

STUDENT RECORDS

Section I - Purpose of Policy - Compliance with Regulations

- A. The purpose of this policy is to comply with applicable laws regarding student records (specifically the Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act and the rules promulgated there under); and to provide and make public the regulations governing student records and the rights granted to students/parents/guardians with respect to school student records.

- B. The Illinois Mathematics and Science Academy, hereinafter referred to as “IMSA”, shall make public any and all applicable rules and regulations relating to the maintenance of, access to, dissemination of, or challenge to school student records.

- C. IMSA shall take reasonable measures to assure that all persons accorded rights or obligations under this policy are informed of such rights and obligations.
 - 1. Upon the initial enrollment of a student, and thereafter on an annual basis, IMSA shall notify the student and the student’s parents/guardians of their rights and obligations.
 - 2. Such notification shall consist of:
 - a. The types of information contained in the permanent and temporary records;
 - b. The right to inspect and copy permanent and temporary records and the cost of copying such records;
 - c. The right to control access and release of school student records and the right to request a copy of information released;
 - d. The rights and procedures for challenging the contents of the school student records;
 - e. The persons, agencies or organizations having access to student records without parents/guardians consent;
 - f. The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school’s schedule for reviewing and destroying such information;
 - g. The categories of information the school has designated as “directory information” and the right of the parents/guardians to prohibit the release of such information;
 - h. A statement informing the parents/guardians that 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 law or this policy;
 - i. The right of the parents/guardians to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district; and
 - j. Any other policies of the school relating to school student records.

- D. All notification under this part to parents/guardians of children classified to be of limited English speaking ability shall be in English and in the language of the child’s primary speaking ability.

- E. IMSA shall take all action necessary to assure that school personnel are informed of the provisions of this policy and applicable law.

Section II - Responsible Official

- A. The President of IMSA shall designate a person as the IMSA official responsible for the implementation of this policy, and hereafter in this policy that person shall be referred to as the “Responsible Official”, or as “Records Custodian”. All inquiries regarding this policy, including student/parent/guardian requests for inspecting and copying of records, shall be directed to the Responsible Official. The Responsible Official shall prepare documents and perform acts necessary to implement this policy and insure IMSA’s compliance with all applicable laws allowing student/parent/guardian review of student records.
- B. The Responsible Official shall be responsible for the maintenance, care, and security of all school student records, and shall take all reasonable measures to prevent unauthorized access to or dissemination of student records.

Section III – Definitions

As used in this policy:

- A. **“Student”** means any person enrolled or previously enrolled in IMSA.
- B. **“School Student Record”** means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by IMSA or at its direction or by an employee of IMSA, regardless of how or where the information is stored. The following shall not be deemed school student records under this policy:
 - 1. Writings or other recorded information maintained by an employee of IMSA or other person at the direction of IMSA for his/her personal and exclusive use when all such writings and other recorded information are destroyed not later than the student’s graduation or permanent withdrawal from the school. No such records or recorded information may be released or disclosed to any person except a person designated by IMSA as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this policy.
- C. **“Student Permanent Record”** means the minimum personal information necessary to IMSA in the education of the student and contained in a school student record. Such information shall consist of:
 - 1. Basic identifying information, including student’s name, gender and -date of birth;
 - 2. Academic transcripts, including grades, credits earned, entry dates, exit or graduation dates, and grade level achieved;
 - 3. Test scores of college entrance examinations;
 - 4. Health records and accident reports; and
 - 5. Record of release of permanent record information.

D. **“Student Temporary Record”** means all information contained in a school student record but not contained in the student permanent record. Such information may consist of:

1. Family background information;
2. Intelligence test scores, group and individual, aptitude test scores;
3. Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews;
4. Any pre-IMSA school student records forwarded from former schools;
5. Participation in extra-curricular activities;
6. Teachers anecdotal records;
7. Disciplinary information;
8. Other verified information of clear relevance to the education of the student;
9. Record of release of temporary record information to individuals not on the IMSA staff.

E. **“Parent/Guardian”** means a person who is the natural parent or guardian of the student or other person who has the primary responsibility for the care and upbringing of the student.

1. All rights and privileges accorded to a parent/guardian under this policy shall become exclusively those of the student upon his/her eighteenth (18) birthday, graduation from IMSA, marriage, or entry into military service, whichever occurs first.
2. Such rights and privileges shall also be exercised by the student at any time with respect to the student’s permanent and temporary school record.

