



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB5941**

by Rep. Christine Winger - Fred Crespo

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/2	from Ch. 102, par. 42
5 ILCS 140/7	from Ch. 116, par. 207
105 ILCS 10/6	from Ch. 122, par. 50-6
105 ILCS 128/20	
105 ILCS 128/45 new	

Amends the School Safety Drill Act. Requires schools to conduct a law enforcement drill to address a school shooting incident within 90 days after the beginning of each academic year (instead of conducting it during each academic year). Requires all school boards of school districts to develop threat assessment protocols and to create threat assessment teams. Provides that the threat assessment team shall include specified personnel and other members. Provides that a threat assessment protocol adopted by the school board shall be a public document and be posted on the school district's website. Provides that a school board shall create the threat assessment team within 30 days after the effective date of the amendatory Act and adopt an initial threat assessment protocol within 90 days after the effective date of the amendatory Act. Provides that a school district may share information concerning a clear and present danger with another school district and creates a conforming exemption in the Illinois School Student Records Act. Creates exemptions for the work of the threat assessment team in the Open Meetings Act and the Freedom of Information Act. Effective immediately.

LRB100 22724 XWW 41705 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing  
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall  
9 be open to the public unless excepted in subsection (c) and  
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained  
12 in subsection (c) are in derogation of the requirement that  
13 public bodies meet in the open, and therefore, the exceptions  
14 are to be strictly construed, extending only to subjects  
15 clearly within their scope. The exceptions authorize but do not  
16 require the holding of a closed meeting to discuss a subject  
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to  
19 consider the following subjects:

20 (1) The appointment, employment, compensation,  
21 discipline, performance, or dismissal of specific  
22 employees of the public body or legal counsel for the  
23 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against  
2 legal counsel for the public body to determine its  
3 validity. However, a meeting to consider an increase in  
4 compensation to a specific employee of a public body that  
5 is subject to the Local Government Wage Increase  
6 Transparency Act may not be closed and shall be open to the  
7 public and posted and held in accordance with this Act.

8 (2) Collective negotiating matters between the public  
9 body and its employees or their representatives, or  
10 deliberations concerning salary schedules for one or more  
11 classes of employees.

12 (3) The selection of a person to fill a public office,  
13 as defined in this Act, including a vacancy in a public  
14 office, when the public body is given power to appoint  
15 under law or ordinance, or the discipline, performance or  
16 removal of the occupant of a public office, when the public  
17 body is given power to remove the occupant under law or  
18 ordinance.

19 (4) Evidence or testimony presented in open hearing, or  
20 in closed hearing where specifically authorized by law, to  
21 a quasi-adjudicative body, as defined in this Act, provided  
22 that the body prepares and makes available for public  
23 inspection a written decision setting forth its  
24 determinative reasoning.

25 (5) The purchase or lease of real property for the use  
26 of the public body, including meetings held for the purpose

1 of discussing whether a particular parcel should be  
2 acquired.

3 (6) The setting of a price for sale or lease of  
4 property owned by the public body.

5 (7) The sale or purchase of securities, investments, or  
6 investment contracts. This exception shall not apply to the  
7 investment of assets or income of funds deposited into the  
8 Illinois Prepaid Tuition Trust Fund.

9 (8) Security procedures, school building safety and  
10 security, and the use of personnel and equipment to respond  
11 to an actual, a threatened, or a reasonably potential  
12 danger to the safety of employees, students, staff, the  
13 public, or public property.

14 (9) Student disciplinary cases.

15 (10) The placement of individual students in special  
16 education programs and other matters relating to  
17 individual students.

18 (11) Litigation, when an action against, affecting or  
19 on behalf of the particular public body has been filed and  
20 is pending before a court or administrative tribunal, or  
21 when the public body finds that an action is probable or  
22 imminent, in which case the basis for the finding shall be  
23 recorded and entered into the minutes of the closed  
24 meeting.

25 (12) The establishment of reserves or settlement of  
26 claims as provided in the Local Governmental and

1 Governmental Employees Tort Immunity Act, if otherwise the  
2 disposition of a claim or potential claim might be  
3 prejudiced, or the review or discussion of claims, loss or  
4 risk management information, records, data, advice or  
5 communications from or with respect to any insurer of the  
6 public body or any intergovernmental risk management  
7 association or self insurance pool of which the public body  
8 is a member.

9 (13) Conciliation of complaints of discrimination in  
10 the sale or rental of housing, when closed meetings are  
11 authorized by the law or ordinance prescribing fair housing  
12 practices and creating a commission or administrative  
13 agency for their enforcement.

14 (14) Informant sources, the hiring or assignment of  
15 undercover personnel or equipment, or ongoing, prior or  
16 future criminal investigations, when discussed by a public  
17 body with criminal investigatory responsibilities.

18 (15) Professional ethics or performance when  
19 considered by an advisory body appointed to advise a  
20 licensing or regulatory agency on matters germane to the  
21 advisory body's field of competence.

