

A. Confidentiality

1. The school student records of all students shall be maintained confidentially in accordance with the requirements of the Illinois School Student Records Act, the Illinois School Code, the Illinois Mental Health and Developmental Disabilities Confidentiality Act, the Family Educational Rights and Privacy Act, the Individuals with Disabilities Education Improvement Act of 2004, the Local Records Act, USA Patriot Act of 2001, and their respective implementing regulations. The following procedures are currently in compliance with the above named state and federal laws. In the event of a conflict between this policy and any statute, rule, or regulation cited herein, the statute, rule, or regulation shall govern.
2. For purposes of these procedures, school student record means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school regardless of how or where the information is stored.

The following are not school student records and are not subject to disclosure:

- a. Writings or other recorded information maintained by an employee of District 225 or other person whether or not at the direction of the District for his/her exclusive use, provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school, and provided further that no such records or recorded information may be released or disclosed to any person except a staff member designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of federal and State law.
 - b. School student records do not include 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; and

Electronic recordings made on school buses, as defined in Section 14-3 of the Criminal Code of 1961 [720 ILCS 5/14-3].
 - c. Information maintained by law enforcement professionals working in the school.
 - d. Any information, either written or oral, received pursuant to Section 22-20 of the School Code (105 ILCS 5/22-20) and Sections 1-7 and 5-905 of the Juvenile Court Act of 1987 [705 ILCS 405/1-7 and 5-905].
3. The assistant principal for student services shall serve as the Official Records Custodian and will take all reasonable measures to comply with the confidentiality requirements of the Illinois School Code, the Illinois School Student Records Act, the Illinois Mental Health and Developmental Disabilities Confidentiality Act, the Family Educational Rights and Privacy Act, the Individuals with Disabilities Education Act, the Local Records Act, and their respective implementing regulations.

4. As Official Records Custodian, the assistant principal for student services shall assume responsibility for the following:
 - a. Separate permanent and temporary records of a student;
 - b. Respond to any request for inspection and review of school student records, including a request for a copy of school student records, within 15 school days;
 - c. Respond to any request for an explanation or interpretation of a school student record;
 - d. Respond to any request to amend or destroy a school student record;
 - e. Respond to any request to disclose or release personally identifiable information and/or school student records;
 - f. Keep a record of parties obtaining access to school student records including the name of the party, the date access took place, and the purpose of the authorized use.
 - g. Maintain, for public inspection, a current listing of the names and positions of the employees who may have access to personally identifiable information;
 - h. Provide upon request from the parent(s)/guardian(s), a list of the types and locations of school student records collected, maintained, or used by the District; and
 - i. Take all reasonable measures to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages of maintenance of school student records;
 - j. The Official Records Custodian shall review the terms of any court order requiring the disclosure of student records issued pursuant to the USA Patriot Act of 2001, P.L. 107-56, and determine whether such order permits or prohibits notice to the parent(s)/guardian(s) as otherwise required in Section C.2.e below, and determine whether such order permits or prohibits the Official Records Custodian from following the record keeping requirements of Section A.4.f. above;
 - k. Ensure that student record information is not disclosed pursuant to a subpoena, but only pursuant to a court order signed by a judge;
 - l. Review student temporary records at least every four years, or upon a student's change in attendance center, whichever occurs first, to verify entries and to eliminate or correct out-of-date, inaccurate or irrelevant information;
 - m. Upon written request from the official records custodian of another school in which the student has enrolled or intends to enroll, and with prior written notice to the parent(s)/guardian(s), transfer a copy of records of students transferring to another school district and retain the original records;

- n. When notified by the Department of Children and Family Services (DCFS), purge DCFS' final finding report from a student's record and return the report to DCFS. If the Official Records Custodian has transferred a copy of the DCFS report to another school as part of a transfer of the student's records, the Official Records Custodian shall forward a copy of the DCFS request to the receiving school district.
5. The Assistant Principal for Student Services may delegate any of these duties to an appropriate staff member. Each school principal or designee shall take all action necessary to assure that each person collecting or using personally identifiable information receives training or instruction regarding the policies and procedures governing confidentiality of personally identifiable information.
 6. All rights and privileges accorded to a person under these procedures and the Student Records policy shall become exclusively those of the student upon his or her 18th birthday, graduation from secondary school, marriage, or entry into military services, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.
 7. District 225 will notify the parent(s)/guardian(s) of their rights under federal and State law.
 - a. The school will annually notify the parent(s)/guardian(s) of their rights with respect to school student records, including the following:
 - (1) The types and location of information contained in the permanent and temporary school student records;
 - (2) The right and procedures for inspecting and copying permanent and temporary school student records and the cost of copying such records;
 - (3) The right to control access to and release of school student records and the right to request a copy of information released;
 - (4) The rights and procedures for challenging and/or amending the contents of school student records that may be inaccurate, misleading or improper;
 - (5) The persons, agencies or organizations having access to the school student records without parental consent;
 - (6) The right to copy any school student record or information contained therein which is 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 parent(s)/guardian(s) to prohibit the release of such information;

