



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB1561

by Rep. 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 128/45 new	

Amends the School Safety Drill Act. 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.

LRB101 07257 AXK 52296 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 of the group established to discuss  
24 Medicaid capitation rates under Section 5-30.8 of the  
25 Illinois Public Aid Code.

26 (36) Meetings concerning the work of the threat



1           assessment team of a school district.

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

3           "Employee" means a person employed by a public body whose  
4 relationship with the public body constitutes an  
5 employer-employee relationship under the usual common law  
6 rules, and who is not an independent contractor.

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

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

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

25           (Source: P.A. 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480,  
26 eff. 9-9-15; 99-642, eff. 7-28-16; 99-646, eff. 7-28-16;

1 99-687, eff. 1-1-17; 100-201, eff. 8-18-17; 100-465, eff.  
2 8-31-17; 100-646, eff. 7-27-18.)

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

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

6 Sec. 7. Exemptions.

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

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

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

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

1 status of one or more individual subjects.

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

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

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

23 (ii) interfere with active administrative  
24 enforcement proceedings conducted by the public body  
25 that is the recipient of the request;

26 (iii) create a substantial likelihood that a

1 person will be deprived of a fair trial or an impartial  
2 hearing;

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

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

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

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

26 (d-5) A law enforcement record created for law

1 enforcement purposes and contained in a shared electronic  
2 record management system if the law enforcement agency that  
3 is the recipient of the request did not create the record,  
4 did not participate in or have a role in any of the events  
5 which are the subject of the record, and only has access to  
6 the record through the shared electronic record management  
7 system.

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

10 (e-5) Records requested by persons committed to the  
11 Department of Corrections, Department of Human Services  
12 Division of Mental Health, or a county jail if those  
13 materials are available in the library of the correctional  
14 institution or facility or jail where the inmate is  
15 confined.

16 (e-6) Records requested by persons committed to the  
17 Department of Corrections, Department of Human Services  
18 Division of Mental Health, or a county jail if those  
19 materials include records from staff members' personnel  
20 files, staff rosters, or other staffing assignment  
21 information.

22 (e-7) Records requested by persons committed to the  
23 Department of Corrections or Department of Human Services  
24 Division of Mental Health if those materials are available  
25 through an administrative request to the Department of  
26 Corrections or Department of Human Services Division of

1 Mental Health.

2 (e-8) Records requested by a person committed to the  
3 Department of Corrections, Department of Human Services  
4 Division of Mental Health, or a county jail, the disclosure  
5 of which would result in the risk of harm to any person or  
6 the risk of an escape from a jail or correctional  
7 institution or facility.

8 (e-9) Records requested by a person in a county jail or  
9 committed to the Department of Corrections or Department of  
10 Human Services Division of Mental Health, containing  
11 personal information pertaining to the person's victim or  
12 the victim's family, including, but not limited to, a  
13 victim's home address, home telephone number, work or  
14 school address, work telephone number, social security  
15 number, or any other identifying information, except as may  
16 be relevant to a requester's current or potential case or  
17 claim.

18 (e-10) Law enforcement records of other persons  
19 requested by a person committed to the Department of  
20 Corrections, Department of Human Services Division of  
21 Mental Health, or a county jail, including, but not limited  
22 to, arrest and booking records, mug shots, and crime scene  
23 photographs, except as these records may be relevant to the  
24 requester's current or potential case or claim.

25 (f) Preliminary drafts, notes, recommendations,  
26 memoranda and other records in which opinions are

1           expressed, or policies or actions are formulated, except  
2           that a specific record or relevant portion of a record  
3           shall not be exempt when the record is publicly cited and  
4           identified by the head of the public body. The exemption  
5           provided in this paragraph (f) extends to all those records  
6           of officers and agencies of the General Assembly that  
7           pertain to the preparation of legislative documents.

8           (g) Trade secrets and commercial or financial  
9           information obtained from a person or business where the  
10          trade secrets or commercial or financial information are  
11          furnished under a claim that they are proprietary,  
12          privileged or confidential, and that disclosure of the  
13          trade secrets or commercial or financial information would  
14          cause competitive harm to the person or business, and only  
15          insofar as the claim directly applies to the records  
16          requested.

17          The information included under this exemption includes  
18          all trade secrets and commercial or financial information  
19          obtained by a public body, including a public pension fund,  
20          from a private equity fund or a privately held company  
21          within the investment portfolio of a private equity fund as  
22          a result of either investing or evaluating a potential  
23          investment of public funds in a private equity fund. The  
24          exemption contained in this item does not apply to the  
25          aggregate financial performance information of a private  
26          equity fund, nor to the identity of the fund's managers or

1 general partners. The exemption contained in this item does  
2 not apply to the identity of a privately held company  
3 within the investment portfolio of a private equity fund,  
4 unless the disclosure of the identity of a privately held  
5 company may cause competitive harm.

