

DRAFT UPDATE

Mid-Valley Special Education Cooperative

7:340

Edited

Students

Student Records

School student records are confidential and. Information from them shall not be released other than as provided by law. A school student record is any writing or other recorded information concerning a student and by which a student may be identified individually that is maintained by a school or at its direction or by a school employee, regardless of how or where the information is stored, except for certain records kept as provided in a staff member's sole possession; records maintained by State or federal law as summarized below; enforcement officers working in the school; video and other electronic recordings that are created in part for law enforcement, security, or safety reasons or purposes; and electronic recordings made on school buses.

1. Records kept in a staff member's sole possession.
2. Records maintained by law enforcement officers working in the school.
3. Video and other electronic recordings (including without limitation, electronic recordings made on school buses) that are created in part for law enforcement, security, or safety reasons or purposes. The content of these recordings may become part of a school student record to the extent school officials create, use, and maintain this content, or it becomes available to them by law enforcement officials, for disciplinary or special education purposes regarding a particular student.
4. Any information, either written or oral, received from law enforcement officials concerning a student less than the age of 17 years who has been arrested or taken into custody.

State and federal law grants students and parents/guardians certain rights, including the right to inspect, copy, and challenge school student records. The information contained in school student records shall be kept current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services shall be directly related to the provision of services to that child. The Cooperative may release directory information as permitted by law, but a parent/guardian shall have the right to object to the release of information regarding his or her child. However, the Cooperative will comply with an *ex parte* court order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to, or the consent of, the student's parent/guardian.

The Executive Director shall fully implement this policy and designate an *official records custodian* for each school who shall maintain and protect the confidentiality of school student records, inform staff members of this policy, and inform students and their parents/guardians of their rights regarding school student records.

Comment [AKL1]: The definition of school student record is amended to align with 23 Ill. AdminCode section 375.10.

OPTION

Rather than listing the exceptions in the policy, the board may choose to end the sentence after the proviso "except as provided in State or federal law." To use the shorter option, check 7:340 OPTION on the response form.

Please see the Update Memo for important information regarding other aspects of your student records policy.

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LEGAL REF.: Chicago Tribune Co. v. Chicago Bd. of Ed., 773 N.E.2d 674 (Ill.App.1, 2002).
Owasso I.S.D. No. I-011 v. Falvo, 122 S.Ct. 934 (2002).
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99.
Children's Privacy Protection and Parental Empowerment Act, 325 ILCS 17/
105 ILCS 5/10-20.21b, 20.37, 20.40, 5/14-1.01 et seq., and 10/
50 ILCS 205/7.
23 Ill.Admin.Code Parts 226 and 375.

CROSS REF.: 4:15 (Identity Protection), 5:100 (Staff Development Program), 5:125 (Personal
Technology and Social Media; Usage and Conduct), 5:130 (Responsibilities
Concerning Internal Information), 7:15 (Student and Family Privacy Rights),
7:220 (Bus Conduct)

ADOPTED: June 7, 2012