

## Students

### Student Records <sup>1</sup>

School student records are confidential and information from them shall not be released other than as provided by law. <sup>2</sup> Any record that contains personally identifiable information or other information that would link the document to an individual student is a school student record if maintained by the District, except: (1) records that are kept in the sole possession of a school staff member, are destroyed not later than the student's graduation or permanent withdrawal, and are not accessible or revealed to any other person except a temporary substitute teacher, and (2) records kept by law enforcement officials working in the school. <sup>3</sup>

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. <sup>4</sup> The District may release directory information as permitted by law, but a parent/guardian shall have the right to object to the release of information regarding his or her child. <sup>5</sup> However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian. <sup>6</sup>

---

<sup>1</sup> State or federal law requires this subject matter be covered by policy. State or federal law controls this policy's content. Both federal (Family Educational Rights and Privacy Act, 20 U.S.C. §1232g) and State (Illinois School Student Records Act, 105 ILCS 10/1 *et seq.*) laws govern student school records. These laws differ in many respects. State law requires school boards to adopt policy and procedures implementing the Student Records Act and specifying the content of school records (23 Ill.Admin.Code §§375.100 and 226.740). The release of confidential information given by a student to a therapist, e.g., school counselor or psychologist, is not included in this policy but is governed by the Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/1 *et seq.* Information kept by law enforcement professionals working in a school are not "school student records" (105 ILCS 10/2).

<sup>2</sup> A plethora of statutory and decisional law protects student records. Under no circumstances may a school official provide a student's "personal information" to a business organization or financial institution that issues credit or debit cards (105 ILCS 5/10-20.37). The Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/, prohibits the sale of personal information concerning a child under the age of 16, with a few exceptions, unless the parent(s)/guardian(s) have consented. Allowing students to grade each other's papers does not violate FERPA; such student work is not a "school record" until it is recorded by the teacher. *Owasso I.S.D. No. I-011 v. Falvo*, 122 S.Ct. 934 (2002). Student records are *per se* prohibited from disclosure; a district is under no obligation to redact them. *Chicago Tribune Co. v. Chicago Bd. of Ed.*, 773 N.E.2d 674 (Ill.App.1, 2002).

Confusion persists regarding the interplay between the FERPA and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). The Privacy Rule, issued by the U.S. Depart. of Health and Human Services, addresses the use and disclosure of individuals' health information by "covered entities." Generally speaking, a school district is a "covered entity," and must comply with applicable sections in the Privacy Rule, if it provides health care and transmits health information in electronic form in connection with transactions. However, "educational records" as defined by FERPA are excluded from HIPAA's definition of "protected health information," (45 C.F.R. §164.501). In most cases this exception relieves school districts of complying with burdensome privacy notices and authorization forms. The board attorney should be consulted on all HIPAA-related questions.

Schools must keep a sex offender registration form received from law enforcement separately from school records maintained on behalf of the juvenile sex offender (730 ILCS 152/121).

<sup>3</sup> 20 U.S.C. §1232g(a)(4)(A); 34 C.F.R. §99.3; 105 ILCS 10/2(d).

<sup>4</sup> 23 Ill.Admin.Code §226.740.

<sup>5</sup> This paragraph is required if the board wants to allow school officials to release student directory information (20 U.S.C. §1232g; 23 Ill.Admin.Code §375.80; 34 C.F.R. §99.6(a)(4).

<sup>6</sup> 20 U.S.C. §1232g(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001.

The Superintendent shall implement this policy with administrative procedures. The Superintendent shall also designate a *records custodian* who shall maintain student records. <sup>7</sup> The Superintendent or designee shall inform staff members of this policy, and shall inform students and their parents/guardians of it, as well as their rights regarding student school records. <sup>8</sup>

#### Student Biometric Information Collection <sup>9</sup>

The Superintendent or designee may recommend a student biometric information collection system solely for the purposes of identification and fraud prevention. <sup>10</sup> Such recommendation shall be consistent with budget requirements and in compliance with State law. Biometric information means any information that is collected through an identification process for individuals based on their unique behavioral or physiological characteristics, including fingerprint, hand geometry, voice, or facial recognition or iris or retinal scans.

Before collecting student biometric information, the District shall obtain written permission from the person having legal custody <sup>11</sup> or the student (if over the age of 18). <sup>12</sup> Upon a student's 18<sup>th</sup> birthday, the District shall obtain written permission from the student to collect student biometric information. <sup>13</sup> Failure to provide written consent to collect biometric information shall not be the basis for refusal of any services otherwise available to a student.

All collected biometric information shall be stored and transmitted in a manner that protects it from disclosure. Sale, lease, or other disclosure of biometric information to another person or entity is strictly prohibited. <sup>14</sup>

The District will discontinue use of a student's biometric information and destroy all collected biometric information within 30 days after: (1) the student graduates or withdraws from the School District, or (2) the District receives a written request to discontinue use of biometric information from

---

<sup>7</sup> Required by 105 ILCS 10/4(a).