22 (16) Self evaluation, practices and procedures or  
23 professional ethics, when meeting with a representative of  
24 a statewide association of which the public body is a  
25 member.

26 (17) The recruitment, credentialing, discipline or

1 formal peer review of physicians or other health care  
2 professionals, or for the discussion of matters protected  
3 under the federal Patient Safety and Quality Improvement  
4 Act of 2005, and the regulations promulgated thereunder,  
5 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
6 Health Insurance Portability and Accountability Act of  
7 1996, and the regulations promulgated thereunder,  
8 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,  
9 or other institution providing medical care, that is  
10 operated by the public body.

11 (18) Deliberations for decisions of the Prisoner  
12 Review Board.

13 (19) Review or discussion of applications received  
14 under the Experimental Organ Transplantation Procedures  
15 Act.

16 (20) The classification and discussion of matters  
17 classified as confidential or continued confidential by  
18 the State Government Suggestion Award Board.

19 (21) Discussion of minutes of meetings lawfully closed  
20 under this Act, whether for purposes of approval by the  
21 body of the minutes or semi-annual review of the minutes as  
22 mandated by Section 2.06.

23 (22) Deliberations for decisions of the State  
24 Emergency Medical Services Disciplinary Review Board.

25 (23) The operation by a municipality of a municipal  
26 utility or the operation of a municipal power agency or

1 municipal natural gas agency when the discussion involves  
2 (i) contracts relating to the purchase, sale, or delivery  
3 of electricity or natural gas or (ii) the results or  
4 conclusions of load forecast studies.

5 (24) Meetings of a residential health care facility  
6 resident sexual assault and death review team or the  
7 Executive Council under the Abuse Prevention Review Team  
8 Act.

9 (25) Meetings of an independent team of experts under  
10 Brian's Law.

11 (26) Meetings of a mortality review team appointed  
12 under the Department of Juvenile Justice Mortality Review  
13 Team Act.

14 (27) (Blank).

15 (28) Correspondence and records (i) that may not be  
16 disclosed under Section 11-9 of the Illinois Public Aid  
17 Code or (ii) that pertain to appeals under Section 11-8 of  
18 the Illinois Public Aid Code.

19 (29) Meetings between internal or external auditors  
20 and governmental audit committees, finance committees, and  
21 their equivalents, when the discussion involves internal  
22 control weaknesses, identification of potential fraud risk  
23 areas, known or suspected frauds, and fraud interviews  
24 conducted in accordance with generally accepted auditing  
25 standards of the United States of America.

26 (30) Those meetings or portions of meetings of a

1 fatality review team or the Illinois Fatality Review Team  
2 Advisory Council during which a review of the death of an  
3 eligible adult in which abuse or neglect is suspected,  
4 alleged, or substantiated is conducted pursuant to Section  
5 15 of the Adult Protective Services Act.

6 (31) Meetings and deliberations for decisions of the  
7 Concealed Carry Licensing Review Board under the Firearm  
8 Concealed Carry Act.

9 (32) Meetings between the Regional Transportation  
10 Authority Board and its Service Boards when the discussion  
11 involves review by the Regional Transportation Authority  
12 Board of employment contracts under Section 28d of the  
13 Metropolitan Transit Authority Act and Sections 3A.18 and  
14 3B.26 of the Regional Transportation Authority Act.

15 (33) Those meetings or portions of meetings of the  
16 advisory committee and peer review subcommittee created  
17 under Section 320 of the Illinois Controlled Substances Act  
18 during which specific controlled substance prescriber,  
19 dispenser, or patient information is discussed.

20 (34) Meetings of the Tax Increment Financing Reform  
21 Task Force under Section 2505-800 of the Department of  
22 Revenue Law of the Civil Administrative Code of Illinois.

23 (35) Meetings concerning the work of the threat  
24 assessment team of a school district.

25 (d) Definitions. For purposes of this Section:

26 "Employee" means a person employed by a public body whose



1 relationship with the public body constitutes an  
2 employer-employee relationship under the usual common law  
3 rules, and who is not an independent contractor.

4 "Public office" means a position created by or under the  
5 Constitution or laws of this State, the occupant of which is  
6 charged with the exercise of some portion of the sovereign  
7 power of this State. The term "public office" shall include  
8 members of the public body, but it shall not include  
9 organizational positions filled by members thereof, whether  
10 established by law or by a public body itself, that exist to  
11 assist the body in the conduct of its business.

12 "Quasi-adjudicative body" means an administrative body  
13 charged by law or ordinance with the responsibility to conduct  
14 hearings, receive evidence or testimony and make  
15 determinations based thereon, but does not include local  
16 electoral boards when such bodies are considering petition  
17 challenges.

18 (e) Final action. No final action may be taken at a closed  
19 meeting. Final action shall be preceded by a public recital of  
20 the nature of the matter being considered and other information  
21 that will inform the public of the business being conducted.

