

## Students

### Student Records

School student records are confidential and information from them shall not be released other than as provided by law. Any record that contains personally identifiable information or other information that would link the document to an individual student is a school student record if maintained by the District, except: (1) records that are kept in the sole possession of a school staff member, are destroyed not later than the student's graduation or permanent withdrawal, and are not accessible or revealed to any other person except a temporary substitute teacher, and (2) records kept by law enforcement officials working in the school.

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The District may release directory information as permitted by law, but a parent/guardian shall have the right to object to the release of information regarding his or her child. 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 school records without notice to, or the consent of, the student's parent/guardian.

The Superintendent shall implement this policy with administrative procedures. The Superintendent shall also designate a *records custodian* who shall maintain student records. The Superintendent or designee shall inform staff members of this policy, and shall inform students and their parents/guardians of it, as well as their rights regarding student school records.

Legal References: Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232(g), *et seq.*); 34 CFR Part 99; Individuals with Disabilities Education Act Amendments of 1997, Sec. 612(a)(8), 613(a)(1) and 617 (20 U.S.C. 1400, *et seq.*); 34 CFR Part 300; Illinois School Student Records Act (105 ILCS 10/1, *et seq.*); Illinois Missing Children Records Act, Sec. 5 (325 ILCS 50/5); Illinois Missing Children Registration Law, Sec. 5 (325 ILCS 55/5); Illinois Local Records Act, Sec. 7 (50 ILCS 205/7); Illinois Domestic Violence Act (750 ILCS 60/101, *et seq.*); Illinois School Code, Sec. 10-21.8 (105 ILCS 5/10-21.8); and 23 Ill.Admin.Code Parts 226 and 375.

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**Administrative Procedure - Student Records**

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) and copy of birth certificate;
- Academic transcripts, including grades, class rank, graduation date, and grade level achieved;
- Attendance record;
- Accident and health reports; and
- Record of release of permanent record information in accordance with 105 ILCS 10/6(c).

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, 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:

- (1) the nature and substance of the information released;
- (2) the name and signature of the official records custodian releasing such information;
- (3) the name of the person requesting such information, the capacity in which such a request has been made, and the purpose of such request;
- (4) the date of the release; and
- (5) a copy of any consent to such release.

Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8);

Information regarding serious infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction;

Information provided under the Abused and Neglected Child Reporting Act (325 ILCS 5/8.6), including any final finding report received from a Child Protective Service Unit; and a

Completed home language survey.

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;

Other disciplinary information;

Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement was based, and all records and tape recordings relating to special education placement hearings and appeals;

Verified reports or information from non-educational persons, agencies, or organizations; and

Verified information of clear relevance to the student's education.

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 school student record is destroyed or information deleted therefrom, 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 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. Absent a court order or subpoena, school officials do not provide educational records to the Immigration and Naturalization Service.

### Access to Student Records

Neither the District nor any of its employees 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 District shall grant access to student records as follows:

1. 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 school 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 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 school records unless the District has actual notice 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 actual notice of a court order indicating otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- 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.

2. The District may grant access to, or release information from, student records without parental/guardian consent or notification to District employees or officials or the Illinois State Board of Education, provided a current, demonstrable, educational or administrative need is shown. Access in such cases is limited to the satisfaction of that need.
3. 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.
4. 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 school records without notice to or the consent of the student's parent(s)/guardian(s).
5. The District shall grant access to, or release information from, any student record as specifically required by federal or State statute.

6. 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. One copy of the consent form will be kept in the records and one copy is mailed to the parent(s)/guardian(s) or eligible student by the Superintendent. Whenever the District requests the consent to release certain records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student of the right to limit such consent to specific portions of information in the records.
7. The District may release student records to the Building Principal of another Illinois school, or an official with similar responsibilities in a non-Illinois school, in which the student has enrolled or intends to enroll, upon written request from such official.
8. Prior to the release of any records, or information under items 5 and 7 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 5 above and relates to more than 25 students, a notice published in the newspaper is sufficient.
9. The District may release student records, or information in connection with an emergency, without parental consent if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The Building Principal 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.
10. 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.

11. 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.
  
12. The District charges \$.35 per page for copying information from a student's records. No parent(s)/guardian(s) or student shall be precluded from copying information because of financial hardship.
  
13. 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, Building Principal, or other person. The record of release shall include:
  - a. Information released or made accessible;
  - b. The name and signature of the Building Principal;
  - c. The name and position of the person obtaining the release or access;
  - 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;

### Transfer of Records

Within 10 calendar days of being notified of a student's transfer to any other private or public elementary or secondary school located in this or any other state, the records custodian will forward a copy of the unofficial record of the student's grades to the school to which the student is transferring. At the same time, the records custodian will send that school the remainder of the student's school student record and a "Certification of Good Standing" form. "In good standing" means that the student's medical records are up-to-date and complete and the student is not being disciplined by a suspension or expulsion.

Prior written notice will be provided to the parent/guardian regarding the nature and substance of the information being released/transferred. However, written parental consent is not required to transfer the student's school student record to the receiving public school district, unless the record constitutes a mental

health record as defined in the Mental Health and Developmental Disabilities Act (740 ILCS 110/3), which requires the written consent of the student if he/she is 12 years of age or older.