<sup>8</sup> Both State and federal law require districts to notify students and parents/guardians of their rights concerning school records (105 ILCS 10/3; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7). Comprehensive faculty and student handbooks can provide required notices, along with other important information, to recipients. Handbooks can be developed by the building principal, but should be reviewed and approved by the superintendent and board. Faculty handbooks may contain working conditions and be subject to mandatory collective bargaining. See exhibit 7:340-E, *Notification of Rights Concerning Student's School Records*, and administrative procedure 7:340-AP, *School Records*.

<sup>9</sup> This program is optional; however, districts either wishing to implement such a program or districts that have already engaged in the collection of student biometric information must have a policy consistent with the requirements of 105 ILCS 5/10-20.40 *et seq.*, as amended by P.A. 95-232. This section restates The School Code's requirements for a student biometric information policy.

<sup>10</sup> For districts already collecting biometric information the following is an alternative:

The Superintendent or designee shall maintain a biometric screening program that is consistent with budget requirements and in compliance with State law.

<sup>11</sup> 105 ILCS 5/10-20.40(b)(1) states the definition of legal custody is the same as the definition of legal custody for purposes of residency, payment of tuition, hearings, and criminal penalties at 105 ILCS 5/10-20.12b(2)(i)-(v). Several statutes in Illinois define legal custody and when a court may grant it; the term requires statutory construction/interpretation and school boards should discuss this issue with their attorney prior to adopting a policy on collection of student biometric information.

<sup>12</sup> Based upon 105 ILCS 5/10-20.40, written permission is not required annually; it is valid until a request for discontinuation of the use of biometric information is received or until the student reaches the age of 18. See 7:340-E5, *Biometric Information Collection Authorization*.

<sup>13</sup> Districts must reissue 7:340-E5, *Biometric Information Collection Authorization* to students turning 18 years of age during the school year. This is because all rights and privileges accorded to a parent under the Ill. School Student Records Act shall become exclusively those of the student upon [the student's] 18<sup>th</sup> birthday, graduation from secondary school, marriage or entry into military service, whichever comes first. 105 ILCS 10/2(g).

<sup>14</sup> State law contains two exceptions: (1) the individual who has legal custody of the student or the student (if over the age of 18) consents to the disclosure, and (2) the disclosure is required by court order. 105 ILCS 10-20.40(b)(5).

the person having legal custody of the student or the student (if over the age of 18). 15 Requests to discontinue using a student's biometric information shall be forwarded to the Superintendent or designee.

The Superintendent or designee shall develop procedures to implement this policy consistent with State and federal law. 16

---

15 105 ILCS 5/10-20.40(d), added by P.A. 95-793. No notification to or approval from the district's local records commission, pursuant to the Local Records Act, is required to destroy student biometric information.

16 Whether the student biometric information is an education record under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, or falls under an exception to an education record under FERPA is an issue about which school boards should consult their board attorney. Protected Health Information under the U.S. Department of Health and Human Service's interpretations of the Health Insurance Portability Accountability Act (HIPAA) excludes education records covered by FERPA, and thus HIPAA requirements are not expected to be triggered by districts collecting student biometric information. However, before implementing policies and procedures to collect student biometric information, a board should discuss these issues with the board attorney.

## **Administrative Procedure - Student Records** 16

### Student Records Defined

A student record is any record that contains personally identifiable information or other information that would link the document to an individual student if it is maintained by the District, except records kept: (1) in a school staff member's sole possession destroyed not later than the student's graduation or permanent withdrawal, and not accessible or revealed to any other person except a temporary substitute teacher, or (2) by law enforcement officials working in the school. 16

### Maintenance of School Student Records

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

The *permanent record* shall include: 16

- Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s)
- Academic transcripts, including grades, class rank, graduation date, grade level achieved, and scores on college entrance examinations
- Attendance record
- Accident and health reports
- Record of release of permanent record information in accordance with 105 ILCS 10/6(c)
- Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

The *permanent record* may include: 16

- Honors and awards received
- School-sponsored activities and athletics

No other information shall be kept in the permanent record. The permanent record shall be maintained for at least 60 years after the student graduated, withdrew, or transferred. 16

All information not required to be kept in the student permanent record is kept in the student *temporary record* and must include: 16

- A record of release of temporary record information in accordance with 105 ILCS 10/6(c)
- Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8)

---

Information regarding serious infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction  
Information provided under the Abused and Neglected Child Reporting Act (325 ILCS 5/8.6), including any final finding report received from a Child Protective Service Unit 16  
Completed home language survey

The *temporary record* may include: 16

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  
Verified reports or information from non-educational persons, agencies, or organizations  
Verified information of clear relevance to the student's education

Information in the temporary record will indicate authorship and the date it was added to the record. 16 The District will maintain the student's temporary record for at least 5 years after the student transferred, graduated, or permanently withdrew. 16 Temporary records that may be of assistance to a student with disabilities who graduates or permanently withdraws, may, after 5 years, be transferred to the parent(s)/guardian(s) or to the student, if the student has succeeded to the rights of the parent(s)/guardian(s). 16

The Building Principal is the records custodian for his or her respective building and is responsible for the maintenance, care, and security of a student's permanent or temporary records. 16 Upon a student's graduation, transfer, or permanent withdrawal, the Building Principal or designee shall notify the parent(s)/guardian(s) and the student when the student's permanent and temporary school records are scheduled to be destroyed and of their right to request a copy. 16 Before any school student record is destroyed or information deleted therefrom, the parent/guardian must be given reasonable prior notice at his or her last known address and an opportunity to copy the record and information proposed to be destroyed or deleted. 16 Student records shall be reviewed at least every 4 years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and correct inaccurate information. 16

The District uses students' Social Security numbers for intra-school identification purposes, if at all. However, school officials may not require students or their parents/guardians to provide them. 16 Absent a court order or subpoena, school officials do not provide educational records to the Immigration and Naturalization Service.

