

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER k: SCHOOL RECORDS

PART 375
STUDENT RECORDS

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Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Sections 2-3.13a and 2-3.64a-5 of the School Code [105 ILCS 5/2-3.13a and 2-3.64a-5].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. 7143, effective April 17, 2008; amended at 32 Ill. Reg. 16475, effective September 29, 2008; amended at 36 Ill. Reg. 2220, effective January 24, 2012; amended at 37 Ill. Reg. 9479, effective June 19, 2013; amended at 39 Ill. Reg. 2449, effective February 2, 2015; amended at 40 Ill. Reg. 2287, effective January 13, 2016; amended at 42 Ill. Reg. _____, effective _____.

Section 375.10 Definitions

"Accident Report" means documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or

whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth (as defined by 42 USC 11434a) has followed through on that request.

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

"Health Record" means medical documentation necessary for enrollment and proof of having certain examinations, as may be required under Section 27-8.1 of the School Code ~~[105 ILCS 5/27-8.1]~~.

"Health-related Information" means current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, documentation regarding a student athlete's and his or her parents' acknowledgement of the district's concussion policy adopted pursuant to Sections 10-20.53 and 34-18.45 of the School Code ~~[105 ILCS 5/10-20.53 and 34-18.45]~~, and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).

"Official Records Custodian" means the individual appointed in each school in accordance with Section 4 of the Act ~~[105 ILCS 10/4]~~ who has responsibility for the *maintenance, care and security of all school student records, whether or not the records are in his or her personal custody or control.*

"School Code" means 105 ILCS 5.

"School Student Record" shall have the meaning set forth in Section 2(d) of the Act ~~[105 ILCS 10/2(d)]~~, except that school student records shall 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;

Electronic recordings made on school buses, as defined in Section 14-3 of the Criminal Code of 1961 [720 ILCS 5/14-3]; and

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].

The content of a video or other electronic recording may become part of a student's school student record to the extent school officials use and maintain this content for a particular reason (e.g., disciplinary action, compliance with a student's Individualized Education Program) regarding that specific student. Video or other electronic recordings that become part of a student's school record shall not be a public record and shall be released only in conformance with Section 6(a) of the Act and the federal Family Educational Rights and Privacy Act (20 USC 1232g).

"Special Education Records" means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code ~~[405 ILCS 5/Art. 14]~~, to include the report of the multidisciplinary staffing conference on which placement or nonplacement was based, and all records and audio recordings in any format relating to special education placement hearings and appeals.

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act:

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;

Evidence required under Section (5)(b)(1) of the Missing Children's Records Act [325 ILCS 50/5(b)(1)];

Academic transcript, including:

grades, ~~class rank~~, graduation date and grade level achieved;

as applicable and as determined by district policy, the right to request the inclusion on the student's academic transcript of one or more scores received on college entrance examinations through the submission of a written request by a student, parent or the person who enrolled the student, stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be included~~scores on college entrance examinations, except that a parent may request, in writing, the removal~~

~~from the academic transcript of any score received on college entrance examinations (also see Section 375.30(d));~~

the unique student identifier assigned and used by the Student Information System established pursuant to 23 Ill. Adm. Code 1.75 (Student Information System);

as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in Section 27-22 of the School Code [105 ILCS 5/27-22];

as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with Section 2-3.157 of the School Code [105 ILCS 5/2-3.157] and 23 Ill. Adm. Code 1.442 (State Seal of Biliteracy); ~~and~~

as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill. Adm. Code 1.442 (State Seal of Biliteracy); and

as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance Section 2-3.167 and 23 Ill. Adm. Code 1.443 (Global Scholar Certificate);

Attendance record;

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 5/2-3.64a-5); and

If not maintained in the temporary record, 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(e)]~~;

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64a-5);

The completed home language survey form (see 23 Ill. Adm. Code 228.15 (Identification of Eligible Students));

Information regarding serious disciplinary infractions (i.e., those involving drugs, weapons, or bodily harm to another) *that resulted in expulsion, suspension or the imposition of punishment or sanction*;

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)]~~;

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code ~~[105 ILCS 5/10-20.40 or 34-18.34]~~;

Health-related information;

Accident Reports; 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 records;

Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 USC 701 et seq.); and

Any verified reports or information from non-educational persons, agencies or organizations of clear relevance to the education of the student.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 375.30 Notification

- a) Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parents of their rights under the Act as specified in subsection (d) of this Section and of their rights with respect to the collection, distribution, and retention of biometric information under Section 10-20.40 or 34-18.34 of the School Code, if the school collects student biometric information.
- b) All notification under this Part to parents of children classified under Section 14C-3 of the School Code ~~[105 ILCS 5/14C-3]~~ to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability. All notifications shall be in a manner that is accessible to parents with disabilities.
- c) This notification may be delivered by any means likely to reach the parents, including direct mail or email, parent-teacher conferences, delivery by the student to the parent, or incorporation in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.
- d) The notification shall consist of:

- 1) The types of information contained in the permanent and temporary records;
- 2) The right to inspect and copy permanent and temporary records, the limitations on the right of access established under Sections 10-22.3c and 34-18.6a of the School Code ~~[105 ILCS 5/10-22.3c and 34-18.6a]~~ and Section 5(a) of the Act, and the cost of copying these records;
- 3) The right to control access and release of school student records, except to the extent the records are authorized by law to be released without consent, and the right to request a copy of information released;
- 4) The rights and procedures for challenging the contents of the school student record;
- 5) As applicable and as determined by district policy, the right to request the inclusion on removal from the student's academic transcript of one or more scores received on college entrance examinations through the submission of a written request stating the name of each college entrance examination that is the subject of the request and the dates of the scores that are to be included~~removed~~;
- 6) The persons, agencies or organizations having access to student records without parental consent;
- 7) The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying this information;
- 8) The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of this information;
- 9) A statement informing the parents that 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 that the individual may obtain through the exercise of any right secured under the Act or this Part;
- 10) The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and

- 11) Any policies of the school relating to school student records that are not included in the Act or this Part, including any policy related to the collection of biometric information as permitted under Section 10-20.40 or 34-18.34 of the School Code.
- e) *The principal of each school or the person with like responsibilities or his or her designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and this Part, either orally or in writing [105 ILCS 10/3].*

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 375.80 Directory Information

- a) Information that may be designated as directory information shall be limited to:
 - 1) Identifying information: student's name, address, ~~gender,~~ grade level, and birth date and place, and parents' names, mailing addresses, electronic mail addresses, and telephone numbers;
 - 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.

- b) No student Social Security Number (SSN) or student identification (ID) or unique student identifier can be designated as directory information.
- c) "Directory Information" may be released to the general public, unless a parent requests that any or all the directory information not be released on his/her child. School districts shall notify parents annually of the information that is considered to be "directory information" and of the procedures to be used by parents to request that specific information not be released.

(Source: Amended at 42 Ill. Reg. _____, effective _____)