

**Chicago Public Schools
Office of Research, Evaluation and Accountability**

**Guidelines for Considering Requests to
Obtain Data and Conduct Research in the
Chicago Public Schools**

May 2004

Introduction

The Office of Research, Evaluation and Accountability conducts and supports research involving the Chicago Public Schools. The purpose of these guidelines is to encourage research by outside researchers while respecting the privacy of students and staff and ensuring compliance with state and federal law. The Federal Educational Rights and Privacy Act (FERPA) and the Illinois School Student Records Act are based on the idea that information about an individual student is private and confidential and may only be accessed, without parent consent, by school staff, with other limited exceptions. The Chicago Public Schools Policy on Parent and Student Rights of Access to and Confidentiality of Student Records is consistent with the state and federal law, ensuring the confidentiality and protection of student record files.

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Section 1—Requests for Data

A. Requests from school, district or state education officials

Any student, school or city-wide data can be provided to school officials with a legitimate educational or administrative interest in the information.

A school official is a person employed by the school, the district or the State Board of Education, 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 person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist).

A school official has a legitimate educational or administrative interest if he or she needs an education record or number of educational records in order to fulfill his or her professional responsibility. A school official does not have a legitimate educational or administrative interest in records for use in academic work or research unrelated to his or her professional responsibilities, or records of students for whom he or she has no responsibility.

B. Requests for data from persons not affiliated with the school or school district.

A substantial amount of school-level and city-wide data, i.e., ITBS/TAP results, IGAP scores, school demographic information, school report card, is available to the public on the CPS web site, <http://research.cps.k12.il.us>.

Requests for other data must be evaluated in light of the Illinois School Student Records Act which states that student records may be provided 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. Consistent with the state law, CPS requires that persons requesting data complete the *Security Agreement Regarding Use of Chicago Public Schools Student Level Data* (see Appendix 2 for a sample agreement). Make sure to contact the Office of Research, Evaluation and Accountability to request the original agreement to be signed.

The law does not distinguish between persons, organizations or corporations making requests. Under the law, any person or organization could submit a legitimate request for student information. Requests from other public agencies, with the exception of the Illinois State Board of Education (ISBE), should be evaluated using the same standards as a request from a private corporation or individual researcher. Requests from the ISBE should be evaluated based on Sec. I.A., Requests from school, district or state education officials.

C. Use of Data

The research exception to the Student Records Act states that student data may only be released for use in research, statistical reporting and planning. Requests for data to support other activities, e.g., product marketing, student recruitment (other than requests from U.S. armed services recruiters) or other commercial ventures, should be rejected.

D. Data content

As a general rule, student data which identifies individual students or parents may not be released without the specific approval of the parent. Data that does not include information identifying individual students may be released for use in research, statistical reporting and planning.

E. Informed consent for release of individual student data

Both Illinois and federal law require informed consent by a parent prior to the release of any data from which the identity of the student or parent could be determined, with certain limited exceptions as described in Section 1. F. below. Informed consent requires prior, specific, dated, written consent of the parent designating the person to whom the records may be released, the reason for the release, and the specific records to be released. At the time such consent is requested or obtained, the school shall inform the parents that they may inspect a copy such records, challenge the contents of the records and limit consent to designated records or designated portions of information within the records. (See Section II.F. requirements for Participant Consent requests.) Requests for individually-identifiable data must also have Institutional Review Board approval. (See Section II. E.)

F. Release of data without parental consent

A school may disclose a student's education records without parental consent when:

- The disclosure is to school officials who have been determined to have legitimate educational interests as described in Sec. I A.;
- The disclosure is pursuant to a confidentiality agreement approved by the CPS Law Department;
- The student is seeking or intending to enroll in another school;
- The disclosure is to state or local educational authorities auditing or evaluating Federal or State supported education programs or enforcing Federal laws which relate to those programs;
- ***The disclosure is to organizations conducting studies for, or on behalf of, an educational agency or institution to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction. CPS may disclose information under this section only if the study is conducted in a manner that does not permit personal identification of parents and students by individuals***

other than representatives of the organization, and the information is destroyed when no longer needed for the purposes for which the study was conducted.

