

**DRAFT**

January 24, 2001

01-0124-PO3

**RETENTION OF STUDENT RECORDS**

**Purpose:**

To establish the foundation to bring records keeping of the "Permanent Student Record" and "Temporary Student Record" in the Chicago Public Schools into compliance with the statutes of the State of Illinois, the Family Educational Rights and Privacy Act of 1974, the Administrative Code of the Illinois State Board of Education and rules of the Local Records Commission of Cook County.

To provide operating efficiencies and protection for records within Chicago Public Schools, easier access to information and to prepare for future use of electronic data to satisfy State of Illinois requirements.

Administrative procedures implementing this policy will be published and training of principals and administrators have been conducted.

Student records contain information pertaining to the health, education and welfare of the individual student and they are needed by school personnel implementing a positive program for each student. The concern for privacy for the individual while having the information available for staff making educational decisions is a common need to all and is of utmost importance in this policy. This policy achieves a sensitive balance between these concerns and their legal, ethical and practical aspects.

**Present Policy:** The Family Educational Rights and Privacy Act of 1974

The present policy, *Guidelines for Maintenance of Student Records*, was approved November 13, 1974. The policy does not provide a retention period for the various student records and it does not meet the standards required in the Family Educational Rights and Privacy Act of 1974. The current policy 74-1095-1 will be rescinded with the adoption this policy.

**History of Board Action:**

The Board approved Board Report 74-1095-1, *Guidelines for Maintenance of Student Records*, on November 13, 1974.

**Scope of the Policy:**

This policy shall be followed by Chicago public schools, regions and central office departments. Each principal and administrator with his/her staff shall assume the responsibility for safeguarding the confidentiality and protection of student record files.

**Background:**

The Board of Education of the City of Chicago is a public (Body) agency and therefore is governed by the Local Records Act, [50 ILCS 205/1]. As a school district, CBOE is further regulated by the Illinois School Student Records Act [105 ILCS 10/1-105 ILCS 10/10] and the Family Educational Rights and Privacy Act of 1974.

The Board has assigned responsibility for administration of the policy to the Board Secretary. All questions related to records retention, records management and records destruction should be directed to the Secretary.

The student's record shall contain the official data, which will enable both school and parent to understand and aid the student in furthering his or her education.

**Definitions**

**Student** - Any person enrolled or previously enrolled in a school. [105 ILCS 10/2]

**School** - Any public preschool, day care center, kindergarten, nursery, elementary or secondary educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include a private or non-public school.

**State Board** – the Illinois State Board of Education.

**School Student Record** –Any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under the Illinois School Student Records Act: writings or other recorded information maintained by an employee of a school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of the Illinois School Student Records Act. School student records shall not include information maintained by law enforcement professionals working in the school.

In the context of Chicago Public Schools, The Student Record can be a document such as the Registration Card or several documents within a folder such as the Student Health Folder (Medical Record) and the Special Education Folder and the Student Temporary "Cum" Folder.

**Student Permanent Record** – The minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level, parents' names and addresses, attendance records, and such other entries as the State Board may require or authorize. The Illinois School code [105 ILCS 5/2-3.64 (a)] requires that the highest scores and performance levels attained by the student from the Prairie State Achievement Examination be included in the student's permanent record. The student's permanent record must also include the record of release of permanent record information in accordance with [105 ILCS 10 Section 6(c)].

The Illinois State Board of Education further defines a "Student Permanent Record" as consisting of the basic identifying information listed above plus the student's birth place, and gender; academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations; attendance records; accident reports and health record. The permanent record may also include honors and awards received; and information concerning participation in school sponsored activities or athletics, or offices held in school-sponsored organizations.

**Student Temporary Record** – All information contained in a school student record but not contained in the Student Permanent Record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board.

In addition, the Student Temporary Record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another. For Chicago public school students, this includes records related to the Chicago Public Schools Uniform Disciplinary Code (UDC) Group numbers 4 through 6.