22 (Source: P.A. 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480,  
23 eff. 9-9-15; 99-642, eff. 7-28-16; 99-646, eff. 7-28-16;  
24 99-687, eff. 1-1-17; 100-201, eff. 8-18-17; 100-465, eff.  
25 8-31-17.)

1 Section 10. The Freedom of Information Act is amended by  
2 changing Section 7 as follows:

3 (5 ILCS 140/7) (from Ch. 116, par. 207)

4 Sec. 7. Exemptions.

5 (1) When a request is made to inspect or copy a public  
6 record that contains information that is exempt from disclosure  
7 under this Section, but also contains information that is not  
8 exempt from disclosure, the public body may elect to redact the  
9 information that is exempt. The public body shall make the  
10 remaining information available for inspection and copying.  
11 Subject to this requirement, the following shall be exempt from  
12 inspection and copying:

13 (a) Information specifically prohibited from  
14 disclosure by federal or State law or rules and regulations  
15 implementing federal or State law.

16 (b) Private information, unless disclosure is required  
17 by another provision of this Act, a State or federal law or  
18 a court order.

19 (b-5) Files, documents, and other data or databases  
20 maintained by one or more law enforcement agencies and  
21 specifically designed to provide information to one or more  
22 law enforcement agencies regarding the physical or mental  
23 status of one or more individual subjects.

24 (c) Personal information contained within public  
25 records, the disclosure of which would constitute a clearly

1           unwarranted invasion of personal privacy, unless the  
2           disclosure is consented to in writing by the individual  
3           subjects of the information. "Unwarranted invasion of  
4           personal privacy" means the disclosure of information that  
5           is highly personal or objectionable to a reasonable person  
6           and in which the subject's right to privacy outweighs any  
7           legitimate public interest in obtaining the information.  
8           The disclosure of information that bears on the public  
9           duties of public employees and officials shall not be  
10          considered an invasion of personal privacy.

11           (d) Records in the possession of any public body  
12          created in the course of administrative enforcement  
13          proceedings, and any law enforcement or correctional  
14          agency for law enforcement purposes, but only to the extent  
15          that disclosure would:

16                   (i) interfere with pending or actually and  
17                   reasonably contemplated law enforcement proceedings  
18                   conducted by any law enforcement or correctional  
19                   agency that is the recipient of the request;

20                   (ii) interfere with active administrative  
21                   enforcement proceedings conducted by the public body  
22                   that is the recipient of the request;

23                   (iii) create a substantial likelihood that a  
24                   person will be deprived of a fair trial or an impartial  
25                   hearing;

26                   (iv) unavoidably disclose the identity of a

1 confidential source, confidential information  
2 furnished only by the confidential source, or persons  
3 who file complaints with or provide information to  
4 administrative, investigative, law enforcement, or  
5 penal agencies; except that the identities of  
6 witnesses to traffic accidents, traffic accident  
7 reports, and rescue reports shall be provided by  
8 agencies of local government, except when disclosure  
9 would interfere with an active criminal investigation  
10 conducted by the agency that is the recipient of the  
11 request;

12 (v) disclose unique or specialized investigative  
13 techniques other than those generally used and known or  
14 disclose internal documents of correctional agencies  
15 related to detection, observation or investigation of  
16 incidents of crime or misconduct, and disclosure would  
17 result in demonstrable harm to the agency or public  
18 body that is the recipient of the request;

19 (vi) endanger the life or physical safety of law  
20 enforcement personnel or any other person; or

21 (vii) obstruct an ongoing criminal investigation  
22 by the agency that is the recipient of the request.

23 (d-5) A law enforcement record created for law  
24 enforcement purposes and contained in a shared electronic  
25 record management system if the law enforcement agency that  
26 is the recipient of the request did not create the record,

1 did not participate in or have a role in any of the events  
2 which are the subject of the record, and only has access to  
3 the record through the shared electronic record management  
4 system.

5 (e) Records that relate to or affect the security of  
6 correctional institutions and detention facilities.

7 (e-5) Records requested by persons committed to the  
8 Department of Corrections or a county jail if those  
9 materials are available in the library of the correctional  
10 facility or jail where the inmate is confined.

11 (e-6) Records requested by persons committed to the  
12 Department of Corrections or a county jail if those  
13 materials include records from staff members' personnel  
14 files, staff rosters, or other staffing assignment  
15 information.

16 (e-7) Records requested by persons committed to the  
17 Department of Corrections if those materials are available  
18 through an administrative request to the Department of  
19 Corrections.

20 (e-8) Records requested by a person committed to the  
21 Department of Corrections or a county jail, the disclosure  
22 of which would result in the risk of harm to any person or  
23 the risk of an escape from a jail or correctional  
24 institution or facility.

25 (e-9) Records requested by a person in a county jail or  
26 committed to the Department of Corrections containing

1 personal information pertaining to the person's victim or  
2 the victim's family, including, but not limited to, a  
3 victim's home address, home telephone number, work or  
4 school address, work telephone number, social security  
5 number, or any other identifying information, except as may  
6 be relevant to a requester's current or potential case or  
7 claim.