---

Access to Student Records

The District shall grant access to student records as follows:

1. Neither the District nor any of its employees shall release, disclose, or grant access to information found in any student record except under the conditions set forth in the Illinois School Student Records Act. 16
2. The parent(s)/guardian(s) of a student under 18 years of age, or designee, shall be entitled to inspect and copy information in the child's school records; a student less than 18 years old may inspect or copy information in the student's permanent school record. 16 Such requests shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 15 days of the District's receipt of such a request. 16

Where the parents/guardians are divorced or separated, both shall be permitted to inspect and copy the student's school records unless the District has actual notice of a court order indicating otherwise. 16 The District shall send copies of the following to both parents/guardians at either's request, unless the District has actual notice of a court order indicating otherwise: 16

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

When the student reaches 18 years of age, graduates from high school, marries, or enters military service all rights and privileges accorded to parent(s)/guardian(s) become exclusively those of the student. 16

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

---

waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements. **16**

3. The District may grant access to, or release information from, student records without parental/guardian consent or notification to District employees or officials or the Illinois State Board of Education, provided a current, demonstrable, educational or administrative need is shown. **16** Access in such cases is limited to the satisfaction of that need.
4. The District may grant access to, or release information from, student records without parental/guardian consent or notification to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. **16**
5. The District shall grant access to, or release information from, a student's records pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order's terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. **16** However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or the consent of the student's parent(s)/guardian(s). **16**
6. The District shall grant access to, or release information from, any student record as specifically required by federal or State statute. **16**
7. The District shall grant access to, or release information from, student records to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student stating to whom the records may be released, the information or record to be released, and the reason for the release. **16** One copy of the consent form will be kept in the records and one copy is mailed to the parent(s)/guardian(s) or eligible student by the Superintendent. Whenever the District requests the consent to release certain records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student of the right to limit such consent to specific portions of information in the records.
8. The District may release student records to the Building Principal of another Illinois school, or an official with similar responsibilities in a non-Illinois school, in which the student has enrolled or intends to enroll, upon written request from such official. **16**
9. Prior to the release of any records, or information under items 6 and 8 above, the District shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. **16** This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release is under 6 above and relates to more than 25 students, a notice published in the newspaper is sufficient.
10. The District may release student records, or information in connection with an emergency without parental consent if the knowledge of such information is necessary to protect the health or safety of the student or other persons. **16** The Building Principal shall make this decision taking into consideration the nature of the emergency, the seriousness of the threat to the health or safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to

---

deal with the emergency. The District shall notify the parent(s)/guardian(s) or eligible student as soon as possible of the information released, the date of the release, the person, agency or organization to whom the release was made, and the purpose of the release. **16**

11. The District shall grant access to, or release information from student records to juvenile authorities when necessary for the discharge of their official duties upon their request before the student's adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. "Juvenile authorities" means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. **16**
12. The District shall grant access to, or release information from student records, to a SHOCAP (Serious Habitual Offender Comprehensive Action Program) committee member, provided that:
  - a. The committee member is a State or local official or authority,
  - b. The disclosure concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are to be released and the official or authority certifies in writing that the records will not be disclosed to any other party except as provided under State law without the prior written consent of the student's parent(s)/guardian(s),
  - c. The disclosure's purpose is limited to identifying serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section 5-145 of the Juvenile Court Act of 1987, and
  - d. The release, transfer, disclosure, or dissemination consistent with the Family Educational Rights and Privacy Act. **16**
13. Upon their request, military recruiters and institutions of higher learning shall have access to secondary students names, addresses, and telephone listings, unless an objection is made by the student's parent(s)/guardian(s). **16** The Building Principal or designee shall notify parents/guardians that they may make this objection. **16**
14. The District charges \$.35 per page for copying information from a student's records. No parent(s)/guardian(s) or student shall be precluded from copying information because of financial hardship. **16**
15. Except as provided below, a record of all releases of information from student records (including all instances of access granted whether or not records were copied) shall be kept and maintained as part of such records. **16** This record shall be maintained for the life of the student record and shall be accessible only to the parent(s)/guardian(s) or eligible student, Building Principal, or other person. The record of release shall include:
  - a. Information released or made accessible.
  - b. The name and signature of the Building Principal.
  - c. The name and position of the person obtaining the release or access.
  - d. The date of the release or grant of access.

---

e. A copy of any consent to such release.