- (8) 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 through the exercise of any right secured under the Illinois School Student Records Act;
 - (9) The right to inspect and challenge the information contained in the student record, other than academic grades and references to expulsions and out-of-school suspensions, prior to transfer of the records to another school district, in the event of a student's transfer to another school district;
 - (10) The right to opt out of the disclosure of students' names, addresses and telephone listings to military recruiters and institutions of higher learning;
 - (11) Upon a student's graduation, transfer or permanent withdrawal from school, the destruction schedule for the student's permanent or temporary school student records and of their right to request a copy of such records prior to their destruction; and
 - (12) The right to file a complaint with the Department of Education regarding alleged failures by the educational agency or institution to comply with Family Educational Rights and Privacy Act and/or its regulations.
- b. Notice will be delivered by the means most likely to reach the parent(s)/guardian(s), including direct mail, parent-teacher conferences, delivery by the ~~child~~ student to the parent, or incorporated in a "parent-student" handbook or other informational brochure for student(s) and parent(s)/guardian(s) disseminated by the school.
 - c. All notifications shall be given in a manner that is accessible to parents with disabilities. Notifications to parents of students with limited English-speaking ability shall be given in English and in the student's primary language.
- B. Inspection and Review of School Student Records**
1. District 225 shall permit parent(s)/guardian(s) and any other authorized persons the opportunity to inspect, review, and copy all school student records.
 2. The Official Records Custodian shall respond to and grant any written request to inspect and to copy school student records to a parent(s)/guardian(s) or authorized representative within 15 school days after the date of receipt of such written request by the Assistant Principal for Student Services.
 3. The District may charge a reasonable fee for copies of records, however, a fee shall not be charged when the Official Records Custodian determines that a parent(s)/guardian(s) is unable to bear the cost of such copying.
- C. Release of Personally Identifiable Information**
1. District 225 shall obtain written parental consent before permitting personally identifiable information to be released or used except as otherwise authorized by law.

2. District 225 may not release, transfer, disclose or otherwise disseminate information maintained in the school student records except as follows and as provided by law:
 - a. To a parent(s)/guardian(s) or student or person specifically designated as a representative by a parent; or
 - b. To an employee or official of the school or State Board of Education with current demonstrable educational or administrative interest in the student, in furtherance of such interest.
 - c. To the official Records Custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois in which the student has enrolled, or intends to enroll, upon the written request of such official or student.
 - d. 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, and with this policy and procedures.
 - e. Pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice upon receipt of such order of the terms of the order, the nature and substance of the information proposed to be released in compliance with such order, and an opportunity to inspect and copy the school student records and to challenge their contents. If the parents of a student are named in the court order, however, the parents shall be deemed to have received the required notice. The District will respond to the order no earlier than five school days after receiving it to allow the parents the opportunity to review, inspect and challenge the records.
 - f. To any person as specifically required by state or federal law.
 - g. To juvenile authorities when necessary for the discharge of their official duties who request information prior to adjudication of the student and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of the court. For purposes of this Section, a juvenile authority means:
 - (1) A judge of the circuit court and members of the staff of the court designated by the judge;
 - (2) Parties to the proceedings under the Juvenile Court Act of 1987 (705 ILCS 405/), and their attorneys;
 - (3) Probation officers and court-appointed advocates for the juvenile authorized by the judge hearing the case;
 - (4) Any individual, public or private agency having custody of the student pursuant to court order;