- The disclosure is pursuant to a lawfully issued court order; and
- The information disclosed has been appropriately designated as directory information by the school. Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about the proposed release of directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

Note: Also see Sec. III of the Chicago Public Schools Policy on Parent and Student Rights of Access to and Confidentiality of Student Records (Appendix 1).

G. Release of Data Under a Security Agreement

If a research project is conducted on behalf of, or in partnership with CPS, CPS may disclose student educational records to the researcher without parental consent under the terms of a security agreement (also known as a confidentiality agreement). Such an agreement must be approved by the Law Department and must, at a minimum, include the following terms:

- The researcher affirms that the student information will be used only for the specific purpose of the agreement.
- The researcher affirms that the student information will not be released to any other party.
- The researcher affirms that he or she will comply with all laws pertaining to student confidentiality.
- The Board of Education designates the researcher as a school official for purposes of section (b)(1)(A) of FERPA and 34 CFR 99.31(a)(1).
- The researcher affirms that the student information will be destroyed when the purpose of the security agreement is completed.

Section II Requests to Conduct Research

A. Form of request

All requests to conduct research within the Chicago Public Schools must be submitted in writing, addressed to the Chief Officer of Research, Evaluation and Accountability (REA). Requests must include the following information:

- Researcher's status and title
- Purpose of the research
- Description of the benefit to CPS and/or general knowledge
- Written evidence of support within CPS (if such support exists)
- Institutional Review Board approval from the researcher's college or university
- Research question and/hypothesis
- Description of research approach
- Description of school/student/staff involvement
- Copy of any survey or other instruments
- Informed consent form (when informed consent is required)

B. Factors in evaluating requests to conduct research within CPS

In addition to complying with Board policy and the law, proposed research should also:

- Demonstrate educational value, either to the Chicago Public Schools directly or as a contribution to current knowledge about the research topic (projects that directly benefit students, a school or schools, or the district are preferred);
- Manifest a sound research methodology using valid and reliable techniques and the research capacity and experience to successfully complete the project; and
- Create minimal interference with school instruction and operations and relationships between students, parents and school and district staff.

While it is not required, REA encourages researchers to identify an internal CPS sponsor. REA will consider a CPS staff person's willingness to advocate for and facilitate the proposed research as evidence of the project's educational value to CPS.

REA will review proposals mid-month, each month.

C. Procedures for determining whether to approve external research

i. Single-school research

The school principal is ultimately authorized to approve any research study which is confined to his or her school. Prior to granting approval the principal must determine whether the proposed research will be conducted consistent with CPS policy and state and federal law and regulations. To ensure informed and consistent interpretation of the board rules and the state and federal laws, the principal must inform REA of the subject matter of the

research and forward copies of any research protocol, survey or questionnaire for review by REA. After review and approval by REA, the principal may grant final approval for the research to be conducted in his or her school. After approving a research project in his or her school, the principal must notify REA of the approval.

ii. Research in more than one school

Any research involving two or more schools must be reviewed and approved by REA. Following REA approval, the final decision on whether a research project may be conducted at a particular school is made by the principal. After approving a research project in his or her school, the principal must notify REA of the approval. IF REA does not approve a multi-school research project, the principals may not allow the research to be conducted.

iii. District-wide research

Any research involving a substantial number of schools and/or students must be approved by the Chief Education Officer in addition to the review and approval of REA. In cases with substantial benefits to the district, research may be approved without the approval of the principals of the schools involved in the research. The Chief Education Officer should notify REA and the principals of such approvals.

D. Institutional Review Board approval

If the research includes an intervention or interaction with a living person (i.e., student, teacher or parent) that would not occur but for the research, or if the researcher will obtain identifiable private data or information, then the researcher must get advance approval from an Institutional Review Board (IRB). Surveys, interviews, questionnaires, and reviews of student files are all interventions or interactions that would require IRB review.

