

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 and Destruction of School Student Records
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 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. 5899, effective March 15, 2018.

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.

"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, 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 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, 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 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, 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, graduation date and grade level achieved;

as applicable, and if allowed by district policy, scores received on college entrance examinations if that inclusion is requested in writing by a student, parent or person who enrolled the student;

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;

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 and 23 Ill. Adm. Code 1.442 (State Seal of Biliteracy);

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 of the School Code 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;

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;

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] (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;

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 federal 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. 5899, effective March 15, 2018)

Section 375.20 Rights of Students

In addition to the rights granted to students with respect to permanent school records, as provided by Section 2(g) of the Act, a school may afford to students any or all of the rights afforded to parents under the Act or this Part in relation to the temporary record.

(Source: Amended at 10 Ill. Reg. 12602, effective July 9, 1986)

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) 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 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 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 if allowed by district policy, the process to request the inclusion on the student's academic transcript of one or more scores received on college entrance examinations;
 - 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. 5899, effective March 15, 2018)

Section 375.40 Maintenance and Destruction of School Student Records

- a) The provisions within the Act and this Part requiring the official records custodian to separate school student records 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 this categorization occur; and
 - 2) The official 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 or 6 of the Act or by court order* [105 ILCS 10/4(f)]. For the purposes of this Part, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney or an administrative agency official shall not be considered a court order unless signed by a judge.
- b) Pursuant to Section 4(g) of the Act [105 ILCS 10/4(g)], student temporary 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. The records review is required in any given school year at the time a student first changes attendance centers within a district, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year.
- 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 the student's records at any time prior to their destruction. Notification shall consist of the following: date of notification, name of parent, name of official records custodian, name of student, and the scheduled destruction date of temporary and permanent records. Biometric information collected pursuant to the district's policy, if any, shall not be subject to the retention requirements applicable to the remainder of students' temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205/7]. Instead, the destruction of students' biometric information

shall conform to the requirements of Section 10-20.40 or 34-34.18 of the School Code, as applicable.

- d) Upon graduation or permanent withdrawal of a student with a disability, as defined in Article 14 of the School Code [105 ILCS 5/Art.14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), special education records, and other information contained in the student temporary record that 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 (see Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).
- f) Any final finding 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 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). No report other than what is required under Section 8.6 of the Abused and Neglected Child Reporting Act shall be placed in the school student record.
- g) School student records shall be maintained for at least the period of time set forth in Section 4 of the Act.
 - 1) The official records custodian shall take all reasonable measures to protect school student records through administrative, technical and security safeguards against risks, such as unauthorized access, release or use.
 - 2) With the exception of material eliminated in accordance with subsections (b), (d) and (f) of this Section, the destruction or disposal of any records or information contained in those records shall be subject to the provisions of the Act and authorization by the appropriate Local Records Commission (see Section 7 of the Local Records Act).

(Source: Amended at 37 Ill. Reg. 9479, effective June 19, 2013)

Section 375.50 Cost for Copies of Records

- a) The school may charge the actual cost for providing a copy of school student records or any portion of such records to parents and students upon request for such copies, provided that such costs shall not exceed \$.35 per page.
- b) No parent or student shall be denied a requested copy of school student records due to inability to bear the cost of such copying.

(Source: Amended at 10 Ill. Reg. 12602, effective July 9, 1986)

Section 375.60 Emergency Release of Information

- a) Information may be released without parental consent, in connection with an articulable and significant threat to the health or safety of a student or other individuals, to appropriate persons if the knowledge of the requested information is necessary to protect the health or safety of the student or other individuals, provided that the parents are notified, no later than the next school day after the date that the information is released, of the date of the release; the person, agency, or organization receiving the information; and the purpose of the release.
- b) Factors to be considered in determining whether records should be released pursuant to this Section include:
 - 1) The seriousness of the threat to the health or safety of the student or other individuals;
 - 2) The need for the requested records to meet the emergency;
 - 3) Whether the individuals to whom the requested records are released are in a position to deal with the emergency;
 - 4) The extent to which time is of the essence in dealing with the emergency.
- c) When an emergency release of information is provided under this Section, the school or school district shall make a record of the nature of the threat that formed the basis for the disclosure and the parties to whom the school or district disclosed the information.

(Source: Amended at 36 Ill. Reg. 2220, effective January 24, 2012)

Section 375.70 Release of Information

- a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the official records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the official records custodian of the other school or the student, provided that the parent receives prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge the information to be released.
 - 1) If the address of the parents is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parents. This service shall be deemed conclusive, and ten calendar days after this service, if the parents make no objection, the records may be transferred to the requesting school.
 - 2) Biometric information collected pursuant to a district's policy, if any, shall not be transferred to another school district in which a student has enrolled and shall be destroyed as provided in Section 10-20.40 or 34-18.34 of the School Code, as applicable.
 - 3) A copy of records transmitted pursuant to this subsection (a) shall be transferred back to the sending school upon request of the sending school without parental or student notice and consent.
- b) The school shall grant access to information contained in school student records to persons authorized or required by State or federal law to gain access, provided that:
 - 1) The person making the request shall provide the school with appropriate identification and a copy of the statute authorizing access; and
 - 2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge that information. If this release of information relates to more than 25 students, this prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.
- c) The school shall grant access to, or release information from, school student records without parental consent or notification only in accordance with the provisions of Section 6(a) of the Act [105 ILCS 10/6(a)] and Section 10-20.40 or 34-18.34 of the School Code, where applicable.

