

March 28, 2001

01-0328-PO2

MAINTENANCE AND RETENTION OF SCHOOL STUDENT RECORDS

THE GENERAL COUNSEL RECOMMENDS THE FOLLOWING:

That the Board adopt the policy on Maintenance and Retention of School Student Records.

PURPOSE:

The existing Policy and Procedures have been superseded and do not meet the standards of the Local Records Act [50 ILCS 205/1 et seq.] and other applicable laws.

- To establish the foundation to bring records keeping of the "Student Permanent Record" and "Student Temporary 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, as amended ("FERPA"), the Administrative Code of the Illinois State Board of Education and rules of the Local Records Commission of Cook County ("Local Records Commission").
- 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.
- To provide a legal basis for administrative procedures implementing this policy to be published and for training of principals and administrators.

Student records contain information pertaining to the health, education and welfare of the individual student and are needed by school personnel implementing the educational program for each student while the student is enrolled in the Chicago Public Schools. In addition, the law provides that student records be maintained for specified periods of time for use by the student and/or parent after the student withdraws, transfers or otherwise ceases to be enrolled in the Chicago Public Schools. This policy achieves a balance between the legally mandated maintenance and retention of these records and the Local Records Act and the need for operating efficiency in the Chicago Public Schools.

PRESENT POLICY AND PROCEDURES:

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 by FERPA and the Illinois School Student Records Act and other state law, including the Local Records Act. The current policy 74-1095-1 will be rescinded with the adoption this policy.

Official Bulletin #19, dated January 29, 1985, *Procedures for Maintaining Student Records*, does not meet the current standards of state and federal law and does not comply with the Local Records Act.

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:

As a school district, the Board of Education of the City of Chicago is regulated by the Illinois School Student Records Act ("Act")[105 ILCS 10/1 et seq.] and the Family Educational Rights and Privacy Act of 1974, as amended [20 U.S.C.1232(g)], as well as the Illinois Administrative Code, 23 Ill. Admin. Code 375.10 et seq. In addition, the Board must comply with the Local Records Act, where applicable.

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

The student's record shall contain all relevant school student records, to enable both school and parent to understand and aid the student in furthering his or her education, and will be considered the official records for purposes of the Local Records Act.

DEFINITIONS [105 ILCS 10/2]

Student - Any person enrolled or previously enrolled in a school.

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 "Cumulative" 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 10/6(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 that the “Student Temporary Record” 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 or adoptive 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 18th 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.

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:

I. Introduction

The Chicago Public Schools will inform parents of their rights under the Family Educational Rights and Privacy Act and the Illinois School Student Records Act by giving a copy of this information to the family upon the initial enrollment of the student and annually thereafter. Parents may request a copy of the policy by writing the Freedom of Information Officer – Sixth Floor; 125 South Clark Street; Chicago, Illinois 60603.

II. Chicago Public School Records

A. Student Permanent Record

For the Chicago Public Schools, the Student Permanent Record consists of the following: Registration Card; the Transcript Envelope; and the Student Health Folder.

1. Registration Card (Form EL 104)

In the elementary schools, the Registration Card satisfies the requirement of the “Student Permanent Record”. 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. The Registration Card is then transferred to the Student Records Services where 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.

Student Permanent Records of all students must be kept for at least 60 years after the student has transferred, graduated or otherwise permanently withdrawn from the school. The Student Permanent 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.

2. The Transcript Envelope (Form H I 115A Rev 9/84)

The Transcript Envelope (Form H I 115A Rev 9/84) is the Student Permanent 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 proceeded that form) should never leave the school where the record was first prepared, until transferred 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.

3. The Student Health Folder

The Student Health Folder in the Chicago Public Schools satisfies the requirement for "Student Permanent 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 to which 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 or the receiving school in which the student enrolls or intends to enroll, provided that prior notification has been made to the parent.

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.

B. CPS Student Temporary Record

The Student Temporary Record consists of the following: Student Cumulative Folder and the Special Education Folder.

1. Student Cumulative Folder

CPS Considers the "Student Temporary Folder" or "Student Cumulative Folder" as satisfying the State requirement for the Student Temporary Record. The Student Cumulative Folder 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. Student Temporary Records must be maintained for not less than 5 years after the student has transferred, graduated, or otherwise withdrawn from the school.

2. The Special Education Student Folder

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.

III. 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 & Regions. The Board has determined that retention based on Date of Birth is the most practical and feasible operating method to comply with Illinois state retention requirements.

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

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

IV. Records Disposal

Section 7 of the Local Records Act 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". The Student Records Act and the Illinois Administrative Code do not have specific requirements for destruction of records, but states that student records folders shall be reviewed at least every four years and that information may be removed which is "out-of-date, misleading, inaccurate, unnecessary or irrelevant". However, destruction of those records must be done pursuant to the Local Records Act and must be preceded by notification to the parents or the student of the plan to destroy records.

Records disposal shall be conducted pursuant to the Local Records Act and the Student School Records Act. 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, provided that no contrary instruction is received from the Commission, the records may be destroyed. The destruction of records shall be certified and comply with all environmental regulations and applicable rules of the Local Records Commission, as well as preserve confidentiality of these records pursuant to law.

It is a Class 4 felony to knowingly tamper with any public records [720 ILCS 5/32-8]. No school, region or department shall destroy school student records in anticipation of approvals, other than as provided for in the Student Records Act. Destroying student records prior to approval for destruction would be considered as tampering with public records.

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 and document the records destroyed.

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 State Archivist to preserve and catalogue these historic records. These archival records shall be subject to the Student Records Act and shall not be subject to the normal destruction cycle.

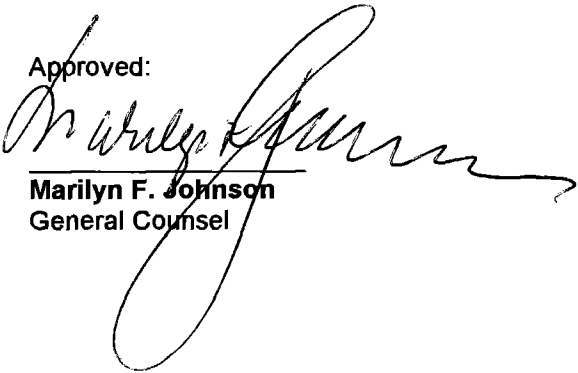
LSC APPROVAL: Not applicable.

AFFIRMATIVE ACTION APPROVAL: Not applicable.

PERSONNEL IMPLICATIONS: None.

Controlling Legal References

The Family Education Rights and Privacy Act of 1974, [20 U.S.C. 1232g, as amended]
Illinois School Student Records Act [105 ILCS 10/1 - 105 ILCS 10/10]
Illinois Administrative Code [23 Ill. Admin. Code 375.10 et seq.]
Scholastic Records; Transferring Students [105 ILCS 5/2-3.13a]
Local Records Act [50 ILCS 205/1]

Approved:

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Noted:

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