

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER k: SCHOOL RECORDS

PART 375
STUDENT RECORDS

Section

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AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

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Section 375.10 Definitions

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act [105 ILCS 10/2(d)]:

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

Academic transcript, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations, and the unique student identifier assigned and used by the Student Information System established pursuant to Section 1.75 of rules governing Public Schools Evaluation, Recognition and Supervision (see 23 Ill. Adm. Code 1.75);

Attendance record;

Accident reports and health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)]; and

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

May also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a));

The completed home language survey form (see 23 Ill. Adm. Code 228.15);

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

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)]; and

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code [105 ILCS 5/10-20.40 or 34-18.34]; and

May also consist of:

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 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;

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

Other verified information of clear relevance to the education of the student.

"Substitute" means a person designated by the school to temporarily serve in the event of absence of a person employed by the school.

(Source: Amended at 32 Ill. Reg. 16475, effective September 29, 2008)

Section 375.20 Rights of Students

In addition to the rights granted to students with respect to permanent school records, as provided by Section 2(g) of the Act, a school may afford to students any or all of the rights afforded to parents under the Act or this Part in relation to the temporary record.

(Source: Amended at 10 Ill. Reg. 12602, effective July 9, 1986.)

Section 375.30 Notification

- a) Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parents of their rights under the Act as specified in subsection (d) of this Section and of their rights with respect to the collection, distribution, and retention of biometric information under Section 10-20.40 or 34-18.34 of the School Code, if the school collects student biometric information.
- b) All notification under this Part to parents of children classified under Section 14C-3 of the School Code [105 ILCS 5/14C-3] to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability.
- c) This notification may be delivered by any means likely to reach the parents, including direct mail, parent-teacher conferences, delivery by the student to the parent, or incorporation in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.
- d) The notification shall consist of:
 - 1) The types of information contained in the permanent and temporary records;
 - 2) The right to inspect and copy permanent and temporary records, the limitations on the right of access established under Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act, and the cost of copying such records;
 - 3) The right to control access and release of school student records and the right to request a copy of information released;
 - 4) The rights and procedures for challenging the contents of the school student record;
 - 5) The persons, agencies or organizations having access to student records without parental consent;
 - 6) The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying such information;

- 7) The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of such information;
 - 8) A statement informing the parents that 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 that the individual may obtain through the exercise of any right secured under the Act or this Part;
 - 9) The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and
 - 10) Any policies of the school relating to school student records that are not included in the Act or this Part, including any policy related to the collection of biometric information as permitted under Section 10-20.40 or 34-18.34 of the School Code.
- e) *The principal of each school or the person with like responsibilities or his or her designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and this Part, either orally or in writing [105 ILCS 10/3].*

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)

Section 375.40 Maintenance

- a) The provisions within the Act and this Part requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:
 - 1) In compliance with the request of a parent or eligible student that such categorization occur; and
 - 2) The records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be *disclosed except as provided by Section 5 of the Act or by court order* [105 ILCS 10/4(f)].
- b) Student records shall be reviewed every four 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 pursuant to Section 375.10 of this Part.
- c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification shall consist of the following: date of notification, name of parent, name of records custodian, name of student, and the scheduled destruction date of temporary and permanent records. Biometric information collected pursuant to the district's policy, if any, shall not be subject to the retention requirements applicable to the remainder of students' temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205/7]. Instead, the destruction of students' biometric information shall conform to the requirements of Section 10-20.40 or 34-34.18 of the School Code, as applicable.
- d) Upon graduation or permanent withdrawal of a handicapped student, as defined in Article 14 of the School Code [105 ILCS 5/Art.14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of

the parents. The school shall explain to the student and the parent the future usefulness of these records.

- e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (see Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).
- f) Any report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student's temporary record shall be removed from the student's record and returned to the Department of Children and Family Services upon written request made by the Department pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives such a request from the Department 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 Department's request to the receiving school, which shall comply with this subsection (f).