The records custodian will send the parent/guardian, and the student at age of majority, notice that the record is being forwarded to the new district. The notice will advise the parent/guardian, and the student at the age of majority, of their right to inspect the record being transferred.

The District will maintain a copy of the transferring student's temporary record for a period of not less than 5 years.

Students with disabilities, whose "Certificate of Good Standing" form shows incomplete medical records, must be treated the same as non-transfer students regarding the October 15 date for exclusion for failure to obtain the required examinations or immunizations. Students with disabilities whose "Certificate of Good Standing" form shows that the student is currently serving a suspension or expulsion must be enrolled and FAPE must be provided in accordance with an IEP. The District will follow the procedures for transfer students outlined in the regulations adopted by the State Board of Education.

#### 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 and addresses;
- Academic awards, degrees, and honors;
- Information in relation to school-sponsored activities, organizations, and athletics;
- Period of attendance in school.

The notification to parents/guardians and students concerning school 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 school records by requesting, in writing, a meeting with their student's Building Principal. The meeting will be scheduled within 15 school days of the request.

Please note: when the student's school records are being forwarded to another school, no challenge may be made to grades or references to expulsions or out-of-school suspensions.

If the meeting with the Building Principal does not result in a solution to the challenge, the parents/guardians have the right to request a hearing at which 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 the Superintendent, or official to be established or designated by the State Board. 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.

## Destruction of Records

Upon graduation, transfer or permanent withdrawal of a student from the District, the District will notify the parents/guardians and the student of the destruction schedule for the student's permanent and temporary records and of the right to request a copy of such records at any time prior to their destruction. Such notification will include the date of notification, the parent's name, the name of the records custodian, the name of the student, and the scheduled destruction date of the temporary and permanent records.

The District also will send a written notice to inform parents/guardians when personally identifiable information collected, maintained, or used by the District is no longer needed to provide educational services to the student.

This written notice will describe the personally identifiable information that the school district intends to destroy and will inform the parents/guardians that the information will be destroyed no earlier than 60 days from the date of the notice. The notice also will outline the procedure that the parents/guardians may follow if they wish to formally object to the destruction of the records in question.

The destruction of student records will be conducted in accordance with the provisions of the Illinois Local Records Act, Sec. 7 (50 ILCS 205/7).

All information maintained in relation to a student receiving special education services will be directly related to the provision of services to that student. Upon the graduation or permanent withdrawal of a disabled student (as defined in Article 14 of the Illinois School Code [105 ILCS 5/14-1.01, *et seq.*] and the Rules and Regulations to Govern the Administration and Operation of Special Education) the District may -- after 5 years -- transfer psychological evaluations, special education files and other information contained in the student temporary record that may be of continued assistance to the student -- to the custody of the parents/guardians, or to the student, if the student has succeeded to the rights of the parents/guardians. The District will explain the future usefulness of those records to the student and his/her parents/guardians.

Notification of Rights

The District will notify the parents/guardians of a student, or the student at the age of majority, of their right to access the education record, to request amendments and to request a records hearing.

Upon the initial enrollment or transfer of a student to the District, the District shall notify the student and the student's parents/guardians -- if the student is under the age of majority -- of their rights under the Illinois School Student Records Act, the Individuals with Disabilities Education Act Amendments of 1997, and this policy.

This notification may be delivered by any means likely to reach the parents/guardians, including direct mail, parent-teacher conferences, or delivery by the student. Also, the notice may be incorporated in the Parent-Student Handbook or calendar disseminated by the District. Where the parents of a student are divorced and request duplicate mailings, such notice shall be given to both parents unless the District has been furnished with a certified copy of a court order prohibiting such notice to a parent. Notification to parents/guardians of children who are classified to be of limited English-speaking ability will be in English and in the language of the child's primary speaking ability.

The notification shall consist of:

- A list of the types and locations of the educational records collected, maintained, or used by the District;
- The right to inspect and copy permanent and temporary records, the limitations on the right of access that may be created by orders of protection, and the cost of copying such records; (The District will not charge a fee to search for or retrieve information from the educational records.)
- The right to control access and release of school student records and the right to request a copy of information released;
- The rights and procedures for challenging the contents of the school student record.
- The persons, agencies or organizations having access to student records without parental consent;
- The District's schedule for reviewing and destroying any school student record or information contained therein -- and the right to copy such information -- before it is destroyed or deleted;
- The categories of information the school has designated as "directory information" and the right of the parents/guardians to prohibit the release of such information;
- A statement informing the parents/guardians that no person may condition the granting or withholding of any right, privilege or benefit 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 by exercising any right secured under the Illinois School Student Records Act or the regulations adopted by the State Board of Education;
- The right of the parents/guardians to inspect and challenge the information contained in a

school student record other than academic grades and references to expulsions or out-of-school suspensions) prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and

- Any District policies relating to school student records which are not included in the Illinois School Student Records Act or the regulations of the State Board of Education.

Also, the District will provide annual notice to the parents/guardians of students currently in attendance of their rights under the Family Educational Rights and Privacy Act of 1974, and the regulations applicable thereto. Such notice will include, at a minimum, the information referenced in 34 CFR 99.7.