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order. 16

### Orders of Protection

Upon receipt of a court order of protection, the Building Principal shall file it in the records of a child who is the “protected person” under the order of protection. No information or records shall be released to the Respondent named in the order of protection. When a child who is a “protected person” under an order of protection transfers to public or private school, or as soon as possible, the Building Principal shall, at the request of the Petitioner, provide, within 24 hours of the transfer or as soon as possible, written notice of the order of protection, along with a certified copy of the order, to the school to which the child is transferring. 16

### Directory Information 16

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

- Name
- Address
- Gender
- Grade level
- Birth date and place
- Parents’/guardians’ names and addresses
- Academic awards, degrees, and honors
- Information in relation to school-sponsored activities, organizations, and athletics
- Major field of study
- Period of attendance in school

The notification to parents/guardians and students concerning school records will inform them of their right to object to the release of directory information. 16

### Student Record Challenges

The parents/guardians may challenge the accuracy, relevancy, or propriety of their student’s school records. However when the student’s school records are being forwarded to another school, no challenge may be made to grades or references to expulsions or out-of-school suspensions. 16 The parents/guardians have the right to request a hearing at which each party has the right to:

1. Present evidence and to call witnesses;
2. Cross-examine witnesses;
3. Counsel;
4. A written statement of any decision and the reasons therefore; and
5. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board. 16

The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. 16 The school will include a copy of the statement in any release of the information in dispute.

- LEGAL REF.: Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App.1, 2002).  
Owasso I.S.D. No. I-011 v. Falvo, 122 S.Ct. 934 (2002).  
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.  
Children’s Privacy Protection and Parental Empowerment Act, 325 ILCS 17/1 et seq.  
105 ILCS 5/10-20.21b, 20.37, 20.40, 5/14-1.01 et seq., and 10/1 et seq.  
50 ILCS 205/7.  
23 Ill.Admin.Code §§226 and 375.
- CROSS REF.: 5:100 (Staff Development Program), 5:130 (Responsibilities Concerning Internal Information), 7:15 (Student and Family Privacy Rights)
- ADMIN PROC.: 7:15-E (Notification to Parents of Family Privacy Rights), 7:340-AP (Student Records), 7:340-E (Notification of Rights Concerning a Student’s School Records)

Policy Adopted: September 14, 1976  
Revised Policy Adopted: February 11, 1985

Policy Reviewed December 2006  
Policy Revised January 2007

Policy Reviewed April 2009  
Policy Revised May 2009

*Please refer to the Burr Ridge Middle School Student Handbook and the Anne M. Jeans Elementary School Student Handbook for additional procedures and guidelines regarding students.*

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

## **Administrative Procedure - Student Records 17**

### **Student Records Defined**

A student record is any record that contains personally identifiable information or other information that would link the document to an individual student if it is maintained by the District, except records kept: (1) in a school staff member's sole possession destroyed not later than the student's graduation or permanent withdrawal, and not accessible or revealed to any other person except a temporary substitute teacher, or (2) by law enforcement officials working in the school. **18**

### **Maintenance of School Student Records**

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

The *permanent record* shall include: **19**

- Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s)
- Academic transcripts, including grades, class rank, graduation date, grade level achieved, and scores on college entrance examinations
- Attendance record
- Accident and health reports
- Record of release of permanent record information in accordance with 105 ILCS 10/6(c)
- Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

The *permanent record* may include: **20**

- Honors and awards received
- School-sponsored activities and athletics

No other information shall be kept in the permanent record. The permanent record shall be maintained for at least 60 years after the student graduated, withdrew, or transferred. **21**

All information not required to be kept in the student permanent record is kept in the student *temporary record* and must include: **22**

- A record of release of temporary record information in accordance with 105 ILCS 10/6(c)
- Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8)
- Information regarding serious infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction
- Information provided under the Abused and Neglected Child Reporting Act (325 ILCS 5/8.6), including any final finding report received from a Child Protective Service Unit **23**

---

**17** Both federal (Family Education Rights and Privacy Act (FERPA), 20 U.S.C. §1232g and State (Illinois School Student Records Act, 105 ILCS 10/1 *et seq.*) laws govern student school records. These laws differ in many respects. State law requires school boards to adopt policy and procedures implementing the Student Records Act and specifying the content of school records (23 Ill.Admin.Code §§375.100 and 226.135). 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 110/1 *et seq.*

**18** 20 U.S.C. §1232g(a)(4)(A); 34 C.F.R. §99.3; 105 ILCS 10/2(d).

**19** This list is from 23 Ill.Admin.Code §375.10

**20** *Id.*

**21** Required by 105 ILCS 10/4(e).

**22** 105 ILCS 5/2-3.64(a), 10/2, and 10/6(c). This list is from 23 Ill.Admin.Code §375.10 and §228.15(d).

Completed home language survey

The *temporary record* may include: **24**

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

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

Verified information of clear relevance to the student's education

Information in the temporary record will indicate authorship and the date it was added to the record.