8 (e-10) Law enforcement records of other persons  
9 requested by a person committed to the Department of  
10 Corrections or a county jail, including, but not limited  
11 to, arrest and booking records, mug shots, and crime scene  
12 photographs, except as these records may be relevant to the  
13 requester's current or potential case or claim.

14 (f) Preliminary drafts, notes, recommendations,  
15 memoranda and other records in which opinions are  
16 expressed, or policies or actions are formulated, except  
17 that a specific record or relevant portion of a record  
18 shall not be exempt when the record is publicly cited and  
19 identified by the head of the public body. The exemption  
20 provided in this paragraph (f) extends to all those records  
21 of officers and agencies of the General Assembly that  
22 pertain to the preparation of legislative documents.

23 (g) Trade secrets and commercial or financial  
24 information obtained from a person or business where the  
25 trade secrets or commercial or financial information are  
26 furnished under a claim that they are proprietary,

1 privileged or confidential, and that disclosure of the  
2 trade secrets or commercial or financial information would  
3 cause competitive harm to the person or business, and only  
4 insofar as the claim directly applies to the records  
5 requested.

6 The information included under this exemption includes  
7 all trade secrets and commercial or financial information  
8 obtained by a public body, including a public pension fund,  
9 from a private equity fund or a privately held company  
10 within the investment portfolio of a private equity fund as  
11 a result of either investing or evaluating a potential  
12 investment of public funds in a private equity fund. The  
13 exemption contained in this item does not apply to the  
14 aggregate financial performance information of a private  
15 equity fund, nor to the identity of the fund's managers or  
16 general partners. The exemption contained in this item does  
17 not apply to the identity of a privately held company  
18 within the investment portfolio of a private equity fund,  
19 unless the disclosure of the identity of a privately held  
20 company may cause competitive harm.

21 Nothing contained in this paragraph (g) shall be  
22 construed to prevent a person or business from consenting  
23 to disclosure.

24 (h) Proposals and bids for any contract, grant, or  
25 agreement, including information which if it were  
26 disclosed would frustrate procurement or give an advantage

1 to any person proposing to enter into a contractor  
2 agreement with the body, until an award or final selection  
3 is made. Information prepared by or for the body in  
4 preparation of a bid solicitation shall be exempt until an  
5 award or final selection is made.

6 (i) Valuable formulae, computer geographic systems,  
7 designs, drawings and research data obtained or produced by  
8 any public body when disclosure could reasonably be  
9 expected to produce private gain or public loss. The  
10 exemption for "computer geographic systems" provided in  
11 this paragraph (i) does not extend to requests made by news  
12 media as defined in Section 2 of this Act when the  
13 requested information is not otherwise exempt and the only  
14 purpose of the request is to access and disseminate  
15 information regarding the health, safety, welfare, or  
16 legal rights of the general public.

17 (j) The following information pertaining to  
18 educational matters:

19 (i) test questions, scoring keys and other  
20 examination data used to administer an academic  
21 examination;

22 (ii) information received by a primary or  
23 secondary school, college, or university under its  
24 procedures for the evaluation of faculty members by  
25 their academic peers;

26 (iii) information concerning a school or



1 university's adjudication of student disciplinary  
2 cases, but only to the extent that disclosure would  
3 unavoidably reveal the identity of the student; and

4 (iv) course materials or research materials used  
5 by faculty members.

6 (k) Architects' plans, engineers' technical  
7 submissions, and other construction related technical  
8 documents for projects not constructed or developed in  
9 whole or in part with public funds and the same for  
10 projects constructed or developed with public funds,  
11 including but not limited to power generating and  
12 distribution stations and other transmission and  
13 distribution facilities, water treatment facilities,  
14 airport facilities, sport stadiums, convention centers,  
15 and all government owned, operated, or occupied buildings,  
16 but only to the extent that disclosure would compromise  
17 security.

18 (l) Minutes of meetings of public bodies closed to the  
19 public as provided in the Open Meetings Act until the  
20 public body makes the minutes available to the public under  
21 Section 2.06 of the Open Meetings Act.

22 (m) Communications between a public body and an  
23 attorney or auditor representing the public body that would  
24 not be subject to discovery in litigation, and materials  
25 prepared or compiled by or for a public body in  
26 anticipation of a criminal, civil or administrative

1 proceeding upon the request of an attorney advising the  
2 public body, and materials prepared or compiled with  
3 respect to internal audits of public bodies.

4 (n) Records relating to a public body's adjudication of  
5 employee grievances or disciplinary cases; however, this  
6 exemption shall not extend to the final outcome of cases in  
7 which discipline is imposed.

8 (o) Administrative or technical information associated  
9 with automated data processing operations, including but  
10 not limited to software, operating protocols, computer  
11 program abstracts, file layouts, source listings, object  
12 modules, load modules, user guides, documentation  
13 pertaining to all logical and physical design of  
14 computerized systems, employee manuals, and any other  
15 information that, if disclosed, would jeopardize the  
16 security of the system or its data or the security of  
17 materials exempt under this Section.

