

Students

Student Records

In accordance with the Family Educational Rights and Privacy Act of 1974, the Individuals with Disabilities Education Act Amendments of 1997, the Illinois School Student Records Act, and regulations adopted by the State Board of Education, the District 151 Board of Education will protect the confidentiality of any personally identifiable information collected by the District, during its collection, storage, disclosure and destruction. The Board will protect District students and their families from invasions of privacy in the collection, storage, disclosure and destruction of such information, and provide access to recorded information only to those persons legally entitled thereto.

Records Custodian

Each building principal, or his/her designee, is designated as the official records custodian of student records for students enrolled at that school. He/she will be responsible for the maintenance, care, and security of all school student records for those students. He/she will also be responsible to ensure compliance with the confidentiality requirements of the Illinois School Code, the Illinois School Student Records Act, the Individuals with Disabilities Education Act Amendments of 1997, and the Family Educational Rights and Privacy Act of 1974. The District's records custodian also will be in charge of the records of students who have transferred, graduated, or have otherwise left the District.

Confidentiality

The records custodian will be responsible for ensuring the confidentiality of any personally identifiable information and will:

- Respond to any request for inspection and review of an education record, including requests for a copy of an education record;
- Respond to any request for an explanation or interpretation of an education record;
- Respond to any request to amend an education record;
- Respond to any request to disclose or release personally identifiable information;

- Respond to any request to destroy an education record;
- Keep a record of parties obtaining access to education records (except access by parents/guardians and authorized employees of the school district), including the name of the party, the date access took place, and the purpose of the authorized use;
- Maintain, for public inspection, a current listing of the names and positions of the employees who may have access to personally identifiable information;
- Provide upon request from the parents/guardians or the student at the age of majority (for purposes of this policy, the age of majority is age 18), a list of the types and locations of education records collected, maintained, or used by the District;
- Ensure that the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages is protected; and
- Train District personnel to ensure that each person collecting or using personally identifiable information is knowledgeable of the policies and procedures governing confidentiality of personally identifiable information.

Notification of Rights

The District will notify the parents/guardians of a student, or the student at the age of majority, of their right to access the education record, to request amendments and to request a records hearing.

Upon the initial enrollment or transfer of a student to the District, the District will notify the student and the student's parents/guardians -- if the student is under the age of majority -- of their rights under the Illinois School Student Records Act, the Individuals with Disabilities Education Act Amendments of 1997, and this policy.

This notification may be delivered by any means likely to reach the parents/guardians, including direct mail, parent-teacher conferences, or delivery by the student. Also, the notice may be incorporated in the Parent-Student Handbook or calendar disseminated by the District. Where the parents of a student are divorced and request duplicate mailings, such notice will be given to both parents,

unless the District has been furnished with a certified copy of a court order prohibiting such notice to a parent. Notification to parents/guardians of children who are classified to be of limited English-speaking ability will be in English and in the language of the child's primary speaking ability.

The notification will consist of:

- A list of the types and locations of the educational records collected, maintained, or used by the District.
- The right to inspect and copy permanent and temporary records, the limitations on the right of access that may be created by orders of protection, and the cost of copying such records. The District will not charge a fee to search for or retrieve information from the educational records.
- The right to control access and release of school student records and the right to request a copy of information released.
- The rights and procedures for challenging the contents of the school student record.
- The persons, agencies or organizations having access to student records without parental consent.
- The District's schedule for reviewing and destroying any school student record or information contained therein -- and the right to copy such information -- before it is destroyed or deleted.
- The categories of information the District has designated as "directory information" and the right of the parents/guardians to prohibit the release of such information.
- A statement informing the parents/guardians that no person may condition the granting or withholding of any right, privilege or benefit or make as a condition of employment, credit or insurance on the securing by any individual of any information from a student's temporary record, which such individual may obtain by exercising any right secured under the Illinois School Student Records Act or the regulations adopted by the State Board of Education.

- The right of the parents/guardians to inspect and challenge the

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information contained in a school student record (other than academic

grades and references to expulsions or out-of-school suspensions) prior to the transfer of the record to another school district, in the event of the transfer of the student to that district.

