- 8.6 of that Act (325 ILCS 5/8.6) shall be placed in the student record. 23 Ill.Admin.Code §375.40(f).
- 6. Any biometric information that is collected in accordance with 105 ILCS 5/10-20.40.
- 7. Health-related information, defined by ISBE rule as "current documentation of a student's health information, not otherwise governed by the MHDDCA or other privacy laws, that 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' acknowledgment of the District's concussion policy adopted under Section 22-80 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."
- 8. Accident report, defined by ISBE rule as "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 if the school nurse has referred the student for a medical evaluation, regardless of whether the parent or guardian, student (if 18 years or older), or an unaccompanied youth ... has followed through on that request."
- 9. Any documentation of a student's transfer, including records indicating the school or school district to which the student transferred. 23 III.Admin.Code §375.75(e).
- 10. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement. 105 ILCS 10/4; 23 Ill.Admin.Code §1.445.
- 11. Information contained in related service logs maintained by the District for a student with an individualized education program under 105 ILCS 5/14-8.02f(d), amended by P.A. 101-643, including for speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services.

The *temporary record* may also consist of:

- 1. Family background information
- 2. Intelligence test scores, group and individual
- 3. Aptitude test scores
- 4. Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews
- 5. Elementary and secondary achievement level test results
- 6. Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations
- 7. Honors and awards received
- 8. Teacher anecdotal records
- 9. Other disciplinary information
- 10. Special education records

- 11. Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.)
- 12. Verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the student's education

F. Retention and Destruction of School Student Records

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(e). The temporary record is maintained for at least five years after the student transfers, graduates, or permanently withdraws. 105 ILCS 10/4(f). Individuals adding information to a student's temporary record must include their name, signature, and position and the date the information was added. 105 ILCS 10/4(d). Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after five years, be transferred to the parent(s)/guardian(s) or to the eligible student. Appropriate District personnel shall explain to the student and the parent/guardian the future usefulness of these records. 23 Ill.Admin.Code §375.40(d). Be sure to provide notice of destruction of school student records pursuant to 105 ILCS 10/4(h), amended by P.A. 101-161, as noted in D(6)(e), above.

G. Social Security Numbers

School officials, with limited exceptions, may not require students or their parents/guardians to provide social security numbers. 5 ILCS 179/, Identity Protection Act. The collection and retention of social security numbers shall be in accordance with Board policy 4:15, *Identity Protection*.

H. Access to School Student Records

The phrase "access to a school student record" means any release or disclosure of information from a student's school record, whether or not any record is copied. Access in all cases is limited to the designated portion of the record to which the consent or statutory authority applies.

Neither the District nor any of its employees shall release, disclose, or grant access to information found in any school student record except under the conditions set forth in the Ill. School Student Records Act. 105 ILCS 10/6. Absent a court order, school officials do not provide educational records to the Immigration Customs Enforcement.

The Building Principal shall grant access to school student records as detailed below. The Building Principal shall consult with the Superintendent and, if authorized, the Board Attorney concerning any questions.

Access to Parent/Guardian or Eligible Student

- 1. A student's parent(s)/guardian(s) or eligible student, or designee, are entitled to inspect and copy information in the student's school record; a student less than 18 years old may inspect or copy information in his or her permanent school record. 105 ILCS 10/5. A request to inspect or copy school student records shall be made in writing and directed to the Building Principal. Access to the records shall be granted within 10 business days after the receipt of such a request. 105 ILCS 10/5(c). The District may extend this timeline by up to five additional business days if one or more of these six reasons applies:
 - a. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;
 - b. The request required the collection of a substantial number of specified records;

- c. The request is couched in categorical terms and requires an extensive search for the records responsive to it;
- d. The requested records have not been located in the course of routine search and additional efforts are being made to locate them;
- e. The request for records cannot be complied with by the school district within the time limits prescribed by subsection (c) without unduly burdening or interfering with the operations of the school district; or
- f. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district among two or more components of a public body or school district having a substantial interest in the determination or in the subject matter of the request.

105 ILCS 10/5(c-5).

The District and the person making the request may also agree in writing to extend the timeline for response. <u>Id</u>. The response to an access request for a special education student's records shall include those school student records located in the special education office.

- 2. The parent(s)/guardian(s) or the District may request a qualified professional to be present to interpret the student's records. 105 ILCS 10/5(b). If the District makes the request, it is responsible for securing and bearing the cost of the professional's presence.
- 3. Unless the District has actual notice of a court order or a notice of a *parenting plan* under the Ill. Marriage and Dissolution of Marriage Act, indicating otherwise:
 - a. Divorced or separated parents/guardians with and without *parental responsibility* (formerly custody) are both permitted to inspect and copy the student's school student records. 750 ILCS 5/602.11.
 - b. The Building Principal shall send copies of the documents listed below to both divorced or separated parents/guardians at either's request. 105 ILCS 5/10-21.8.
 - 1) Academic progress reports or records
 - 2) Emotional and physical health reports
 - 3) Notices of school-initiated parent-teacher conferences
 - 4) School calendar regarding the student
 - 5) Notices about open houses, graduations, and other major school-sponsored events including student-parent/guardian interaction
- 4. The school will deny access to a student's school records to a parent against whom an *order* of protection (OP) was issued if the OP prohibits the parent from inspecting or obtaining such records pursuant to the Domestic Violence Act of 1986 or the Code of Criminal Procedure of 1963. See the Ill. Marriage and Dissolution of Marriage Act, 750 ILCS 5/602.11(a), and 750 ILCS 60/214(b)(15), and 222(f). Also see **Orders of Protection**, below.
- 5. Parent(s)/guardian(s) or the student shall not be granted access to confidential letters and recommendations concerning the admission to a post-secondary educational institution, applications for employment or the receipt of an honor or award which were placed in the records prior to 1-1-75, provided such letters and statements are not used for purposes

other than those for which they were specifically intended. Access shall not be granted to such letters and statements entered into the record at any time if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters and statements, 105 ILCS 10/5(e).

Access With Consent of Parent/Guardian or Eligible Student

- 1. Access will be granted to any person possessing a written, dated consent, signed by the parent(s)/guardian(s) or eligible student, stating to whom the records may be released, the information or record to be released, and the reason for the release. 105 ILCS 10/6(a)(8); 23 Ill.Admin.Code §375.70(e). Whenever the District requests the consent to release records, the Building Principal shall inform the parent(s)/guardian(s) or eligible student in writing of the right to inspect, copy, and challenge their contents and to limit such consent to designated portions of the records. 105 ILCS 10/6(a)(8).
- 2. Access to any record that is protected by the MHDDCA, specifically that of a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services to a student, will be granted according to the consent requirements contained in MHDDCA. 740 ILCS 110/4 and 5.

Access Without Notification to or Consent of Parent/Guardian or Eligible Student

- 1. District employees or officials of the ISBE will be granted access, without parental/guardian consent or notification, when a current, demonstrable, educational or administrative need is shown. Access in such cases is limited to the satisfaction of that need. 105 ILCS 10/6(a)(2). Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest. 105 ILCS 10/6(a)(2).
- 2. Access will be granted, without parental/guardian consent or notification, 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, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records. 105 ILCS 10/6(a)(4).
- 3. Access will be granted, without parental/guardian consent or notification, to another school district that overlaps attendance boundaries with the District, if the District has entered into an intergovernmental agreement that allows for sharing of student records and information between them. 105 ILCS 10/6(a)(13), added by P.A. 102-557.
- 4. The District 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(s)/guardian(s). 20 U.S.C. §1232(g)(j), as added by the Sec. 507 of the U.S.A. Patriot Act of 2001. An *ex parte* order is an order issued by a court of competent jurisdiction without notice to an adverse party.
- 5. A Serious Habitual Offender Comprehensive Action Program (SHOCAP) committee member will be granted access, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act (FERPA). 105 ILCS 10/6(a)(10) allows disclosure to SHOCAP committee members who are "state and local officials and authorities" as those terms are used in FERPA. This federal law does not define "state and local officials and authorities;" rather, it limits when disclosure may be made to such officials and authorities.

