

ACCESS for ELLs™ English Language Learners Summary Reports and the Federal Educational Rights and Privacy Act (FERPA)

To the extent that ACCESS for ELLs™ 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 ACCESS for ELLs™ summary reports as described herein and school districts are specifically prohibited by FERPA from releasing such summary reports in response to news media requests.