- Any District policies relating to school student records that are not included in the Illinois School Student Records Act or the regulations of the State Board of Education.

Also, the District will provide annual notice to the parents/guardians of students currently in attendance, or eligible students currently in attendance (students who have reached 18 years of age), of their rights under the Family Educational Rights and Privacy Act of 1974, and the regulations applicable thereto. Such notice will include, at a minimum, the information referenced in 34 CFR 99.7.

Records Maintained

A cumulative record will be maintained for each student. Such records will be used only for the benefit, promotion or welfare of the student. No information will be added to or contained in a school student record kept on file by the District that is inaccurate, outdated or of no relevance to the educational development of the student.

All material in each cumulative record will be maintained and treated as confidential, according to the following guidelines:

1. The District will establish procedures to verify the accuracy of data and to periodically destroy information no longer needed.
2. The student records that are kept and open to inspection and review will include:
 - A. A STUDENT PERMANENT RECORD, which will include:
 - 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/guardians.
 - 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.
- The permanent record may also include:
- Honors and awards received.
- Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

NO OTHER INFORMATION WILL BE PLACED IN THE STUDENT PERMANENT RECORD.

The permanent record will be maintained for at least sixty (60) years after the student has transferred, graduated or otherwise permanently withdrawn from the District.

B. A STUDENT TEMPORARY RECORD, consisting of all information not required to be in the Student Permanent Record, which will include:

- Record of release of temporary record information.
- Scores received on all State assessment tests administered at the elementary grade levels (kindergarten through grade 8).
- Information regarding serious infractions (e.g., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction.
- Other disciplinary information.

The temporary record may also include:

- Family background information.
- Intelligence test scores, group and individual.

- Aptitude test scores.
- Reports of psychological evaluations, including information on intelligence and personality, and academic information obtained through test administration, observation, or interviews.
- Elementary- and secondary-level achievement test results.
- Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations.
- Honors and awards received.
- Teacher anecdotal records.
- Special education files, including evaluation reports, IEPs, test protocols, and all records and tape recordings relating to special education placement, hearings and appeals.

Test protocols will be maintained in the student's temporary record as long as they are relevant to the student's identification, evaluation, and/or placement in special education. Test protocols may be replaced by new test protocols if it is determined that the prior protocols are no longer relevant to the current identification, evaluation, and placement of the student. The records custodian is responsible for maintaining and securing test protocols. When a parent/guardian or representative has questions regarding assessment data, the individual who evaluated the student will, with sufficient notice, be available to discuss that evaluation.

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

Information added to the temporary record will include the name,

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signature and position of the person who added such information, and the date of entry. The temporary record will be maintained for not less

than five (5) years after the student has transferred, graduated, or otherwise withdrawn from the District. However, this will not include situations where the information is maintained anonymously for authorized research, statistical reporting or planning purposes, provided that no student or parent can be individually identified from the information maintained.

The student record will not include information maintained by law enforcement professionals working in the District's schools.

The principal or his/her designee will take all action necessary to assure that all District personnel collecting or using personally identifiable information receive training or instruction regarding the applicable policies and procedures that govern the confidentiality of such information, including the provisions of the Illinois School Student Records Act and the regulations of the State Board of Education.

Student records will be reviewed by the principal or his/her designee 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.

Directory Information

The District proposes to designate the following personally identifiable information contained in a student's educational record as DIRECTORY INFORMATION:

- The student's name.
- The student's address.
- The student's parents/guardians' names
- Telephone listings.
- The student's class designation.
- The student's achievements, awards, honors and academic activities of a notable nature.
- The school or district the student attended prior to present enrollment.

Directory information may be released to the general public. However, prior to releasing this information, the District will notify the affected parents/guardians in writing. The notification will include the date of notification, parent's/guardian's name, name of student, directory information to be released, and the scheduled date

of release.