IRBs are generally associated with colleges or universities. The IRB evaluates whether the risk to the subjects of the research is worth the potential benefit and, if the research is approved, will specify whether the researcher needs to obtain informed consent from the subjects of the research.

If there is any question about whether the proposed research will include an "intervention or interaction with a living person that would not occur but for the research," or whether "the researcher will obtain identifiable private data or information," REA should require that the researcher obtain IRB approval prior to approving the project. A researcher's lack of affiliation with a college, university or other institution with a IRB, does not remove the IRB review requirement.

The fact that an IRB has approved a proposal for research does not mean that CPS must approve it. An IRB's approval only means that the proposed research design is

in compliance with the federal regulations regarding human subject research (which are consistent with Illinois law and CPS policy). CPS may determine that IRB-approved research does not warrant CPS support for the reasons described in Section II.C.

In addition to the requirements described above, the amendments to the Protection of Pupil Rights Amendment (PPRA) under the No Child Left Behind legislation includes additional situations in which parental consent is required for surveys, analysis or evaluation funded by the U.S. Department of Education. (See Appendix 4)

E. Requests for Informed Consent

For projects requiring informed consent, a copy of the participant consent form must be provided to REA by the researcher. Regardless of the sponsoring university or agency's requirements, the consent form should be in the form of a letter addressed to parents/guardians or other participants, e.g., teachers, providing the following information:

- Identification of the researcher(s) conducting the study (e.g., doctoral candidate at Loyola University);
- The purpose(s) for collecting data (e.g., to learn about foreign language acquisition in primary school students);
- Description of the activities in which participants will be asked to engage (e.g., complete a written survey, respond to a group interview with eight other students);
- Notice that as part of the research, participants will be audio- or videotaped and providing an explanation of how the recordings will be used and what will happen to the tapes after the research is completed;
- Description of any individually-identifiable student data to which the researcher seeks access (e.g., test scores, attendance records, address and phone number);
- Amount of time required of participants;
- Notice that all information will remain confidential,
- Notice that participation is entirely voluntary and participants may withdraw from the study at any time, without negative consequences;
- Telephone number of researcher(s), so that the parent or participant may call if there are questions or concerns;
- Space for a signature and check-off for either consent or refusal to participate. Active consent, i.e., signature approving participation, is required under the federal Protection of Human Subjects regulations. Passive consent, failure to object after notice, is not sufficient.

If there is the possibility that parents do not understand English, letters in appropriate alternative languages must be provided, even if the students participating in the study are proficient in English. The researcher must retain all

consent forms, and must be prepared to make them available if a parent, teacher, or school official questions a student's participation. To avoid any perceived coercion, the invitation to participate in research is to be printed on the researcher's stationery, and not on that of any office or school of the Chicago Public Schools.

APPENDICES

Appendix 1

Chicago Public Schools Policy on Parent and Student Rights of Access to and Confidentiality of Student Records

Section: 706.3

Board Report: 01-0725-PO2

Date Adopted: July 25, 2001

Policy:

PURPOSE:

To promote a legally consistent and appropriate policy for parent and student rights of confidentiality and access concerning student records. The existing policies and procedures have been superseded by amendments to the Illinois School Student Records Act ("Student Records Act"), the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as amended, the Administrative Code of the Illinois State Board of Education ("Ill. Admin. Code"), and Local Records Act and the Local Records Commission of Cook County ("Local Records Act").

PRESENT POLICY AND PROCEDURES:

The previous policy regarding confidentiality of student records, *Guidelines for Maintenance of Student Records*, was approved November 13, 1974. The policy did not provide a comprehensive and current overview of the law regarding access and confidentiality of school student records and did not meet the standards required in the Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act. That policy was rescinded by the Board on March 28, 2001, with the adoption of *Maintenance and Retention of Student Records* (01-0328-PO2).