**25** The District will maintain the student's temporary record for at least 5 years after the student transferred, graduated, or permanently withdrew. **26** Temporary records that may be of assistance to a student with disabilities who graduates or permanently withdraws, may, after 5 years, be transferred to the parent(s)/guardian(s) or to the student, if the student has succeeded to the rights of the parent(s)/guardian(s). **27**

The Building Principal is the records custodian for his or her respective building and is responsible for the maintenance, care, and security of a student's permanent or temporary records. **28** Upon a student's graduation, transfer, or permanent withdrawal, the Building Principal or designee shall notify the parent(s)/guardian(s) and the student when the student's permanent and temporary school records are scheduled to be destroyed and of their right to request a copy. **29** Before any school student record is destroyed or information deleted therefrom, the parent/guardian must be given reasonable prior notice at his or her last known address and an opportunity to copy the record and information proposed to be destroyed or deleted. **30** Student records shall be reviewed at least every 4

---

**23** 23 Ill.Admin.Code §375.40(f). 325 ILCS 5/8.6 requires a Child Protective Service Unit to send a copy of its final finding report to the school that the child who is the indicated victim of the report attends. Upon the Dept. of Children and Family Services' request, the school must purge the final finding report from the student's record and return the report to the Department. 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 Department's request to the receiving school, which shall comply.

**24** Id. The definition of a student record in the first section of this sample procedure specifically exempts the following: (1) records kept in the sole possession of a school staff member that are destroyed not later than the student's graduation or permanent withdrawal and that are not accessible or revealed to any other person except a temporary substitute teacher, and (2) records kept by law enforcement officials working in the school.

**25** 105 ILCS 10/4(d).

**26** 105 ILCS 10/4(f).

**27** 23 Ill.Admin.Code §375.40(d).

**28** 105 ILCS 10/4(a). No student record can be destroyed without the appropriate Local Records Commission's approval (50 ILCS 205/1 et seq.).

**29** 23 Ill.Admin.Code §375.40(c); the notification must include the date of notification, parent name, name of records custodian, name of students, and the scheduled destruction date of temporary and permanent records.

**30** 105 ILCS 10/4(h).

years, or upon a student's change in attendance centers, whichever occurs first, to verify entries and correct inaccurate information. **31**

The District uses students' Social Security numbers for intra-school identification purposes, if at all. However, school officials may not require students or their parents/guardians to provide them. **32** Absent a court order or subpoena, school officials do not provide educational records to the Immigration and Naturalization Service.

#### Access to Student Records

The District shall grant access to student records as follows:

1. Neither the District nor any of its employees shall release, disclose, or grant access to information found in any student record except under the conditions set forth in the Illinois School Student Records Act. **33**
2. The parent(s)/guardian(s) of a student under 18 years of age, or designee, shall be entitled to inspect and copy information in the child's school records; a student less than 18 years old may inspect or copy information in the student's permanent school record. **34** Such requests shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 15 days of the District's receipt of such a request. **35**

Where the parents/guardians are divorced or separated, both shall be permitted to inspect and copy the student's school records unless the District has actual notice of a court order indicating otherwise. **36** The District shall send copies of the following to both

---

**31** 23 Ill.Admin.Code §375.40(b).

**32** The federal Privacy Act of 1974, 5 U.S.C. §552a, as supplemented by Pub.L. 93-579, Disclosure of Social Security Numbers, §7 provides that:

(a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number. (2) [The] provisions of paragraph (1) of this subsection shall not apply with respect to-- (A) any disclosure which is required by Federal statute, or (B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

**33** Placing a memo reporting a student suspension in teachers' mailboxes violates the School Student Records Act if other students have access to it because they retrieve teachers' mail. Sieck v. Oak Park-River Forest High School, 807 F.Supp. 73 (N.D. Ill., E.D., 1992).

Students grading each other's work assignments and tests, and then calling out the grades to the teacher does not violate FERPA (Owasso I.S.D. No. I-011 v. Falvo, 122 S.Ct. 934 (2002)).

**34** 105 ILCS 10/5. Either 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 school makes the request, it is responsible for securing and bearing the cost of the professional's presence.

**35** 105 ILCS 10/5(c).

**36** In most cases, an order of protection will deny access to a child's school records to a parent against whom an order of protection was issued (750 ILCS 60/214 (b)(15)).

parents/guardians at either's request, unless the District has actual notice of a court order indicating otherwise: **37**

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

When the student reaches 18 years of age, graduates from high school, marries, or enters military service all rights and privileges accorded to parent(s)/guardian(s) become exclusively those of the student. **38**

Access shall not be granted the parent(s)/guardian(s) or the student to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to January 1, 1975, provided such letters and statements are not used for purposes other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements. **39**

3. The District may grant access to, or release information from, student records without parental/guardian consent or notification to District employees or officials or the Illinois State Board of Education, provided a current, demonstrable, educational or administrative need is shown. **40** Access in such cases is limited to the satisfaction of that need.
4. The District may grant access to, or release information from, student records without parental/guardian consent or notification to any person for the purpose of research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified from the information released, and the person to whom the information is released signs an

---

**37** 105 ILCS 5/10-21.8 and 10/2(g); 34 C.F.R. §99.4.

**38** 105 ILCS 10/2(g).

**39** 105 ILCS 10/5(e).

**40** 105 ILCS 10/6(a)(2), 23 Ill.Admin.Code §375.70. Individual board members do not have a right to see student records merely by virtue of their office.

affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. **41**

5. The District shall grant access to, or release information from, a student's records pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order's terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. **42** However, the District will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or the consent of the student's parent(s)/guardian(s). **43**
6. The District shall grant access to, or release information from, any student record as specifically required by federal or State statute. **44**
7. The District shall grant access to, or release information from, student records to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student stating to whom the records may be released, the information or record to be released, and the reason for the release. **45** One copy of the consent form will be kept in the records and one copy is mailed to the parent(s)/guardian(s) or eligible student by the Superintendent. Whenever the District requests the consent to release certain records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student of the right to limit such consent to specific portions of information in the records.
8. The District may release student records to the Building Principal of another Illinois school, or an official with similar responsibilities in a non-Illinois school, in which the student has enrolled or intends to enroll, upon written request from such official. **46**
9. Prior to the release of any records, or information under items 6 and 8 above, the District shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. **47** This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release is under 6 above and relates to more than 25 students, a notice published in the newspaper is sufficient.
10. The District may release student records, or information in connection with an emergency without parental consent if the knowledge of such information is necessary to protect the health or safety of the student or other persons. **48** The Building Principal shall make this decision taking into consideration the nature of the emergency, the seriousness of the threat to the health or safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District shall notify the parent(s)/guardian(s) or eligible student as soon as possible of the information released, the date of the release, the person, agency or organization to whom the release was made, and the purpose of the release. **49**

---

**41** 105 ILCS 10/6(a)(4), 23 Ill.Admin.Code §375.70.

**42** 105 ILCS 10/6(a)(5), 23 Ill.Admin.Code §375.70, 34 C.F.R. §399.31(a)(9).

**43** 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to an adverse party.

**44** 105 ILCS 10/6(a)(6), 23 Ill.Admin.Code §375.70.

**45** 105 ILCS 10/6(a)(8), 23 Ill.Admin.Code §375.70.

**46** 105 ILCS 10/6(a)(3). See policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*.

**47** 105 ILCS 10/6(b), 23 Ill.Admin.Code §375.70.

**48** 105 ILCS 10/6(a)(7), 34 C.F.R. §99.36.

**49** 23 Ill.Admin.Code §375.60.

11. The District shall grant access to, or release information from student records to juvenile authorities when necessary for the discharge of their official duties upon their request before the student's adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. "Juvenile authorities" means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. <sup>50</sup>
12. The District shall grant access to, or release information from student records, to a SHOCAP (Serious Habitual Offender Comprehensive Action Program) committee member, provided that:
  - a. The committee member is a State or local official or authority,
  - b. The disclosure concerns the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are to be released and the official or authority certifies in writing that the records will not be disclosed to any other party except as provided under State law without the prior written consent of the student's parent(s)/guardian(s),
  - c. The disclosure's purpose is limited to identifying serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section 5-145 of the Juvenile Court Act of 1987, and
  - d. The release, transfer, disclosure, or dissemination consistent with the Family Educational Rights and Privacy Act. <sup>51</sup>
13. Upon their request, military recruiters and institutions of higher learning shall have access to secondary students names, addresses, and telephone listings, unless an objection is made by the student's parent(s)/guardian(s). <sup>52</sup> The Building Principal or designee shall notify parents/guardians that they may make this objection. <sup>53</sup>
14. The District charges \$.35 per page for copying information from a student's records. No parent(s)/guardian(s) or student shall be precluded from copying information because of financial hardship. <sup>54</sup>
15. Except as provided below, a record of all releases of information from student records (including all instances of access granted whether or not records were copied) shall be kept

---

<sup>50</sup> 105 ILCS 10/6(a)(6.5).

<sup>51</sup> 105 ILCS 10/6(a)(10). This law allows disclosure to SHOCAP committee members who are "state and local officials and authorities" as those terms are used in the federal Family Educational Rights and Privacy Act. This federal law does not define "state and local officials and authorities;" rather, it limits when disclosure may be made to such officials and authorities. Those limitations are contained in subsection (b) of this sample policy.

<sup>52</sup> Required by Sec. 9528 of the No Child Left Behind Legislation of 2001 (20 U.S.C. §7908). An elementary district should omit this provision. Military recruiters and institutions of higher learning have access to students' names, addresses, and phone numbers even if the district does not release directory information. For more information, see 7:340-E4, *Frequently Asked Questions Regarding Military Recruiters Access to Students and Student Information*.

<sup>53</sup> *Id.* See 7:340-E3, *Letter to Parents Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information*.

<sup>54</sup> State law allows boards to charge their "reasonable costs" for copying records (105 ILCS 10/5(d)).

and maintained as part of such records. <sup>55</sup> This record shall be maintained for the life of the student record and shall be accessible only to the parent(s)/guardian(s) or eligible student, Building Principal, or other person. The record of release shall include:

- a. Information released or made accessible.
- b. The name and signature of the Building Principal.
- c. The name and position of the person obtaining the release or access.
- d. The date of the release or grant of access.
- e. A copy of any consent to such release.