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)

Section 375.50 Cost for Copies of Records

- a) The school may charge the actual cost for providing a copy of school student records or any portion of such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page.
- b) No parent or student shall be denied a requested copy of school student records due to inability to bear the cost of such copying.

(Source: Amended at 10 Ill. Reg. 12602, effective July 9, 1986.)

Section 375.60 Emergency Release of Information

- a) Information may be released without parental consent in connection with an emergency to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons, provided that the parents are notified as soon as possible of the information released, the date of the release, the person, agency, or organization receiving the information, and the purpose of the release.
- b) Factors to be considered in determining whether records should be released pursuant to this paragraph include:
 - 1) The seriousness of the threat to the health or safety of the student or other persons;
 - 2) The need for such records to meet the emergency;
 - 3) Whether the persons to whom such records are released are in a position to deal with the emergency;
 - 4) The extent to which time is of the essence in dealing with the emergency.
- c) The requirements and criteria for release of information pursuant to this Section are to be strictly construed.

(Source: Amended at 10 Ill. Reg. 12602, effective July 9, 1986.)

Section 375.70 Release of Information

- a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the records custodian of the other school or the student, provided that the parent receives prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge such information. If the address of the parents is unknown, notice may be served upon the records custodian of the requesting school for transmittal to the parents. This service shall be deemed conclusive, and ten calendar days after this service, if the parents make no objection, the records may be transferred to the requesting school. Biometric information collected pursuant to a district's policy, if any, shall not be transferred to another school district in which a student has enrolled and shall be destroyed as provided in Section 10-20.40 or 34-18.34 of the School Code, as applicable.
- b) The school shall grant access to information contained in school student records to persons authorized or required by State or federal law to gain such access, provided that:
 - 1) The person making the request shall provide the school with appropriate identification and a copy of the statute authorizing such access; and
 - 2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. If this release of information relates to more than 25 students, this prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.
- c) The school shall grant access to, or release information from, school student records without parental consent or notification only in accordance with the provisions of Section 6(a) of the Act [105 ILCS 10/6(a)] and Section 10-20.40 or 34-18.34 of the School Code, where applicable.
- d) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom the records may be released, the reason for the release, and the specific records to be released. At the time consent is requested or obtained, the school shall inform the parents of the following rights:
 - 1) To inspect and copy the records;

- 2) To challenge the contents of the records; and
 - 3) To limit any consent to designated records or designated portions of information within the records.
- e) Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act.

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)

Section 375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students

- a) This Section implements Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 5 of the Missing Children Registration Law [325 ILCS 55/5]. This Section is applicable to all public, private or nonpublic elementary and secondary schools in the State of Illinois.
- b) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.
- c) A request made pursuant to subsection (b) of this Section for a certified copy of a student's record shall satisfy the requirement of Section 2-3.13a(c) of the School Code regarding documentation of enrollment of a transfer student.
- d) If within 150 days after a student leaves a school, that school or school district has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school's or school district's calculation of its annual dropout rate (see Section 2-3.13a(c) of the School Code).
- e) As used in this Section, "Unofficial Record of Student Grades" means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. Such records shall also include the name and address of the school, the name of the student to whom the records pertain, the name and title of the school official transmitting the records, and the date of transmittal.
- f) As used in this Section, "Official Transcript of Scholastic Records" means the formal record showing dates of enrollment; courses studied; grades, credits, and awards received; and the unique student identifier assigned and used by the Student Information System; and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.