- (5) Any individual, public or private agency providing education, medical or mental health service to the student when the requested information is needed to determine the appropriate service or treatment for the minor;
 - (6) Any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement;
 - (7) Law enforcement officers and prosecutors;
 - (8) Adult and juvenile prisoner review boards;
 - (9) Exclusively authorized military personnel; and
 - (10) Individuals authorized by court.
- h. Subject to regulations of the State Board, 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.
- i. Military recruiters and institutions of higher learning will be granted access to students' names, addresses, and telephone listings, unless an objection is made by the student's parent(s)/guardian(s) through the District's opt-out procedure.
- j. 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), pursuant to the USA Patriot Act of 2001.
- k. To any person, with the prior specific-dated written consent of the parent(s)/guardian(s) designating the person to whom the records may be released, provided that at the time any such consent is requested or obtained, the parent(s)/guardian(s) shall be advised in writing that he/she/they has the right to inspect and copy such records, to challenge their contents, and to limit any such consent to designated records or designated portions of the information contained therein, as provided by law and as described herein.
- l. Directory information may be released to anyone as permitted by law unless a parent requests in writing that any or all such information shall not be released on his or her student. Directory information shall be limited to:
- (1) Identifying information such as student's name, address, gender, grade level, date and place of birth, and parents' names and mailing addresses;
 - (2) 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, such as yearbooks, newspapers, or sporting or fine arts programs, except that:

- a. 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 student, as applicable (see 765 ILCS 1075/30); and
 - b. No image on a school security video recording shall be designated as directory information;
- (3) Academic awards, degrees, and honors;
 - (4) Information in relation to school-sponsored activities, organizations and athletics;
 - (5) Major field of study; and
 - (6) Period of attendance in the school.

No student Social Security Number (SSN) or student identification (ID) or unique student identifier may be designated as directory information.

- m. Receipt of a subpoena shall not be treated as a court order, but shall require the Official Records Custodian to report receipt of the same to the Superintendent and parent or guardian. Student records will not be produced pursuant to a subpoena.
- 3. Copies of records transmitted to the School District from another school district (the “sending school district”) from which the student has transferred may be transferred back to the sending school district without parental or student notice and consent.

D. Transfer of Records

District 225 shall forward, within 10 days of receipt of notice of the student’s transfer to any other private or public elementary or secondary school located in this or any other state, a copy of the unofficial record of the student’s grades to the school to which the student is transferring. The District at the same time shall forward to the school to which the student is transferring the remainder of the student’s school student records 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 currently being disciplined by a suspension or expulsion.

- 1. Prior written notice must be provided to the parent(s)/guardian(s) regarding the nature and substance of the information being released/transferred and shall advise the parent(s)/guardian(s) of their right to inspect, copy and challenge the records being transferred.
- 2. Biometric information (e.g. fingerprints, handprints, retina patterns, voice waves, etc.) collected pursuant to School District policy, if any, shall not be transferred to another school district in which the student has enrolled and shall be destroyed as provided in Section 10-20.40 of the School Code as applicable.

3. The District shall maintain the transferring student's temporary records for a period of not less than 5 years. The transferring student's temporary records will be destroyed not later than July 1 after the end of the fifth year after the student's transfer. The District shall maintain for 60 years the transferring student's permanent record.
4. Upon transfer, graduation or permanent withdrawal from the District, psychological evaluations, special education files and other information contained in the student temporary records which may be of continued assistance to the student may, after 5 years, be transferred to the custody of the parent(s)/guardian(s). District 225 shall explain to the parent(s)/guardian(s) the future usefulness of these records.

E. Challenges to School Student Records

1. A parent(s)/guardian(s) may challenge the accuracy, relevance, or propriety of any entry in the student's records. If the challenge is made at the time the records are to be forwarded to another school to which the student is transferring, the parent(s)/guardian(s) may not challenge academic grades or references to expulsion or out of school suspensions.
2. The request for a hearing must be submitted in writing and contain notice of the specific entry or entries being challenged and the basis of the challenge.
3. The school principal, or principal's designee, upon receiving a written request from a parent(s)/guardian(s), shall hold an informal conference with the parent(s)/guardian(s) within 15 school days from the date of receipt of the request. The school principal, or principal's designee, will amend or delete information he or she determines to be inaccurate, irrelevant or improper. If the school principal, or principal's designee, refuses to amend the information, he or she shall inform the parent(s)/guardian(s) of the refusal and advise the parent(s)/guardian(s) of his/her right to proceed with a hearing.
4. If the dispute 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 where the ~~child~~ student is enrolled, shall be appointed by the District.
 - b. The hearing officer shall conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless the parent(s)/guardian(s) and school officials agree upon an extension of time. The hearing officer shall notify the parent(s)/guardian(s) and the school officials of the time and place of the hearing.
 - c. A verbatim record of the hearing shall be made by a recording or a court reporter.
 - d. At the hearing, each party shall have the right to (1) present evidence and to call witnesses, (2) cross-examine witnesses, (3) counsel, (4) a written statement of any decision and reasons therefore; and (5) appeal an adverse decision of the hearing officer to the Regional Superintendent as provided by law.