No record of a disclosure is maintained when records are disclosed according to the terms of an *ex parte* court order. <sup>56</sup>

### Orders of Protection

Upon receipt of a court order of protection, the Building Principal shall file it in the records of a child who is the “protected person” under the order of protection. No information or records shall be released to the Respondent named in the order of protection. When a child who is a “protected person” under an order of protection transfers to public or private school, or as soon as possible, the Building Principal shall, at the request of the Petitioner, provide, within 24 hours of the transfer or as soon as possible, written notice of the order of protection, along with a certified copy of the order, to the school to which the child is transferring. <sup>57</sup>

### Directory Information <sup>58</sup>

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

- Name
- Address
- Gender
- Grade level
- Birth date and place
- Parents’/guardians’ names and addresses
- Academic awards, degrees, and honors
- Information in relation to school-sponsored activities, organizations, and athletics
- Major field of study
- Period of attendance in school

---

<sup>55</sup> 105 ILCS 10/6(c).

<sup>56</sup> 20 U.S.C. §1232(g)(j)(4), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001.

<sup>57</sup> This sentence is optional in that 750 ILCS 60/222 states that, “the institution from which the child is transferring **may** [emphasis added], at the request of the petitioner, provide, within 24 hours of the transfer, written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring.” Note that “or as soon as possible” was added to make the policy reasonable.

<sup>58</sup> A school’s authority to release directory information, and the parents’ right to disallow its release, is provided by both federal (Family Education Rights and Privacy Act, 20 U.S.C. §1232g and 34 C.F.R. §99.3) and State (Illinois School Student Records Act, 105 ILCS 10/1 et seq.) laws. The amendments to the federal rules in 2000 (34 C.F.R. §899.3(b) include e-mail addresses and photographs in the definition of “directory information.” As State law was not so amended, a district may not include e-mail addresses and photographs in its definition. Photographs or videotapes of a student’s picture released without identifying the student’s name are not a school record because the student is not individually identified. Using this reasoning, photographs and videotapes could be released as any other school “news” item, provided the student’s identity is not disclosed. District’s should seek the student’s parent(s)/guardian(s) permission to use photographs and/or videotapes of a named student.

The notification to parents/guardians and students concerning school records will inform them of their right to object to the release of directory information. <sup>59</sup>

#### Student Record Challenges

The parents/guardians may challenge the accuracy, relevancy, or propriety of their student's school records. However when the student's school records are being forwarded to another school, no challenge may be made to grades or references to expulsions or out-of-school suspensions. <sup>60</sup> The parents/guardians have the right to request a hearing at which each party has the right to:

1. Present evidence and to call witnesses;
2. Cross-examine witnesses;
3. Counsel;
4. A written statement of any decision and the reasons therefore; and
5. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board. <sup>61</sup>

The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. <sup>62</sup> The school will include a copy of the statement in any release of the information in dispute.

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

---

<sup>59</sup> Districts may include this notice with the more comprehensive notification of student rights under the Illinois School Student Records Act, which is given "upon the initial enrollment or transfer of a student to the school" (23 Ill.Admin.Code §§375.30 and 375.80). See 7:340-E1, *Notification to Parents and Students of Rights Concerning a Student's School Records*. Federal law and regulations require that parents be given the time period within which they may object to the release of directory information (20 U.S.C. §1232g, 34 C.F.R. §99.37).

<sup>60</sup> 105 ILCS 10/7, 23 Ill.Admin.Code §375.90.

<sup>61</sup> 105 ILCS 10/7(b).

<sup>62</sup> Id.; 34 C.F.R. §99.22.

**Exhibit - Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records** <sup>63</sup>

*This notification may be distributed by any means likely to reach the parents/guardians.*

The District maintains two types of school records for each student: *permanent* record and *temporary* record. These records may be integrated.

The *permanent record* shall include: <sup>64</sup>

- Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parent(s)/guardian(s)
- Academic transcripts, including grades, class rank, graduation date, grade level achieved, and scores on college entrance examinations
- Attendance record
- Accident and health reports
- Record of release of permanent record information in accordance with 105 ILCS 10/6(c)
- Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12)

The *permanent record* may include: <sup>65</sup>

- Honors and awards received
- School-sponsored activities and athletics

No other information shall be kept in the permanent record. The permanent record shall be maintained for at least 60 years after the student graduated, withdrew, or transferred. <sup>66</sup>

All information not required to be kept in the student permanent record is kept in the student *temporary record* and must include: <sup>67</sup>

- A record of release of temporary record information in accordance with 105 ILCS 10/6(c)
- Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8)
- Information regarding serious infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction
- Information provided under the Abused and Neglected Child Reporting Act (325 ILCS 5/8.6), including any final finding report received from a Child Protective Service Unit <sup>68</sup>
- Completed home language survey <sup>69</sup>

---

<sup>63</sup> This notification was based on the "Model Notification" published by the U.S. Department of Education. Changes were made to comply with the Ill. School Student Records Act, 105 ILCS 10/1 et seq.

<sup>64</sup> This list is from 23 Ill.Admin.Code §375.10.

<sup>65</sup> Id.

<sup>66</sup> Required by 105 ILCS 10/4(e).

<sup>67</sup> 105 ILCS 5/2-3.64(a), 10/2, and 10/6(c). This list is from 23 Ill.Admin.Code §375.10 and §228.15(d).

<sup>68</sup> 23 Ill.Admin.Code §375.40(f). 325 ILCS 5/8.6 requires a Child Protective Service Unit to send a copy of its final finding report to the school that the child who is the indicated victim of the report attends. Upon the Dept. of Children and Family Services' request, the school must purge the final finding report from the student's record and return the report to the Department. 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 Department's request to the receiving school, which shall comply.