- 6. Juvenile authorities will be granted access when necessary for the discharge of their official duties upon their request before the student's adjudication, provided they certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. *Juvenile authorities* means: (a) a circuit court judge and court staff members designated by the judge; (b) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (c) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (d) any individual, public or private agency having court-ordered custody of the child; (e) 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; (f) any potential placement provider when such release is authorized by the court to determine the appropriateness of the potential placement; (g) law enforcement officers and prosecutors; (h) adult and juvenile prisoner review boards; (i) authorized military personnel; and (j) individuals authorized by court. 105 ILCS 10/6(a)(6.5).
- Military recruiters and institutions of higher learning will be granted access to secondary students' names, addresses, and telephone listings, unless the student's parent/guardian submits a written request that such information not be released without the prior written consent of the parent/guardian or eligible student. Only this written consent process may be used, no other processes, such as an opt-in process, etc., may be used. Military recruiters and institutions of higher learning have access to students' names, addresses, and phone numbers even if the District does not release directory information. 20 U.S.C. §7908. For more information, see 7:340-AP1, E3, Letter to Parents and Eligible Students Concerning Military Recruiters and Postsecondary Institutions Receiving Student Directory Information: 7:340-AP1, E4, Frequently Asked Ouestions Regarding Military Recruiters Access to Students and Student Information; ISBE Military Recruitment Access Reminder, announced in State Superintendent Smith's Weekly Message, 11-27-18, www.isbe.net/Documents/Military-Access-Reminder.pdf. The requirements in this paragraph apply only if the District receives funds under the Elementary and Secondary Education Act. Id.

Access Without Consent of, but With Notification to, Parent/Guardian or Eligible Student

- 1. In accordance with the procedures described in Section L below (Transmission of Records for Transfer Students), access will be granted, without parental/guardian consent, to the official records custodian of another school within Illinois or an official with similar responsibilities of a school outside Illinois, in which the student has enrolled or intends to enroll, upon the request of such official or student. 105 ILCS 10/6(a)(3).
- 2. Access will be granted pursuant to a court order, provided that the parent(s)/guardian(s) shall be given prompt written notice of such order's terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. 105 ILCS 10/6(a)(5). Parents of students who are named in a court order or parenting plan shall be deemed to have received the required written notice. The Building Principal shall respond to the order no earlier than five school days after its receipt in order to afford parents/guardians the opportunity to review, inspect, and challenge the records if the parents choose to do so. 23 Ill.Admin.Code §375.70(d).

For the purposes of these procedures, 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. 23 Ill.Admin.Code §375.40(a).

- 3. 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. The Building Principal shall make this decision taking into consideration the seriousness of the threat to the health or safety of the student or other individuals, 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, and the extent to which time is of the essence in dealing with the emergency. 105 ILCS 10/6(a)(7); 23 III.Admin.Code §375.60. The Building Principal shall notify the parent(s)/guardian(s) or eligible student, 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 to whom the release was made, and the purpose of the release.
- 4. The District will grant access as specifically required by federal or State statute, provided the individual complies with the requirements in 23 Ill.Admin.Code §375.70(b). 105 ILCS 10/6(a)(6). Prior to granting access, the Building Principal shall provide prompt written notice to the parent(s)/guardian(s) or eligible student of this intended action. 105 ILCS 10/6(b); 23 Ill.Admin.Code §375.70. This notification shall include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents. If the release relates to more than 25 students, a notice published in the newspaper is sufficient.

The District charges \$.35 per page for copying information from a student's records. No parent/guardian or student shall be precluded from copying information because of financial hardship. 23 III.Admin.Code §375.50. **Note:** The ISBE rule allows a school to "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." 23 III.Admin.Code §375.50.

I. Record of Release

Except as provided below, a record of all releases of information from school student records (including all instances of access granted whether or not records were copied) shall be kept and maintained as part of such records. 105 ILCS 10/6(c). This record shall be maintained for the life of the school student record and shall be accessible only to the parent(s)/guardian(s) or eligible student, Building Principal, or other authorized person. The record of release shall include each of the following:

- 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 the information, in what capacity the request was made, and the purpose for the request;
- 4. The date of release; and
- 5. A copy of any consent to a release.

No record of a disclosure is maintained when records are disclosed according to the terms of an ex parte court order. 20 U.S.C. §1232(g)(j)(4).

J. Orders of Protection

Upon receipt of a court OP that prohibits a Respondent's access to records, the Building Principal shall file it in the temporary record of a student who is the *protected person* under the OP. No information or records shall be released to the Respondent named in the OP. 750 ILCS 60/222(f).

K. Parenting Plans

Upon receipt of a parenting plan under the Ill. Marriage and Dissolution of Marriage Act (750 ILCS 5/), the Building Principal shall file it in the temporary record of a student who is the subject of the parenting plan.

L. Transmission of Records for Transfer Students 105 ILCS 10/6(a)(3); 23 Ill.Admin.Code §§375.70 and 375.75.

The Building Principal shall:

- 1. Within 14 calendar days after enrolling a transfer student, request directly from the student's previous school a certified copy of the student's record. The District shall exercise due diligence in obtaining the copy of the record requested.
- 2. Upon the student's request or that of the official records custodian of another school in which the student has enrolled or intends to enroll, within 10 calendar days, transfer a certified copy of the student's record (that is, the student's permanent and temporary record) to the official records custodian of the appropriate school and retain the original records. The records transfer is subject to prior notice to the student's parent(s)/guardian(s) as described above in Section H (Access to School Student Records). See policy 7:50, School Admissions and Student Transfers To and From Non-District Schools.
- 3. Determine if the school or special education office has any record that is protected by the MHDDCA concerning the transferring student, specifically a record or report made by a therapist, social worker, psychologist, nurse, agency, or hospital that was made in the course of providing mental health or developmental disabilities services. If so, ask the appropriate person as identified in 740 ILCS 110/4 whether to send the record protected by MHDDCA to the new school and, if *yes*, obtain a written consent for disclosure as provided in 740 ILCS 110/5.

This requirement does not apply to special education records and reports that are related to the identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities. 23 Ill.Admin.Code §375.10.

- 4. Provide the parent/guardian or eligible student prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge it. If the parent's/guardian's address is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parent/guardian. This service is deemed conclusive, and 10 calendar days after this service, if the parents/guardians make no objection, the records may be transferred to the requesting school.
- 5. Destroy any biometric information collected and do not transfer it to another school district.
- 6. Refrain from transferring the records if a student's record has been flagged as a "missing child" as provided in Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law. The District shall notify the Illinois Department of State Police or the local law enforcement authority of the request.
- 7. Retain the original records in accordance with the requirements of 105 ILCS 10/4.

- 8. Include information about whether or not the student is *in good standing* and whether or not the student's medical records are up-to-date and complete. 105 ILCS 5/2-3.13a.
- 9. 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.

If the student has unpaid fines, fees, or tuition charged pursuant to 105 ILCS 5/10-20.12a and is transferring to a public school located in Illinois or any other state, the Building Principal shall (23 Ill.Admin.Code §375.75(i)):

- 1. Transfer the student's *unofficial record of student grades* in lieu of the student's official transcript of scholastic records. The *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 school's name and address, the student's name, the name and title of the school official transmitting the records, and the transmittal date.
- 2. Within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at this District's own expense, forward the student's official transcript of scholastic records to the student's new school.

The Principal shall include the following information with the transferred records 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: 105 ILCS 5/2-3.13a; 23 Ill.Admin.Code 375.75(j).

- 1. The date and duration of the period of any current suspension or expulsion; and
- 2. Whether the suspension or expulsion is for: (a) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §7961 et seq.); (b) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis; or (c) battering a school staff member.

