



Rep. Robert Martwick

Filed: 4/17/2018

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LRB100 02983 AXK 38582 a

1 AMENDMENT TO HOUSE BILL 1295

2 AMENDMENT NO. _____. Amend House Bill 1295 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Student Information Transparency Act.

6 Section 5. Definitions. In this Act:

7 "Destroy" means to remove student information, student
8 records, or student-generated content so that it is permanently
9 irretrievable in the normal course of business.

10 "Local education provider" means a public elementary or
11 secondary school in this State, including a charter school
12 authorized by a school board or by the State Charter School
13 Commission.

14 "Parent" means a person who is the natural parent of a
15 student or a person who has the primary responsibility for the
16 care and upbringing of a student. All rights and privileges

1 accorded to a parent under this Act shall become exclusively
2 those of the student upon his or her 18th birthday, graduation
3 from a secondary school, marriage, or entry into military
4 service, whichever occurs first.

5 "School purposes" means purposes that customarily take
6 place at the direction of a teacher or a local education
7 provider or aids in the administration of school activities,
8 including, but not limited to, instruction in the classroom,
9 administrative activities, and collaboration among students,
10 school personnel, or parents.

11 "School service" means an Internet website, online
12 service, online application, or mobile application that:

13 (i) is used at the direction of teachers or other
14 employees of a local education provider; and

15 (ii) collects, maintains, or uses student information,
16 student records, or student-generated content.

17 "School service contract provider" or "contract provider"
18 means an entity that enters into a formal, negotiated contract
19 with a local education provider or an employee of a local
20 education provider to provide a school service.

21 "School service on-demand provider" means an entity that,
22 subject to an agreement with a local education provider, an
23 employee of the local education provider, or a student or
24 parent under the direction of the local education provider,
25 occasionally provides a school service to the local education
26 provider in standard, non-negotiable terms and conditions of

1 service established by the providing entity.

2 "Student" means a student enrolled in a local education
3 provider.

4 "Student-generated content" means any student materials
5 created by a student, including, but not limited to, essays,
6 research papers, portfolios, creative writing, music or other
7 audio files, or photographs. "Student-generated content" does
8 not include a student's response to a standardized assessment.

9 "Student information" means personally identifiable
10 information or material of a student in any media or format and
11 is any of the following:

12 (1) Information created or provided by a student or a
13 parent to a school service in the course of the student or
14 parent using the school service for school purposes.

15 (2) Information created or provided by an employee or
16 agent of a local education provider to a school service for
17 school purposes.

18 (3) Information gathered by a school service that
19 identifies a student, including, but not limited to, the
20 student's first or last name, home address, telephone
21 number, date of birth, electronic mail address, discipline
22 records, test results, grades, evaluations, criminal
23 records, medical records, health records, Social Security
24 number, biometric information, disabilities, socioeconomic
25 information, food purchases, political affiliations,
26 religious affiliations, text messages, documents, student

1 identifiers, search activity, keystroke log, Internet
2 browser history, photographs, voice recordings, video
3 recordings, survey responses, behavioral assessments, or
4 information in the student's student records or electronic
5 mail account.

6 "Student record" means information contained in a student
7 permanent record or student temporary record, as defined in the
8 Illinois School Student Records Act, or information acquired
9 from a student through the use of a school service at the
10 direction of a teacher or other employee of a local education
11 provider.

12 Section 10. Local education provider; data transparency.
13 Each local education provider shall post and maintain on its
14 Internet website all of the following information:

15 (1) An explanation that is clear and understandable by
16 a layperson of the data elements of student information,
17 student records, or student-generated content that the
18 local education provider collects and maintains. The
19 information must explain how the local education provider
20 uses, to whom it discloses, and for what purpose it
21 discloses the student information, student records, or
22 student-generated content.

23 (2) A list of the school service contract providers
24 that the local education provider contracts with, a copy of
25 each contract, and a business address and telephone number

1 for each contract provider.