Any parent/guardian or student may direct the District to exclude any or all of the

above items from the directory information. To exclude such items, the parent/guardian must complete a Directory Information Response Form and return it to the District within the first two weeks of each school year. The Directory Information Response Form will be provided to each parent/guardian in the Parent-Student Handbook, by letter, or as part of a registration form or calendar. Additional copies will also be available in the office of the records custodian.

Access to Records by Students and Parents/Guardians

The following persons will be entitled to inspect and review educational records maintained by the District or by a party acting for the District. They may do so by completing the request form attached hereto as Appendix B and the consent form attached hereto as Appendix C and filing them with the District's records custodian:

1. Any student will be entitled to inspect and copy his/her permanent student record.
2. A student who reaches 18 years of age, graduates from secondary school, marries, or enters military service, will be entitled to inspect and copy the student's permanent and/or temporary records, unless earlier access is afforded at the discretion of the District.
3. A parent/guardian of a student under age 18 -- who has not married, graduated from secondary school or entered military service (or such parents/guardian's designated representative) -- will be entitled to inspect and copy the student's permanent and/or temporary records. In cases of divorce or separation, both parents will be so entitled, unless the District has been furnished with a certified copy of a court order prohibiting such access. The District will send copies of the following to both parents at either one's request, unless a court order indicates otherwise:
 - a. Academic progress reports or records;
 - b. Health reports;
 - c. Notices of school-initiated parent-teacher conferences;
 - d. Notices of major school-sponsored events, such as open houses, which involve pupil-parent interaction; and
 - e. School calendars distributed to parents.

Upon receiving a request from any authorized person to inspect and review an education record, the records custodian will verify that the person requesting to inspect and review the record is an authorized person. The records custodian will presume that the parent has authority to inspect and review records relating to his

or her child unless the school district has been advised that the parent does not have the authority under applicable State law.

Upon receiving a request to inspect and review a record from a person authorized to do so, the records custodian will review the record and determine whether the record, which the authorized person has identified, is an educational record as defined in the Illinois School Student Records Act and this policy.

1. In determining whether a record that an authorized person wishes to inspect and review is an education record within the meaning of Section 7 of the Illinois School Student Records Act, the records custodian may exclude from parental inspection and review any record prepared by a District staff member that is exclusively maintained by the individual and not disclosed to any other person other than an individual temporarily substituting for the staff member who prepared the record.
2. In determining whether an education record is in the possession of a party acting for the District, the records custodian will include any agency or person who, through formal or informal agreement, understanding or practice, collects or maintains information for the District.

The records custodian will protect the confidentiality of other children named or referred to in an education record. An authorized person will be allowed to review only those portions of an education record that contain information on one student. Any other specific information regarding the student that cannot be directly inspected or reviewed because of the confidentiality rights of other students, will be discussed and interpreted by the records custodian.

The records custodian will comply with a request by an authorized person to inspect and review an education record without unnecessary delay:

1. Before any meeting or hearing relating to the identification, evaluation, or placement of the student; and
2. In no case more than 15 school days after the request has been made.

When records cannot be made immediately available, the requesting party will be made aware of the date when such records are available.

The records custodian or his/her representative will be present when records are

inspected to answer questions and assure that no records are removed.

The records custodian will ensure that an authorized person who requests an explanation or interpretation of any information contained in an education record receives an appropriate explanation or interpretation.

1. For an authorized person who is deaf, an appropriate explanation or interpretation of the information contained in the education record may be provided in writing.
2. For an authorized person who cannot be physically present at a meeting held by the District to explain the record, an appropriate explanation or interpretation may be provided either by telephone or in writing.
3. For an authorized person for whom English is not the primary language, an appropriate explanation or interpretation of the information contained in the education record will be provided in the primary language of the person.

In addition, the District will, if requested, provide appropriately trained educational personnel to assist the parent/guardian or student in understanding certain school records such as psychological evaluations, social work profiles, and health data.

If requested by an authorized person, the records custodian will provide copies of the education record if he/she determines that the parent/guardian will be effectively prevented from exercising his/her right to inspect and review an education record at the location where it is normally maintained (or at any other location where the District offers to produce it) without incurring significant expense or personal hardship. The District may charge a reasonable fee for copies of records (not to exceed \$.35 per page). The District will not charge a fee when the records custodian determines that, for the parent/guardian in question, the amount of the fee for the copying of the document would result in a significant expense or personal hardship.