M. Directory Information 23 Ill.Admin.Code §375.80

The District may release certain directory information regarding students as permitted by law, except that a student's parent(s)/guardian(s) may prohibit the release of the student's directory information. Directory information is limited to:

- 1. Student's Name
- 2. Student's Address
- 3. Student's Grade level
- 4. Student's Birth date and place
- 5. Parent(s)/guardian(s)' names, addresses, electronic mail addresses, and telephone numbers
- 6. 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
- 7. Academic awards, degrees, and honors
- 8. Information in relation to school-sponsored activities, organizations, and athletics
- 9. Major field of study
- Period of attendance in school

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 eligible student (see 765 ILCS 1075/30). 23 Ill.Admin.Code §375.80. The following shall not be designated as directory information: (a) an image on a school security video, or (b) student social security number or student identification or unique student identifier. <u>Id</u>.

The notification to parents/guardians and students concerning school student records will inform them of their right to opt out of the release of directory information. See 7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records.

N. Student Record Challenges

Parents/guardians have the right to a hearing to challenge the accuracy, relevancy, or propriety of any entry in their student's school records, exclusive of academic grades and references to expulsions or out-of-school suspensions, 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. 105 ILCS 10/7; 23 Ill.Admin.Code §375.90. A request for a hearing should be submitted to the Superintendent and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge. The following procedures apply to a challenge: <u>Id</u>.

- 1. The Superintendent or designee will invite the parent(s)/guardian(s) to an initial informal conference, 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. The Superintendent will appoint a hearing officer, who is not employed in the attendance center in which the student is enrolled.
- 3. The hearing officer will 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 parent(s)/guardian(s) and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.

- 4. At the hearing each party shall have the right to:
 - a. Present evidence and to call witnesses;
 - b. Cross-examine witnesses;
 - c. Counsel:
 - d. A written statement of any decision and the reasons therefore; and
 - e. Appeal an adverse decision to an administrative tribunal or official to be established or designated by the State Board.
- 5. A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a transcript is not required in an appeal.
- 6. The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parent(s)/guardian(s) and the School District. It shall be based solely on the information presented at the hearing and shall be one of the following:
 - a. To retain the challenged contents of the school student record;
 - b. To remove the challenged contents of the school student record; or
 - c. To change, clarify, or add to the challenged contents of the school student record.
- 7. Any party has the right to appeal the decision of the local hearing officer to the Regional Superintendent or appropriate Intermediate Service Center, within 20 school days after the decision is transmitted to the parties. The parent(s)/guardian(s), if they appeal, shall so inform the District 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 or appropriate Intermediate Service Center. The District may initiate an appeal by the same procedures.
- 8. The final decision of the Regional Superintendent or appropriate Intermediate Service Center may be appealed to the circuit court of the county in which the District is located.
- 9. The parent(s)/guardian(s) may insert a written statement of reasonable length describing their position on disputed information. The District will include a copy of the statement in any release of the information in dispute. 105 ILCS 10/7(d).

LEGAL REF.:

20 U.S.C. §1232g, Family Education Rights and Privacy Act; 34 C.F.R. Part 99. 105 ILCS 10/, Illinois School Student Records Act; 23 Ill.Admin.Code Part 375. 740 ILCS 110/, Mental Health and Developmental Disabilities Confidentiality Act. 750 ILCS 5/, Illinois Marriage and Dissolution of Marriage Act.

November 2021 7:340-AP1, E1

Students

Exhibit - Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records

Upon the initial enrollment or transfer of a student to the school, the school must notify the student and the student's parents/guardians of their rights concerning school student records. This notification may be distributed by any means likely to reach parents/guardians.

The contact information for each School's Official Records Custodian follows:				
				

This notice contains a description of your and your child's rights concerning school student records.

A school student record is any writing or other recorded information concerning a student and by which a student may be individually identified 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. The District maintains two types of school records for each student: permanent record and temporary record.

The permanent record includes:

- 1. Basic identifying information, including the student's name and address, birth date and place, gender, and the names and addresses of the student's parents/guardians.
- 2. Evidence required under the Missing Children Records Act. 325 ILCS 50/5(b)(1).
- 3. Academic transcripts, including: grades, graduation date, and grade level achieved; the unique student identifier assigned and used by the III. State Board of Education Student Information System (SIS); 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 105 ILCS 5/27-22; as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with 105 ILCS 5/2-3.159; as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy; and as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance with 105 ILCS 5/2-3.169.
- 4. Attendance record.
- 5. Health record defined by the Ill. State Board of Education (ISBE) as "medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code."
- 6. Record of release of permanent record information that includes each of the following:
 - g. The nature and substance of the information released;
 - h. The name and signature of the official records custodian releasing such information;

- i. The name and capacity of the requesting person and the purpose for the request;
- i. The date of release; and
- k. A copy of any consent to a release.
- 7. Scores received on all State assessment tests administered at the high school level (that is, grades 9 through 12). 105 ILCS 5/2-3.64a-5.

If not maintained in the temporary record, the permanent record may include:

- 1. Honors and awards received.
- 2. Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

All information not required to be kept in the student permanent record is kept in the student *temporary record* and must include:

- 1. Record of release of temporary record information that includes the same information as listed above for the record of release of permanent records.
- 2. Scores received on the State assessment tests administered in the elementary grade levels (that is, kindergarten through grade 8).
- 3. Completed home language survey.
- 4. Information regarding serious disciplinary infractions (that is, those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension, or the imposition of punishment or sanction.
- 5. Any final finding report received from a Child Protective Service Unit provided to the school under the Abused and Neglected Child Reporting Act; no report other than what is required under Section 8.6 of that Act (325 ILCS 5/8.6) shall be placed in the student record.
- 6. Health-related information, defined by the ISBE as "current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act or other privacy laws, that 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 and his or her parent/guardian's acknowledgment of the District's concussion policy adopted under 105 ILCS 5/22-80 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."
- 7. Accident report, defined by the ISBE as "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 if the school nurse has referred the student for a medical evaluation, regardless of whether the parent or guardian, student (if 18 years or older), or an unaccompanied homeless youth ... has followed through on that request."
- 8. Any documentation of a student's transfer, including records indicating the school or school district to which the student transferred.

- 9. Completed course substitution form for any student who, when under the age of 18, is enrolled in vocational and technical course as a substitute for a high school or graduation requirement.
- 10. Information contained in related service logs maintained by the District for a student with an individualized education program under 105 ILCS 5/14-8.02f(d), amended by P.A. 101-643, including for speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services.

The temporary record may include:

- 1. Family background information
- 2. Intelligence test scores, group and individual
- 3. Aptitude test scores
- 4. Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews
- 5. Elementary and secondary achievement level test results
- 6. Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations
- 7. Honors and awards received
- 8. Teacher anecdotal records
- 9. Other disciplinary information
- 10. Special education records
- 11. Records associated with plans developed under section 504 of the Rehabilitation Act of 1973
- 12. Verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the student's education

The Family Educational Rights and Privacy Act (FERPA) and the Ill. School Student Records Act (ISSRA) afford parents/guardians and students over 18 years of age (*eligible students*) certain rights with respect to the student's school records. They are:

1. The right to inspect and copy the student's education records within 10 business days after the date the District receives a request for access.

The degree of access a student has to his or her records depends on the student's age. Students less than 18 years of age have the right to inspect and copy only their permanent record. Students 18 years of age or older have access and copy rights to both permanent and temporary records. Parents/guardians or students should submit to the Building Principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The Principal will make arrangements for access and notify the parent(s)/guardian(s) or student of the time and place where the records may be inspected. The District shall make the records available to inspect and copy within 10 business days, unless the District extends the response timeline to 15 business days in accordance with ISSRA. The District charges \$.35 per page for copying but no one will be denied their right to copies of their records for inability to pay this cost.

These rights are denied to any person against whom an order of protection has been entered concerning a student. 105 ILCS 5/10-22.3c and 10/5(a); 750 ILCS 60/214(b)(15).

2. The right to request the amendment of the student's education records that the parent(s)/guardian(s) or eligible student believes are inaccurate, irrelevant, or improper.

