

Hawthorn District 73

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Mr. Nick Brown
Superintendent

TO: Parents

SUBJECT: Custody Information and Access to Records

In cases of separation or divorce where parenting time and/or parental responsibility are not shared equally between the two parents, the schools sometimes receive special requests or instructions regarding access to their children's school records. In order to clarify the legal regulations and to prevent any misunderstandings, the following information is offered. While most parents are aware of the appropriate rules and regulations in this matter, it has been our experience that some parents have not been informed as to the rights of parents who have not been allocated parenting time and/or parental responsibility.

Pursuant to the Family Educational Rights and Privacy Act (FERPA), a parent has a right to request and access his or her child's education records. 34 C.F.R. § 99.4. This right is shared equally between both parents, unless specifically revoked by a court order or other legally binding document. *Id.* Similarly, the Illinois School Student Records Act (ISSRA) provides that a parent "shall have the right to inspect and copy all school student permanent and temporary records of that parent's child," unless "prohibited by an order of protection from inspecting or obtaining [the] records . . . pursuant to the Illinois Domestic Violence Act of 1986." 105 ILCS 10/5(a). Finally, the Illinois School Code prohibits a school district from withholding certain school-related correspondence from a parent unless the district has been furnished with a certified copy of a court order prohibiting the release of such correspondence to that parent. 105 ILCS 5/10-21.8.

This information is provided because parents often give special information regarding their child's custody or other restrictions that the school district cannot utilize legally. A hand-written note, a telephone call or comments on the registration card are not in accordance with the law. The school must have a **certified copy of any court order** noting restrictions pertaining to access to school records. These are kept in the student's folder.

Should you have any further questions, please call me or your school office.