If a certified copy of an order of protection has been filed with the District, school employees will be notified that the student records of the protected child identified in that order, and the information contained in those records, may not be released

to the person against whom the order was issued.

Neither the parents/guardians nor the student will be granted access to confidential letters and recommendations concerning applications for employment, to a post-secondary educational institution or the receipt of an honor or award, which have been placed in the records prior to January 1, 1975 -- provided such letters and statements are not used for purposes other than those for which they were specifically intended. Also, access to those letters and statements will be denied if the student has waived his/her right of access after being advised of his/her right to obtain the names of all persons making such confidential letters and statements.

Disclosure of Records

The records custodian will obtain written parental consent, or consent from the student at age of majority, before permitting personally identifiable information to be used for any purpose other than meeting a requirement under these procedures, or permitting personally identifiable information to be disclosed to anyone other than officials of participating agencies collecting or using information for the purposes described in these procedures, and then only where the disclosure is consistent with all applicable federal statutes and the provisions of the Illinois School Code.

Except as otherwise provided herein, the District will obtain one of the following forms of dated written consent prior to disclosing any personally identifiable information in a student's education records, other than directory information.

1. Any student may consent to the release of information contained in his or her permanent student record.
2. Any student who reaches 18 years of age, graduates from secondary school, marries, or enters military service may consent to the release of information contained in his or her temporary student record.
3. A parent/guardian of a student under age 18 who has not married, graduated from secondary school or entered military service may consent to the release of information contained in the student's permanent and/or temporary records.

Such consent to disclose will be signed by the parent/guardian or student,

designating the person to whom such records may be released, the reason for the release, and the specific records to be released. The form attached hereto as Appendix C will be used for such consent. At the time such consent is requested or obtained, the District will inform the parent/guardian or student of their right to

inspect, copy and challenge such records and limit such consent to designated records or portions thereof.

The District will not release, transfer, disclose or otherwise disseminate information maintained in the school student record without consent, except as follows:

1. To a parent/guardian or student or person specifically designated as a representative by a parent/guardian, as set forth above.
2. To an employee or official of the school, the District, or the State Board of Education, provided such employee or official has a current, demonstrable educational or administrative interest in the student and the records are in furtherance of such interest. Such requests will be made using the form attached hereto as Appendix B.
3. Subject to the terms of this policy and regulations adopted by the State Board of Education, the records of a student will be transferred to another school district 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.

Requests for such records will be made using the form attached hereto as Appendix B. The parent/guardian will be given prior written notice of the nature and substance of the information proposed to be released and an opportunity (not less than 10 days before the records are released) to inspect, copy and challenge such information. If the address of the parents is unknown, that notice may be served upon the records custodian of the requesting school, for transmittal to the parent/guardian. The form attached hereto as Appendix A will be used for such notice.

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 provide an unofficial record of the student's grades (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, along with 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) in lieu of the student's official transcript of scholastic records (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 seat of the school, if any, and the date of issue.) If the District elects to do so, the District will within 10 calendar days after the student has paid all of his/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.

If the student is transferring to another public school located in Illinois or any other state and is currently serving a term of suspension or expulsion for those offenses enumerated in Section 2-3.13a of the School Code at the time of the transfer, then:

- a) Any school student records required to be transferred will include the date and duration of the period of suspension or expulsion; and
- b) The student will not be permitted to attend class in the District until the term of the suspension or expulsion has expired.

Within 14 days after enrolling a transfer student, the District will comply with the requirements of Section 5 of the Illinois Missing Children Records Act and Section 5 of the Illinois Missing Children Registration Law regarding the records of the transfer student.

4. To any person for the purpose of research, statistical reporting or planning, provided that no student or parent/guardian can be identified from the information released. However, that person (the requestor) must sign an affidavit in the form of Appendix D attached hereto, agreeing to comply with all applicable statutes and rules relating to school student records. Such requests will be made using the form attached hereto as Appendix B.