<sup>69</sup> 23 Ill.Admin.Code §228.15(d).

The *temporary record* may include: <sup>70</sup>

- 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
- Verified reports or information from non-educational persons, agencies, or organizations
- Verified information of clear relevance to the student's education

The Family Educational Rights and Privacy Act (FERPA) and the Illinois Student Records Act afford parents/guardians and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

**1. The right to inspect and copy the student's education records within 15 school days of the day the District receives a request for access.**

The degree of access a student has to his or her records depends on the student's age. Students less than 18 years of age have the right to inspect and copy only their permanent record. Students 18 years of age or older have access and copy rights to both permanent and temporary records.

Parents/guardians or students should submit to the Building Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent(s)/guardian(s) or student of the time and place where the records may be inspected. The District charges \$.35 per page for copying but no one will be denied their right to copies of their records for inability to pay this cost.

These rights are denied to any person against whom an order of protection has been entered concerning a student (105 ILCS 5/10-22.3c and 10/5a, and 750 ILCS 60/214(b)(15)).

---

<sup>70</sup> *Id.* The definition of a student record in the first section of this sample procedure specifically exempts the following: (1) records kept in the sole possession of a school staff member that are destroyed not later than the student's graduation or permanent withdrawal and that are not accessible or revealed to any other person except a temporary substitute teacher, and (2) records kept by law enforcement officials working in the school.

**2. The right to request the amendment of the student's education records that the parent(s)/ guardian(s) or eligible student believes are inaccurate, misleading, irrelevant, or improper.**

Parents/guardians or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, irrelevant, or improper. They should write the Building Principal or records custodian, clearly identify the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parents/guardians or eligible student, the District will notify the parents/guardians or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

**3. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or Illinois School Student Records Act authorizes disclosure without consent.**

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or any parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law. Before information is released to these individuals, the

parents/guardians will receive prior written notice of the nature and substance of the information, and an opportunity to inspect, copy, and challenge such records.

When a challenge is made at the time the student's records are being forwarded to another school to which the student is transferring, there is no right to challenge: (1) academic grades, or (2) references to expulsions or out-of-school suspensions.

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and juvenile authorities when necessary for the discharge of their official duties who request information before adjudication of the student.

**4. The right to a copy of any school student record proposed to be destroyed or deleted.**

Student records are reviewed every 4 years or upon a student's change in attendance centers, whichever occurs first.

**5. The right to prohibit the release of directory information concerning the parent's/guardian's child.**

Throughout the school year, the District may release directory information regarding students, limited to:

- Name
- Address
- Gender
- Grade level
- Birth date and place
- Parents'/guardians' names and addresses
- Academic awards, degrees, and honors
- Information in relation to school-sponsored activities, organizations, and athletics
- Major field of study
- Period of attendance in school

*Any parent/guardian or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the Building Principal within 30 days of the date of this notice. No directory information will be released within this time period, unless the parents/guardians or eligible student is specifically informed otherwise.*

A photograph of an unnamed student is **not** a school record because the student is not individually identified. The District shall obtain the consent of a student's parents/guardians before publishing a photograph or videotape of the student in which the student is identified.

**6. The right to request that military recruiters or institutions of higher learning not be granted access to your secondary school student's name, address, and telephone numbers without your prior written consent.**

Federal law requires a secondary school to grant military recruiters and institutions of higher learning, upon their request, access to secondary school students' names, addresses, and telephone numbers, unless the parents/guardians request that the information not be disclosed without prior written consent. If you wish to exercise this option, notify the Building Principal where your student is enrolled for further instructions.

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

**8. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.**

The name and address of the Office that administers FERPA is:

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

**Exhibit - Using a Photograph or Video Recording of a Student**

*Distribute to parent(s)/guardian(s) at the time they register a child for school and/or annually at the beginning of the school year. Return to the Building Principal to be kept in the student's temporary record.*

**Student** \_\_\_\_\_

**School year** \_\_\_\_\_

Pictures of Unnamed Students

Students may occasionally appear in photographs and video recordings taken by school staff members, other students, or other individuals authorized by the Building Principal. The school may use these pictures, without identifying the student, in various publications, including the school yearbook, school newspaper, and school website. No consent or notice is needed or will be given before the school uses pictures of unnamed students taken while they are at school or a school-related activity.

Pictures of Named Students

Sometimes the school may want to identify a student in a school picture. For example, school officials want to acknowledge those students who participate in a school activity or deserve special recognition.

In order for the school to publish a picture with a student identified by name, one of the student's parents or guardians must sign the consent below. Please complete and sign this form to allow the school to publish and otherwise use photographs and video recordings, with your child identified, while he or she is enrolled in this school.

**I grant consent to the School District to identify a picture of my child, by full name and/or the school he or she attends, in any school sponsored material, publication, video recording, or website. This consent is valid for the entire time my child is enrolled in the District. I may revoke this consent at any time by notifying the Building Principal.**

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Date

Pictures of Students Taken By Non-School Agencies

While the school limits access to school buildings by outside photographers, it has no control over news media or other entities that may publish a picture of a named or unnamed student. School staff members will not, however, identify a student for an outside photographer.