6 Nothing contained in this paragraph (g) shall be  
7 construed to prevent a person or business from consenting  
8 to disclosure.

9 (h) Proposals and bids for any contract, grant, or  
10 agreement, including information which if it were  
11 disclosed would frustrate procurement or give an advantage  
12 to any person proposing to enter into a contractor  
13 agreement with the body, until an award or final selection  
14 is made. Information prepared by or for the body in  
15 preparation of a bid solicitation shall be exempt until an  
16 award or final selection is made.

17 (i) Valuable formulae, computer geographic systems,  
18 designs, drawings and research data obtained or produced by  
19 any public body when disclosure could reasonably be  
20 expected to produce private gain or public loss. The  
21 exemption for "computer geographic systems" provided in  
22 this paragraph (i) does not extend to requests made by news  
23 media as defined in Section 2 of this Act when the  
24 requested information is not otherwise exempt and the only  
25 purpose of the request is to access and disseminate  
26 information regarding the health, safety, welfare, or



1 legal rights of the general public.

2 (j) The following information pertaining to  
3 educational matters:

4 (i) test questions, scoring keys and other  
5 examination data used to administer an academic  
6 examination;

7 (ii) information received by a primary or  
8 secondary school, college, or university under its  
9 procedures for the evaluation of faculty members by  
10 their academic peers;

11 (iii) information concerning a school or  
12 university's adjudication of student disciplinary  
13 cases, but only to the extent that disclosure would  
14 unavoidably reveal the identity of the student; and

15 (iv) course materials or research materials used  
16 by faculty members.

17 (k) Architects' plans, engineers' technical  
18 submissions, and other construction related technical  
19 documents for projects not constructed or developed in  
20 whole or in part with public funds and the same for  
21 projects constructed or developed with public funds,  
22 including but not limited to power generating and  
23 distribution stations and other transmission and  
24 distribution facilities, water treatment facilities,  
25 airport facilities, sport stadiums, convention centers,  
26 and all government owned, operated, or occupied buildings,

1 but only to the extent that disclosure would compromise  
2 security.

3 (l) Minutes of meetings of public bodies closed to the  
4 public as provided in the Open Meetings Act until the  
5 public body makes the minutes available to the public under  
6 Section 2.06 of the Open Meetings Act.

7 (m) Communications between a public body and an  
8 attorney or auditor representing the public body that would  
9 not be subject to discovery in litigation, and materials  
10 prepared or compiled by or for a public body in  
11 anticipation of a criminal, civil or administrative  
12 proceeding upon the request of an attorney advising the  
13 public body, and materials prepared or compiled with  
14 respect to internal audits of public bodies.

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

19 (o) Administrative or technical information associated  
20 with automated data processing operations, including but  
21 not limited to software, operating protocols, computer  
22 program abstracts, file layouts, source listings, object  
23 modules, load modules, user guides, documentation  
24 pertaining to all logical and physical design of  
25 computerized systems, employee manuals, and any other  
26 information that, if disclosed, would jeopardize the

1 security of the system or its data or the security of  
2 materials exempt under this Section.

3 (p) Records relating to collective negotiating matters  
4 between public bodies and their employees or  
5 representatives, except that any final contract or  
6 agreement shall be subject to inspection and copying.

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

10 (r) The records, documents, and information relating  
11 to real estate purchase negotiations until those  
12 negotiations have been completed or otherwise terminated.  
13 With regard to a parcel involved in a pending or actually  
14 and reasonably contemplated eminent domain proceeding  
15 under the Eminent Domain Act, records, documents and  
16 information relating to that parcel shall be exempt except  
17 as may be allowed under discovery rules adopted by the  
18 Illinois Supreme Court. The records, documents and  
19 information relating to a real estate sale shall be exempt  
20 until a sale is consummated.

21 (s) Any and all proprietary information and records  
22 related to the operation of an intergovernmental risk  
23 management association or self-insurance pool or jointly  
24 self-administered health and accident cooperative or pool.  
25 Insurance or self insurance (including any  
26 intergovernmental risk management association or self

1 insurance pool) claims, loss or risk management  
2 information, records, data, advice or communications.

3 (t) Information contained in or related to  
4 examination, operating, or condition reports prepared by,  
5 on behalf of, or for the use of a public body responsible  
6 for the regulation or supervision of financial  
7 institutions or insurance companies, unless disclosure is  
8 otherwise required by State law.

9 (u) Information that would disclose or might lead to  
10 the disclosure of secret or confidential information,  
11 codes, algorithms, programs, or private keys intended to be  
12 used to create electronic or digital signatures under the  
13 Electronic Commerce Security Act.