5. Pursuant to a court order. The parent/guardian will be given prompt

written notice of the terms of the order, the nature and substance of the information proposed to be released, and an opportunity (not less than 10 days before the records are released) to inspect, copy and challenge the information. Such requests will be made using the form attached hereto as Appendix B. The form attached hereto as Appendix A will be used for such notice.

6. To persons authorized or required by State or federal law to gain such access. Such requests will be made using the form attached hereto as Appendix B. The requesting party must provide appropriate parent/guardian will be given prior written notice of the nature and substance of the information proposed to be released and an opportunity (not less than 10 days before the records are released) to inspect, copy and challenge such information. The form attached hereto as Appendix A will be used for such notice.
7. To certain juvenile authorities described in Section 6 of the Illinois School Student Records Act -- who need the information for the discharge of their official duties, who request the information prior to adjudication of the student, and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. Such "juvenile authorities" include: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court-appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to court order; (v) any individual, public or private agency providing education, medical or mental health service to the child, when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider, when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court. Such requests will be made using the form attached hereto as Appendix B.
8. In cases of emergency, to protect the health or safety of the student or

others. The parents/guardians will be notified as soon as possible of the

information released, the date of the release, the person, agency, or organization receiving the information, and the purpose of the release.

Such requests will be made using the form attached hereto as Appendix B. The form attached hereto as Appendix A will be used for such notification.

Factors to be considered in determining whether records should be released pursuant to this paragraph include:

- The seriousness of the threat to the health or safety of the student or other persons.
 - The need for such records to meet the emergency.
 - Whether the persons to whom such records are released are in a position to deal with the emergency.
 - The extent to which time is of the essence in dealing with the emergency.
9. To a designated employee or agent of a governmental agency, or social service agency contracted by a governmental agency, in furtherance of an investigation of a student's school attendance -- pursuant to the compulsory student attendance laws of this State. Such requests will be made using the form attached hereto as Appendix B.
 10. To certain members of a Serious Habitual Offender Comprehensive Action Program committee, in accordance with the Family Educational Rights and Privacy Act, for the purpose of identifying and matching serious habitual juvenile offenders with community resources. Such requests will be made using the form attached hereto as Appendix B.

Any disclosure of personal information about a student, whether such disclosure is pursuant to parental or student consent or otherwise, will be conditioned upon the agreement of the recipient not to permit any other party to have access to the information without further written consent. Such documents may be stamped "Written consent required prior to release to any other person or agency."

Every student's cumulative folder will contain a record of any release of information. Such record of release will be maintained for the life of the student

records and will be available only to the parent/guardian and official records custodian. It will include:

1. The nature and substance of the information released;
2. The name and signature of the official records custodian releasing such information;
3. The name of the person requesting such information, the capacity in which such a request has been made, and the purpose of such request;
4. The date of the release; and
5. A copy of any consent to such release.

The records custodian will maintain, for public inspection, a current listing of the names and positions of the employees who may have access to personally identifiable information.

All rights and privileges accorded to a parent/guardian under State/federal law and this policy will become exclusively those of the student upon his/her 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first.

Transfer of Records

Within 10 calendar days of being notified of a student's transfer to any other private or public elementary or secondary school located in this or any other state, the records custodian will forward a copy of the unofficial record of the student's grades to the school to which the student is transferring. At the same time, the records custodian will send that school the remainder of the student's school student record and a "Certification of Good Standing" form. "In good standing" means that the student's medical records are up-to-date and complete and the student is not being disciplined by a suspension or expulsion.

Prior written notice will be provided to the parent/guardian regarding the nature and substance of the information being released/transferred. However, written parental consent is not required to transfer the student's school student record to the receiving public school district, unless the record constitutes a mental health

record as defined in the Mental Health and Developmental Disabilities Act (740 ILCS 110/3), which requires the written consent of the student if he/she is 12 years of age or older.

The records custodian will send the parent/guardian, and the student at age of majority, notice that the record is being forwarded to the new district. The notice will advise the parent/guardian, and the student at the age of majority, of their right to inspect the record being transferred.