Parents/guardians or eligible students may ask the District to amend a record that they believe is inaccurate, irrelevant, or improper. They should write the Building Principal or the Official Records Custodian, clearly identify the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parents/guardians or eligible student, the District will notify the parents/guardians or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that the FERPA or ISSRA authorizes disclosure without consent.

Disclosure without consent is permitted to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board. A school official may also include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records (such as an attorney, auditor, medical consultant, therapist, or educational technology vendor); or any parents/guardians or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Individual board members do not have a right to see student records merely by virtue of their office unless they have a current demonstrable educational or administrative interest in the student and seeing his or her record(s) would be in furtherance of the interest.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility or contractual obligations with the District.

Upon request, the District discloses education records without consent to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by State or federal law. Before information is released to these individuals, the parents/guardians will receive prior written notice of the nature and substance of the information, and an opportunity to inspect, copy, and challenge such records.

When a challenge is made at the time the student's records are being forwarded to another school to which the student is transferring, there is no right to challenge: (1) academic grades, or (2) references to expulsions or out-of-school suspensions.

Disclosure is also permitted without consent to: any person for research, statistical reporting or planning, provided that no student or parent(s)/guardian(s) can be identified; to another school district that overlaps attendance boundaries with the District, if the District has entered into an intergovernmental agreement that allows for sharing of student records and information with the other district; any person named in a court order; appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons; and juvenile authorities when necessary for the discharge of their official duties who request information before adjudication of the student.

4. The right to a copy of any school student record proposed to be destroyed or deleted.

The permanent record is maintained for at least 60 years after the student transfers, graduates, or permanently withdraws. The temporary record is maintained for at least five years after the student transfers, graduates, or permanently withdraws. Temporary records that may be of assistance to a student with a disability who graduates or permanently withdraws, may, after five years, be transferred to the parent(s)/guardian(s) or to the student, if the student has succeeded to the rights of the parent(s)/guardian(s). Student temporary records are reviewed every four years or upon a student's change in attendance centers, whichever occurs first.

5. The right to prohibit the release of directory information concerning the parent's/guardian's child.

Throughout the school year, the District may release directory information regarding its students, limited to:

Name

Address

Grade level

Birth date and place

Parent(s)'/guardian(s)' names, addresses, electronic mail addresses, and telephone numbers

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

Academic awards, degrees, and honors

Information in relation to school-sponsored activities, organizations, and athletics

Major field of study

Period of attendance in school

Any parent/guardian or eligible student may prohibit the release of any or all of the above information by delivering a written objection to the Building Principal within 30 days of the date of this notice. No directory information will be released within this time period, unless the parent/guardian or eligible student is specifically informed otherwise.

No photograph highlighting individual faces is allowed for commercial purposes, including solicitation, advertising, promotion or fundraising without the prior, specific, dated and written consent of the parent or student, as applicable; and no image on a school security video recording shall be designated as directory information.

6. The right to request that military recruiters or institutions of higher learning not be granted access to your secondary school student's name, address, and telephone numbers without your prior written consent.

Federal law requires a secondary school to grant military recruiters and institutions of higher learning, upon their request, access to secondary school students' names, addresses, and telephone numbers, unless the student's parent/guardian, or a student who is 18 years of age or older, submits a written request that the information not be released without the prior written consent of the parent/guardian or eligible student. If you wish to exercise this option, notify the Building Principal where your student is enrolled for further instructions.

7. The right contained in this statement: 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 which such individual may obtain through the exercise of any right secured under State law.

8. The right to file a complaint with the U.S. Dept. of Education concerning alleged failures by the District to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is:

U.S. Department of Education Student Privacy Policy Office 400 Maryland Avenue, SW Washington DC 20202-8520 November 2021 7:345

Students

Use of Educational Technologies; Student Data Privacy and Security

Educational technologies used in the District shall further the objectives of the District's educational program, as set forth in Board policy 6:10, *Educational Philosophy and Objectives*, align with the curriculum criteria in policy 6:40, *Curriculum Development*, and/or support efficient District operations. The Superintendent shall ensure that the use of educational technologies in the District meets the above criteria.

The District and/or vendors under its control may need to collect and maintain data that personally identifies students in order to use certain educational technologies for the benefit of student learning or District operations.

Federal and State law govern the protection of student data, including school student records and/or covered information. The sale, rental, lease, or trading of any school student records or covered information by the District is prohibited. Protecting such information is important for legal compliance, District operations, and maintaining the trust of District stakeholders, including parents, students and staff.

Definitions

Covered information means personally identifiable information (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student's parent/guardian in the course of the student's or parent/guardian's use of the operator's site, service or application; (2) created by or provided to an operator by an employee or agent of the District; or (3) gathered by an operator through the operation of its site, service, or application.

Operators are entities (such as educational technology vendors) that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes.

Breach means the unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of covered information maintained by an operator or the District.

Operator Contracts

The Superintendent or designee designates which District employees are authorized to enter into written agreements with operators for those contracts that do not require separate Board approval. Contracts between the Board and operators shall be entered into in accordance with State law and Board policy 4:60, *Purchases and Contracts*, and shall include any specific provisions required by State law.

Security Standards

The Superintendent or designee shall ensure the District implements and maintains reasonable security procedures and practices that otherwise meet or exceed industry standards designed to protect covered information from unauthorized access, destruction, use, modification, or disclosure. In the event the District receives notice from an operator of a breach or has determined a breach has

occurred, the Superintendent or designee shall also ensure that the District provides any breach notifications required by State law.

LEGAL REF.:

20 U.S.C. §1232g, Family and Educational Rights and Privacy Act, implemented

by 34 C.F.R. Part 99.

105 ILCS 10/, Ill. School Student Records Act.

105 ILCS 85/, Student Online Personal Protection Act.

23 Ill. Admin. Code Part 380.

CROSS REF.:

4:15 (Identity Protection), 4:60 (Purchases and Contracts), 6:235 (Access to

Electronic Networks), 7:340 (Student Records)

November 2021 7:345-AP

Students

<u>Administrative Procedure – Use of Educational Technologies; Student Data Privacy and Security</u>

Use this procedure to establish a process for evaluating the use of educational technologies for student learning and/or District operations, and to facilitate compliance with the Student Online Personal Protection Act (SOPPA), amended by P.A. 101-516.

Definitions (105 ILCS 85/5, amended by P.A. 101-516)

Covered information means personally identifiable information (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student's parent/guardian in the course of the student's or parent/guardian's use of the operator's site, service or application; (2) created by or provided to an operator by an employee or agent of the District; or (3) gathered by an operator through the operation of its site, service, or application.

Operators are entities (such as educational technology vendors) that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes.

K-12 school purposes means purposes that are directed by, or that customarily take place at the direction of, a teacher, school, or school district; aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents; or are otherwise for the use and benefit of a school.

Breach means the unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of covered information maintained by an operator or the District.

Parent means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student.