18 (p) Records relating to collective negotiating matters  
19 between public bodies and their employees or  
20 representatives, except that any final contract or  
21 agreement shall be subject to inspection and copying.

22 (q) Test questions, scoring keys, and other  
23 examination data used to determine the qualifications of an  
24 applicant for a license or employment.

25 (r) The records, documents, and information relating  
26 to real estate purchase negotiations until those

1 negotiations have been completed or otherwise terminated.  
2 With regard to a parcel involved in a pending or actually  
3 and reasonably contemplated eminent domain proceeding  
4 under the Eminent Domain Act, records, documents and  
5 information relating to that parcel shall be exempt except  
6 as may be allowed under discovery rules adopted by the  
7 Illinois Supreme Court. The records, documents and  
8 information relating to a real estate sale shall be exempt  
9 until a sale is consummated.

10 (s) Any and all proprietary information and records  
11 related to the operation of an intergovernmental risk  
12 management association or self-insurance pool or jointly  
13 self-administered health and accident cooperative or pool.  
14 Insurance or self insurance (including any  
15 intergovernmental risk management association or self  
16 insurance pool) claims, loss or risk management  
17 information, records, data, advice or communications.

18 (t) Information contained in or related to  
19 examination, operating, or condition reports prepared by,  
20 on behalf of, or for the use of a public body responsible  
21 for the regulation or supervision of financial  
22 institutions or insurance companies, unless disclosure is  
23 otherwise required by State law.

24 (u) Information that would disclose or might lead to  
25 the disclosure of secret or confidential information,  
26 codes, algorithms, programs, or private keys intended to be

1 used to create electronic or digital signatures under the  
2 Electronic Commerce Security Act.

3 (v) Vulnerability assessments, security measures, and  
4 response policies or plans that are designed to identify,  
5 prevent, or respond to potential attacks upon a community's  
6 population or systems, facilities, or installations, the  
7 destruction or contamination of which would constitute a  
8 clear and present danger to the health or safety of the  
9 community, but only to the extent that disclosure could  
10 reasonably be expected to jeopardize the effectiveness of  
11 the measures or the safety of the personnel who implement  
12 them or the public. Information exempt under this item may  
13 include such things as details pertaining to the  
14 mobilization or deployment of personnel or equipment, to  
15 the operation of communication systems or protocols, or to  
16 tactical operations.

17 (w) (Blank).

18 (x) Maps and other records regarding the location or  
19 security of generation, transmission, distribution,  
20 storage, gathering, treatment, or switching facilities  
21 owned by a utility, by a power generator, or by the  
22 Illinois Power Agency.

23 (y) Information contained in or related to proposals,  
24 bids, or negotiations related to electric power  
25 procurement under Section 1-75 of the Illinois Power Agency  
26 Act and Section 16-111.5 of the Public Utilities Act that

1 is determined to be confidential and proprietary by the  
2 Illinois Power Agency or by the Illinois Commerce  
3 Commission.

4 (z) Information about students exempted from  
5 disclosure under Sections 10-20.38 or 34-18.29 of the  
6 School Code, and information about undergraduate students  
7 enrolled at an institution of higher education exempted  
8 from disclosure under Section 25 of the Illinois Credit  
9 Card Marketing Act of 2009.

10 (aa) Information the disclosure of which is exempted  
11 under the Viatical Settlements Act of 2009.

12 (bb) Records and information provided to a mortality  
13 review team and records maintained by a mortality review  
14 team appointed under the Department of Juvenile Justice  
15 Mortality Review Team Act.

16 (cc) Information regarding interments, entombments, or  
17 inurnments of human remains that are submitted to the  
18 Cemetery Oversight Database under the Cemetery Care Act or  
19 the Cemetery Oversight Act, whichever is applicable.

20 (dd) Correspondence and records (i) that may not be  
21 disclosed under Section 11-9 of the Illinois Public Aid  
22 Code or (ii) that pertain to appeals under Section 11-8 of  
23 the Illinois Public Aid Code.

24 (ee) The names, addresses, or other personal  
25 information of persons who are minors and are also  
26 participants and registrants in programs of park

1 districts, forest preserve districts, conservation  
2 districts, recreation agencies, and special recreation  
3 associations.

4 (ff) The names, addresses, or other personal  
5 information of participants and registrants in programs of  
6 park districts, forest preserve districts, conservation  
7 districts, recreation agencies, and special recreation  
8 associations where such programs are targeted primarily to  
9 minors.

10 (gg) Confidential information described in Section  
11 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

12 (hh) The report submitted to the State Board of  
13 Education by the School Security and Standards Task Force  
14 under item (8) of subsection (d) of Section 2-3.160 of the  
15 School Code and any information contained in that report.

16 (ii) Records requested by persons committed to or  
17 detained by the Department of Human Services under the  
18 Sexually Violent Persons Commitment Act or committed to the  
19 Department of Corrections under the Sexually Dangerous  
20 Persons Act if those materials: (i) are available in the  
21 library of the facility where the individual is confined;  
22 (ii) include records from staff members' personnel files,  
23 staff rosters, or other staffing assignment information;  
24 or (iii) are available through an administrative request to  
25 the Department of Human Services or the Department of  
26 Corrections.