Official Bulletin #19, dated January 29, 1985, *Procedures for Maintaining Student Records*, similarly does not meet the standards described in the law above

HISTORY OF BOARD ACTION:

The Board approved Board Report 74-1095-1, *Guidelines for Maintenance of Student Records*, on November 13, 1974. The Board rescinded that policy with the adoption of Board Report 01-0328-PO2, *Maintenance and Retention of Student Records*.

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 [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.], the Local Records Act [50 ILCS 205/1 et seq.] as well as other applicable laws.

The Board has assigned overall responsibility for administration of the maintenance of student records in the Chicago Public Schools to the Secretary of the Chicago Board of Education. All questions related to records retention, records management and records destruction should be directed to the Secretary. The student's record shall contain student information which will enable both schools and parents to understand the information and aid the student in using the information to further his or her education.

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. This policy also applies to Chicago Public School students enrolled in charter schools and students placed by the Board in tuition placement facilities.

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 for use by 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, parent(s)' names and addresses, attendance records, and such other entries as the State Board may require or authorize. The Illinois School Code 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 [105 ILCS 5/2-3.64 (a)]. The student's permanent record must also include the record of release of permanent record information in accordance with Section 6(c) of the Student Records Act. [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 disciplinary 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 Student Records Act and scores received on State assessment tests administered in the elementary grade levels (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 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, whichever occurs first, unless the parent or the Department of Children and Family Services continues as the student's guardian beyond the age of 18.

POLICY TEXT:

I. Introduction

The Chicago Public Schools will inform parent(s) 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.

Parent(s) may request a copy of the policy by writing the Freedom of Information Officer - Sixth Floor; 125 South Clark Street; Chicago, Illinois 60603 or by accessing the web site of the Chicago Public Schools.

II. 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 copy any and all school student records of that parent's child, including all material that is incorporated into each student's temporary and permanent record, with the exception of certain mental health records as described below. A non-custodial parent is entitled to review and copy school student records of his or her child unless that parent is prohibited by an order of protection or court order specifically prohibiting such access pursuant to the Illinois Domestic Violence Act of 1986. The parent's request to inspect and copy student records must be granted within a reasonable time, in no case later than 15 school days after the date of such request. If the records contain information concerning more than one student, the parent may inspect, review or be informed of only the specific information about their child. Either the school or parent may require that a qualified professional be present to interpret the information contained in the student record.

Students below the age of 18 shall also have the right to inspect and copy his or her own Student Permanent Record. All rights and privileges accorded parent(s) in this policy shall become exclusively those of the student upon the student's 18th birthday, graduation from secondary school, marriage, entry into the military,

whichever occurs first, unless the parent or the Department of Children and Family Services continues as the student's guardian beyond the age of 18.

Pursuant to the Mental Health and Developmental Disabilities Confidentiality Act, a parent may not have access to mental health or diagnostic records of his or her child if the child is 12 years of age or older without a court order unless the child has been informed of the request for access and does not object or if the mental health professional finds no compelling reason for denying such access. 740 ILCS 110/4. Parent(s) 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. Parent(s) 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. Before any student record is destroyed or information deleted there from, the parent shall be given reasonable prior notice and an opportunity to copy the record/information proposed to be destroyed or deleted. Parent(s) 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.

The school may not charge a fee to search for or retrieve information, although it may charge a reasonable cost for the copying of school student records, not to exceed the amounts adopted by the State Board. No parent or student shall be denied a copy of school student records due to their inability to bear the cost of such copying.

III. Confidentiality of Records [105 ILCS 10/6]

No personally identifiable school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated to any individual, agency or organization without the written consent of the student's parent(s) other than the following:

- (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. An "employee" or "official" who may have a demonstrable educational or administrative interest include members of the Chicago Board of Education, Region or administrative employees, or school employees. A "demonstrable

educational or interest" may include academic, disciplinary, or administrative concerns, but must be evaluated on a case-by-case basis.