Educational Technologies Evaluation and SOPPA Implementation

Actor	Action
Superintendent or Designee or Privacy Officer	1. Establishes an Educational Technology Committee (Ed Tech Committee) to operate as a Superintendent committee for the purposes of: (1) evaluating the use of specific online applications and other educational technologies within the District, (2) establishing a list of applications or other services approved for use within the District, (3) developing a process for the approval of online sites, applications, or services not already approved for District use which staff members may wish to use, and (4) supporting the District's submission of an annual report to the Ill. State Board of Education (ISBE) regarding educational technology capacities and policies. See 2:150-AP, Superintendent Committees. Consider including: Head of Information Technology (IT) Other district-level administrators, such as Curriculum Director,

Actor		Action		
		Student Services Director, Business Manager Building Principals Teachers		
	H H H H H H H H H H H H H H H H H H H	Note: This procedure establishes an administrative committee. The administrative committee centralizes the local decision-making process regarding the use of educational technologies in a district, which in turn should help districts comply with the provisions of SOPPA governing the use of covered information by operators, contractual requirements, and security standards.		
	2.	Informs the School Board or	f the Ed Tech Committee's progress.	
	3.	Makes recommendations to the Board about operator contracts, as needed and in alignment with Board policy 7:345, <i>Use of Educational Technologies; Student Data Privacy and Security.</i>		
	4.	Designates which District employee(s) are authorized to enter into written agreements with operators when prior board approval of the contract is not otherwise required by Board policy 4:60, <i>Purchases and Contracts</i> , and list them below:		
		Employee Title	Employee Title	
	, in the second	Employee Title	Employee Title	
	5.	Assigns the following active Custodian:	vities to the Head of IT and the Records	
		a. Develop and maintain a protocol to manage parent requests for copies (electronic and paper) of students' covered information.		
	***************************************	 Develop and maintain a protocol to manage parent requests for corrections to factual inaccuracies contained in a student's covered information. 		
			a protocol to manage parent requests for s covered information maintained by an	
	6.	Ensures that the parent of any student whose covered information was involved in a breach is provided with a breach notification letter no later than 30 calendar days after the District determines a breach has occurred or has been notified by an operator of a breach, unless an appropriate law enforcement agency has requested in writing that the District not provide breach notifications because doing so would		

Actor		Action		
		interfere with a criminal investigation. See 7:345-AP, E3, Parent Notification Letter for Student Data Breach.		
	7.	As appropriate, notifies the District's liability carrier of any third party claims made against the District regarding a data breach.		
	8.	Consults with the Board Attorney for guidance as needed to ensure the District complies with the provisions of SOPPA.		
Head of IT or Privacy Officer	the state of the s	Implements and maintains reasonable cybersecurity practices to protect covered information, such as technical, administrative, and physical safeguards that are consistent with ISBE guidance, at: www.isbe.net/Pages/Educational-Technology.aspx and 6:235-AP1, Acceptable use of the District's Electronic Networks. Coordinates with the Superintendent to implement any staff training on such practices. Coordinates with the Business Manager regarding any recommendations for purchases of equipment or software related to cybersecurity.		
	2.	Creates, maintains, and regularly updates an internal inventory of all Internet websites, online services, online applications, and mobile applications that are being used in the District for K-12 purposes. Note: The inventory does not need to include general audience websites, online services, online applications, or mobile applications, even if login credentials are required to access the general audience sites, services, or applications.		
		The inventory list should include the following, and any other information deemed pertinent:		
		a. Name of Operator		
		b. Contract term and expiration/renewal date		
		c. K-12 purpose for which the online service, application, etc. is being used (e.g., curriculum content area and grade level(s))		
	Library and the state of the st	d. A listing of the <i>data elements</i> of covered information that the District collects, maintains, or discloses to the operator.		
		e. A layperson explanation of the data elements listed for each operator including how the district uses the information, to whom or what entities it discloses the information, and for what purpose(s) the information is used.		
	3.	Ensures the following information is posted on the District's website and updated (if needed) by Jan. 31 and July 31 each year (105 ILCS 85/27(a), added by P.A. 101-516) (See 7:345-AP, E1, Student Covered Information Reporting Form):		
		a. A list of operators with which the District has written contracts. 105 ILCS 85/27(a)(2).		
		b. Copies of the District's written contracts with operators, with redactions as permitted by State law and mutually agreed upon		

Actor	Action
	between the District and operators. 105 ILCS 85/27(a)(2).
	c. Business address of each operator. 105 ILCS 85/27(a)(2).
	d. For each operator, a list of any subcontractors to whom covered information may be disclosed or a link to a page on the operator's website that clearly lists that information. 105 ILCS 85/27(a)(3).
	e. An explanation that is clear and understandable by a layperson, of the following (105 ILCS 85/27(a)(1)):
	i. The <i>data elements</i> of covered information that the District collects, maintains, or discloses to any person, entity, third party, or governmental agency.
	ii. To whom or to what entities the covered information is disclosed.
	iii. How the covered information is used.
	iv. The purpose of the disclosure of the covered information.
	f. For breaches involving 10% or more the District's enrolled students, a list of any breaches of covered information maintained by the District or by an operator that includes the following information (105 ILCS 85/27(a)(5), added by P.A. 101-516):
	i. The number of students whose covered information was involved in the breach, unless the breach involves the personal information of students, as defined by the Personal Information Protection Act, 815 ILCS 530/10. Personal information means either:
	1. A student's first name or first initial and last name in combination with any one or more of his or her (a) social security number, (b) driver's license number or State ID card number, (c) financial account information (with any required security codes or passwords), (d) medical information, (e) health insurance information, and/or (f) unique biometric data or other unique physical or digital representation of biometric data, when either the name or data elements are not encrypted or redacted or are encrypted or redacted but the keys to unencrypt or unredact or otherwise read the name or data elements have been acquired through the breach of security; or
	2. A student's username or email address, in combination with a password or security question and answer that would permit access to an online account, when either the username or email address or password or security question and answer are not encrypted or redacted or are encrypted or redacted, but the keys to unencrypt or unredact or otherwise read the data elements have been

Actor	Action		
	obtained through the breach of security.		
	g. A written description of the procedures a parent may use to carry out their rights to: (1) inspect and review his/her child's covered information; (2) request electronic or paper copies of his/her child's covered information and (3) request corrections to his/her child's inaccurate covered information under SOPPA. 105 ILCS 85/27(4), added by P.A. 101-516. See 7:345-AP, E4, Notice of Parent Rights Regarding Student Covered Information.		
	4. Posts on the District's website any new operator contracts within 10 business days of the District entering into the contract, along with the information required in items 3.a. through 3.e. listed immediately above. 105 ILCS 85/27(c), added by P.A. 101-516.		
	5. Promptly notifies the Superintendent of any breach of covered information or other personal information of students so that appropriate notices can be provided.		
Business Manager or Privacy Officer	Assists Head of IT in creating, maintaining, and updating the internal inventory list referenced in the row above. Reviews operator contracts (including electronic agreements, click wrap agreements, or other terms and conditions a user must agree to before using the product or service) before approval to ensure they contain the provisions required by SOPPA (this can also be accomplished through the Business Manager's participation in the Committee described above).		
	The following provisions are required for contracts entered into, renewed, or amended as of 7-1-21, if the operator is seeking in any manner any covered information from the District (105 ILCS 85/15(4) and 85/27(e), added by P.A. 101-516):		
	a. A listing of the categories or types of covered information to be provided to the operator.		
	b. A statement of the product or service being provided to the District by the operator.		
	c. A statement that, pursuant to the federal Family Educational Rights and Privacy Act of 1974 (FERPA), the operator (1) is acting as a school official with a legitimate educational interest, (2) is performing an institutional service or function for which the District would otherwise use employees, (3) is under the direct control of the District, with respect to the use and maintenance of covered information, (4) is using the covered information only for an authorized purpose and (5) may not re-disclose covered information to third parties without the District's permission or pursuant to a court order.		
	d. A description of how, if a breach is attributed to the operator, any costs and expenses incurred by the District in investigating and		

Actor	Action
	remediating the breach will be allocated between the operator and District. The costs and expenses may include, but are not limited to: (1) providing notification to parent of those students whose covered information was compromised and to regulatory agencies or other entities as required by law or contract, (2) providing credit monitoring to those students whose covered information was exposed in a manner during the breach that a reasonable person would believe that it could impact his or her credit or financial security, (3) legal fees, audit costs, fines, and any other fees or damages imposed against the school as a result of the security breach; and (4) providing any other notifications or fulfilling any other requirements adopted by the ISBE or of any other State or federal laws
	e. A statement that the operator must delete or transfer to the school all covered information if the information is no longer needed for the purposes of the written agreement and to specify the time period in which the information must be deleted or transferred once the operator is made aware that the information is no longer needed for the purposes of the written agreement.
	f. If the District maintains a website, a statement that the District must publish the written agreement on the District's website. If the school does not maintain a website, a statement that the District will make the written agreement available for inspection by the general public at its administrative office.
	g. A provision requiring the operator to implement and maintain reasonable security procedures and practices that otherwise meet or exceed industry standards designed to protect covered information from unauthorized access, destruction, use, modification, or disclosure.
	3. As permitted by State law, obtains the operator's agreement regarding what provisions, if any, of the contract will be redacted in the copy that is posted on the District's website. Items 2.a, 2.b, and 2.c in the list immediately above may NOT be redacted in the posted copy.
	4. Ensures that the District also has written agreements in place that include the provisions listed in #2 above whenever it shares, transfers, discloses, or provides access to a student's covered information to an entity or individual, other than the student's parent, school personnel, Board members, or ISBE, unless the disclosure or transfer is (1) required by court or State or federal law or (2) to ensure legal or regulatory compliance. 105 ILCS 85/26(2), added by P.A. 101-516.
	5. With the authorization of the Superintendent, consults with the Board Attorney as needed for contract review.
	6. Provides a copy of all operator contracts to the Head of IT for posting on the District's website.