The Illinois State Board of Education requires the "Student Temporary Record" to include a record of release of temporary record information in accordance with Section 6 (c) of the Act and scores received on State assessment tests administered in the elementary grade levels (i.e., Kindergarten through grade 8).

The "Student Temporary Record" may include participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations; honors and awards received; teacher anecdotal records and other disciplinary information.

**Parent** – 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. All rights and privileges accorded to a parent shall become exclusively those of the student upon his 18<sup>th</sup> birthday, graduation from secondary school, marriage or entry into military service, which ever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

**Public Record**--- The Local Records Act defines a "Public Record" as any book, paper, map, photograph, digitized electronic material, or other official documentary material regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to the law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the State or the State Government or because of the informational data contained therein.

#### **Student Records Services**

The Chicago Public Schools Student Records Services (formerly Student Records Depository) is the storage facility for the long-term storage of Student Permanent Records and Student Temporary Records. Temporary and Permanent records shall never be included in the same file folder or in the same records box.

#### **Policy Text**

The Chicago Public Schools will inform parents of their rights under the Family Educational Rights and Privacy Act by publishing this information annually in the Chicago Educator.

Parents may request a copy of the policy by writing the Freedom of Information Officer – Sixth Floor; 125 South Clark Street; Chicago, Illinois 60603.

Parents may review and inspect the student records of their child by writing the school and requesting to review the records. The school will arrange a schedule with the parent so that the parent can review the records within 15 days of the school's receipt of the request. The school will have a professional present while the records are reviewed. The parent has the option of requesting the school to provide a professional or employing their own professional help interpret the records. The parent will pay for a professional hired by the parent. The professional provided by the school will be at no cost to the parent. The parent shall indicate in the written request if they are bring a professional to help interpret the record.

The school may charge the parent for copies of the records at a rate not to exceed the published rate from the Freedom of Information Officer or as established by law, which ever is less. No parent or student shall be denied a requested copy of school student records due to inability to bear the cost of such copying.

#### **Chicago Public Schools "Student Permanent Record":**

For Chicago Public Schools, the **Registration Card (Form EL 104 )** and only the Registration Card satisfies the requirement of the "Student Permanent Record" for elementary schools.

- This record shall be filed and maintained at the school where it was first prepared for eight (8) years after the student has left the school.

- At which time the Student Permanent Record is transferred to the Student Records Services.
- It shall then be kept in accessible and retrievable form in the Student Records Services for a total of 60 years after the student has left the school.
- The Registration Card is never transferred with the student.
- A new Registration Card is prepared at every elementary school the student attends. It is not forwarded to the student's high school. The Registration Card should never leave the school where the record was prepared, until transferring to the Student Records Services.
- The "Permanent Student Record" (The Registration Card) for all former students (students who have transferred, graduated, or otherwise withdrawn from the school) shall be kept as one file in the schools. These records shall not be separated into students who have graduated and those who have not graduated.

**The Transcript Envelope (Form H I 115A Rev 9/84)** is the "Permanent Student Record" for high schools.

- The Transcript Envelope shall remain in the high school where it was first prepared for eight (8) years after the student has transferred, graduated, or otherwise withdrawn from the school and then it shall be moved to the Student Records Services.
- The Transcript Envelope (*or any similar form* that preceded that form) should never leave the school where the record was first prepared, until transferring to the Student Records Services.
- The Transcript Envelope for ALL former students shall be kept as one file in the schools. This record shall not be separated into students who have graduated and those who have not graduated.

**The Student Health Folder** in the Chicago Public Schools satisfies the requirement for "Permanent Student Record" health information. Specifically, the immunization record and the last examination form (Illinois Department of Public Health Certificate of Infant and Toddler Health Examination or the Certificate of Child Health Examination) shall be part of this record.