2 (3) To the extent of the local education provider's
3 knowledge, a list of the school service on-demand providers
4 that the local education provider or an employee of the
5 local education provider uses or directs a student or
6 parent to use for school services. At minimum, the local
7 education provider must provide the list under this
8 paragraph (3) no later than the 30th day of each school
9 year and must update the list no earlier than February 1
10 and no later than March 1 of each school year. Upon the
11 request of a parent, a local education provider must
12 provide the parent with the data privacy policy and terms
13 of service of a school service on-demand provider that the
14 local education provider, an employee of the local
15 education provider, or a student or parent at the direction
16 of the local education provider uses.

17 Section 15. School service contract provider; data
18 transparency.

19 (a) Each school service contract provider must provide to
20 each local education provider that the school service contract
21 provider contracts with, in a format that is easily accessible
22 through an Internet website, clear information that is
23 understandable by a layperson explaining all of the following:

24 (1) The data elements of student information, student
25 records, or student-generated content that the school

1 service contract provider collects.

2 (2) The learning purpose for which the school service
3 contract provider collects the student information,
4 student records, or student-generated content.

5 (3) How the school service contract provider uses, to
6 whom it discloses, and for what purpose it discloses the
7 student information, student records, or student-generated
8 content.

9 (b) The information disclosed under subsection (a) of this
10 Section must include all student information, student records,
11 or student-generated content that the school service contract
12 provider collects, regardless of whether it is initially
13 collected or ultimately held individually or in the aggregate.

14 (c) A local education provider must post the information
15 under subsection (a) of this Section on its Internet website. A
16 school service contract provider must update the information
17 under subsection (a) of this Section as necessary to maintain
18 accuracy.

19 Section 20. Student information; parental right to review,
20 correct, and delete.

21 (a) The parent of a student enrolled in a local education
22 provider has the right to all of the following:

23 (1) Inspect and review his or her child's student
24 information, student records, or student-generated
25 content, regardless of whether it is maintained by the

1 local education provider or a school service contract
2 provider.

3 (2) Request from a local education provider a paper or
4 electronic copy of his or her child's student information,
5 student records, or student-generated content, including
6 student information, student records, or student-generated
7 content maintained by a school service contract provider.
8 If a parent requests an electronic copy of his or her
9 child's student information, student records, or
10 student-generated content under this paragraph (2), the
11 local education provider must provide an electronic copy of
12 that information unless the local education provider does
13 not maintain the information in an electronic format and
14 reproducing the information in an electronic format would
15 be unduly burdensome to the local education provider. If a
16 parent requests a paper copy of his or her child's student
17 information, student records, or student-generated
18 content, the local education provider may charge the parent
19 the reasonable cost for copying the information in an
20 amount not to exceed the amount fixed in a schedule adopted
21 by the State Board of Education, except that no parent may
22 be denied a copy of the information due to the parent's
23 inability to bear the cost of the copying.

24 (3) Request corrections of factual inaccuracies
25 contained in his or her child's student information or
26 student records maintained by a local education provider or

1 school service contract provider. After receiving a
2 request for correction that documents the factual
3 inaccuracy, a local education provider must complete
4 either of the following:

5 (A) Confirm the correction with the parent within
6 90 days after the parent's request if the local
7 education provider maintains the student information
8 or student records that contain the factual
9 inaccuracy.

10 (B) Notify the contract provider, who must confirm
11 the correction with the parent within 90 days after the
12 parent's request, if the student information or
13 student records that contain the factual inaccuracy
14 are maintained by a contract provider.

15 (4) Destroy or have destroyed any of his or her child's
16 student information, student records, or student-generated
17 content maintained by a contract provider if the
18 destruction is not in violation of the Illinois School
19 Student Records Act.

20 (b) Each local education provider must post and maintain on
21 its Internet website a written description of the procedures
22 that a parent may use to carry out the rights enumerated under
23 subsection (a) of this Section.

24 (c) The State Board of Education shall adopt, implement,
25 and administer a policy for hearing complaints from a parent
26 regarding a local education provider's compliance with this

1 Act. At a minimum, the policy must provide a parent the
2 opportunity to submit information and receive a hearing from
3 the State Board of Education and must require the State Board
4 of Education to take action on the parent's complaint no later
5 than 60 days after the hearing.

6 (d) If a local education provider does not comply with the
7 requirements of this Act, a parent may submit a complaint with
8 the State Board of Education in accordance with the complaint
9 policy adopted under subsection (c) of this Section.

