ILLINOIS STATE BOARD OF EDUCATION
May 15-16, 2002

Agenda Topic: Proposed Amendments: Student Records (Part 375)

Materials: Recommended Amendments

Staff Contact(s): Don Full

Purpose of Agenda Item

To present the proposed amendments for the Board's initial review and secure authorization to distribute them for public comment.

Expected Outcome(s) of Agenda Item

A motion authorizing the staff to publish the proposed amendments in the Illinois Register to elicit public comment.

Background Information

These proposed amendments respond to the following.

- P.A. 92-64, effective July 12, 2001, amends Section 2-3.13a of the School Code to allow a school district to adopt a policy that requires a student transferring into that district to complete the entire term of a suspension or expulsion before being admitted. While no rule amendment is needed to implement this new provision, it does affect another part of Section 2-3.13a, which requires student records to include the date and duration of certain suspensions or expulsions.
- P.A. 92-295, effective August 9, 2001, makes certain requirements concerning reports filed under the Abused and Neglected Child Reporting Act.
- A clarification is proposed regarding schools' responsibilities with respect to records for transfer students.

Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications: P.A. 92-295 sets forth two requirements:

- Adds Section 8.6 to the Abused and Neglected Child Reporting Act. This section requires that any report that is produced following an investigation of alleged physical or sexual abuse be sent to the school in which the child, who is alleged to be the victim of such abuse, attends.
• Amends the Illinois School Student Records Act to require that a school that receives a report required under Section 8.6 of the Abused and Neglected Child Reporting Act place that report in the temporary record of the student “indicated” in the report.

The law further requires that any school receiving such a report must ensure that the report remains confidential. Finally, the law requires that the school return the report to the Department of Children and Family Services (DCFS), upon the department’s request, when any of the following occurs:

1. the finding indicated in the report is overturned in an appeal or hearing, or
2. DCFS has determined that the child is no longer at risk of physical or sexual harm, or
3. the report is removed from the central register.

The proposed amendments involve Section 375.40 and incorporate the requirement for a school receiving a request to remove a report from the student’s records and return it to DCFS. The proposal also would require that the school forward the request to any other school to which it may have transferred the records of the student who is the subject of the report.

P.A. 92-64 affects Section 375.75 of the rules, which addresses the transfer of records. The current rules require that a student’s records include the date and duration of any suspension and expulsion for offenses listed under Section 2-3.13a of the School Code and prohibits a student suspended or expelled for any of those reasons from attending class in the school to which he or she is transferring until after the term of the suspension or expulsion is complete.

The new language added by P.A. 92-64, however, expands the original language to allow school districts to adopt policies that would prohibit transfer students serving a suspension or expulsion for any reason from being admitted into the school district until such time that the term of the suspension or expulsion is completed. A school district’s adoption of a policy is permissive, but in order to implement such a policy, a school district would need to have the date and duration of any suspension or expulsion, regardless of whether the reason for the suspension or expulsion is specified in Section 2-3.13a of the School Code.

The current language of Section 375.75 also includes a reference to the statutory provision that a student still serving a suspension or expulsion for the reasons listed in Section 2-3.13a be prohibited from attending class in the public school to which he or she is transferring. The agency’s Legal Department has advised program staff that the text should be removed since it does not relate to “transmission of records for transfer students” – the subject of this section of the rules. Since the language proposed to be removed paraphrases requirements in Section 2-3.13a, its removal does not relieve school districts of their obligations set forth under the law.
Budget Implications: None.

Legislative Implications: None.

Communications: Please see "Next Steps" below.

**Superintendent’s Recommendation**

Direct the dissemination of the proposed amendments for public comment.

**Next Steps**

With the Board’s authorization, staff will submit the proposed amendments to the Administrative Code Division for publication in the *Illinois Register* to elicit public comment. In addition, the proposed amendments will be placed on the agency’s web site so that individuals may review them and comment on the content, if they have concerns.