- The Student Health Folder is transferred to the school where the student transfers within the CPS system only upon written request from the receiving school.
- If the student transfers out of the Chicago public school system, the records within the Student Health Folder may be copied and sent to the new out-of-district school upon written request from the student's parent or guardian.
- Student Health Folders for former students that are stored in the school can be boxed and transferred to the Student Records Services and records of students who leave the school can be transferred to the Student Records Services annually.
- Student Health folders (a Student Permanent Record) and the Special Education folder (a Student Temporary Record) shall not be made one file or be transferred to the Student Records Services in the same records box.
- Special Education folders (a Student Temporary Record) and Student Health folders (a Student Permanent Record) shall not be made one file or be transferred to the Student Records Services in the same records box.

### **CPS Student Temporary Record**

CPS Considers the "Student Temporary Folder" or "Student Cumulative "Cum" Folder" as satisfying the State requirement for the Student Temporary Record and basically always contains the Cumulative Record Card (Form EL109 9/88) if the student attended a CPS elementary school.

- All CPS high schools shall request the elementary school Student Cumulative Folder and the Student's Health Folder for students entering their schools from CPS elementary schools.
- If a student transfers during high school, the receiving high school shall request in writing the Student Cumulative folder from the high school the student previously attended.

**[105ILCS 5/2-3.13a] "Scholastic records; transferring students.** "...whenever any such school has a student who is transferring to any other public elementary or secondary school located in the state, the former school shall forward within 10 days of the student's transfer an unofficial record of that student's grades to the school to which such student is transferring, at the same time, each public school shall also forward the remaining school records.

In addition, if a student is transferring from a public school, whether located in this state or any other state, from which the student has been suspended or expelled for knowingly possessing in a school building or on school grounds a weapon, defined in the Gun Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly possessing, selling or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school, and if the period of suspension or expulsion has not expired at the time the student attempts to transfer, ....any school student records required to be transferred shall include the date and duration of the period of suspension or expulsion..."

### **Right to Inspect Records 105 ILCS 10/5**

A parent or any person specifically designated as a representative by a parent shall have the right to inspect and review any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's temporary and permanent record. No person who is prohibited by an order of protection from inspecting or obtaining school records of a student pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended shall have any right of access to, or inspection of, the school records of that student.

Students shall have the right to inspect and copy his or her own Student Permanent Record.

All rights and privileges accorded parents in this policy shall become the exclusively those of the student upon the student's 18<sup>th</sup> birthday, graduation from secondary school, marriage, entry into the military or becoming an emancipated minor.

Parents shall have the right to challenge the accuracy, relevance or propriety of any entry in the school student records, exclusive of the academic grades of their child and references to expulsions or out of school suspensions. Parents shall have an opportunity for a hearing to challenge the content of their child's school records, to insure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained therein.

Parents shall have the right to insert a statement of reasonable length in their child's school student record setting forth their position on disputed information contained in that record. A copy of that statement shall be included in any subsequent dissemination of the information in dispute.

**Nondisclosure of Records [105 ILCS10/6]**

No personally identifiable school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated with out the written consent of the student's parents to any individual, agency or organization other than the following or as allowed in [105 ILCS10/6].

- (1) To a parent or student or person specifically identified as a representative by the parent.
- (2) To an employee or official of the school or school district or State Board with a current demonstrable educational or administrative interest in the student.
- (3) To an official records custodian or official with similar responsibilities of a school in which the student has enrolled or intends to enroll, upon the request of such official or student.

Parents must be notified in writing prior to the release of records and provided an opportunity to inspect and copy the records, and have an opportunity for a hearing to challenge the content of the record when the records are being sent to the official records custodian of a school where the student has enrolled or intends to enroll or to any person specifically required by State or federal law.