1 (jj) Confidential information described in Section  
2 5-535 of the Civil Administrative Code of Illinois.

3 (kk) Records concerning the work of the threat  
4 assessment team of a school district.

5 (1.5) Any information exempt from disclosure under the  
6 Judicial Privacy Act shall be redacted from public records  
7 prior to disclosure under this Act.

8 (2) A public record that is not in the possession of a  
9 public body but is in the possession of a party with whom the  
10 agency has contracted to perform a governmental function on  
11 behalf of the public body, and that directly relates to the  
12 governmental function and is not otherwise exempt under this  
13 Act, shall be considered a public record of the public body,  
14 for purposes of this Act.

15 (3) This Section does not authorize withholding of  
16 information or limit the availability of records to the public,  
17 except as stated in this Section or otherwise provided in this  
18 Act.

19 (Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642,  
20 eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17.)

21 Section 15. The Illinois School Student Records Act is  
22 amended by changing Section 6 as follows:

23 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

24 Sec. 6. (a) No school student records or information

1 contained therein may be released, transferred, disclosed or  
2 otherwise disseminated, except as follows:

3 (1) to a parent or student or person specifically  
4 designated as a representative by a parent, as provided in  
5 paragraph (a) of Section 5;

6 (2) to an employee or official of the school or school  
7 district or State Board with current demonstrable  
8 educational or administrative interest in the student, in  
9 furtherance of such interest;

10 (3) to the official records custodian of another school  
11 within Illinois or an official with similar  
12 responsibilities of a school outside Illinois, in which the  
13 student has enrolled, or intends to enroll, upon the  
14 request of such official or student;

15 (4) to any person for the purpose of research,  
16 statistical reporting, or planning, provided that such  
17 research, statistical reporting, or planning is  
18 permissible under and undertaken in accordance with the  
19 federal Family Educational Rights and Privacy Act (20  
20 U.S.C. 1232g);

21 (5) pursuant to a court order, provided that the parent  
22 shall be given prompt written notice upon receipt of such  
23 order of the terms of the order, the nature and substance  
24 of the information proposed to be released in compliance  
25 with such order and an opportunity to inspect and copy the  
26 school student records and to challenge their contents



1           pursuant to Section 7;

2           (6) to any person as specifically required by State or  
3           federal law;

4           (6.5) to juvenile authorities when necessary for the  
5           discharge of their official duties who request information  
6           prior to adjudication of the student and who certify in  
7           writing that the information will not be disclosed to any  
8           other party except as provided under law or order of court.

9           For purposes of this Section "juvenile authorities" means:

10          (i) a judge of the circuit court and members of the staff  
11          of the court designated by the judge; (ii) parties to the  
12          proceedings under the Juvenile Court Act of 1987 and their  
13          attorneys; (iii) probation officers and court appointed  
14          advocates for the juvenile authorized by the judge hearing  
15          the case; (iv) any individual, public or private agency  
16          having custody of the child pursuant to court order; (v)  
17          any individual, public or private agency providing  
18          education, medical or mental health service to the child  
19          when the requested information is needed to determine the  
20          appropriate service or treatment for the minor; (vi) any  
21          potential placement provider when such release is  
22          authorized by the court for the limited purpose of  
23          determining the appropriateness of the potential  
24          placement; (vii) law enforcement officers and prosecutors;  
25          (viii) adult and juvenile prisoner review boards; (ix)  
26          authorized military personnel; (x) individuals authorized

1 by court;

2 (7) subject to regulations of the State Board, in  
3 connection with an emergency, to appropriate persons if the  
4 knowledge of such information is necessary to protect the  
5 health or safety of the student or other persons;

6 (8) to any person, with the prior specific dated  
7 written consent of the parent designating the person to  
8 whom the records may be released, provided that at the time  
9 any such consent is requested or obtained, the parent shall  
10 be advised in writing that he has the right to inspect and  
11 copy such records in accordance with Section 5, to  
12 challenge their contents in accordance with Section 7 and  
13 to limit any such consent to designated records or  
14 designated portions of the information contained therein;

15 (9) to a governmental agency, or social service agency  
16 contracted by a governmental agency, in furtherance of an  
17 investigation of a student's school attendance pursuant to  
18 the compulsory student attendance laws of this State,  
19 provided that the records are released to the employee or  
20 agent designated by the agency;

21 (10) to those SHOCAP committee members who fall within  
22 the meaning of "state and local officials and authorities",  
23 as those terms are used within the meaning of the federal  
24 Family Educational Rights and Privacy Act, for the purposes  
25 of identifying serious habitual juvenile offenders and  
26 matching those offenders with community resources pursuant

1 to Section 5-145 of the Juvenile Court Act of 1987, but  
2 only to the extent that the release, transfer, disclosure,  
3 or dissemination is consistent with the Family Educational  
4 Rights and Privacy Act;

