

RESCIND BOARD REPORT 13-0424-PO1
STUDENT RECORDS RETENTION POLICY
AND ADOPT A NEW STUDENT RECORDS MANAGEMENT AND RETENTION POLICY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education ("Board") rescind Board Report 13-0424-PO1 Student Records Retention and adopt a new Student Records Management and Retention Policy.

PURPOSE: The purpose of this Policy is to ensure all District and contract schools, including PE (students age three) through 12th grade non-charter schools ("District Schools"), network offices, central office departments, and administrative offices comply with legal obligations to maintain and dispose of Student Records in accordance with the Illinois School Student Records Act, the Local Records Act, related regulations, and with the Local Records Commission of Cook County ("Commission"). Student Records are subject to this Policy and to the Board's Records Management and Retention Policy. In addition to ensuring legal compliance, the proper maintenance, retention, and disposal of Student Records is necessary to support day-to-day operations, promote economy and efficiencies, provide access to necessary information to serve both current and former students, protect against unauthorized access or release of information, protect against breaches of confidentiality, and reduce the risk of identity theft. The policy was posted for public comment from December 24, 2020 to January 24, 2021.

POLICY TEXT:

I. Categories of Student Records

A. Permanent Student Records. Permanent Student Records consist of the following, whether in paper or electronic form:

1. Student Elementary School Transcript¹ (including grades and attendance);
2. Student High School Transcript (including grades and attendance);
3. Student Health Record (consisting of health records required for enrollment and continuing enrollment, e.g. immunization, health exams, vision, and dental exam);
4. Student Registration Card²;
5. Student test scores received on all state assessment tests administered at the high school level; and
6. Copy of the original certified copy of the student's birth certificate³

¹ The District first established use of the Elementary Student Transcript in June 2007.

² The District discontinued use of the student registration card and the cumulative record card as of June 30, 2007 for all District Schools except multi-track District Schools where their use was discontinued as of June 30, 2011. All student registration cards created on or before these dates shall continue to be maintained as Permanent Student Records for the duration of the retention period. All cumulative record cards created on or before these dates shall continue to be maintained in the student cumulative file as Temporary Student Records for the duration of the retention period.

³ Other evidence listed under Section 5(b)(1) of the Missing Children Records Act may be provided [325 ILCS 50].

B. Temporary Student Records. Temporary Student Records consist of any documents or data records, whether in paper or electronic form, directly related to a particular student and of clear relevance to the education of the student, that do not otherwise qualify as a Permanent Student Record. Temporary Student Records include, but are not limited to, a student’s cumulative folder, cumulative record card², enrollment records, elementary school state assessment scores, special education records (as defined in Section I. C. below), bilingual education records, program participation records, records of serious disciplinary infractions, DCFS reports, reports of a serious student injury, and other information and correspondence of clear relevance to the education of the student, including electronic correspondence (e.g. email). Temporary Student Records do not include: (i) personal notes created by a teacher or other school personnel for their exclusive use unless, pursuant to state law, such notes are disclosed for purposes of serving the student’s needs at school, (ii) information or records maintained by school law enforcement and safety personnel, and (iii) records maintained to manage school or District operations and otherwise subject to the Board’s Records Management and Retention Policy.

C. Temporary Special Education Records. Temporary Special Education Records consist of any documents or data records, whether in paper or electronic form, related to the identification, evaluation or placement of a student for special education services or 504 Plan or to the implementation of a student’s Individualized Education Program (IEP) or 504 Plan.

II. Administration and Guidelines

The District’s Records Management Unit facilitates the day-to-day administration of this Policy and the Board’s Records Management and Retention Policy. The Chief Executive Officer or designee and the Records Management Unit may develop and implement guidelines, procedures, and toolkits to ensure the effective management of the Board’s records-related obligations and may consider equity-related concerns and components for the implementation of this policy. Information on records management, including record retention requirements and procedures are available to employees of the District Schools, network offices, central office departments, and administrative offices of the Board on the District’s Records Management Knowledge Center Page. Employees of the District Schools, network offices, central office departments, and administrative offices of the Board and the public may also request this information by contacting the Records Management Unit at recordsmgmt@cps.edu.

