

**Students**  
**Administrative Procedure – School Student Records**

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**A. Legal Citations and Definitions**

The legal requirements contained in this procedure are followed by a citation to the controlling rule and/or statute. Citations in parenthesis indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Definitions are found in the Illinois School Student Records Act (105 ILCS 10/2) and the Illinois State Board of Education rules (23 Ill.Admin.Code §375.10). For easy reference, some definitions are re-printed in this procedure.

The release of confidential information given by a student to a therapist (e.g., school counselor or psychologist) is not included in these procedures but is governed by the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/).

## **B. School Student Records Defined**

*School Student Record* means any writing or other recorded information concerning a student and by which a student may be individually identified that is maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored 105 ILCS 10/2(d).

A school student record shall not include any of the following:

1. Writings or other recorded information kept in a school staff member's sole possession that is destroyed not later than the student's graduation or permanent withdrawal, and is not accessible or revealed to any other person except a temporary substitute teacher. 105 ILCS 10/2(d).
2. Information maintained by law enforcement professionals working in the school. 105 ILCS 10/2(d).
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 as least in part for law enforcement or security or safety reasons or purposes. 23 Ill.Admin.Code §375.10.
4. Electronic recordings made on school buses, as defined in the exemption from the criminal offense of eavesdropping in 720 ILCS 5/14-3. 23 Ill.Admin.Code §375.10.
5. Any information, whether written or oral, received from law enforcement pursuant to State law regarding (a) a student under the age of 17 who has been arrested or taken into custody if law enforcement believes there is an imminent threat of physical harm to students, school personnel or others who are presently on the school grounds, (b) a student who is under investigation for a matter directly related to school safety, or (c) any reports from courts or law enforcement about the detention of a student for any criminal offense, any violation of a municipal or county ordinance, or for any proceedings under the *Illinois Juvenile Court Act*.

Video or other electronic recordings may become part of a student's school record to the extent school officials use and maintain this content for a particular reason, such as disciplinary action, regarding the student. In such a case, the video or other electronic recording is not a public record, and will only be released pursuant to the *Illinois School Student Records Act* and the federal *Family Educational Rights and Privacy Act*.

## **C. Eligible Students Accorded the Rights of Parent/Guardian**

All rights and privileges concerning school student records that are accorded to parents/guardians become exclusively those of the student when the student reaches 18 years of age, graduates from high school, marries, or enters military service, whichever occurs first. 105 ILCS 10/2(g). Such students are called *eligible students* in this procedure.

“Parent” means the natural parent of the student or the person who has the primary responsibility for the care and raising of the student.

#### **D. Official Records Custodian Duties**

The Official Records Custodian shall have the responsibility for the maintenance, care, and security of all student records, whether or not the records are in his/her personal custody or control. This includes taking all reasonable measures to protect student records through administrative, technical, and security safeguards, such as unauthorized access, release, or use. The District’s Official Records Custodian is the Assistant Superintendent for Student Services, who may be contacted at (847) 758-4875, 1200 S. Dunton Ave. Arlington Heights, IL 60005.

The Official Records Custodian has the duties, without limitation, listed below.

1. Is responsible for the maintenance, care, and security of all school student records, whether or not the records are in his or her personal custody or control, and shall take all reasonable measures to prevent unauthorized access to or dissemination of school student records. 105 ILCS 10/4(a)&(b).
2. Reviews student temporary records 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 records review is required in any given school year at the time a student first changes attendance centers within the District, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year. 23 Ill.Admin.Code §375.40(b).
3. When notified by the Dept. of Children and Family Services (DCFS), purges DCFS’s final finding report from the student’s record and returns the report to DCFS. If a school has transferred the report to another school as part of the transfer of the student’s records, the sending school shall forward a copy of the DCFS’s request to the receiving school. 325 ILCS 5/8.6.
4. Manages requests to access school student records.
5. Transfers a certified copy of the records of students transferring to another school and retains the original records.
6. Provides all required notices to parents/guardians and students, including with limitation, each of the following:
  - a. Upon initial enrollment or transfer to the school, notification of rights concerning school student records; the notification may be delivered by any means likely to reach parents, including direct mail or email, delivery by the student to the parent, or incorporation into a student handbook. 23 Ill.Admin.Code §375.30.
  - b. Annual notification of information that is considered to be *directory information* and of the procedures to be used by parents/guardians to request that specific information not be released. 23 Ill.Admin.Code §375.80.
  - c. Notification to secondary students and their parents/guardians that they may opt out of the disclosure of students’ names, addresses, and