5 (11) to the Department of Healthcare and Family  
6 Services in furtherance of the requirements of Section  
7 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
8 Section 10 of the School Breakfast and Lunch Program Act;

9 ~~or~~

10 (12) to the State Board or another State government  
11 agency or between or among State government agencies in  
12 order to evaluate or audit federal and State programs or  
13 perform research and planning, but only to the extent that  
14 the release, transfer, disclosure, or dissemination is  
15 consistent with the federal Family Educational Rights and  
16 Privacy Act (20 U.S.C. 1232g); ~~or-~~

17 (13) to another school district when a clear and  
18 present danger presents itself, in accordance with  
19 subsection (d) of Section 45 of the School Safety Drill  
20 Act.

21 (b) No information may be released pursuant to subparagraph  
22 (3) or (6) of paragraph (a) of this Section 6 unless the parent  
23 receives prior written notice of the nature and substance of  
24 the information proposed to be released, and an opportunity to  
25 inspect and copy such records in accordance with Section 5 and  
26 to challenge their contents in accordance with Section 7.

1 Provided, however, that such notice shall be sufficient if  
2 published in a local newspaper of general circulation or other  
3 publication directed generally to the parents involved where  
4 the proposed release of information is pursuant to subparagraph  
5 (6) of paragraph (a) of this Section 6 and relates to more than  
6 25 students.

7 (c) A record of any release of information pursuant to this  
8 Section must be made and kept as a part of the school student  
9 record and subject to the access granted by Section 5. Such  
10 record of release shall be maintained for the life of the  
11 school student records and shall be available only to the  
12 parent and the official records custodian. Each record of  
13 release shall also include:

14 (1) the nature and substance of the information  
15 released;

16 (2) the name and signature of the official records  
17 custodian releasing such information;

18 (3) the name of the person requesting such information,  
19 the capacity in which such a request has been made, and the  
20 purpose of such request;

21 (4) the date of the release; and

22 (5) a copy of any consent to such release.

23 (d) Except for the student and his parents, no person to  
24 whom information is released pursuant to this Section and no  
25 person specifically designated as a representative by a parent  
26 may permit any other person to have access to such information

1 without a prior consent of the parent obtained in accordance  
2 with the requirements of subparagraph (8) of paragraph (a) of  
3 this Section.

4 (e) Nothing contained in this Act shall prohibit the  
5 publication of student directories which list student names,  
6 addresses and other identifying information and similar  
7 publications which comply with regulations issued by the State  
8 Board.

9 (Source: P.A. 99-78, eff. 7-20-15.)

10 Section 20. The School Safety Drill Act is amended by  
11 changing Section 20 and by adding Section 45 as follows:

12 (105 ILCS 128/20)

13 Sec. 20. Number of drills; incidents covered; local  
14 authority participation.

15 (a) During each academic year, schools must conduct a  
16 minimum of 3 school evacuation drills to address and prepare  
17 students and school personnel for fire incidents. These drills  
18 must meet all of the following criteria:

19 (1) One of the 3 school evacuation drills shall require  
20 the participation of the appropriate local fire department  
21 or district.

22 (A) Each local fire department or fire district  
23 must contact the appropriate school administrator or  
24 his or her designee no later than September 1 of each

1 year in order to arrange for the participation of the  
2 department or district in the school evacuation drill.

3 (B) Each school administrator or his or her  
4 designee must contact the responding local fire  
5 official no later than September 15 of each year and  
6 propose to the local fire official 4 dates within the  
7 month of October, during at least 2 different weeks of  
8 October, on which the drill shall occur. The fire  
9 official may choose any of the 4 available dates, and  
10 if he or she does so, the drill shall occur on that  
11 date.

12 (C) The school administrator or his or her designee  
13 and the local fire official may also, by mutual  
14 agreement, set any other date for the drill, including  
15 a date outside of the month of October.

16 (D) If the fire official does not select one of the  
17 4 offered dates in October or set another date by  
18 mutual agreement, the requirement that the school  
19 include the local fire service in one of its mandatory  
20 school evacuation drills shall be waived. Schools,  
21 however, shall continue to be strongly encouraged to  
22 include the fire service in a school evacuation drill  
23 at a mutually agreed-upon time.

24 (E) Upon the participation of the local fire  
25 service, the appropriate local fire official shall  
26 certify that the school evacuation drill was

1 conducted.

2 (F) When scheduling the school evacuation drill,  
3 the school administrator or his or her designee and the  
4 local fire department or fire district may, by mutual  
5 agreement on or before September 14, choose to waive  
6 the provisions of subparagraphs (B), (C), and (D) of  
7 this paragraph (1).

8 Additional school evacuation drills for fire incidents  
9 may involve the participation of the appropriate local fire  
10 department or district.

11 (2) Schools may conduct additional school evacuation  
12 drills to account for other evacuation incidents,  
13 including without limitation suspicious items or bomb  
14 threats.