- (4) In connection with the student's application for, or receipt of, financial aid.
- (5) To authorized representatives of the Comptroller General of the United States, the administrative head of an educational agency or State educational authorities to have access to student records or other records which may be necessary in conjunction with an audit and evaluation of a supported educational program, or in connection with the enforcement of legal requirements which relate to such programs; provided, that, except when collection of personally identifiable data is specifically authorized by law, and data collected by such official with respect to individual students shall not include information (including social security number) which would permit the personal identification of such students or their parents after the data so obtained has been collected.
- (6) To any person for the purposes of research, statistical reporting or planning, provided that no student or parent can be identified from the information released and the person to whom the information is released sign an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

Any personally identifiable information contained in personal school records shall not be disclosed to any persons other than those listed above unless:

- There is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student is desired by the parents, or
- Such information is furnished in compliance with a judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the student are notified of all such orders and subpoenas in advance of the compliance therewith.

All persons, agencies or organizations desiring access to the records of a student shall be required to sign a written form which shall be kept for the life of the record with the file of the student, but only for the inspection by the parents or student, indicating specifically the legitimate educational or other interest that each person, agency or organization has in seeking this information. Such form shall be available to parents and to the school official responsible for records maintenance as a means of auditing the operation of the system. Personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

Release of student or parent directories with addresses is prohibited, except as authorized by the Superintendent of Schools (Chief Executive Officer) or the General Counsel. [Board Rule 6-17]

**Records Retention:**

The Secretary of the Board of Education of the City of Chicago has established a Records Retention Schedule approved by the Local Records Commission of Cook County. The Records Retention Schedule is included in the Records Management Procedures for Schools.

The Board has determined that retention based on Date of Birth is the most practical, feasible, operating method to comply with Illinois State retention requirements.

The retention for elementary school "Student Temporary Records" is 21 years after the student's date of birth.

The retention for high school "Student Temporary Records" is 27 years after the student's date of birth.

**The Special Education Student Folder** is defined by the State as a Student Temporary Student Record.

- The Special Education Folder shall be kept until the former student is 27 years old; at which time the Student Records Services will request approval to destroy the record.
- Special Education records for former students shall be sent to the Student Records Services annually.
- The Special Education folder shall be copied for an out of district school upon written request of parent or guardian of record on file. See review procedures.

**Records Disposal:**

[50 ILCS 205/7] of the Illinois statutes states that, "except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained".

Records disposal shall be done only after the *Application for Authority to Dispose of Local Records* has been approved by the Local Records Commission of Cook County.

Prior to disposing of a record, the initiating organization (School or Student Records Services) shall complete an *Application for Authority to Dispose of Local Records* (the official form provided by the Secretary of State).

The Board of Education for the City of Chicago mandates that records be destroyed as soon as the records are eligible for destruction.

Prior to actually destroying any records or files, the Commission must be given written notice of such destruction and the Commission will issue a Records Disposal Certificate (Certificate). After 60 days from issuance of the Certificate, and providing no contrary instruction is received from the Commission, the records may be destroyed.

It is a Class 4 felony to knowingly tamper with records [720 ILCS 5/32-8] (Source: P.A. 77-2638).

No School, Region or Department shall destroy records in anticipation of approvals. Destroying records prior to approval for destruction would be considered as tampering with official records

The disposal shall be performed in the natural course of business. It is good business practice to establish the same time each year to dispose of records eligible for destruction. The destruction must be certified and comply with all environmental regulations.

Records destroyed by fire, flood or natural disaster shall be reported to the secretary within forty-eight (48) hours of the disaster. The secretary shall review the records destroyed and will submit a report to the Local Records Commission of Cook County and the state archivist documenting the destruction of the records prior to their normal destruction date.

Official school student record copies that are maintained in electronic format shall be authenticated and available in a readable format for the duration of the record life.

The secretary may declare some school students records as having historical value and will work with the Local Records Commission of Cook County and the State Archivist to preserve and catalogue these historic records. These archival records shall subject to Student Record Act and shall not be subject to the normal destruction cycle.

Approved:

**Marilyn F. Johnson**  
General Counsel