- telephone listings to military recruiters and institutions of higher learning. Sec. 9528 of the No Child Left Behind, 20 U.S.C. §7908.
- d. Notification of their right to a hearing to challenge any entry in the school student records (except for academic grades) and Official Records Custodian's name and contact information. 23 Ill.Admin.Code §375.90.
  - e. Upon a student's graduation, transfer, or permanent withdrawal, a notification of the destruction schedule for the student's permanent and temporary school student records and of their right to request a copy. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c).
7. Takes all action necessary to assure that school personnel are informed of the provisions of the School Student Records Act. 105 ILCS 10/3(c).
  8. Performs all actions required of the District described in this procedure and the laws governing school student records.

### **E. Types and Maintenance of School Student Records**

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

1. Permanent Records: The *student permanent record* shall consist of the following:
  - a. Basic identifying information, including the student's name and address, birth date and place, and the names and addresses of the student's parent(s)/guardian(s);
  - b. Evidence required by the Missing Children's Record Act (325 ILCS 50/5(b)(1));
  - c. Academic transcripts, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations, and the unique student identifier assigned and used by ISBE's Student Information System (23 Ill.Admin.Code §1.75.), as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.157 and 23 Ill.Admin.Code §1.442, and as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill.Admin.Code §1.442(c).
  - d. Attendance record;
  - e. Health record, defined by ISBE rule as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code";
  - f. Record of release of permanent record information that contains the information listed in the subsection on **Record Release**, below; and
  - g. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12) (105 ILCS 5/2-3.64a)

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

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

No other information shall be placed in the permanent record.

2. Temporary Records: The *student temporary record* contains all information not required to be kept in the student permanent record and must include:
  - a. Record of release of temporary record information that contains the information listed in the subsection on **Record of Release**, below;
  - b. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8);
  - c. Completed home language survey (23 Ill.Admin.Code §228.15(d).);
  - d. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction;
  - e. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act shall be placed in the student record (23 111.Admin.Code §375.40(f).)
  - f. Health-related information, defined by ISBE rule as "current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110) or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports)";
  - g. Accident reports, defined by ISBE as "documentation of any reportable student accident that results in injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one half-day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth...has followed through on the request."; and

- h. Any documentation of a student's transfer, including records indicating the school or school district to which the student transferred (23 Ill.Admin.Code §375.75(e).)

The *temporary record* may also consist of:

- i. Family background information;
- j. Individual and/or group intelligence test scores, aptitude test scores, and elementary and secondary achievement level test results;
- k. Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews;
- l. Special Education Records
- m. Records associated with 504 of the Rehabilitation Act of 1973
- n. Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;
- o. Honors and awards received;
- p. Teacher anecdotal records (e.g. descriptions of student behavior or progress, or a report of observed behavioral incidents);
- q. Other disciplinary information; and
- r. Any verified reports or information from non-education persons, agencies, or organizations of clear relevance to the student's education.

Mental Health records governed by the *Illinois Mental Health and Developmental Disabilities Confidentiality Act* ("MHDDCA") shall not be considered temporary records, but shall be maintained and released, as appropriate, in accordance with the provisions of the MHDDCA.

- 3. Juvenile Sex Offender Registration Form: If a local law enforcement agency provides a copy of a student's sex offender registration form to the District as required by Illinois law, such registration form must be kept separately from any and all school records maintained on behalf of the juvenile sex offender.
- 4. District Review of Records: Student records shall be reviewed every four (4) years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary, or irrelevant information. The records review is required in the school year in which the student first changes attendance centers within the District, but it does not need to be conducted again if the student enrolls in a different attendance center later in the same school year.

#### **F. Retention and Destruction of School Student Records**

- 1. The permanent record shall be maintained for at least 60 years after the student transfers, graduates, or permanently withdraws from the school district. 105 ILCS 10/4(e). The Official Records Custodian shall destroy the Permanent

Records as soon as practically possible after such time and in accordance with the *Illinois Local Records Act*.

2. The temporary record shall be maintained for at least 5 years after the student transfers, graduates, or permanently withdraws from the school district. 105 ILCS 10/4(f). The Official Records Custodian shall destroy the Permanent Records as soon as practically possible after such time and in accordance with the Illinois Local Records Act, provided that no record which is the subject to inspect or challenge may be destroyed.

Individuals adding information to a student's temporary record must include their name, signature, and position and the date the information was added.