The District will maintain a copy of the transferring student's temporary record for a period of not less than 5 years.

Students with disabilities, whose "Certificate of Good Standing" form shows incomplete medical records, must be treated the same as non-transfer students

regarding the October 15 date for exclusion for failure to obtain the required examinations or immunizations. Students with disabilities whose "Certificate of Good Standing" form shows that the student is currently serving a suspension or expulsion must be enrolled and FAPE must be provided in accordance with an IEP. The District will follow the procedures for transfer students outlined in the regulations adopted by the State Board of Education.

Procedure for Challenging Student Records

If an authorized person believes that information in the education record is inaccurate or misleading or violates the privacy or other rights of the student, that person will have the right to challenge the accuracy, relevance or propriety of any entry in the record, exclusive of academic grades. Further, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring, the District may be asked to amend the information, exclusive of references to expulsions or out-of-school suspensions. The following procedures will be followed:

1. The challenging party will inspect the educational records to determine what portions thereof will be challenged.
2. The challenging party will file a written Request for Hearing/Challenge to Student Records, using the form attached hereto as Appendix E, with the District's records custodian, specifying the entry or entries to be amended and the basis of the challenge.
3. Upon receiving a request from an authorized person, the records custodian will decide whether to amend the information as requested --

within fifteen (15) school days of the date the request is received.

- a) The records custodian will amend information determined to be "inaccurate or untrue or that cannot be substantiated."
 - b) The records custodian will amend information determined to be misleading. For example, the records custodian will amend an education record if he/she concludes that a reader who is unfamiliar with the content of the education record would be likely to arrive at an inaccurate conclusion regarding the personal characteristics or history of the student who is the subject of the educational record.
 - c) The records custodian will determine that the information contained in an education record "violates the privacy or other rights of the student":
 - i) if disclosure would cause severe embarrassment or other adverse consequences for the student and his/her parents; and
 - ii) the information need not be included in the education record in order for the education record to be appropriately used by the District. If the records custodian refuses to amend the information, he/she will inform the authorized person of the refusal and advise the authorized person of his or her right to an informal conference and hearing.
4. The District's records custodian or another representative of the District will confer informally with the challenging party within 15 days to determine whether the challenge is valid and requires an amendment to the educational records.
5. If the records custodian decides not to amend the records in accordance with the challenging party's request, the challenging party will be advised of his/her right to a hearing before an impartial hearing officer.
6. If a hearing is requested, it will be held within 15 days of such

conference, unless extended by mutual agreement. The challenging party will be given notice of the date, place and time reasonably in advance of the hearing.

7. The hearing will be conducted by an impartial hearing officer selected by the District, who is not employed in the attendance center in which the student is enrolled.
8. At the hearing, all parties will be advised of their rights outlined in the Illinois School Student Records Act. The challenging party will be afforded a full and fair opportunity to present evidence relevant to the issues raised, in accordance with Section 7 of the Act. A verbatim record of the hearing will be made by a tape recorder or a court reporter.
9. The hearing officer will make his/her written determination within 10 days after the conclusion of the hearing. The decision will include a written summary of the evidence and the reasons for the ruling. The challenging party and the District will be immediately notified of the decision, which will be based solely on the information presented at the hearing and will be one of the following:
 - To retain the challenged contents of the student record;
 - To remove the challenged contents of the student record;
or
 - To change, clarify or add to the challenged contents of the student record.
10. Any party will have the right to appeal the decision of the hearing officer to the Superintendent of the Educational Service Region serving the District -- within twenty (20) school days after such decision is transmitted. If the parent/guardian appeals, the parent/guardian will so inform the District. Then, within ten (10) school days, the school will forward a transcript of the hearing, a copy of the record entry in

question and any other pertinent materials to the Superintendent of the Educational Service Region. The District may initiate an appeal using the same procedures.

11. Upon receipt of such documents, the Superintendent of the Educational Service Region will examine them to determine whether the District's proposed action in regard to the student's record is in compliance with the School Student Record Act. Within twenty (20) school days of receiving the appeal documents, the Superintendent will make a decision and issue a written report of his/her findings to the parents/guardians and the District.

