

Chapter 13:

School Records

In this chapter you will -

- learn how to examine and correct information in the student's file
- learn about parent consent for Medicaid and private insurance purposes

Reviewing and Copying Records

Worth a Look

The following provisions provide relevant information on the issue of student records:

The Illinois School Student Records Act: 105 ILCS 10/1 et seq. (23 IAC 375 - Student Records) and the following:

34 CFR 300.306

34 CFR 300.322

34 CFR 300.613

Parents have the right to see and read their child's educational records. Upon receiving a request, the school district must make your child's records available to you within 10 business days. A five-day extension of this deadline is possible under certain terms outlined in 105 ILCS 10/5.

The school district may charge a reasonable fee for copies of the record; however, if you cannot afford the fee, you still have the right to review and receive a copy of the records [23 IAC 375.50(b)]. Parents are to be provided a copy of evaluation reports and documentation of determination of eligibility upon completion of the administration of assessments at no cost [34 CFR 300.306(a)(2)]. Parents must be allowed access to any education records relating to their child that are collected or maintained by the school [34 CFR 300.613].

Challenging Your Child's Records

Parents can request that the district add, remove, or change information in the student file (23 IAC 375.90).

Parents should submit a written request to the school district that explains their concerns. The request should be sent to the superintendent.

When dealing with a request to add, change, or remove a student record, a parent needs to do the following:

- Make sure you understand what the records say.
- Talk to the school principal or district superintendent about the problem.
- Write a letter about what you want and ask for a written answer.

If the problem is not resolved to the parent's satisfaction, the parent may request a "Records Hearing," which is different from a due process hearing, through your local school district to resolve the issues. Regardless of the outcome of the hearing, parents may put a note or letter in

their child's school record to explain their point of view.

Age of Majority

The rights of parents concerning education records are given to the student at age 18 unless parents have obtained guardianship or the student provided written consent for parental access. This means that if there is no guardianship established, an 18-year old student must sign a waiver permitting the parent to review the school records.

Medicaid and Insurance: Parent Consent/Student Records

A school district may use Medicaid payments to assist in paying for the services a special education student receives. To receive Medicaid funding, the school district does not need parental consent provided that the parents are -

- informed that such information is being released by the school.
- given the opportunity to request the information not be released (23 IAC 375.90).

The information the school district provides to the Illinois Department of Healthcare and Family Services (HFS) is subject to the Illinois School Student Records Act (105 ILCS 10/1 et seq.). This information includes the child's name, the types of services provided, and the dates of services. Such information is the type of directory information that the school may release without parent consent.

Notification of the school district's intent to access Medicaid may be included in the district's directory policy information (such as a parent handbook) or they may send parents a letter. The school district must ensure that the information provided to the HFS is covered by the directory information notice given to parents as specified in 23 IAC 375.30.

The district must have written consent from parents in

order to use their private insurance.

Services required by an IEP must be provided at no cost to the child's parents, whether they have public or private insurance. Parents shall be notified that the use of their private insurance proceeds to pay for services is voluntary. In the case of a child who is dually insured (through private insurance and Medicaid), a family shall not be required to draw upon private insurance when use is a prerequisite to billing Medicaid if that use of insurance will result in financial costs to the family (23 IAC 226.770).