agency or organization to whom the release was made, and the purpose of the release.
11. The District shall grant access to, or release information from student records to juvenile authorities when necessary for the discharge of their official duties upon their request before the student's adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. "Juvenile authorities" means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the

minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court.

12. The District shall grant access to, or release information from student records, to a SHOCAP (Serious Habitual Offender Comprehensive Action Program) committee member, provided that:
 - a. The committee member is a State or local official or authority,
 - b. The disclosure concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are to be released and the official or authority certifies in writing that the records will not be disclosed to any other party except as provided under State law without the prior written consent of the student's parent(s)/guardian(s),
 - c. The disclosure's purpose is limited to identifying serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section 5-145 of the Juvenile Court Act of 1987, and
 - d. The release, transfer, disclosure, or dissemination consistent with the Family Educational Rights and Privacy Act.
13. Upon their request, military recruiters and institutions of higher learning shall have access to secondary students' names, addresses, and telephone listings, unless an objection is made by the student's parent(s)/guardian(s). The Building Principal or designee shall notify parents/guardians that they may make this objection.
14. The District charges \$.35 per page for copies of student records. No parent(s)/guardian(s) or student shall be precluded from receiving copies because of financial hardship.
15. Except as provided below, a record of all releases of information from student records (including all instances of access granted whether or not records were copied) shall be kept and maintained as part of such records. This record shall be maintained for the life of the student record and shall be accessible only to the parent(s)/guardian(s) or eligible student or official records custodian. The record of release shall include:
 - a. The nature and substance of the information released or made accessible.
 - b. The name and signature of the official records custodian releasing the information.
 - c. The name of the person obtaining the release or access, the capacity in which the request for information was made, and the purpose of the request.
 - d. The date of the release or grant of access.
 - e. A copy of any consent to such release.

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order.

Court Orders of Protection

Upon receipt of a court order of protection, the Building Principal shall file it in the records of a child who is the "protected person" under the order of protection. No information or records shall be released to the Respondent named in the order of protection. When a child who is a "protected person" under an order of protection transfers to public or private school, or as soon as possible, the Building Principal shall, at the request of the Petitioner, provide, within 24 hours of the transfer or as soon as possible, written notice of the order of protection, along with a certified copy of the order, to the school to which the child is transferring.

Directory Information

The District may release certain directory information regarding students, except that a student's parent(s)/guardian(s) may prohibit the release of the student's directory information. Directory information is limited to:

Name

Address

Gender

Grade level

Birth date and place

Parents'/guardians' names, mailing addresses, electronic mail addresses, and telephone numbers

Photographs, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications (e.g. yearbooks, newspapers, or sporting or fine arts programs), except that:

A) No photographs highlighting individual faces shall be used for commercial purposes, including solicitation, advertising, promotion or fundraising without the prior, specific, dated and written consent of the parent or student, and

B) No image on a school security video recording shall be designated as directory information

Academic awards, degrees, and honors

Information in relation to school-sponsored activities, organizations, and athletics

Major field of study

Period of attendance in school

The notification to parents/guardians and students concerning student records will inform them of their right to object to the release of directory information.

Student Record Challenges

The parents/guardians may challenge the accuracy, relevancy, or propriety of their student's records, with the exception of academic grades. Also, when the student's records are being forwarded to another school to which the student is transferring, no challenge may be made to grades or references to expulsions or out-of-school suspensions. The request for a hearing must be submitted in writing to the official records custodian and contain notice of the specific entry or entries to be challenged and the basis of the challenge. A records challenge will be conducted according to the following procedures:

- 1) An initial informal conference will be held with the parents, within 15 school days of receipt of the written request for a hearing.
- 2) If the challenge is not resolved by the informal conference, the following will be initiated:
 - A) A hearing officer, who is not employed in the attendance center in which the student is enrolled, will be appointed by the District.
 - B) The hearing officer will conduct a hearing no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parents and school officials. The hearing officer will notify parents and school officials of the time and place of the hearing.
 - C) At the hearing, each party has the right to:
 1. Present evidence and to call witnesses;
 2. Cross-examine witnesses;
 3. Counsel;
 4. A written statement of any decision and the reasons therefore; and

5. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board.
- D) A verbatim record of the hearing will be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.
 - E) The hearing officer will transmit a written decision and will be transmitted to the parents and the District no later than 10 school days after the conclusion of the hearing. It must be based solely on the information presented at the hearing and must be one of the following:
 - i) To retain the challenged contents of the student record;
 - ii) To remove the challenged contents of the student record; or
 - iii) To change, clarify or add to the challenged contents of the student record.
- 3) Any party will have the right to appeal the hearing officer's decision to the Regional Superintendent within 20 school days after the decision is transmitted. If the parent appeals, the parent will inform the District within 10 school days, the District will forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Regional Superintendent. The District may initiate an appeal by the same procedure.

The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The school will include a copy of the statement in any release of the information in dispute.

Special Education Records

For purposes of this administrative procedure, "special education records" means student records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, a student with a disability under the Individuals with Disabilities Education Act (IDEA), Article 14 of the School Code, and their respective implementing regulations. Special education records include the report of the multidisciplinary staffing conference on which placement or non-placement was based, and all records and audio recordings in any format relating to special education placement hearings and appeals.

A student's special education records and other information contained in the student's temporary records may be of continued assistance when the student graduates or permanently withdraws from the District. The special education records and other temporary records may include individualized education plans (IEPs), reports of psychological and other evaluations of the student, disciplinary information, aptitude/intelligence test scores, and/or other information that may be useful for future educational planning for the student and/or for the provision of vocational, health, mental health, educational, or other services to the student.

After 5 years of the student's graduation or permanent withdrawal from the District, special education records may be transferred to the custody of the parent/guardian or student if the parent's rights have transferred to the student. A parent/guardian or student may request a transfer of the temporary records at any time prior to their destruction by contacting the District's official records custodian.

Other Rights

No person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit, or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under State law.

Parent(s)/guardian(s) have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

LEGAL REF.: 20 U.S.C. §1232(g)(j).
Owasso I.S.D. No. 1-011 v. Falvo, 122 S.Ct. 934 (2002).
Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App.1, 2002).
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.
105 ILCS 5/10-21.8 and 10/1 et seq.
23 Ill.Admin.Code §Part 375.

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