- d) Pursuant to Section 6(a)(5) of the Act, parents of students who are named in a court order shall be deemed to have received the required written notice. The school shall respond to the order no earlier than five school days after its receipt in order to afford parents the opportunity to review, inspect and challenge the records if the parents choose to do so.
- e) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom the records may be released, the reason for the release, and the specific records to be released. At the time consent is requested or obtained, the school shall inform the parents of the following rights:
 - 1) To inspect and copy the records;
 - 2) To challenge the contents of the records; and
 - 3) To limit any consent to designated records or designated portions of information within the records.
- f) Release of information by school personnel shall conform to the requirements of 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, as limited by Section 5(f) of the Act.

(Source: Amended at 36 Ill. Reg. 2220, effective January 24, 2012)

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) 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 that 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.
- c) The school district or private school holding the records shall transfer a certified copy of student's record, as defined in subsection (h) of this Section, to the school district or private school requesting the records and shall retain the original records in accordance with the requirements of Section 4 of the Act.
- d) A request made pursuant to subsection (b) of this Section for a certified copy of a student's record shall satisfy the requirement of Section 2-3.13a(c) of the School Code regarding documentation of enrollment of a transfer student.
- e) If, on or before July 31 following the school year in which a student leaves a school, the student's school or school district has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school's or school district's calculation of its annual dropout rate (see Section 2-3.13a(c) of the School Code). The school or school district from which a student transfers shall maintain any documentation of the student's transfer, including records indicating the school or school district to which the student transferred, in that student's temporary record.
- f) 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. These 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.

- g) 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 the unique student identifier assigned and used by the Student Information System; and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.
- h) 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 the schools for all of their students. This 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.
- i) If the student has unpaid fines, fees, or tuition charged pursuant to Section 10-20.12a of the School Code [105 ILCS 5/10-20.12a] 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.
- j) 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 transferring school shall include with the transferred records:

- 1) the date and duration of the period of any current suspension or expulsion; and
- 2) 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 USC 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.* (Section 2-3.13a of the School Code)

(Source: Amended at 36 Ill. Reg. 2220, effective January 24, 2012)

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, 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

(Source: Amended at 42 Ill. Reg. 5899, effective March 15, 2018)

Section 375.90 Challenge Procedures

- a) Parents shall be notified both of their right to a hearing to challenge any entry in the school student records except for academic grades and of the name and contact information for the official records custodian. If the challenge is made at the time the student's school records are being forwarded to another school to which the student is transferring, then parents shall not have the right to challenge references in those records to expulsions or out-of-school suspensions or to academic grades. Challenges to any other entry in the school student records can be made on the basis of:
 - 1) accuracy;
 - 2) relevance; or
 - 3) propriety.
- b) The request for a hearing shall be submitted in writing to the school district's official records custodian and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.
- c) Each school shall establish administrative procedures for parents to challenge the contents of student records. These procedures shall include:
 - 1) An initial informal conference with the parents, within 15 school days of receipt of the request for a hearing.
 - 2) If the challenge is not resolved by the informal conference, formal procedures shall be initiated.
 - A) A hearing officer, who shall not be employed in the attendance center in which the student is enrolled, shall be appointed by the school.
 - B) The hearing officer shall conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parents and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
 - C) At the hearing each party shall have the rights outlined in Section 7(b)(1) through 7(b)(4) of the Act.

- D) A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.
- E) The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parents and the school district. It shall be based solely on the information presented at the hearing and shall be one of the following:
 - i) To retain the challenged contents of the student record;
 - ii) To remove the challenged contents of the student record; or
 - iii) To change, clarify or add to the challenged contents of the student record.
- d) Any party shall have the right to appeal the decision of the local hearing officer to the Regional Superintendent within 20 school days after the decision is transmitted. If the parent appeals, the parent shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Regional Superintendent. The school may initiate an appeal by the same procedures. Upon receipt of the documents, the Regional Superintendent shall examine the documents and record to determine whether the school district's proposed action in regard to the student's record is in compliance with the Act and this Part, make findings and issue a written decision to the parents and the school within 20 school days of the receipt of the appeal documents. If the subject of the appeal involves the accuracy, relevance or propriety of any entry in special education records, the Regional Superintendent should seek advice from special education personnel:
 - 1) who were not authors of the entry, and
 - 2) whose special education skills are relevant to the subjects of the entry in question.
- e) The school shall be responsible for implementing the decision of the Regional Superintendent.

- f) Final decisions of the Regional Superintendent may be appealed to the circuit court of the county in which the school is located (see Section 7(c) of the Act).

(Source: Amended at 36 Ill. Reg. 2220, effective January 24, 2012)

Section 375.100 Implementation

Each school and school district shall adopt policies and procedures in compliance with the Act and this Part.

(Source: Amended at 10 Ill. Reg. 12602, effective July 9, 1986)

Section 375.110 Enforcement

- a) The State Board of Education shall collect and maintain information concerning compliance with the provisions of the Act and this Part and shall take action as specified by the Act to secure compliance in the event of violation.
- b) Complaints arising from violations of the Act or this Part, other than challenges of the contents of the school student records as specified in Section 375.90 of this Part, shall be directed to the Regional Superintendent of Schools responsible for the area where the school is located and then to the State Superintendent of Education as specified in Sections 3-10 and 2-3.8 of the School Code [105 ILCS 5/3-10 and 2-3.8].

(Source: Amended at 36 Ill. Reg. 2287, effective January 24, 2012)