Illinois Register

State Board of Education

Notice of Adopted Amendments

Title 23: Education and Cultural Resources
Subtitle A: Education
Chapter I: State Board of Education
Subchapter K: School Records

Part 375
Student Records

Section
375.10 Definitions
375.20 Rights of Students
375.30 Notification
375.40 Maintenance
375.50 Cost for Copies of Records
375.60 Emergency Release of Information
375.70 Release of Information
375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80 Directory Information
375.90 Challenge Procedures
375.100 Implementation
375.110 Enforcement

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


Note: Capitalization denotes statutory language.

Section 375.10 Definitions

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

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;

Attendance record;

Accident reports and health record;

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

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

May also consist of:

Honors and awards received; and

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

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

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

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

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a)); and
INFORMATION REGARDING SERIOUS INFRACTIONS (i.e., those involving drugs, weapons, or bodily harm to another) THAT RESULTED IN EXPULSION, SUSPENSION OR THE IMPOSITION OF PUNISHMENT OR SANCTION [105 ILCS 10/2(f)]; and

INFORMATION PROVIDED UNDER SECTION 8.6 OF THE ABUSED AND NEGLECTED CHILD REPORTING ACT [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)]; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;
Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement was based, and all records and tape recordings relating to special education placement hearings and appeals;
Any verified reports or information from non-educational persons, agencies or organizations; and

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

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

(Source: Amended at 26 Ill. Reg. _____, effective ____________)

Section 375.40 Maintenance

a) The provisions within the Act and this Part requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

1) In compliance with the request of a parent or eligible student that such categorization occur; and

2) The records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be DISCLOSED EXCEPT AS PROVIDED BY SECTION 5 OF THE ACT OR BY COURT ORDER [105 ILCS 10/4(f)].

b) Student records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part.

c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such
records at any time prior to their destruction. Notification shall consist of the following: date of notification, parent name, name of records custodian, name of student and the scheduled destruction date of temporary and permanent records.

d) Upon graduation or permanent withdrawal of a handicapped student, as defined in Article 14 of the School Code [105 ILCS 5/Art.14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).

f) Any report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student’s temporary record shall be removed from the student’s record and returned to the Department of Children and Family Services upon written request made by the Department pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives such a request from the Department has transferred the report to another school as part of the transfer of the student’s records, the sending school shall forward a copy of the Department’s request to the receiving school, which shall comply with this subsection (f).

(Source: Amended at 26 Ill. Reg. _______, effective ____________)

Section 375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students
a) This Section implements Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 5 of the Missing Children Registration Law [325 ILCS 55/5]. This Section is applicable to all public, private or nonpublic elementary and secondary schools in the State of Illinois.

b) As used in this Section, "Unofficial Record of Student Grades" means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. Such records shall also include the name and address of the school, the name of the student to whom the records pertain, the name and title of the school official transmitting the records, and the date of transmittal.

c) As used in this Section, "Official Transcript of Scholastic Records" means the formal record showing dates of enrollment, courses studied, grades, credits, and awards received, and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.

d) As used in this Section, "Certified Copy of Student's Record" means:

1) for public schools, the student's permanent and temporary record as defined in Section 375.10 of this Part; and

2) for private and nonpublic schools, the individual student information maintained by such schools for all of their students. Such information may include:

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

   B) Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;
C) Attendance record;

D) Accident reports and health record;

E) Honors and awards received; and

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

e) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.

f) If the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school.

g) If the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason, then the following applies: the transferring school shall include with the transferred records:

1) any school student records required to be transferred shall include the date and duration of the period of any current suspension or expulsion; and

2) the student shall not be permitted to attend class in the public school to which he or she is
transferring until the term of the suspension or expulsion is expired whether the suspension or expulsion is for KNOWINGLY POSSESSING IN A SCHOOL BUILDING OR ON SCHOOL GROUNDS A WEAPON AS DEFINED IN THE GUN FREE SCHOOLS ACT (20 U.S.C. 8921 ET SEQ.), FOR KNOWINGLY POSSESSING, SELLING, OR DELIVERING IN A SCHOOL BUILDING OR ON SCHOOL GROUNDS A CONTROLLED SUBSTANCE OR CANNABIS, OR FOR BATTERING A STAFF MEMBER OF THE SCHOOL.

(Source: Amended at 26 Ill. Reg. _____, effective ___________)}