10 Section 25. Illinois School Student Records Act. Nothing in
11 this Act shall be construed to limit the rights granted to
12 parents and students under the Illinois School Student Records
13 Act.

14 Section 90. Rules. The State Board of Education may adopt
15 any rules necessary to implement this Act.

16 Section 95. The School Code is amended by changing Section
17 27A-5 as follows:

18 (105 ILCS 5/27A-5)

19 Sec. 27A-5. Charter school; legal entity; requirements.

20 (a) A charter school shall be a public, nonsectarian,
21 nonreligious, non-home based, and non-profit school. A charter
22 school shall be organized and operated as a nonprofit

1 corporation or other discrete, legal, nonprofit entity
2 authorized under the laws of the State of Illinois.

3 (b) A charter school may be established under this Article
4 by creating a new school or by converting an existing public
5 school or attendance center to charter school status. Beginning
6 on April 16, 2003 (the effective date of Public Act 93-3), in
7 all new applications to establish a charter school in a city
8 having a population exceeding 500,000, operation of the charter
9 school shall be limited to one campus. The changes made to this
10 Section by Public Act 93-3 do not apply to charter schools
11 existing or approved on or before April 16, 2003 (the effective
12 date of Public Act 93-3).

13 (b-5) In this subsection (b-5), "virtual-schooling" means
14 a cyber school where students engage in online curriculum and
15 instruction via the Internet and electronic communication with
16 their teachers at remote locations and with students
17 participating at different times.

18 From April 1, 2013 through December 31, 2016, there is a
19 moratorium on the establishment of charter schools with
20 virtual-schooling components in school districts other than a
21 school district organized under Article 34 of this Code. This
22 moratorium does not apply to a charter school with
23 virtual-schooling components existing or approved prior to
24 April 1, 2013 or to the renewal of the charter of a charter
25 school with virtual-schooling components already approved
26 prior to April 1, 2013.

1 On or before March 1, 2014, the Commission shall submit to
2 the General Assembly a report on the effect of
3 virtual-schooling, including without limitation the effect on
4 student performance, the costs associated with
5 virtual-schooling, and issues with oversight. The report shall
6 include policy recommendations for virtual-schooling.

7 (c) A charter school shall be administered and governed by
8 its board of directors or other governing body in the manner
9 provided in its charter. The governing body of a charter school
10 shall be subject to the Freedom of Information Act and the Open
11 Meetings Act.

12 (d) For purposes of this subsection (d), "non-curricular
13 health and safety requirement" means any health and safety
14 requirement created by statute or rule to provide, maintain,
15 preserve, or safeguard safe or healthful conditions for
16 students and school personnel or to eliminate, reduce, or
17 prevent threats to the health and safety of students and school
18 personnel. "Non-curricular health and safety requirement" does
19 not include any course of study or specialized instructional
20 requirement for which the State Board has established goals and
21 learning standards or which is designed primarily to impart
22 knowledge and skills for students to master and apply as an
23 outcome of their education.

24 A charter school shall comply with all non-curricular
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois. On or before September

1 1, 2015, the State Board shall promulgate and post on its
2 Internet website a list of non-curricular health and safety
3 requirements that a charter school must meet. The list shall be
4 updated annually no later than September 1. Any charter
5 contract between a charter school and its authorizer must
6 contain a provision that requires the charter school to follow
7 the list of all non-curricular health and safety requirements
8 promulgated by the State Board and any non-curricular health
9 and safety requirements added by the State Board to such list
10 during the term of the charter. Nothing in this subsection (d)
11 precludes an authorizer from including non-curricular health
12 and safety requirements in a charter school contract that are
13 not contained in the list promulgated by the State Board,
14 including non-curricular health and safety requirements of the
15 authorizing local school board.

16 (e) Except as otherwise provided in the School Code, a
17 charter school shall not charge tuition; provided that a
18 charter school may charge reasonable fees for textbooks,
19 instructional materials, and student activities.