For a student with a disability, the District may, after five (5) years, transfer to the parents (or student if he has succeeded to the rights of parent) Special Education Records which may be of continued assistance to the student. Appropriate District personnel shall explain the usefulness of these records. 23 Ill.Admin.Code §375.40(d).

## **H. Access to School Student Records**

The phrase "access to a school student record" means any release or disclosure of information from a student's school record, whether or not any record is copied, and should be broadly interpreted. Access in all cases is limited to the designated portion of the record to which the consent or statutory authority applies.

Neither the District nor any of its employees shall release, disclose, or grant access to information found in any school student record except under the conditions set forth in the Illinois School Student Records Act. 105 ILCS 10/6. Absent a court order, school officials do not provide educational records to the Immigration Customs Enforcement.

The Official Records Custodian or designee shall grant access to school student records as detailed below. The Building Principal shall consult with the Official Records Custodian or Superintendent and, if authorized, the Board Attorney concerning any questions.

1. Access to Parent/Guardian or Eligible Student
  - a. A student's parent(s)/guardian(s) or eligible student, or designee, are entitled to inspect and copy information in the student's school record; a student less than 18 years old may inspect or copy information in his or her permanent school record. 105 ILCS 10/5. A request to inspect or copy school student records shall be made in writing and directed to the Official Records Custodian. Access to the records shall be granted within fifteen (15) school days after the receipt of such a request. 105 ILCS 10/5(c).

- b. The parent(s)/guardian(s) or the District may request a qualified professional to be present to interpret the student's records. 105 ILCS 10/5(b). If the District makes the request, it is responsible for securing and bearing the cost of the professional's presence.
  - c. Unless the District has actual notice of a court order or notice of a *parenting plan* under the Illinois Marriage and Dissolution of Marriage Act, indicating otherwise:
    - i. Divorced or separated parents/guardians with and without parental responsibility (formerly custody) are both permitted to inspect and copy the student's school student records. 750 ILCS 5/602.11, amended by P.A. 99-90.
    - ii. The Building principal shall send copies of the documents listed below to both parents/guardians at either's request. 105 ILCS 5/10-21.8.
      - a) Academic progress reports or records;
      - b) Health Reports;
      - c) Notices of parent-teacher conferences;
      - d) School calendar regarding the student; and
      - e) Notices about open houses, graduations, and other major school events including student-parent/guardian interaction.
  - c. The school will deny access to a student's school records to a parent against whom an order of protection was issued. 750 ILCS 60/214(b)(15). See **Orders of Protection** below.
  - d. The school will deny access to a student's school records to a parent/guardian who is not allocated parenting time (formerly visitation), unless the parent/guardian presents a court order with a finding that it is in the child's best interests to provide those records to the parent. 750 ILCS 5/602.11, amended by P.A. 99-90.
  - e. Parent(s)/guardian(s) or the student shall not be granted access 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. 105 ILCS 10/5(e).
2. Access With Consent of Parent/Guardian or Eligible Student
- a. Access will be granted 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. 105 ILCS 10/6(a)(8); 23



Ill.Admin.Code §375.70e. Whenever the District requests the consent to release records, the Official Records Custodian shall inform the parent(s)/guardian(s) or eligible student in writing of the right to inspect, copy, and challenge their contents and to limit such consent to designated portions of the records. 105 ILCS 10/6(a)(8).

- b. Access to any record that is protected by the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA, 740 ILCS 110/), specifically that of a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services to a student, will be granted according to the consent requirements contained in MHDDA, 740 ILCS 110/4&5 (see e5).3.

3. Access Without Prior Notice or Consent of Parent/Guardian or Eligible Student

The District shall grant access to school student records in accordance with the law including, but not limited to, releases to the following persons or in the following situations without prior parental notice or consent:

- a. Pursuant to a request by a school formerly attended by the student for records previously transferred by that school to another school in which the student has enrolled or intends to enroll;
- b. District employees or officials of the Illinois State Board of Education will be granted access, without parental/guardian consent or notification, when a current, demonstrable, educational or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2);
- c. Access will be granted, without parental/guardian consent or notification, to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent/guardian 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. 105 ILCS 10/6(a)(4);
- d. Court orders in which a student is named and the parent and/or student is a named party;
- e. Juvenile authorities will be granted access 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: (i) a circuit court judge and court staff members designated by the judge; (ii) parties to the

proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual public or private agency having court-ordered custody of the child; (v) 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; (vi) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; and (x) individuals authorized by court. 105 ILCS 10/6/(a)(6.5); or

- f. Emergencies that involve an articulable and significant threat to the health or safety of a student or other individuals or other emergency if the requested information is necessary to protect the health and safety of the student or other individuals; however, notice shall be provided to parents the next school day after the release.