15 (3) All drills shall be conducted at each school  
16 building that houses school children.

17 (b) During each academic year, schools must conduct a  
18 minimum of one bus evacuation drill. This drill shall be  
19 accounted for in the curriculum in all public schools and in  
20 all other educational institutions in this State that are  
21 supported or maintained, in whole or in part, by public funds  
22 and that provide instruction in any of the grades kindergarten  
23 through 12. This curriculum shall include instruction in safe  
24 bus riding practices for all students. Schools may conduct  
25 additional bus evacuation drills. All drills shall be conducted  
26 at each school building that houses school children.

1 (b-5) Notwithstanding the minimum requirements established  
2 by this Act, private schools that do not utilize a bus to  
3 transport students for any purpose are exempt from subsection  
4 (b) of this Section, provided that the chief school  
5 administrator of the private school provides written assurance  
6 to the State Board of Education that the private school does  
7 not plan to utilize a bus to transport students for any purpose  
8 during the current academic year. The assurance must be made on  
9 a form supplied by the State Board of Education and filed no  
10 later than October 15. If a private school utilizes a bus to  
11 transport students for any purpose during an academic year when  
12 an assurance pursuant to this subsection (b-5) has been filed  
13 with the State Board of Education, the private school shall  
14 immediately notify the State Board of Education and comply with  
15 subsection (b) of this Section no later than 30 calendar days  
16 after utilization of the bus to transport students, except  
17 that, at the discretion of the private school, students chosen  
18 for participation in the bus evacuation drill need include only  
19 the subgroup of students that are utilizing bus transportation.

20 (c) Within 90 days after the beginning of ~~During~~ each  
21 academic year, schools must conduct a law enforcement drill to  
22 address a school shooting incident. Such drills must be  
23 conducted according to the school district's or private  
24 school's emergency and crisis response plans, protocols, and  
25 procedures, with the participation of the appropriate law  
26 enforcement agency. Law enforcement drills may be conducted on



1 days and times when students are not present in the school  
2 building. All drills must be conducted at each school building  
3 that houses school children.

4 (1) A law enforcement drill must meet all of the  
5 following criteria:

6 (A) During each calendar year, the appropriate  
7 local law enforcement agency shall contact the  
8 appropriate school administrator to request to  
9 participate in a law enforcement drill. The school  
10 administrator and local law enforcement agency shall  
11 set, by mutual agreement, a date for the drill.

12 (A-5) The drill shall require the on-site  
13 participation of the local law enforcement agency. If a  
14 mutually agreeable date cannot be reached between the  
15 school administrator and the appropriate local law  
16 enforcement agency, then the school shall still hold  
17 the drill without participation from the agency.

18 (B) Upon the participation of a local law  
19 enforcement agency in a law enforcement drill, the  
20 appropriate local law enforcement official shall  
21 certify that the law enforcement drill was conducted  
22 and notify the school in a timely manner of any  
23 deficiencies noted during the drill.

24 (2) Schools may conduct additional law enforcement  
25 drills at their discretion.

26 (3) (Blank).

1 (d) During each academic year, schools must conduct a  
2 minimum of one severe weather and shelter-in-place drill to  
3 address and prepare students and school personnel for possible  
4 tornado incidents and may conduct additional severe weather and  
5 shelter-in-place drills to account for other incidents,  
6 including without limitation earthquakes or hazardous  
7 materials. All drills shall be conducted at each school  
8 building that houses school children.

9 (Source: P.A. 100-443, eff. 8-25-17.)

10 (105 ILCS 128/45 new)

11 Sec. 45. Threat assessment protocol.

12 (a) The school board of each school district shall adopt a  
13 threat assessment protocol. The school board shall create a  
14 threat assessment team to develop the threat assessment  
15 protocol, which shall include at least one member representing  
16 each of the following stakeholder groups:

17 (1) administrators employed by the school district;

18 (2) teachers employed by the school district;

19 (3) school counselors employed by the school district;

20 (4) school social workers employed by the school  
21 district;

22 (5) school nurses employed by the school district;

23 (6) parents whose children are enrolled in the school  
24 district;

25 (7) students who are enrolled in the school district;

1           and

2                   (8) emergency response professionals.

3           (b) A threat assessment protocol adopted by the school  
4 board shall be a public document, and the school district shall  
5 post the threat assessment protocol on its website.

6           (c) The school board shall create the threat assessment  
7 team within 30 days after the effective date of this amendatory  
8 Act of the 100th General Assembly and shall adopt an initial  
9 threat assessment protocol within 90 days after the effective  
10 date of this amendatory Act of the 100th General Assembly.

11           (d) A school district may share information concerning a  
12 clear and present danger with another school district. The term  
13 "clear and present danger" has the same meaning as provided in  
14 the Firearm Owners Identification Card Act. The sharing of  
15 information shall comply with the federal Family Educational  
16 Rights and Privacy Act of 1974.

17           Section 99. Effective date. This Act takes effect upon  
18 becoming law.