F. **“Employee or Official of IMSA”** means:

1. A duly appointed Trustee of the Board of Trustees of IMSA;
2. An administrator or employee in a supervisory position of IMSA;
3. A teacher employed by IMSA;
4. A person employed by IMSA as a temporary substitute for administrative, supervisory, or instructional personnel for the period of his/her performance as a substitute;
5. A person employed by, under contract to, or otherwise engaged by IMSA to perform a special task such as a secretary, clerk, IMSA attorney, or auditor, etc.

G. **“Legitimate Educational Interest”** means that the person has a need to know in order to:

1. Perform an administrative task required in the school employee’s position description approved by the Board of Trustees;
2. Perform a supervisory or instructional task related to the student’s education;
3. Perform a service or benefit for the student or the student’s family such as health care, counseling, student job placement, or student financial aid.

H. **“Directory Information”** means that information that may be released to the general public unless a parent/guardian requests that any or all such information not be released on his/her child. Directory information shall include:

1. Student's name, address (including email address), telephone number, gender, grade level, date and place of birth, and parents/guardian' names, addresses (including email address), and telephone numbers;
2. Academic awards and honors;
3. Information in relation to school-sponsored activities, organizations and athletics;
4. Period of attendance in school.

Section IV - Permanent and Temporary Records

- A. The official records custodian shall take all reasonable measures to prevent unauthorized access to or dissemination of school student records.
- B. Information contained in or added to a school student record shall be limited to information which is of clear relevance to the education of the student.
- C. Information added to a student temporary record shall include the name, signature and position of the person who has added such information, and the date of its entry into the record.
- D. Student records shall be reviewed, at least, every three (3) years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary, or irrelevant information.

Section V - Special Condition Records

The following conditions apply to certain records maintained by IMSA:

- A. Directory information on students. Any parent/guardian or student adult who wishes to have this information excluded from publication may do so by notifying school officials in writing prior to the first day of school in any school year.
- B. Student discipline records and college admission applicants. If a student is disciplined by the Academy for an offense that is determined by the Academy to be sufficiently egregious, as a condition of the student's disciplinary plan, the student or his or her parents may be required to consent to the disclosure of the discipline, and the reasons therefore, to any colleges, universities, and/or other post-secondary institutions to which the student applies for admission. Offenses that are considered egregious and that may be subject to this requirement include, but are not limited to: theft, assault, possession of a weapon, possession or use of alcohol or an illegal substance, discrimination and/or harassment and academic dishonesty.

In the event of an egregious offense, the Academy is obligated, as required by this policy, to contact the student's college, university and/or other post-secondary institution(s), in order to either withdraw or withhold official Academy letters of recommendation for the student until consent for such disclosure is received.

In other discipline cases, if the Academy is in receipt of college application materials for any student which request disciplinary information, consent to disclose such information should be obtained from the student or parent prior to disclosure. If the student or parent refuses to consent to such disclosure, the Academy should note that it has not received the required consent to disclose the requested information in the appropriate place on the materials

In all cases in which student disciplinary records are disclosed, the Academy should keep a detailed record of the date of the disclosure, a description of what was disclosed, to whom the disclosure was made, etc., as required by Academy Policy JO, Section VIII.C.

Section VI - Retention and Destruction of School Student Records

- A. IMSA shall maintain student permanent records and the information contained therein for not less than sixty (60) years after the student has transferred, graduated, or otherwise permanently withdrawn from IMSA.
- B. IMSA shall maintain student temporary records and the information contained in those records for not less than 5 years after the student has transferred, graduated, or otherwise withdrawn from IMSA. Notwithstanding the foregoing, IMSA may maintain indefinitely anonymous information from student temporary records for authorized research, statistical reporting or planning purposes, provided that no student or parent can be individually identified from the information maintained.
- C. Before any school student record is destroyed or information deleted therefrom, the parent/guardian or student adult shall be given reasonable prior notice and an opportunity to copy the record and information proposed to be destroyed or deleted.

