

# DRAFT UPDATE

Mid-Valley Special Education Cooperative

7:340

## Students

### Student Records

School student records are confidential and information from them shall not be released other than as provided by law. ~~Any record that contains personally identifiable information or other information that would link the document to an individual student is a school student record if maintained by the Cooperative, except: (1) records that are kept in the sole possession of a school staff member, are destroyed not later than the student's graduation or permanent withdrawal, and are not accessible or revealed to any other person except a temporary substitute teacher, and (2) records kept by law enforcement officials working in the school.~~ 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 in a staff member's sole possession; records maintained by law 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.

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 ~~with administrative procedures.~~ ~~The Executive Director shall also~~ and designate a an official records custodian for each school who shall maintain and protect the confidentiality of school student records. ~~The Executive Director or designee shall~~ inform staff members of this policy, and ~~shall~~ inform students and their parents/guardians of it, ~~as well as their rights regarding school student school records.~~

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 17/1 ~~et seq.~~  
105 ILCS 5/10-20.21b, 20.37, 20.40, 5/14-1.01 et seq., and 10/1 et seq.  
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: May 2, 2012

**Comment [AKL1]: UPDATE 1:**  
This policy is updated to include a comprehensive definition of *school student record*. Boards that prefer a concise definition may replace the version offered here with the alternative, shorter definition provided below.  
**OPTION:** 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 a school employee, except as provided in State or federal law.  
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**Comment [AKL2]: UPDATE 2:**  
Each school must have an *official records custodian* (105 ILCS 10/4(a). Districts must notify students and parents/guardians of their rights concerning school student records (105 ILCS 10/3; 23 Ill.Admin.Code §375.30; 34 C.F.R. §99.7). Comprehensive faculty and student handbooks can provide required notices along with other important information, to recipients  
Issue 79, May 2012