

Changes to the Illinois School Student Records Act

The Illinois legislature recently amended the Illinois School Student Records Act ("ISSRA"). The changes to ISSRA by Public Act 100-0532 are effective immediately and require school districts to comply with student records requests more quickly.

Previously, a school district had days to respond to a parent's or student's request to inspect and copy student records within 15 school days of its receipt of the request. Now, school districts generally have only **10 business** days after receipt within which to respond.

A school district may, however, extend the time to respond by up to **five (5) business** days. The reasons are analogous to the reasons a school district can extend the time to respond to a request made under the Freedom of Information Act, *i.e.*:

1. The requested records are stored in whole or in part at other locations than the office having charge of the requested records;

2. The request requires collection of a substantial number of specified records;
3. The request is couched in categorical terms and requires an extensive search for records responsive to it;
4. The requested records have not been located in the course of a routine search and additional efforts are being made to locate them;
5. The request cannot be complied with by the district within the time limits without unduly burdening or interfering with the operation of the school district; or
6. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or school district, or among two or more components of a public body or school district, having a substantial interest in the determination or in the subject matter of the request.

Also, as with the Illinois FOIA, the person making the student records request and the school district may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the school district agree to extend the period for compliance, failure by the school district to comply with any previous deadlines shall not be treated as a

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denial of the request for the records. The statute does not provide a mechanism for resolving situations when the parties cannot agree to extend the period for compliance. In those scenarios, the statute appears to require compliance within the timeframes described above.

If you have questions about this topic, please contact one of our attorneys in Oak Brook (630.928.1200) or Flossmoor (708.799.6766).