4. Access Requiring Prior Notice, but Without Prior Consent of Parent/Guardian or Eligible Student

School student records may be released to the following persons, or in the following situations, only after the parent has received prior written notice of the substance of the information to be released and had an opportunity to inspect and challenge the records unless otherwise allowed by law:

- a. Transfer to Another School
  - i. Within ten (10) days of a request, the Official Records Custodian will transfer a certified copy of the student's records (except for biometric data which shall be destroyed and not transferred) to another school at which the student has enrolled or intends to enroll, at the request of such school's official records custodian or student, and shall retain the original records;
  - ii. If the student transfers while he/she is serving a suspension or expulsion, the student's records shall note the date and duration of the suspension or expulsion and whether the suspension or expulsion is for knowingly possessing a weapon (as defined in the *Gun Free Schools Act*) in a school building or on school grounds, or for knowingly delivering a controlled substance or cannabis on school grounds or for battering a staff member;
  - iii. If the student is a protected person under an order of protection, the District may, upon request of the individual seeking to have the child protected by the order of protection, provide, within 24 hours of the transfer, written notice of the order of protection, along with a certified copy of the order, to the

- school to which the child is transferring;
- iv. The Official Records Custodian shall not transfer records if a student's record has been flagged as a "missing child" as provided in Section 5 of the *Missing Children's Records Act* and *Missing Children Registration Law*. The District shall notify the Illinois Department of State Police or the local law enforcement authority of the request;
  - v. If the student has unpaid fines or fees, or tuition charged pursuant to Section 10-20.12a of the *School Code*, and is transferring to a public school, the District may transfer an unofficial transcript of scholastic records, but must forward an official transcript within ten (10) days after the student has paid all of his/her outstanding fines and fees; or
  - vi. The District will provide a transferring student a copy of the Illinois State Board of Education transfer form regarding "good standing" and whether the student's medical records are up-to-date.
- b. Access will be granted pursuant to a court order, provided that the parent(s)/guardians(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. 105 ILCS 10/6(a)(5). Parents of students who are named in a court order shall be deemed to have received the required written notice. The Official Records Custodian shall respond to the order no earlier than 5 school days after its receipt in order to afford parents/guardians the opportunity to review, inspect, and challenge the records if the parents choose to do so. 23 Ill.Admin.Code §375.40(d).

For the purposes of these procedures, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney, or an administrative agency official not be considered a court order unless signed by a judge. 23 Ill.Admin.Code §375.40(a).

- c. Information will be released to the court, without a court order or subpoena, if the District initiates legal action against a parent or student, or a parent or eligible student initiates legal action against the District.
- d. The District will grant access as specifically required by federal or State statute, provided the individual complies with the requirements in 23 Ill.Admin.Code §375.70(b). 105 ILCS 10/6(a)(6). Prior to granting access, the Building Principal shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of the intended action. 105 ILCS 10/6(b); 23 Ill.Admin.Code §375.70. 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 relates to more than 25 students, a notice published in the newspaper is sufficient.

The District charges \$.35 per page for copying information from a student's records. No parent/guardian or student shall be precluded from copying information because of financial hardship. 23 Ill.Admin.Code §375,50.

## **I. Recording of Access**

Except as provided below, a record of all releases of information from school student records (including all instances of access granted whether or not records were copied) shall be kept and maintained as part of such records. 105 ILCS 10/6(c). This record shall be maintained for the life of the school student record and shall be accessible only to the parent(s)/guardian(s) or eligible student, Official Records Custodian, Building Principal, or other authorized person. The record of release shall include each of the following:

1. Information released or made accessible;
2. The name of the person making the request;
3. The capacity in which the request is made;
4. The purpose of the request;
5. The date of the release or grant of access;
6. A copy of any consent to such release; and
7. The signature of the Official Records Custodian.

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order. 20 U.S.C. §1232(g)(j)(4).

## **J. Orders of Protection**

Upon receipt of a court order of protection, the Building Principal shall file it in the temporary record of a student 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. 750 ILCS 60/222(e).

## **K. Parenting Plans**

Upon receipt of a parenting plan under the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/, amended by P.A. 99-90), the Building Principal shall file it in the temporary record of a student who is the subject of the parenting plan.