Actor	Action		
Head of IT and Records Custodian or Privacy Officer	Develops and maintains a protocol to manage parent requests to inspect and review their child's covered information, whether it is maintained by the District, ISBE, or an operator. 105 ILCS 85/33(c)(1), added by P.A. 101-516. If the covered information is a school student record, then follow the procedures and timelines for responding to student record requests in 7:340-AP1, School Student Records.		
	2. Develops and maintains a protocol to manage parent requests for copies (electronic and paper) of students' covered information. Aligns the protocol with the following requirements (105 ILCS 85/33(c)(2), added by P.A. 101-516):		
	a. A parent must submit the request on a signed and dated form that includes the parent's name, address, phone number, and the student's name, and the school from which the request is being made. 23 Ill.Admin.Code §380.20(b). See 7:345-AP, E5, Parent Request Form for Student Covered Information.		
	b. The District must provide the parent with a copy of the student's covered information within 45 days of receipt of the request. 23 Ill.Admin.Code §380.20(a).		
	c. If the parent requests an electronic copy of the student's covered information, the District must provide an electronic copy of the information at no cost, unless the District does not maintain it in an electronic format and reproducing the information in an electronic format would be unduly burdensome to the District. 23 III.Admin.Code §§380.20(a), 380.30(a).		
	d. If the parent requests a paper copy of the student's covered information, after providing the first 50 pages at no cost, the District may charge the parent the actual cost of copying, not to exceed \$0.15 per page. However, the parent may not be denied a copy of the information due to the parent's inability to pay the cost of copying. 23 Ill.Admin.Code §380.30(b).		
	e. A parent may make no more than two requests per student per fiscal quarter. 23 Ill.Admin.Code 380.20(d).		
	f. If the covered information requested includes data on more than one student, the parent may inspect and review only the covered information relevant to the parent's child.		
	g. If the covered information is a <i>school student record</i> , then follow the procedures and timelines for responding to student record requests in 7:340-AP1, <i>School Student Records</i> .		
	3. Develops and maintains a protocol to manage parent requests for corrections to factual inaccuracies contained in a student's covered information. See 7:345-AP, E6, <i>Parent Request Form for Correction</i>		

Actor	Action		
	of Student Covered Information. Aligns the protocol with the following requirements (105 ILCS 85/33(c)(3), added by P.A. 101-516):		
	a. The District must determine whether the factual inaccuracy exists.		
	b. If the District determines that a factual inaccuracy exists, and the District maintains or possesses the covered information, it must correct the inaccuracy and confirm the same with the parent within 90 calendar days after receiving the parent's request.		
	c. If the District determines that a factual inaccuracy exists and an operator or ISBE maintains or possesses the information, the District must notify the operator or ISBE of the factual inaccuracy and correction to be made. The operator or ISBE must confirm the correction with the District within 90 calendar days after it receives the District's notice. The District must then confirm the correction with the parent within 10 business days after receiving confirmation of the correction from the operator or ISBE.		
	d. If the covered information is a <i>school student record</i> , and the parent requests a hearing to challenge the accuracy of the record(s), follow the procedures and timelines in 7:340-AP1, <i>School Student Records</i> .		
	4. Develops and maintains a protocol to manage parent requests for deletion of a student's covered information maintained by an operator. Align the protocol with the following requirements:		
	a. Deny the request if granting it would result in a violation of the Ill. School Student Records Act or other records laws, such as the deletion of a <i>school student record</i> (temporary or permanent) that the District is required by law to maintain for a certain period of time. 105 ILCS 85/27(g), added by P.A. 101-516.		
	h. Consider denying the request if granting it would effectively result in the student being unable to participate in all or a portion of the District's curriculum through the site, service, or application being used. 8		
Building Principal(s) or Privacy Officer	1. Ensures that parents are provided with 7:345-AP, E2, Student Data Privacy; Notice to Parents About Educational Technology Vendors, at the beginning of each school year through distribution of school		

The footnotes should be removed before the material is used

 $^{8\ 105\} ILCS\ 85/27(g)$ does not list this item as an exception to a parent request for deletion; however, it is included to help districts manage a potentially common scenario.

Actor	Action	
	handbooks or other means generally used by the building to provide such notices to parents. 9 105 ILCS 85/28(e), added by P.A. 101-516.	
	2. Promptly communicates any parent requests for copies of, corrections to, or deletion of students' covered information to the Records Custodian and Head of IT.	
Staff Members	. Participate in any District-required trainings on the privacy and security of student data.	
	2. Refrain from using any new online sites, services, or applications that collect any student data or covered information that have not be pre-approved for use by the District.	
	3. Be familiar with and abide by policy 6:235, Access to Electronic Networks, and 6:235-AP1, Acceptable Use of the District's Electronic Networks.	

K-12 Data Privacy and Cybersecurity Resources:

www.isbe.net/Pages/Educational-Technology.aspx

www.studentprivacy.ed.gov/

www.ltcillinois.org/services/dataprivacy/

www.studentprivacycompass.org

www.k12cybersecure.com/resources/

www.cosn.org/ProtectingPrivacy

Attai, Linnette. Student Data Privacy: Building a School Compliance Program. (Rowman & Littlefield, 2018).

The footnotes should be removed before the material is used

⁹ Members of the III. Principals Association (IPA) may subscribe to the IPA's Model Student Handbook Service, which is aligned with IASB's policy services. For more information, see: www.ilprincipals.org/resources/model-student-handbook.

November 2021 7:345-AP, E4

Students

Exhibit – Notice of Parent Rights Regarding Student Covered Information

Post on the District's website a description of the procedures parents/guardians may use to carry out their rights under 105 ILCS 85/33 regarding their children's covered information, as required by 105 ILCS 85/27(4).

The contact information for the District's Privacy Officer or other staff member designated to respond to parent/guardian requests for their child's covered information follows:

Vame		 	
Address		 	
Email		 	

Telephone

Under the Illinois Student Online Personal Protection Act (SOPPA), you have the right to review your child's *covered information*. Covered information means personally identifiable information (PII) or information linked to PII in any media or format that is not publicly available and is any of the following: (1) created by or provided to an operator by a student or the student's parent/guardian in the course of the student's or parent/guardian's use of the operator's site, service or application; (2) created by or provided to an operator by an employee or agent of the District; or (3) gathered by an operator through the operation of its site, service, or application. Operators are entities (such as educational technology vendors) that operate Internet websites, online services, online applications, or mobile applications that are designed, marketed, and primarily used for K-12 school purposes.

Under SOPPA, you have a right to:

- 1. Request to inspect and review your child's covered information, whether it is maintained by the District, the Ill. State Board of Education (ISBE), or an operator.
 - a. The District will provide you with the opportunity to inspect and review your child's covered information within the timeframe prescribed by State rules.
 - b. If the covered information requested includes data on other students, your access will be limited to the covered information relevant to your child.
 - c. If the covered information you request includes your child's school student records, the District will permit you to inspect and review any school student records of your child in accordance with the District's procedures for student records requests. See 7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records.
- 2. Request a copy of your child's covered information, in electronic or paper form.
 - a. The District will provide the copy to you within 45 days of your request.
 - b. If you request an electronic copy, the District will provide you the copy in an electronic format at no cost, unless the District does not maintain the information in electronic format and reproducing it in an electronic format would be unduly burdensome to the District.