5. The written decision of the hearing officer shall, no later than 10 days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the District. It shall be based solely on the information presented at the hearing and shall be one of the following:
 - a. To retain the challenged contents of the student record;
 - b. To remove the challenged contents of the student record; or
 - c. To change, clarify or add to the challenged contents of the student record.

6. Any party shall have the right to appeal the decision of the local hearing officer to the Regional Superintendent, or Intermediate Service Center (“ISC”) if the Office of Regional Superintendent has been abolished, within 20 school days after such decision is transmitted. If the parent(s)/guardian(s) appeals, the parent(s)/guardian(s) shall so inform the school and within 10 school days, the District shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Regional Superintendent/ISC. The District may initiate an appeal by the same procedures. Upon receipt of such documents, the Regional Superintendent/ISC shall examine the documents and record to determine whether the District's proposed action in regard to the student's record is in compliance with the Illinois School Student Records Act, make findings and issue a written decision to the parent(s)/guardian(s) and the District 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/ISC should seek advice from special education personnel:
 - a. Who were not authors of the entry; and
 - b. Whose special education skills are relevant to the subject(s) of the entry in question.

7. District 225 shall implement the decision of the Regional Superintendent/ISC.

8. If, as a result of the appeal process, it is determined that the information is inaccurate, irrelevant, or improper, District 225 shall amend the information and inform the parent(s)/guardian(s) in writing.

9. If, as a result of the appeal process, it is determined that the information is not inaccurate, irrelevant, or improper, District 225 shall inform the parent(s)/guardian(s) of his/her right to place in the student’s record a statement of reasonable length setting forth his/her position on any disputed information contained in the record.

10. The District shall ensure that a statement placed in an education record as described above:
 - a. Is maintained by District 225 as part of the record of the student as long as the record or contested portion is maintained by the District; and
 - b. Is disclosed by District 225 to any party to whom the records of the student are disclosed.

F. Retention and Destruction of Records

1. District 225 maintains two types of school student records: permanent and temporary.

a. The permanent record shall include:

- (1) 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;
- (2) Academic transcript, including grades, graduation date, grade level achieved, 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);
- (3) Attendance record;
- (4) Health record;
- (5) 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));
- (6) Record of release of permanent record information in accordance with Section 6(c) of the Illinois School Student Records Act [105 ILCS 10/6(c)];

If not maintained in the temporary record, may also consist of:

- (7) Honors and awards received; and
- (8) Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

b. No other information shall be placed in the permanent record. The permanent record shall be maintained for at least 60 years after the student has graduated, withdrawn, or transferred.

c. The temporary record may include:

- (1) Family background information;
- (2) Intelligence test scores, group and individual and aptitude test scores;
- (3) Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

- (4) Elementary and secondary achievement level test results;
 - (5) Participation in extracurricular activities including any offices held in school-sponsored clubs or organizations;
 - (6) Honors and awards received;
 - (7) Teacher anecdotal records;
 - (8) Disciplinary information, specifically including information regarding an expulsion, suspension, or other punishment for misconduct involving drugs, weapons, or bodily harm to another;
 - (9) Special education records;
 - (10) Any verified reports or information from non-educational persons, agencies or organizations of clear relevance to the education of the student;
 - (11) A record of release of temporary record information in accordance with Section 6(c) of the Illinois School Student Records Act [105 ILCS 10/6(c)];
 - (12) 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 Illinois School Student Records Act [105 ILCS 10/2(f)];
 - (13) The completed home language survey form (see 23 Ill. Adm. Code 228.15);
 - (14) Health-related information;
 - (15) Accident Reports
 - (16) Other disciplinary information; and
 - (17) Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 USC 701 et seq.).
- d. District 225 will maintain the student's temporary record for at least 5 years after the student transfers, graduates, or permanently withdraws.
2. District 225's destruction of school student records shall be pursuant to prior notice to the parent(s)/guardian(s) and in accordance with federal and State law, including the Local Records Act.

LEGAL REF.: 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act),
20 U.S.C. §§ 1400, et seq. (Individuals with Disabilities Education Improvement Act)
34 C.F.R. §§ 300.127, 300.560-576, 300.740.
34 C.F.R. Part 99.
50 ILCS 205/1 et seq. (Local Records Act).
105 ILCS 10/1 et seq.; 740 ILCS 110/1 et seq.; 50 ILCS ' 205/1 et seq.
740 ILCS 110 et seq. (Mental Health and Developmental Disabilities
Confidentiality Act).
23 Ill. Admin. Code Part 375 (student records).
44 Ill. Admin. Code Part 4000 (local records)
20 U.S.C. 7908 (No Child Left Behind Act)

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