

SCHOOL RECORDS - WHO MAY PROVIDE WRITTEN CONSENT TO RELEASE INFORMATION

The table below outlines who may provide consent to release records under those laws that most frequently apply to information that may be in a school's student record files. It is not an exhaustive list, and the table is meant to be a guideline only; it does not constitute legal advice. Schools must make decisions regarding record releases on a case by case basis. Therefore, if you have requested records to be released and have been told that you do not have authority to do so, you may need to seek legal advice.

PERSON WITH AUTHORITY TO AUTHORIZE RELEASE	SCHOOL STUDENT RECORDS ACT 105 ILCS 10 23 Ill Adm Code 375	FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT 20 USC 1232g 34 CFR Part 99	ALCOHOLISM AND OTHER DRUG ABUSE DEPENDENCY ACT 20 ILCS 301/30-5(bb) 42 CFR Part 2 410 ILCS 210/4 & 5	MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CONFIDENTIALITY ACT 740 ILCS 110
Natural Parent¹ of:				
a. child under the age of 12	√	√	√	√
b. child 12 through 17 years	√	√	N/A	N/A
c. child 12 through 17 and child or therapist not objecting to release	N/A	N/A	N/A	√
Legal Guardian (court ordered) of:				
a. child under the age of 12	√	√	√	√
b. child 12 through 17 years	√	√	N/A	N/A
c. child 12 through 17 and child or therapist not objecting to release	N/A	N/A	N/A	√
d. child 18 years of age or older	√	√	√	√
Person who has the primary responsibility for the care and upbringing of the child, until child reaches 18 years of age²:				
a. child under the age of 12	√	√	√	√
b. child 12 through 17 years	√	√	N/A	N/A
c. child 12 through 17 years of age, and child or therapist not objecting to release	N/A	N/A	N/A	√
Child/Student:				
a. child under the age of 12	√ If permanent record information or right given by the local school	√ ³ If permanent record information or right given by the local school	N/A	N/A
b. child 12 through 17 years	√ If permanent record information or right given by the local school	√ ³ If permanent record information or right given by the local school	√	√ ⁴
c. child 18 years of age or older, no court ordered legal guardian	√	√	√	√
Attorney/Guardian Ad Litem	N/A	N/A	N/A	√ representing minor 12 or over, with court order

¹ Noncustodial parents may have access to records so long as there is not a court order limiting such access. If parents have joint custody, either parent can authorize release. If one parent has exclusive educational or medical decision making authority only that parent may sign a release of information.

² Foster parents of DCFS wards right to consent varies based on whether the student is special education eligible or the nature of the information to be released. See, 89 IAC 314.30.

³ Based on Student's rights being coextensive with that granted by state law. 34 CFR 99.5.

⁴ Child is to be advised and not object. Parent/legal guardian/person in loco parentis still required to consent as well.