- c. If you request a paper copy, after the first 50 pages, the District will charge you \$0.15 per page. However, you will not be denied a copy if you have an inability to pay.
- d. You are limited to two requests per child per fiscal quarter.
- e. If the covered information you request includes your child's school student records, the District will provide a copy of your child's school student records to you in accordance with the District's procedures for student records requests. See 7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records.
- 3. Request corrections to factual inaccuracies contained in your child's covered information. Upon receipt of a request, the District will take the following steps:
 - a. The District will review your request and determine if the factual inaccuracy exists.
 - b. If the District determines that a factual inaccuracy exists, and the District maintains or possesses the covered information, it will correct the inaccuracy and confirm the correction with you within 90 calendar days after receiving your request.
 - c. If the District determines that a factual inaccuracy exists and an operator or ISBE maintains the information, the District will notify the operator or ISBE of the factual inaccuracy and the correction to be made. The operator or ISBE is required to confirm the correction with the District within 90 calendar days after it receives the District's notice. The District will then confirm the correction with you within 10 business days after it receives the confirmation of the correction from the operator or ISBE.
 - d. If the covered information you are requesting be corrected includes your child's school student records, the District will follow its procedures for amendment of student records with respect to those school student records. See 7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records.

To make a request to inspect and review, copy, and/or correct your child's covered information, please contact the staff member identified above and specify the nature of your request. You will need to submit your request in writing, utilizing any form the District requires.

Students

Exhibit - Parent Request Form for Student Covered Information

To be used when a parent/guardian is requesting their child's covered information under the Student Online Personal Protection Act. A parent/guardian is limited to two requests per child per fiscal quarter. If the covered information requested includes data on more than one student, the parent/guardian may inspect and review only the covered information relevant to his/her child.

Parent/Guardian Name:	Phone Number:
Address:	Email:
Student Name:	School:
I request an (choose one): Electronic Copy from the following operator(s):	
Parent/Guardian Signature	Date
Completed by the Records Custodian or Privacy Off	-
Request received on:	
Covered Information due to parent/guardian on:	
Operator contacted on:	
Covered information received from operator on:	
Covered information provided to parent/guardian on	
Check, if applicable:	
Paper copy was provided instead of electronic information in an electronic format and reprovould be unduly burdensome to the District. 23	oducing the information in an electronic format
Record Custodian or Privacy Officer Signature	Date

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Students

Exhibit - Parent Request Form for Correction of Student Covered Information

To be used when a parent/guardian is requesting corrections to factual inaccuracies in his/her child's covered information under the Student Online Personal Protection Act.

Parent/Guardian Name:	Phone Number:	
Address:	Email:	
Student Name:	School:	
Name of Operator:		
Correction Requested (please be specific and iden why):		
Parent/Guardian Signature		
Completed by the Records Custodian or Privacy O		
Request received on:		
Request Approved. A factual inaccuracy was f	ound, and the District will correct it.	
Request Denied (check applicable box):		
☐ A factual inaccuracy was not found. The p	parent/guardian was informed on:	
	rent/guardian was informed on res for amendment of student records because the ecords.	
Operator received request for correction on:		
Operator confirmed correction on:(within 90 calendar days of receipt of District notice)	
Correction confirmed with parent/guardian on:confirmation)	(within 10 business days of operator	
Record Custodian or Privacy Officer Signature	 Date	

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Community Relations

Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided an opportunity to participate in all school-sponsored services, programs, or activities and will not be subject to illegal discrimination. When appropriate, the District may provide to persons with disabilities aids, benefits, or services that are separate or different from, but as effective as, those provided to others.

The District will provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, website, or activity operated in existing facilities shall be readily accessible to, and useable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Superintendent or designee is designated the Title II Coordinator and shall:

- 1. Oversee the District's compliance efforts, recommend necessary modifications to the School Board, and maintain the District's final Title II self-evaluation document, update it to the extent necessary, and keep it available for public inspection for at least three years after its completion date.
- 2. Institute plans to make information regarding Title II's protection available to any interested party.

Individuals with disabilities should notify the Superintendent or Building Principal if they have a disability that will require special assistance or services and, if so, what services are required. This notification should occur as far in advance as possible of the school-sponsored function, program, or meeting.

Individuals with disabilities may allege a violation of this policy or federal law by reporting it to the Superintendent or designated Title II Coordinator, or by filing a grievance under the Uniform Grievance Procedure.

LEGAL REF.: Americans with Disabilities Act, 42 U.S.C. §§12101 et seq. and 12131 et seq.; 28

C.F.R. Part 35.

Rehabilitation Act of 1973 §104, 29 U.S.C. §794 (2006).

105 ILCS 5/10-20.51.

410 ILCS 25/, Environmental Barriers Act.

71 Ill.Admin.Code Part 400, Illinois Accessibility Code.

CROSS REF.: 2:260 (Uniform Grievance Procedure), 4:150 (Facility Management and Building

Programs)

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Community Relations

Administrative Procedure - Parental Involvement

Building Principals shall advocate effective, comprehensive family involvement in education that will promote parents/guardians becoming active partners in education. Building Principals shall, at least once every semester, provide a written report to the Superintendent on parental involvement programs and efforts in their buildings. This administrative procedure identifies opportunities for parental involvement.

The District or school provides notices to parents/guardians on the following topics (list may not be exhaustive):

Public hearing on holding school or scheduling teachers' institutes, parent-teacher conferences, or staff development on certain holidays. 105 ILCS 5/24-2(b)(2).

Free and reduced-price food service. 7 C.F.R. §245.5; 23 Ill.Admin.Code §305.10(c).

Fee waiver. 23 Ill.Admin.Code §1.245.

Applications of pest control and/or lawn care products. 225 ILCS 235/10.3, 415 ILCS 65/3.

Instruction on recognizing and avoiding sexual abuse. 105 ILCS 5/27-13.2.

Parental school visitation rights. 820 ILCS 147/25.

Child's placement in English learner programs. 105 ILCS 5/14C-4.

Major school-sponsored events, including parent-teacher conferences, given to non-custodial parents. 105 ILCS 5/10-21.8.

Unexplained absence from school of a student in K-8 (within two hours). 105 ILCS 5/26-3b.

Graduation requirements, particularly when a student's eligibility for graduation may be in question. 23 Ill.Admin.Code §1.440(e).

A student's suspension and/or expulsion. 105 ILCS 5/10-22.6.

Electronic audio and/or visual recording devices if located on school buses. 720 ILCS 5/14-3(m).

Physician who prescribes District's supply of epinephrine injectors is protected from liability, with limited exceptions. 105 ILCS 5/22-30(c).

Availability of the District report card. 105 ILCS 5/10-17a(5).

District's intent to withdraw from a special education joint agreement, if applicable. 105 ILCS 5/10-22.31, amended by P.A. 101-164.

See also:

6:170-AP2, Notice to Parents Required by Elementary and Secondary Education, McKinney-Vento Homeless Assistance, and Protection of Pupil Rights Laws

7:190-E2, Student Handbook Checklist

7:340-AP1, E1, Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records

State laws have created parental involvement opportunities on the following topics:

Students Records

Parents/guardians have many rights concerning their student's school records, including the right to access the records (105 ILCS 10/5); the right to challenge the content (105 ILCS 10/7); and a non-custodial parent has the right to receive copies of school correspondence and reports (105 ILCS 5/10-21.8).

Parent-Teacher Advisory Committees

The School Board establishes a parent-teacher advisory committee(s) on student discipline and behavior interventions for special education students. 105 ILCS 5/10-20.14 and 5/14-8.05(c).