Section VII - Inspection and Access of School Student Records

- A. A parent/guardian or any person specifically designated in writing as a representative by a parent/guardian shall have the right to inspect and copy all school student permanent and temporary records of that parent/guardian's child. A student shall have the right to inspect and copy his/her school student permanent and temporary record.
- B. Whenever access to a school student record is granted, a qualified staff member shall be present to supervise such inspection and to interpret information contained therein. If the parent requests the presence of a professional not employed by the school, the parent/guardian shall bear the cost of that professional.
- C. A parent's/guardian's or student's request to inspect and copy records, or to allow a specifically designated representative to inspect and copy records, shall be in writing and must be granted within a reasonable time, and in no case later than fifteen (15) school days after the date of receipt of such request by the official records custodian.

- D. IMSA may charge the actual cost of copying the records and any mailing cost, provided that such fee shall not exceed the cost of \$.35 per page. If the fee represents an unusual hardship, the records custodian may waive such costs.
- E. Except as required by law, IMSA may deny copies of records in the following situations:
 - 1. The student has an unpaid financial obligation to IMSA;
 - 2. There is an unresolved disciplinary action against the student which warrants the denial of copies.
- F. Nothing contained in this policy shall make available to a parent/guardian or student confidential letters and statements of recommendation furnished in connection with applications for admission to a post-secondary educational institution or the receipt of an honor or honorary recognition, provided such letters and statements are not used for purposes other than those for which they were specifically intended.
- G. Nothing contained in this policy shall be construed to impair or limit the confidentiality of:
 - 1. Communications otherwise protected by law as privileged or confidential, including but not limited to, information communicated in confidence to a physician, psychologist or other psychotherapist; or
 - 2. Information which is communicated by a student or parent/guardian in confidence to school personnel.
- H. 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.

Section VIII - Release of Information: Parties Entitled to Access - Notice to Parent/Guardian - Record of Release – Consent

- A. No school student records or information contained therein may be released, transferred, disclosed, or otherwise disseminated, except as follows:
 - 1. To a parent/guardian or student or person specifically designated as a representative by a parent/guardian; pursuant to Section VII.A.
 - 2. To an employee or official of IMSA, or the State Board with current demonstrable legitimate educational or administrative interest in the student, in furtherance of such interest;
 - 3. 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, provided that the parent/guardian receives prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge such information:
 - a. If the address of the parent/guardian is unknown, notice may be served upon the records custodian of the requesting school for transmittal to the parent/guardian. Such service shall

- be deemed conclusive, and ten (10) calendar days after such service, if the parent/guardian makes no objection, the records may be transferred to the requesting school;
- b. IMSA shall comply with any such requested copy of a transferring student's record to the new school within ten (10) days of receipt of said request unless the record has been flagged as belonging to a missing child as provided in section 5 of "An Act In Relation to Children", in which case the copy shall not be forwarded and IMSA shall notify the Illinois Department of State Police or local law enforcement authority of the request;
 - c. However, if a transferring student has unpaid fines or fees, IMSA may elect to include in the student's record the unofficial record of the student's grade in lieu of the student's official transcript of scholastic records. If IMSA so elects, within ten (10) calendar days after the student has paid all of his/her unpaid fines or fees, IMSA shall forward the student's official transcript of scholastic records to the student's new school.
4. To any person for the purpose 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 signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
 5. Pursuant to a court order, provided that the parent/guardian shall be given prompt written notice upon receipt of such orders of the terms of the order, the nature and substance of the information proposed to be released in compliance with such order, and an opportunity to inspect and copy the school student records and to challenge their contents.
 6. To any person as specifically required by State or Federal law.
 7. To juvenile authorities when necessary for the discharge of their official duties who request information prior to adjudication of the student and who certify in writing that the information will not be disclosed to any other party as provided under law or order of court. For purposes of this Section "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to court order; (v) any individual 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; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court.
 8. In connection with an emergency, to appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons, provided that the parent/guardian are notified as soon as possible of the information released, the date of the release, the person, agency, or organization receiving the information, and the purpose of the release;
 - a. Factors to be considered in determining whether records should be released pursuant to this paragraph include:

1. The seriousness of the threat to the health or safety of the student or other persons;
 2. The need for such records to meet the emergency;
 3. Whether the persons to whom such records are released are in a position to deal with the emergency; and
 4. The extent to which time is of the essence in dealing with the emergency; The requirements and criteria for release of information pursuant to this paragraph shall be strictly construed;
 5. To any person, with the prior specific dated written consent of the parent/guardian designating the person to whom the records may be released, provided that at the time any such consent is requested or obtained, the parent/guardian shall be advised in writing the he/she has the right to inspect and copy such records, to challenge their contents, and to limit any such consent to designated records or designated portions of the information contained therein;
- B. No information may be released pursuant to subparagraphs three (3) and seven (7) of paragraph A of this section unless the parent/guardian receives prior written notice of the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records in accordance with Section VII and to challenge their contents in accordance with Section IX; provided, however, that such notice shall be sufficient if published in a newspaper designated as the official State paper or other publication directed generally to the parent/guardian involved where the proposed release of information is pursuant to subparagraph six (6) of paragraph A in this section and relates to more than twenty-five (25) students.
- C. A record of any release of information pursuant to this section must be made and kept as a part of the school student record and subject to the access granted by Section VIII. Such record of release shall be maintained for the life of the school student records and shall be available only to the parent/guardian and the official Records Custodian. Each record of release shall also include:
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 information, the capacity in which such a request has been made, and the purpose of such request;
 4. The date of the release;
 5. A copy of any consent to such release.
- D. Except for the student and his parent/guardian, no person to whom information is released pursuant to this section and no person specifically designated as a representative by a parent/guardian may permit any other person to have access to such information without a prior consent of the parent/guardian obtained in accordance with the requirements of sub-paragraph nine (9) of paragraph A of this section.

- E. Upon graduation or permanent withdrawal of a student with a disability, psychological evaluations, special education files and other information contained in the student temporary record which maybe of continued assistance to the student may, after five (5) years, be transferred to the custody of the parent/guardian or to the student if the student has succeeded to the rights of the parent/guardian. IMSA shall explain to the student and the parent/guardian the future usefulness of these records.

Section IX – Challenges

- A. Parents/guardians shall have the right to challenge the accuracy, relevance, or propriety of any entry in the school student records of their child except for academic grades.
- B. To make a challenge, the parents/guardians shall make a written request to the responsible official for an informal conference to challenge the contents of a student record, and said written request shall state in specific terms what entries in their student’s record are being challenged or questioned.
- C. An informal conference with the parents/guardians and responsible official shall be held within fifteen (15) school days of the receipt of the written request for the conference.
- D. If the challenge is not resolved by the informal conference, a formal hearing shall be held within fifteen (15) school days of the initial conference, unless an extension of time is agreed upon by the parents/guardians and school officials; and shall be heard by the President, who shall notify parent/guardian and school officials of the time and place of the hearing.
 - 1. At that hearing, each party shall have the rights as outlined by law, including the right to present evidence and to call witnesses, the right to cross-examine witnesses, the right to counsel, the right to a written statement of any decision and the reasons therefore, and the right to appeal an
 - 2. A verbatim record of the hearing shall be made by a tape recorder. adverse decision;
- E. The President, as hearing officer, shall render a decision within ten (10) school days after the conclusion of the hearing and shall transmit this decision immediately to the parents/guardians and Principal. The decision shall be based solely on the information presented at the hearing and shall result in one of the following:
 - 1. To retain the challenged contents of the student record;
 - 2. To remove the challenged contents of the student record; or
 - 3. To change, clarify, or add to the challenged contents of the school record.
- F. The right to appeal an adverse decision to the Board of Trustees shall lapse after twenty (20) school days following transmittal of the decision by certified mail receipt or postmark shall be conclusive proof of transmittal.

- G. If the parents/guardians appeal, they shall so inform the Principal and within ten (10) school days, a transcript of the hearing, a copy of the record entry in question, and other pertinent materials shall be forwarded to the Board of Trustees. Upon receipt of such documents, the Board of Trustees shall examine the documents and records to determine whether IMSA's proposed action in regard to the student's file is in compliance with applicable law, make findings, and issue a written decision to the parents/guardians within twenty (20) school days of the receipt of the appeal documents.
- H. If the subject of the appeal involves the accuracy, relevance, or propriety of any entry in special education records, the Board of Trustees should seek advice from special education personnel:
 - 1. Who were not authors of the entry, and
 - 2. Whose special education skills are relevant to the subject(s) of the entry in question.
- I. The decision of the Board of Trustees shall be considered a final decision; and the parents/guardians shall be deemed to have exhausted their administrative remedies.
- J. A final decision may be appealed to the Circuit Court of Kane County.
- K. Parents/guardians shall also have the right to insert in their child's permanent school student record a statement of reasonable length setting forth their position on any disputed information contained in that record (excluding academic grades). IMSA shall include a copy of such statement in any subsequent dissemination of the information in dispute.

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