III. Student Record Retention Periods

To administer state requirements to retain Permanent and Temporary Student Records (as defined in Sections I.A., I.B., and I.C. above) for specified minimum time periods, the following retention requirements, based on student’s date of birth, are in effect:

Student Grade Level	Record Category	Minimum Record Retention Period	Destruction Authorized When
Elementary and High School	Permanent Student Records	82 years after the student’s date of birth	Student Age – 83*
Elementary and High School	Temporary Special Education Records	27 years after the student’s date of birth	Student Age – 28*
High School	Temporary Student Records	27 years after the student’s date of birth	Student Age – 28*
Elementary	Temporary Student Records	20 years after the student’s date of birth	Student Age – 21*

*Computed by taking the highest student age (15 for elementary student, 22 for high school student) + 5 years for temporary records or 60 years for permanent records + one additional year as the Local Records Commission recognizes completed years only.

IV. Record Maintenance During Retention Period

A. School Responsibility. Each District School principal must designate a school records custodian or coordinator who is responsible for the maintenance, care, security, and proper disposal of Student Records whether or not the records are in their personal custody or control. To facilitate retention for the required duration, the school records custodian should separate Permanent Student Records from Temporary Student Records for storage and maintenance purposes. The principal of each District School or designee must ensure that school staff are informed about this Policy and comply with its requirements.

B. Confidentiality. District Schools, network offices, central office departments, and administrative offices must ensure appropriate measures are taken to protect the confidentiality of all Student Records and to prevent unauthorized access to or release of Student Records.

1. Student Record Requests and Release of Student Records and Information. District Schools, network offices, central office departments, and administrative offices must not disclose or release Student Records or information to any third party except as provided in the Board's Policy on Parent and Student Rights of Access to and Confidentiality of Student Records, the Illinois School Student Records Act, the Family Educational Rights and Privacy Act (FERPA), and related regulations.

2. Heightened Security. District Schools, network offices, central office departments, and administrative offices must maintain heightened security for any Student Records that contain highly confidential information such as social security numbers, medical information, or clinical information. Student Records that contain social security numbers must be maintained separately in a secured manner in accordance with the Board's Social Security Number Protection Policy. Student Records created by a school nurse, social worker, counselor, or psychologist that are governed by the Mental Health and Developmental Disabilities Confidentiality Act ("MHDDCA") must be maintained separately with heightened security measures in accordance with established protocols and the release of such records is subject to the terms of the MHDDCA.

C. Student Transfers. District Schools must satisfy the following requirements when a student transfers to another school.

1. Transfer Verification. Records for those students projected or planning to transfer may not be sent to the projected new school until the student's transfer has been verified or confirmed by the student's new school. Once a transfer verification/confirmation is received from the student's new school and records are sent, the District School sending records must log the transmittal of records in accordance with the guidelines issued by the District's Records Management Unit which are available on the District's Records Management Knowledge Center Page and follow the *procedural notices for recording Student Record transfers* in the District's student information system.

2. In-District Transfers. District Schools must send the original Temporary Student Records and the student health record folder to the student's new District School.

3. Out-of-District and Private School Transfers. District Schools must send an official copy of the student transcript as well as photocopies of the Temporary Student Records and student health records requested by the student's new out-of-district or private school and must maintain all original records for the duration of the required retention period. Original records must be retained by the sending District School and may not be sent to the out-of-district or private school. See Section IV. F. below regarding long-term storage of these records. Non-CPS charter schools are considered out-of-district schools for purposes of this Policy.

4. CPS Charter Transfers. District Schools must send an official copy of the student transcript as well as the original Temporary Student Records and the student health records requested by the student's new CPS charter school. District Schools must make copies of all existing Student Records prior to

transmission to the CPS charter school. District Schools must maintain these copies as original records for the duration of the retention period. See Section IV. F. below regarding long-term storage of these records.

5. Special Circumstances. Despite anything in this Section IV. C. to the contrary, the Chief Executive Officer or designee and the Records Management Unit may issue special protocols for the transfer of records in connection with students who complete the highest-grade level at a District School as well as for any other circumstance involving the transfer of a significant number of Student Records, which may include the transfer of records from closing or otherwise transitioning schools. Such protocols are available on the District's Records Management Knowledge Center Page.