- (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. *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...* [105 ILCS 5/2-3.13a]
- (4) To any person as specifically required by state or federal law. *Note: Parent(s) must be notified in writing prior to the release of records and provided an opportunity to inspect, copy and challenge the content of the records when the records are to be released pursuant to paragraphs (3) and (4) above.*
- (5) In connection with the student's application for, or receipt of, financial aid.
- (6) To authorized representatives of the Comptroller General of the United States; the United States Secretary of Education; the United States Attorney General, for law enforcement purposes; 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, 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 parent(s) after the data so obtained has been collected.
- (7) 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.
- (8) Pursuant to a court order, provided that the parent(s) are given prompt written notice of the receipt of the order, the terms of the order, the nature

and substance of the information to be released in compliance with such order, and the right to inspect, copy, and challenge the contents of the student records.

- (9) To appropriate persons, in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons.
- (10) Copies of the special education and disciplinary records shall be transmitted to appropriate law enforcement and judicial authorities for consideration when a crime is committed by a student with a disability.
- (11) To juvenile authorities who request information prior to adjudication of the student, when necessary in the discharge of their official duties.
- (12) To a governmental agency, or social service agency contracted by a governmental agency, for an investigation pursuant to compulsory student attendance laws.

Schools officials may also disclose, without consent, "directory" type information such as a student's name, address, telephone number, date and place of birth, honors, and academic awards, dates of attendance and information concerning school-sponsored activities, organizations and athletics; provided that schools must tell the parent(s) and eligible students about what "directory" information is to be released and allow the parent(s) and eligible students a reasonable amount of time to request that the school not disclose the information about them.

Any personally identifiable information contained in school student records shall not be disclosed to any persons other than those listed above unless there is written consent from the student's parent(s) 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 parent(s) and the student if desired by the parent(s). In the case of mental health or developmental disabilities records of a student 12 years of age or older, the student's consent, in addition to the parent's, must be gained before disclosure to a third party, unless otherwise specifically allowed by law. In addition, 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 parent(s) of the student.

Because of the strict confidentiality of the laws concerning school student records, school staff must not disclose any student records (including such disclosures as allowing students to grade or correct other students' work or displaying examples of work on bulletin boards or in hand-outs or bulletins), without prior parental consent. **To disclose or release any student information (including addresses or**

special education status) to third-parties, except as described in this policy, is a violation of state and federal law, punishable by fine and/or liability for civil damages and attorneys fees.

Each school shall maintain a record of all persons, agencies or organizations which have requested or obtained access to the records of a student, indicating specifically the legitimate educational or other interest that each person, agency or organization has in seeking this information. In addition, a record of release of any student records must be made and kept as a part of the school student record for the life of the student records and must include the nature of the information released, the name and signature of the official records custodian releasing such information, the name and title of the person making such a request, the date of the release and a copy of any consent to the release. This record shall be available only to parent(s), to the school officials responsible for records maintenance, and to individuals authorized by law to audit the operation of the system.

If school or other Board personnel have any questions concerning access or disclosure of school student records, they should contact the Law Department of the Board at (773) 553-1700.

IV. Challenging the Content of School Student Records [105 ILCS 10/7]

Parent(s) may review or challenge information contained in their child's record prior to the transfer of their child to another school district.

Additionally, if the parent(s) feels that information contained in their child's records (other than academic grades) is inaccurate, misleading, irrelevant, or that it violates the child's or family's privacy, the parent(s) may make a written request that such information be amended. If the challenge is made at the time the student's school records are being forwarded to another school to which the student is transferring, then the parent(s) does not have the right to challenge references in the records to expulsions or out-of-school suspensions. Challenges to any other entry in the school student records can be made on the basis of accuracy, relevance or propriety. If the school district does not make the amendments requested, the parent(s) has a right to an informal meeting with the appropriate school staff member within fifteen (15) school days from the date of the request for such a meeting. This written request should list the particular records that the parent(s) wants to amend and the reasons.

