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ISSRA Amendments Remove Gender from Directory Information

Under the Illinois School Student Records Act (“ISSRA”), certain school student records information, called “directory information,” which includes student names, addresses and other information as identified by the Illinois State Board of Education (“ISBE”), can only be released in accordance with ISBE rules. Under the ISBE rules, unless a parent requests that some or all of their child’s information be restricted, directory information may be released to the general public. In addition, the rules require that school districts provide annual notice to parents regarding directory information and the procedure to opt out of release of directory information.

Beginning in January, ISBE took steps to amend the ISSRA rules to, among other things, change what constitutes directory information. At the January 17, 2018, Board meeting, ISBE adopted a change that would delete “gender” from the list of what constitutes directory information.

The ISBE-adopted change was approved by the Joint Committee on Administrative Rules (JCAR) at its March 2018 meeting, and the change was recorded in the Illinois Register (Volume 42, Issue 12) on March 23, 2018. The effective date of the amendment is March 15, 2018. This amendment will require revisions to student records policies, procedures and handbook language. A copy of the approved, amended rule is available at: https://www.isbe.net/Documents/375_wf.pdf.

ISBE's rules specifically designated gender as an item of directory information. As revised, items of directory information now include the following:

- Student and parent names;
- Mailing addresses, electronic mail addresses and telephone numbers;
- Grade level;
- Birth date and place;
- Information connected to school-sponsored activities/organizations and athletics;
- Academic awards/honors/degrees;
- Major field of study;
- Period of attendance in the school; and

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- Certain student photographs, videos and digital images, so long as the photograph does not highlight individual faces for commercial purposes without parent consent

The rule change is in line with a now-revoked Dear Colleague Letter from the U.S. Department of Education. The May 13, 2016, Letter addressed the topic of transgender students, and in part determined that directory information disclosure of sex, including transgender status, could be harmful or an invasion of privacy. That Letter was revoked on February 22, 2017, in a subsequent Dear Colleague Letter that said the Department of Education and Department of Justice have decided to further and more completely consider the legal issues involved.

Attorneys in our Flossmoor (708-799-6766) and Oak Brook (630-928-1200) offices stand ready to assist with reviewing and revising Board Policies and other District documents addressing the above amendment. In addition, if you have additional questions about the ISSRA in general, please contact one of our attorneys.