## **L. Notification of Rights**

Students and their parents will be provided notice in accordance with the law.

1. Students enrolled in the District and their parents will be notified of their rights regarding student records at initial enrollment and annually thereafter.

Notification to parents of children classified to be limited English-speaking ability shall be in English and in the language of the child's primary speaking ability. Notification to parents or eligible students who are disabled shall be made by reasonable means in order to reasonably accommodate the disability. This notice will be posted on the District's website and provided in the Student Handbook (7:340 e1).

2. Upon graduation, transfer, or permanent withdrawal of a student, the District will notify the parents and student of the destruction schedule for the school student records and right to request a copy of such records at any time prior to their destruction. The notification shall include the specific date of notification, the name of the student, parent, and Official Records Custodian, and date for the destruction of the temporary and permanent records (see 7:340 e4).
3. At the time of a parent's consent to inspect and copy records is requested or obtained, the District will inform the parents of their rights to inspect and copy records, to challenge their contents, and to limit any consent to designated records or portions of the record (sec. 7:340 e2).
4. All persons to whom student records are released, other than parents and students, will be informed at the time of the release of information that they may not permit any other person to have access to any information from a student record without the parent's prior, written consent.
5. A copy of this Procedural Manual and exhibits is available upon request from the Department of Student Services or the Superintendent or the District's website.

### **M. Directory Information**

The School 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:

1. Name;
2. Address;
3. Grade level;
4. Birthdate and place;
5. Parent(s)/guardian(s)' names, addresses, electronic mail address, and telephone numbers;
6. 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 publications, such as yearbooks, newspapers, or sporting or fine art programs;
7. Academic awards, degrees, and honors;
8. Information in relation to school-sponsored activities, organization, and athletics;
9. Major field of study; and
10. Period of attendance in school.

No photograph 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 eligible student (see 765 ILCS 1075/30). 23 Ill.Admin.Code §375.80.

The following shall not be designated as directory information:

- a. An image on a school security video, or
- b. Student social security number or student identification or unique student identifier.

The notification to parents/guardians and students concerning school student records will inform them of their right to object to the release of directory information. See 7:340-AP1, EI, *Notice to Parents/Guardians and Students of their Rights Concerning a Student's School Records*.

## **N. Student Record Challenge Procedures**

Parents/guardians have the right to challenge the accuracy, relevancy, or propriety of any entry in their student's school records, exclusive of academic grades, the name and contact information of the Official Records Custodian, and references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90. A request for a hearing should be submitted to the Official Records Custodian and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge. The following procedures apply to a challenge: 105 ILCS 10/7; 23 Ill.Admin.Code §375.90.

Procedure:

1. The Superintendent or designee will invite the parent(s)/guardian(s) to an initial informal conference, with fifteen (15) school days of receipt of the request for a hearing.
2. If the challenge is not resolved by the informal conference, formal procedures shall be initiated (see 7:340 e3).
  - a. The superintendent will appoint a hearing officer, who is not employed in the attendance center in which the student is enrolled.
  - b. The hearing officer will conduct a hearing within a reasonable time, but no later than fifteen (15) days after the informal conference, unless an extension of time is agreed upon by the parent(s)/guardian(s) and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
  - c. Each party shall have the right to counsel, to present evidence, and to call and cross-examine witnesses.
  - d. A verbatim record of the hearing shall 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 written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the School District. It shall be based solely on the information presented at the hearing.
3. Any party has the right to appeal the decision of the local hearing officer to the Regional Superintendent or appropriate Intermediate Service Center, within twenty (20) school days after the decision is transmitted. The parent(s)/guardian(s), if they appeal, shall so inform the school and within ten (10) school days the school shall forward a transcript of the hearing, a copy of the record entry in question, and any other pertinent material to the Regional Superintendent or appropriate Intermediate Service Center. The School may initiate an appeal by the same procedures. The final decision of the Regional Superintendent or appropriate Intermediate Service Center may be appealed to the circuit court of the count in which the school is located.
4. 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. 105 ILCS 10/7(d).
5. Parents have the right to file a complaint with the United States Department of Education concerning alleged failures by the District to comply with these Procedures.

LEGAL REF.: Family Education Rights and Privacy Act, 20 U.S.C. §1232g; implemented by 34 C.F.R. Part 99.  
Illinois School Student Records Act, 105 ILCS 10/2; implemented by 23 Ill.Admin.Code Part 37.  
The Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/.  
Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/.