If the school staff decide not to amend the record, the parent then has the right to request a formal hearing by submitting a written request to the Chief Specialized Services Officer, Chicago Public Schools, Office of Specialized Services, 125 South Clark Street, Suite 800, Chicago, Illinois 60603. A hearing officer, not employed in the attendance center in which the student is enrolled, shall be appointed by the school district within a reasonable time, but no later than fifteen (15) days after the informal conference, unless; an extension of time is agreed upon by the parent(s)

and school officials. The hearing officer shall notify parent(s) and school officials of the time and place of the hearing. A record of the hearing shall be made by a tape recorder or a court reporter. Both the parent(s) and the school have the right to present evidence and to call witnesses, the right to cross-examine witnesses, and the right to counsel.

The written decision of the hearing officer shall be transmitted to the parent(s) and the school district no later than ten (10) school days after the conclusion of the hearing. The decision shall be based solely on the information presented at the hearing and shall be one of the following: to retain the challenged contents of the student record; to remove the challenged contents of the student record; or to change, clarify or add to the challenged contents of the student record. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record commenting on the contested information in the record.

Either party shall have the right to appeal the decision of the local hearing officer to the Illinois State Board of Education (ISBE) Principal Communications Consultant, Problem Resolution Office, 100 West Randolph Street, Suite 14-300, Chicago, Illinois 60601-3405 within twenty (20) school days after such a decision is transmitted. If the parent(s) appeals, the parent(s) shall so inform the school and within ten (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 Principal Communications Consultant, Problem Resolution Office.

The school may initiate an appeal by the same procedures. Upon receipt of such documents, the Principal Communications Consultant, Problem Resolution Office, shall examine the documents and record to determine whether the school district's proposed action in regard to the student's record is in compliance with the State Board, make findings and issues written decision to the parent(s) and the school within twenty (20) school days of the receipt of the appeal documents. If the subject of the appeal involves the accuracy, relevance or propriety of any entry in special education records, the Principal Communications Consultant, Problem Resolution Office, should seek advice from special education personnel who were not authors of the entry, and whose special education skills are relevant to the subject(s) of the entry in question. The school shall be responsible for implementing the decision of the Principal Communications Consultant, Problem Resolution Office. The final decisions of the Principal Communications Consultant, Problem Resolution Office may be appealed to the Circuit Court of Cook County.

V. Compliance with Subpoenas and Court Orders for Student Records

The Board shall respond to all student records subpoenas and court orders pursuant to the Illinois School Student Records Act and the Family Education and Rights to Privacy Act. The Board will not release any student records unless (1) it has

authorization for such release by written consent of the parent, or (2) the release is authorized by one of the exceptions listed in Section III above, or (3) the release is made pursuant to a lawful court order. School officials or employees must send all student records subpoenas or court orders to the Board's Law Department and must follow Board procedures for processing student records requests. Any school employee or Board official shall consult the Law Department at (773) 553- 1700 if they have any questions about this process.

Appendix 2

Security Agreement Regarding Use of Chicago Public Schools Student Level Data

Introduction

The organization or individual signing this agreement has requested access to student-level data in order to conduct research that we hope will ultimately aid in efforts to improve education, or efforts to improve the general well-being of students, teachers, parents, schools, and the community at large.

Pursuant to the Illinois School Student Records Act 105 ILCS 10/6 (4), this data may be provided for the purpose of research, statistical reporting or planning. The Illinois School Student Records Act requires recipients of the data to sign an affidavit "agreeing to comply with all applicable statutes and rules pertaining to school student records."

Authorized Users

This data is provided for the sole use of the organization or individual signing this document. The person signing this agreement is responsible for ensuring that all student level data provided by the Chicago Public Schools is securely stored and that staff researchers and analysts abide by the security requirements described here. This data **may not be shared** with other researchers or analysts outside of this organization without the consent of CPS.

