



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

February 7, 2025

*Via electronic mail*



RE: FOIA Request for Review – 2025 PAC 84841

Dear 

This determination is issued pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)). For the reasons that follow, the Public Access Bureau concludes that no further action is warranted because the Illinois School Student Records Act (ISSRA) (105 ILCS 10/1 *et seq.* (West 2022)) rather than FOIA governs a parent's request for their child's school student records.

On December 7, 2024, you submitted a request by e-mail to Marseilles Elementary School District 150 (District) seeking all communications between District staff regarding you and your son. On December 13, 2024, the District responded that it had provided you with all responsive records through the date of a previous request and would hand deliver any additional records through December 6, 2024. On February 4, 2025, this office received your complete Request for Review contesting the completeness of the District's response. Specifically, you included e-mail correspondence between yourself and a specified employee, which you allege was not provided to you by the District. Although it is unclear if the District responded to your request pursuant to FOIA or ISSRA, your request plainly asks for records from which your son, a student in the District, could be individually identified. You also explained to this office that you sought records related to a complaint you had filed with the District concerning the sexual assault and harassment of your son by another student.

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Section 7.5(r) of FOIA<sup>1</sup> exempts from inspection and copying "[i]nformation prohibited from being disclosed by [ISSRA]." Section 6(a) of ISSRA<sup>2</sup> provides that "[n]o school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated, except" as listed. Pursuant to section 2(d) of ISSRA,<sup>3</sup> a "school student record" is broadly defined as "any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored." Under the plain language of section 2(d) of ISSRA, records maintained by schools from which students may be individually identified fall within the definition of a "school student record."

However, one of the exceptions in section 6(a) of ISSRA specifically sets forth that school student records be provided "[t]o a parent or student or person specifically designated as a representative by a parent, as provided in paragraph (a) of Section 5 [of ISSRA.]" Section 5(a) of ISSRA<sup>4</sup> provides, in pertinent part, that "[a] parent \* \* \* shall have the right to inspect and copy all school student permanent and temporary records of that child." That provision then sets out a specific procedure for parents to access their children's school student records under that Act that is different from and incompatible with the response procedures of FOIA.

ISSRA provides the sole process for parents to access their children's school student records, and those records are exempt from disclosure under section 7.5(r) of FOIA. Because the Public Access Counselor does not have the authority<sup>5</sup> to enforce any rights you may have with respect to your request to obtain copies of your child's school student records under section 5 of ISSRA, this office will take no further action with respect to this matter.

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<sup>1</sup>5 ILCS 140/7.5(r) (West 2023 Supp.), as amended by Public Acts 103-592, effective June 7, 2024; 103-605, effective July 1, 2024; 103-636, effective July 1, 2024; 103-724, effective January 1, 2025; 103-786, effective August 7, 2024; 103-859, effective August 9, 2024; 103-991, effective August 9, 2024; 103-1049, effective August 9, 2024.

<sup>2</sup>105 ILCS 10/6(a) (West 2022).

<sup>3</sup>105 ILCS 10/2(d) (West 2022).

<sup>4</sup>105 ILCS 10/5(a) (West 2022).

<sup>5</sup>See 15 ILCS 205/7 (West 2022) (Public Access Counselor's authority is limited to addressing alleged violations of FOIA and the Open Meetings Act (5 ILCS 120/1 *et seq.* (West 2022))).

  
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This file is closed. If you have any questions, please contact me at  
benjamin.silver@ilag.gov or (773) 590-7878.

Very truly yours,



BENJAMIN J. SILVER  
Supervising Attorney  
Public Access Bureau

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cc: *Via electronic mail*  
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