- g) As used in this Section, "Certified Copy of Student's Record" means:
- 1) for public schools, the student's permanent and temporary record as defined in Section 375.10 of this Part; and
 - 2) for private and nonpublic schools, the individual student information maintained by such schools for all of their students. Such information may include:
 - A) Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;
 - B) Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;
 - C) Attendance record;
 - D) Accident reports and health record;
 - E) Honors and awards received; and
 - F) Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.
- h) If the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school.
- i) If the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason, then the transferring school shall include with the transferred records:

- 1) the date and duration of the period of any current suspension or expulsion;
and
- 2) whether the suspension or expulsion is for *knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 USC 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school.*
(Section 2-3.13a of the School Code)

(Source: Amended at 32 Ill. Reg. 16475, effective September 29, 2008)

Section 375.80 Directory Information

- a) Information that may be designated as directory information shall be limited to:
 - 1) Identifying information: name, address, gender, grade level, birth date and place, and parents' names and addresses;
 - 2) Academic awards, degrees, and honors;
 - 3) Information in relation to school-sponsored activities, organizations, and athletics;
 - 4) Major field of study; and,
 - 5) Period of attendance in the school.
- b) "Directory Information" may be released to the general public, unless a parent requests that any or all such information not be released on his/her child. Prior to the release of directory information, school districts must notify affected parents in writing. The notification must include the following: date of notification, parents' names, name of student, directory information to be released, and the scheduled date of release. The district may provide this notification in the manner specified in Section 375.30(c) and (d) of this Part.

(Source: Amended at 10 Ill. Reg. 12602, effective July 9, 1986.)

Section 375.90 Challenge Procedures

- a) Parents shall be notified of their right to a hearing to challenge any entry in the school student records except for academic grades. If the challenge is made at the time the student's school records are being forwarded to another school to which the student is transferring, then parents shall not have the right to challenge references in those records to expulsions or out-of-school suspensions. Challenges to any other entry in the school student records can be made on the basis of:
 - 1) accuracy;
 - 2) relevance; or
 - 3) propriety.
- b) The request for a hearing shall be submitted in writing to the school and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.
- c) Each school shall establish administrative procedures for parents to challenge the contents of student records. Such procedures shall include:
 - 1) An initial informal conference with the parents, within 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.
 - A) A hearing officer, who shall not be employed in the attendance center in which the student is enrolled, shall be appointed by the school.
 - B) The hearing officer shall conduct a hearing within a reasonable time, but 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 shall notify parents and school officials of the time and place of the hearing.
 - C) At the hearing each party shall have the rights outlined in Sections 7(b)(1) through 7(b)(4) of the Act.

- 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 parents and the school district. It shall be based solely on the information presented at the hearing and shall 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.
- d) Any party shall have the right to appeal the decision of the local hearing officer to the Regional Superintendent within 20 school days after such decision is transmitted. If the parent appeals, the parent shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Regional Superintendent. The school may initiate an appeal by the same procedures. Upon receipt of such documents, the Regional Superintendent shall examine the documents and record to determine whether the school district's proposed action in regard to the student's record is in compliance with the Act and this Part, make findings and issue a written decision to the parents and the school within 20 school days of the receipt of the appeal documents. If the subject of the appeal involves the accuracy, relevance or propriety of any entry in special education records, the Regional Superintendent should seek advice from special education personnel:
- 1) who were not authors of the entry, and
 - 2) whose special education skills are relevant to the subject(s) of the entry in question.
- e) The school shall be responsible for implementing the decision of the Regional Superintendent.

- f) Final decisions of the Regional Superintendent may be appealed to the circuit court of the county in which the school is located (see Section 7(c) of the Act).

(Source: Amended at 20 Ill. Reg. 15304, effective November 18, 1996)

Section 375.100 Implementation

Each school and school district shall adopt policies and procedures in compliance with the Act and this Part.

(Source: Amended at 10 Ill. Reg. 12602, effective July 9, 1986.)

Section 375.110 Enforcement

- a) The State Board of Education shall collect and maintain information concerning compliance with the provisions of the Act and this Part and shall take action as specified by the Act to secure compliance in the event of violation.
- b) Complaints arising from violations of the Act or this Part, other than challenges of the contents of the school student records as specified in Section 375.90 of this Part, shall be directed to the Superintendent of the Educational Service Region and then to the State Superintendent of Education as specified in Sections 3-10 and 2-3.8 of the School Code [105 ILCS 5/3-10 and 2-3.8].

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)