

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 Illinois School Student Records Act is
5 amended by changing Section 5 as follows:

6 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

7 Sec. 5. (a) A parent or any person specifically designated
8 as a representative by a parent shall have the right to inspect
9 and copy all school student permanent and temporary records of
10 that parent's child. A student shall have the right to inspect
11 and copy his or her school student permanent record. No person
12 who is prohibited by an order of protection from inspecting or
13 obtaining school records of a student pursuant to the Illinois
14 Domestic Violence Act of 1986, as now or hereafter amended,
15 shall have any right of access to, or inspection of, the school
16 records of that student. If a school's principal or person with
17 like responsibilities or his designee has knowledge of such
18 order of protection, the school shall prohibit access or
19 inspection of the student's school records by such person.

20 (b) Whenever access to any person is granted pursuant to
21 paragraph (a) of this Section, at the option of either the
22 parent or the school a qualified professional, who may be a
23 psychologist, counsellor or other advisor, and who may be an

1 employee of the school or employed by the parent, may be
2 present to interpret the information contained in the student
3 temporary record. If the school requires that a professional be
4 present, the school shall secure and bear any cost of the
5 presence of the professional. If the parent so requests, the
6 school shall secure and bear any cost of the presence of a
7 professional employed by the school.

8 (c) A parent's or student's request to inspect and copy
9 records, or to allow a specifically designated representative
10 to inspect and copy records, must be granted within a
11 reasonable time, and in no case later than 10 business ~~15~~
12 ~~school~~ days after the date of receipt of such request by the
13 official records custodian.

14 (c-5) The time for response under this Section may be
15 extended by the school district by not more than 5 business
16 days from the original due date for any of the following
17 reasons:

18 (1) the requested records are stored in whole or in
19 part at other locations than the office having charge of
20 the requested records;

21 (2) the request requires the collection of a
22 substantial number of specified records;

23 (3) the request is couched in categorical terms and
24 requires an extensive search for the records responsive to
25 it;

26 (4) the requested records have not been located in the

1 course of routine search and additional efforts are being
2 made to locate them;

3 (5) the request for records cannot be complied with by
4 the school district within the time limits prescribed by
5 subsection (c) of this Section without unduly burdening or
6 interfering with the operations of the school district; or

7 (6) there is a need for consultation, which shall be
8 conducted with all practicable speed, with another public
9 body or school district or among 2 or more components of a
10 public body or school district having a substantial
11 interest in the determination or in the subject matter of
12 the request.

13 The person making a request and the school district may
14 agree in writing to extend the time for compliance for a period
15 to be determined by the parties. If the requester and the
16 school district agree to extend the period for compliance, a
17 failure by the school district to comply with any previous
18 deadlines shall not be treated as a denial of the request for
19 the records.

20 (d) The school may charge its reasonable costs for the
21 copying of school student records, not to exceed the amounts
22 fixed in schedules adopted by the State Board, to any person
23 permitted to copy such records, except that no parent or
24 student shall be denied a copy of school student records as
25 permitted under this Section 5 for inability to bear the cost
26 of such copying.

1 (e) Nothing contained in this Section 5 shall make
2 available to a parent or student confidential letters and
3 statements of recommendation furnished in connection with
4 applications for employment to a post-secondary educational
5 institution or the receipt of an honor or honorary recognition,
6 provided such letters and statements are not used for purposes
7 other than those for which they were specifically intended, and

8 (1) were placed in a school student record prior to
9 January 1, 1975; or

10 (2) the student has waived access thereto after being
11 advised of his right to obtain upon request the names of
12 all such persons making such confidential recommendations.

13 (f) Nothing contained in this Act shall be construed to
14 impair or limit the confidentiality of:

15 (1) Communications otherwise protected by law as
16 privileged or confidential, including but not limited to,
17 information communicated in confidence to a physician,
18 psychologist or other psychotherapist, school social
19 worker, school counselor, school psychologist, or school
20 social worker, school counselor, or school psychologist
21 intern who works under the direct supervision of a school
22 social worker, school counselor, or school psychologist;
23 or

24 (2) Information which is communicated by a student or
25 parent in confidence to school personnel; or

26 (3) Information which is communicated by a student,

1 parent, or guardian to a law enforcement professional
2 working in the school, except as provided by court order.

3 (g) No school employee shall be subjected to adverse
4 employment action, the threat of adverse employment action, or
5 any manner of discrimination because the employee is acting or
6 has acted to protect communications as privileged or
7 confidential pursuant to applicable provisions of State or
8 federal law or rule or regulation.

9 (Source: P.A. 96-628, eff. 1-1-10.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.