Data Security Procedures

Though the CPS data provided to the organization may not contain student names, it is still critical that the data be kept secure and confidential. Therefore, all CPS student level data must be stored securely so that only authorized users within the organization have access to it. This means that computer data bases should be password protected; that precautions are taken to ensure that access through modems, networks, and the Internet is carefully monitored and limited to authorized users; and that data tapes, disks, paper files and other storage media are kept in secure locations.

Restrictions on the Use of Data

Data is to be used for research purposes only. This data is being provided for research purposes and the user of this data agrees that the data will be used for research, statistical reporting and/or planning only. The data is not to be used in product marketing studies, student recruitment studies, or in other commercial ventures.

Only aggregate data is to be reported. Individual level data may be analyzed for the purpose of obtaining aggregate information across individuals or subgroups. It is inappropriate to seek out or report individual-level data for the purpose of obtaining information about or identifying specific students, even for research

purposes, unless the researcher has obtained explicit written permission from the students' parents and such use has been approved in writing by the Chicago Public Schools' Chief Officer of Research, Evaluation and Accountability.

If data at the individual-level is used in a report for illustrative purposes, data must be obscured in such a way that the student's identity cannot be inferred or discovered.

Signature of Data Requester

If data is to be used by an organization, the director of the organization should sign on behalf of the organization.

I, _____ (print or type name), agree to comply with all applicable statutes and rules pertaining to school student records and to abide by the conditions above for using student data provided by the Chicago Public Schools. I understand that I am responsible for assuring that all users within my organization abide by the conditions in this agreement. I also agree to the following:

- I will require each user of this data within my organization to read and sign a document stating that they have read this agreement, which I will keep on file at my office.
- I understand that this data may not be shared outside of my organization.
- If I leave this organization, I will make sure that either: (a) all copies of the student level data provided by CPS are destroyed or returned to the CPS; or, (b) that another person in the organization will take over responsibility for maintaining the agreements stipulated in this document.
- I agree to secure the data in the manner explained in the attached document

(PROVIDE ATTACHMENTS EXPLAINING YOUR DATA SECURITY PROCEDURES)

Signature: _____

Date

Signed: _____

Name of Organization: _____

Appendix 3

Background on FERPA (from www.ed.gov/offices/OM/fpco/ferpa)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

Appendix 4

Amendments to the Protection of Pupil Rights Amendment (PPRA) under the No Child Left Behind legislation

Sec. 1061 Student Privacy, Parental Access to Information, and Administration of Certain Physical Examinations to Minors.

Requires that schools and contractors obtain prior written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals information concerning:

- political affiliations or beliefs of the student or the student's parent;
- mental and psychological problems of the student or the student's family;
- sex behavior or attitudes;
- illegal, anti-social, self-incriminating, or demeaning behavior;
- critical appraisals of other individuals with whom respondents have close family relationships;
- legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- religious practices, affiliations, or beliefs of the student or student's parent; or
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

The requirements concerning activities involving the collection and disclosure of personal information from students for marketing purposes do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- College or other postsecondary education recruitment, or military recruitment.
- Book clubs, magazines, and programs providing access to low-cost literacy products.
- Curriculum and instructional materials used by elementary schools and secondary schools.
- Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students.
- The sale by students of products or services to raise funds for school-related or education-related activities.
- Student recognition programs.

This law is not intended to preempt applicable provisions of State law that require parental notification. This law does not apply to any physical examination or screening that is permitted or required by State law, including such examinations or

screenings permitted without parental notification. The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). These requirements do not supersede any of the requirements of FERPA. The rights provided to parents under PPRA transfer from the parent to the student when the student turns 18 years old or is an emancipated minor under applicable State law. The law applies to LEAs, but does not apply to postsecondary institutions. An SEA or LEA may use funds provided under part A of title V of the ESEA to enhance parental involvement in areas affecting the in-school privacy of students.

Definition of some terms used in PPRA

"Instructional Material" - instructional material that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

"Invasive Physical Examination" - any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

"Personal Information" - individually identifiable information including: 1) a student or parent's first and last name; 2) home address; 3) telephone number; or 4) social security number.