

Dear Colleagues in Education:

To the extent that WIDA ELL summary reports (district and school frequency reports) consist of cell sizes with fewer than ten (10) reporting students that would make a student's identity easily traceable, such information would be considered "personally identifiable" under the federal Family Educational Rights and Privacy Act (FERPA) (20 USC § 1232g; 34 CFR § 99.3) and subject to FERPA nondisclosure requirements. FERPA requirements are not changed or modified by the Illinois Freedom of Information Act ("FOIA")(5 ILCS 140/1 et seq.).

Accordingly, the news media has no right to access WIDA ELL summary reports as described herein and school districts are specifically prohibited by FERPA from releasing such summary reports in response to news media requests.