If the subject of the appeal involves the accuracy, relevance, or propriety of any entry in special education records, the Educational Service Region Superintendent should seek advice from special education personnel:

- a) Who were not authors of the entry; and
- b) Whose special education skills are relevant to the subject(s) of the entry in question.

The school district will be responsible for implementing the decision of the Superintendent of the Educational Service Region, unless it is appealed.

12. The decision of the Superintendent of the Educational Service Region may, thereafter, be appealed to the Circuit Court of the County in which the District is located.
13. If, as a result of the hearing, it is determined that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the records custodian will amend the information within 10 days and will provide written notice to the authorized person requesting the amendment.
14. If, as a result of the hearing, it is determined that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the records custodian will inform the

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authorized person -- within 5 days of the decision -- of their right to place in the record a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the District.

The records custodian will ensure that any such statement placed in an education record:

- a) Is maintained by the District as part of the record of the student as long as the record or contested portion is maintained by the District; and
- b) Is disclosed by the District to any party to whom the records of the student are disclosed.

Destruction of Records

Upon graduation, transfer or permanent withdrawal of a student from the District, the District will notify the parents/guardians and the student of the destruction schedule for the student's permanent and temporary records and of the right to request a copy of such records at any time prior to their destruction. Such notification will include the date of notification, the parent's name, the name of the records custodian, the name of the student, and the scheduled destruction date of the temporary and permanent records.

The District also will send a written notice to inform parents/guardians when personally identifiable information collected, maintained, or used by the District is no longer needed to provide educational services to the student. The determination as to whether personally identified information is needed to provide educational services to a student will be made by the records custodian after careful review of the information and with the concurrence of the student's current teacher(s) if the student is currently enrolled in the District.

This written notice will describe the personally identifiable information that the school district intends to destroy and will inform the parents/guardians that the information will be destroyed no earlier than 60 days from the date of the notice. The notice also will outline the procedure that the parents/guardians may follow if they wish to formally object to the destruction of the records in question.

The destruction of student records will be conducted in accordance with the

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provisions of the Illinois Local Records Act, Sec. 7 (50 ILCS 205/7).

All information maintained in relation to a student receiving special education services will be directly related to the provision of services to that student. Upon the

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graduation or permanent withdrawal of a disabled student (as defined in Article 14 of the Illinois School Code [105 ILCS 5/14-1.01, *et seq.*] and the Rules and Regulations to Govern the Administration and Operation of Special Education), the District may -- after 5 years -- transfer psychological evaluations, special education files and other information contained in the student temporary record that may be of continued assistance to the student -- to the custody of the parents/guardians, or to the student, if the student has succeeded to the rights of the parents/guardians. The District will explain the future usefulness of those records to the student and his/her parents/guardians.

Existing Laws and Regulations

This policy will be interpreted and applied in accordance with all applicable laws and related regulations, including the Family Educational Rights and Privacy Act of 1974, the Individuals with Disabilities Education Act Amendments of 1997, the Children Records Act, the Illinois Missing Children Registration Law, the Illinois Local Records Act, the Illinois Domestic Violence Act, and the Illinois School Code.

Legal References: Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232(g), *et seq.*); 34 CFR Part 99; Individuals with Disabilities Education Act Amendments of 1997, Sec. 612(a)(8), 613(a)(1) and 617 (20 U.S.C. 1400, *et seq.*); 34 CFR Part 300; Illinois School Student Records Act (105 ILCS 10/1, *et seq.*); Illinois Missing Children Records Act, Sec. 5 (325 ILCS 50/5); Illinois Missing Children Registration Law, Sec. 5 (325 ILCS 55/5); Illinois Local Records Act, Sec. 7 (50 ILCS 205/7); Illinois Domestic Violence Act (750 ILCS 60/101, *et seq.*); Illinois School Code, Sec. 10-21.8 (105 ILCS 5/10-21.8); and 23 Ill.Admin.Code Parts 226 and 375.

Adopted: August 7, 2006