20 (f) A charter school shall be responsible for the
21 management and operation of its fiscal affairs including, but
22 not limited to, the preparation of its budget. An audit of each
23 charter school's finances shall be conducted annually by an
24 outside, independent contractor retained by the charter
25 school. To ensure financial accountability for the use of
26 public funds, on or before December 1 of every year of

1 operation, each charter school shall submit to its authorizer
2 and the State Board a copy of its audit and a copy of the Form
3 990 the charter school filed that year with the federal
4 Internal Revenue Service. In addition, if deemed necessary for
5 proper financial oversight of the charter school, an authorizer
6 may require quarterly financial statements from each charter
7 school.

8 (g) A charter school shall comply with all provisions of
9 this Article, the Illinois Educational Labor Relations Act, all
10 federal and State laws and rules applicable to public schools
11 that pertain to special education and the instruction of
12 English learners, and its charter. A charter school is exempt
13 from all other State laws and regulations in this Code
14 governing public schools and local school board policies;
15 however, a charter school is not exempt from the following:

16 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
17 criminal history records checks and checks of the Statewide
18 Sex Offender Database and Statewide Murderer and Violent
19 Offender Against Youth Database of applicants for
20 employment;

21 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
22 34-84a of this Code regarding discipline of students;

23 (3) the Local Governmental and Governmental Employees
24 Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit
26 Corporation Act of 1986 regarding indemnification of

1 officers, directors, employees, and agents;

2 (5) the Abused and Neglected Child Reporting Act;

3 (5.5) subsection (b) of Section 10-23.12 and
4 subsection (b) of Section 34-18.6 of this Code;

5 (6) the Illinois School Student Records Act and the
6 Student Information Transparency Act;

7 (7) Section 10-17a of this Code regarding school report
8 cards;

9 (8) the P-20 Longitudinal Education Data System Act;

10 (9) Section 27-23.7 of this Code regarding bullying
11 prevention;

12 (10) Section 2-3.162 of this Code regarding student
13 discipline reporting;

14 (11) Sections 22-80 and 27-8.1 of this Code; ~~and~~

15 (12) Sections 10-20.60 and 34-18.53 of this Code; ~~and~~

16 (13) ~~(12)~~ Sections 10-20.63 ~~10-20.60~~ and 34-18.56
17 ~~34-18.53~~ of this Code; ~~and~~

18 (14) ~~(12)~~ Section 26-18 of this Code.

19 The change made by Public Act 96-104 to this subsection (g)
20 is declaratory of existing law.

21 (h) A charter school may negotiate and contract with a
22 school district, the governing body of a State college or
23 university or public community college, or any other public or
24 for-profit or nonprofit private entity for: (i) the use of a
25 school building and grounds or any other real property or
26 facilities that the charter school desires to use or convert

1 for use as a charter school site, (ii) the operation and
2 maintenance thereof, and (iii) the provision of any service,
3 activity, or undertaking that the charter school is required to
4 perform in order to carry out the terms of its charter.
5 However, a charter school that is established on or after April
6 16, 2003 (the effective date of Public Act 93-3) and that
7 operates in a city having a population exceeding 500,000 may
8 not contract with a for-profit entity to manage or operate the
9 school during the period that commences on April 16, 2003 (the
10 effective date of Public Act 93-3) and concludes at the end of
11 the 2004-2005 school year. Except as provided in subsection (i)
12 of this Section, a school district may charge a charter school
13 reasonable rent for the use of the district's buildings,
14 grounds, and facilities. Any services for which a charter
15 school contracts with a school district shall be provided by
16 the district at cost. Any services for which a charter school
17 contracts with a local school board or with the governing body
18 of a State college or university or public community college
19 shall be provided by the public entity at cost.

20 (i) In no event shall a charter school that is established
21 by converting an existing school or attendance center to
22 charter school status be required to pay rent for space that is
23 deemed available, as negotiated and provided in the charter
24 agreement, in school district facilities. However, all other
25 costs for the operation and maintenance of school district
26 facilities that are used by the charter school shall be subject

1 to negotiation between the charter school and the local school
2 board and shall be set forth in the charter.

3 (j) A charter school may limit student enrollment by age or
4 grade level.

5 (k) If the charter school is approved by the Commission,
6 then the Commission charter school is its own local education
7 agency.

8 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
9 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
10 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
11 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
12 1-1-18; 100-468, eff. 6-1-18; revised 9-25-17.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".