6. Electronic Transfer and Release of Student Records. When a student transfers to another District School, the student's record that is available in the District's student information system will become accessible to the student's new District School,

D. Record of Release. The records custodian or coordinator at each District School must maintain a record request log which records each release of Student Record information to an authorized third-party under Section IV. B above and each Student Records transfer made under Section IV. C. above. A sample release log is available on the District's Records Management Knowledge Center Page. Network offices, central office departments, and administrative offices that fulfill Student Records requests and release Student Record information must also record the release of Student Records and information.

E. Year-End Requirements. To ensure compliance with permanent record obligations, District Schools must follow the year-end requirements issued each spring for generating record copies of student transcripts for students who graduate, withdraw, transfer to another school, or otherwise cease to be enrolled. Such requirements are available on the District's Records Management Knowledge Center Page.

F. Long-Term Storage and Maintenance. To improve efficiencies and facilitate access to records for students with current enrollment in a District School, a District School should send the records for students who have transferred, graduated, or otherwise withdrawn from their school to the District's offsite storage facility for the remainder of the required retention period. Transfer of records to long-term storage must follow the procedures established by the District's Records Management Unit which are available on the District's Records Management Knowledge Center Page.

G. Student Enrollment History. To help improve efficiencies and to ensure that requests for student records can be completed, the electronic enrollment history for students who have an electronic enrollment history record should be maintained.

H. Electronic Student Record Information. To ensure that Student Records remain accessible and usable during the retention period, District Schools must follow the guidelines and requirements issued by the Chief Executive Officer or designee and the Records Management Unit, which may include the requirement to print Student Records from the District's student information system. In addition, email messages and attachments and other electronic communications that contain information about an individual student may meet the definition of a Student Record and those electronic communications must be printed out and retained in the appropriate Student Record.

V. Records Disposal

A. Disposal Protocols. Records maintained for the duration of the applicable retention requirement noted in Section III. above are eligible for disposal and may be destroyed in compliance with the Board's Records Management and Retention Policy, and upon approval by the Commission. Before eligible records may be disposed of, District Schools, network offices, central office departments, and administrative offices must request the District's Records Management Unit to authorize the disposal of eligible records and make all related filings with the Commission. District Schools, network offices, central office departments, and administrative offices must not discard, delete, or otherwise destroy any District Records, including Permanent or Temporary Student Records, without proper approval and must follow established protocols

for the appropriate method of destruction to ensure confidentiality is not breached. Such protocols are available on the District's Records Management Knowledge Center Page.

B. Unauthorized Destruction of Records. District Schools, network offices, central office departments, and administrative offices must take appropriate measures to ensure District Records, including Student Records, are not mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by the Board's Records Management and Retention Policy. The accidental loss or destruction of District Records, including Student Records, must be reported and remediated in accordance with the Board's Records Management and Retention Policy.

C. Administrative Copies. Additional copies of Permanent or Temporary Student Records that are kept for administrative convenience may be destroyed at any time without prior approval as long as the copy is shredded to ensure the confidentiality of the record information is protected.

VI. Required Student Notifications. District Schools must provide a Notice of Student Record Retention and Disposal to all graduating students and students who withdraw or transfer from their school during the school year. The Notice of Student Record Retention and Disposal is available on the District's Records Management Knowledge Center Page.

VII. Violations

Failure to comply with this Policy or related guidelines will subject employees to discipline up to and including dismissal in accordance with Board Rules and Policies.

LEGAL REFERENCES: Illinois School Student Records Act (105 ILCS 10/1 et seq.); School Records, Transferring Students (105 ILCS 5/2-3.13a); State Goals and Assessment (105 ILCS 5/2-3.64(a)); Local Records Act (50 ILCS 205/1 et seq.); State Board of Education, School Records, Student Records (23 Ill. Admin. Code 375.10 et seq.); Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA) (740 ILCS 110); Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g); Illinois Missing Children's Records Act (325 ILCS 50 et seq.); Department of State Police, Missing Person Birth Records and School Registration, School Enrollment Identification and Reports (20 Ill. Admin. Code 1290.60).

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