Curriculum Involvement

- The District must involve the parents/guardians of a child with disabilities in their child's education and placement. 20 U.S.C. §1414 and 1415; 34 C.F.R. §300.322, 501, 503, 504, 507 and 508; 105 ILCS 5/14-1 et seq., 23 Ill.Admin.Code §§226.500, 510, 520, 530 and 610.
- If parent(s)/guardian(s) opts their child(ren) out in writing, the student is not required to take National Sex Education Standards (NSES) classes or courses. 105 ILCS 5/27-9.1a(d), added by P.A. 102-522, and 110/3, and see also 6:60-AP1, E1, Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs.
- A parent/guardian has the right to examine instructional materials to be used in National Sex Education Standards (NSES) classes or courses. 105 ILCS 5/27-9.1a(e), added by P.A. 102-522, and 110/3. See also 2:250-E2, Immediately Available District Public Records and Web-Posted Reports and Records, and 6:60-AP1, E1, Notice to Parents/Guardians of Sexual Abuse and Assault Awareness and Prevention Education; Requests to Examine Materials; Written Objection(s) and/or Opt-outs.
- The Board determines the instructional program with involvement of parents/guardians. 23 Ill.Admin.Code §1.410.
- The District may consult with parent/guardian on an individual remediation plan for students demonstrating a proficiency level comparable to the average pupil performance one grade or more below current placement. 105 ILCS 5/2-3.64(b), repealed by P.A. 98-972, eff. 8-15-14; however, there is no penalty for continuing this practice when it is in the best interests of a student.
- The District must notify parents/guardians of graduation requirements and when a student's eligibility for graduation may be in question. 23 Ill.Admin.Code §1.440(e).
- The Board may use parent/guardian volunteers as: (1) assistants under the immediate supervision of a certificated teacher (105 ILCS 5/10-22.34); (2) supervisors, chaperones, or sponsors for non-academic activities (105 ILCS 5/10-22.34a); and (3) guest lecturers or resource persons under the immediate supervision of a certificated teacher (105 ILCS 5/10-22.34b).
- Upon a parent/guardian's request, a student must be released for religious instruction or observance. 105 ILCS 5/26-1(5).
- The District must post the school report card on its website and, upon request, send it to parents/guardians. If the District does not maintain a website, the report card must be sent to parents/guardians without request. The District must send a written notice home to parents/guardians stating: (1) that the report card is available on the website; (2) the website address; (3) that a printed copy will be sent upon request; and (4) the telephone number to call to request a printed copy. 105 ILCS 5/10-17a.

Conferences and Hearings

- The District must notify parents/guardians and consult with them and keep them involved with the education and placement of their child with disabilities. 20 U.S.C. §1414 and 1415; 34 C.F.R. §300.322, 501, 503, 504, 507 and 508; 105 ILCS 5/14-1 et seq., 23 Ill.Admin.Code §§226.500, 510, 520, 530 and 610.
- If applicable, the District must notify all parents/guardians of students with disabilities residing in the District of its intent to withdraw from the special education joint agreement and hold a public hearing to review the District's plan for educating students after the withdrawal. 105 ILCS 5/10-22.31, amended by P.A. 101-164.

Parents/guardians have the right to an unpaid leave from work to attend educational or behavioral conferences. 820 ILCS 147/1 et seq.

The District may use two days for parent-teacher conferences and may add more days to the teacher work year subject to collective bargaining. 105 ILCS 5/3-11.

A non-custodial parent receives notices of parent-teacher conferences. 105 ILCS 5/10-21.8.

A hearing with the parents/guardians must precede a student's expulsion. 105 ILCS 5/10-22.6(a).

Report on Parental Involvement

Parental involvement must be included in the school report card. 105 ILCS 5/10-17a.

The following Board policies provide opportunities for parental involvement:

School Board	
2:150	Committees
2:260	Uniform Grievance Procedure
Operational Ser	
4:10	Fiscal and Business Management
4:110	Transportation
4:130	Free and Reduced-Price Food Services
4:140	Waiver of Student Fees
4:160	Environmental Quality of Buildings and Grounds
4:170	Safety
Personnel	
5:230	Maintaining Student Discipline
Instruction	
6:60	Curriculum Content
6:120	Education of Children with Disabilities
6:140	Education of Homeless Children
6:145	Migrant Students
6:150	Home and Hospital Instruction
6:160	English Learners
6:170	Title I Programs
6:180	Extended Instructional Programs
6:190	Extracurricular and Co-Curricular Activities
6:235	Access to Electronic Networks
6:270	Guidance and Counseling Program
6:280	Grading and Promotion
6:300	Graduation Requirements
6:310	High School Credit for Non-District Experiences; Course Substitutions; Re-Entering Students
6:340	Student Testing and Assessment Program
Students	
7:15	Student and Family Privacy Rights
7:20	Harassment of Students Prohibited
7:30	Student Assignment and Intra-District Transfer
7:40	Nonpublic School Students, Including Parochial and Home-Schooled Students
7:50	School Admissions and Student Transfers To and From Non-District Schools
7:60	Residence

7:70	Attendance and Truancy
7:80	Release Time for Religious Instruction/Observance
7:90	Release During School Hours
7:100	Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students
7:165	School Uniforms
7:170	Vandalism
7:180	Prevention of and Response to Bullying, Intimidation, and Harassment
7:185	Teen Dating Violence Prohibited
7:190	Student Behavior
7:200	Suspension Procedures
7:210	Expulsion Procedures
7:220	Bus Conduct
7:230	Misconduct by Students with Disabilities
7:240	Conduct Code for Participants in Extracurricular Activities
7:250	Student Support Services
7:260	Exemption from Physical Education
7:270	Administering Medicines to Students
7:275	Orders to Forgo Life-Sustaining Treatment
7:280	Communicable and Chronic Infectious Disease
7:285	Food Allergy Management Program
7:290	Suicide and Depression Awareness and Prevention
7:300	Extracurricular Athletics
7:305	Student Athlete Concussions and Head Injuries
7:340	Student Records
Communit	y Relations
8:30	Visitors to and Conduct on School Property
8:90	Parent Organizations and Booster Clubs

Parental Involvement School-level parental involvement programs include:

1. Keeping parents/guardians thoroughly informed about their child's school and programs.

Develop and distribute a comprehensive student handbook.

Distribute information to parents/guardians on their school visitation rights.

Promote open houses.

Promote parent/guardian-teacher conferences.

Provide progress reporting and report cards, and keep parents/guardians informed when their child is not adequately progressing and there is a likelihood of retention.

Publish newsletters.

Sponsor financial information nights.

2. Encouraging involvement in their child's school and education.

Support and encourage parents/guardians volunteer opportunities.

Work with the PTO to promote parents/guardians volunteer opportunities.

Develop and use outreach programs to community groups and organizations.

3. Establishing effective two-way communication between all parents/guardians and District personnel.

Monthly Building Principal coffees.

Work with PTO leadership to ensure parental input.

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Train personnel to collaborate with families of diverse backgrounds, including backgrounds that might impede parental/guardian participation, e.g., illiteracy or language difficulty.

4. Seeking the advice of parents/guardians on school governance issues and methods to fulfill the District's educational mission.

Work with PTO leadership to ensure parental input.

Establish a school-community advisory committee to identify, consider, and discuss educational problems and issues.

5. Informing parents/guardians how they can assist their children's learning

Provide information to parents/guardians about activities they can do at home.

Provide programs on how to establish a home environment that supports learning and appropriate behavior.

Implement a homework-hotline.

Community Relations

Relations with Other Organizations and Agencies

The District shall cooperate with other organizations and agencies, including but not limited to:

- County Health Department
- Law enforcement agencies
- Fire authorities
- Planning authorities
- Zoning authorities
- Illinois Emergency Management Agency (IEMA), local organizations for civil defense, and other appropriate disaster relief organizations concerned with civil defense
- Other school districts

CROSS REF.:

1:20 (District Organization, Operations, and Cooperative Agreements), 4:170 (Safety), 4:180 (Pandemic Preparedness; Management; and Recovery), 5:90 (Abused and Neglected Child Reporting), 7:150 (Agency and Police Interviews)