14 (v) Vulnerability assessments, security measures, and  
15 response policies or plans that are designed to identify,  
16 prevent, or respond to potential attacks upon a community's  
17 population or systems, facilities, or installations, the  
18 destruction or contamination of which would constitute a  
19 clear and present danger to the health or safety of the  
20 community, but only to the extent that disclosure could  
21 reasonably be expected to jeopardize the effectiveness of  
22 the measures or the safety of the personnel who implement  
23 them or the public. Information exempt under this item may  
24 include such things as details pertaining to the  
25 mobilization or deployment of personnel or equipment, to  
26 the operation of communication systems or protocols, or to

1 tactical operations.

2 (w) (Blank).

3 (x) Maps and other records regarding the location or  
4 security of generation, transmission, distribution,  
5 storage, gathering, treatment, or switching facilities  
6 owned by a utility, by a power generator, or by the  
7 Illinois Power Agency.

8 (y) Information contained in or related to proposals,  
9 bids, or negotiations related to electric power  
10 procurement under Section 1-75 of the Illinois Power Agency  
11 Act and Section 16-111.5 of the Public Utilities Act that  
12 is determined to be confidential and proprietary by the  
13 Illinois Power Agency or by the Illinois Commerce  
14 Commission.

15 (z) Information about students exempted from  
16 disclosure under Sections 10-20.38 or 34-18.29 of the  
17 School Code, and information about undergraduate students  
18 enrolled at an institution of higher education exempted  
19 from disclosure under Section 25 of the Illinois Credit  
20 Card Marketing Act of 2009.

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

23 (bb) Records and information provided to a mortality  
24 review team and records maintained by a mortality review  
25 team appointed under the Department of Juvenile Justice  
26 Mortality Review Team Act.

1 (cc) Information regarding interments, entombments, or  
2 inurnments of human remains that are submitted to the  
3 Cemetery Oversight Database under the Cemetery Care Act or  
4 the Cemetery Oversight Act, whichever is applicable.

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

9 (ee) The names, addresses, or other personal  
10 information of persons who are minors and are also  
11 participants and registrants in programs of park  
12 districts, forest preserve districts, conservation  
13 districts, recreation agencies, and special recreation  
14 associations.

15 (ff) The names, addresses, or other personal  
16 information of participants and registrants in programs of  
17 park districts, forest preserve districts, conservation  
18 districts, recreation agencies, and special recreation  
19 associations where such programs are targeted primarily to  
20 minors.

21 (gg) Confidential information described in Section  
22 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

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

1           (ii) Records requested by persons committed to or  
2           detained by the Department of Human Services under the  
3           Sexually Violent Persons Commitment Act or committed to the  
4           Department of Corrections under the Sexually Dangerous  
5           Persons Act if those materials: (i) are available in the  
6           library of the facility where the individual is confined;  
7           (ii) include records from staff members' personnel files,  
8           staff rosters, or other staffing assignment information;  
9           or (iii) are available through an administrative request to  
10          the Department of Human Services or the Department of  
11          Corrections.

12          (jj) Confidential information described in Section  
13          5-535 of the Civil Administrative Code of Illinois.

14          (kk) Records concerning the work of the threat  
15          assessment team of a school district.

16          (1.5) Any information exempt from disclosure under the  
17          Judicial Privacy Act shall be redacted from public records  
18          prior to disclosure under this Act.

19          (2) A public record that is not in the possession of a  
20          public body but is in the possession of a party with whom the  
21          agency has contracted to perform a governmental function on  
22          behalf of the public body, and that directly relates to the  
23          governmental function and is not otherwise exempt under this  
24          Act, shall be considered a public record of the public body,  
25          for purposes of this Act.

26          (3) This Section does not authorize withholding of

1 information or limit the availability of records to the public,  
2 except as stated in this Section or otherwise provided in this  
3 Act.

4 (Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642,  
5 eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;  
6 100-732, eff. 8-3-18.)

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

9 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

10 Sec. 6. (a) No school student records or information  
11 contained therein may be released, transferred, disclosed or  
12 otherwise disseminated, except as follows:

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

16 (2) to an employee or official of the school or school  
17 district or State Board with current demonstrable  
18 educational or administrative interest in the student, in  
19 furtherance of such interest;

20 (3) to the official records custodian of another school  
21 within Illinois or an official with similar  
22 responsibilities of a school outside Illinois, in which the  
23 student has enrolled, or intends to enroll, upon the  
24 request of such official or student;



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

7           (5) pursuant to a court order, provided that the parent  
8           shall be given prompt written notice upon receipt of such  
9           order of the terms of the order, the nature and substance  
10          of the information proposed to be released in compliance  
11          with such order and an opportunity to inspect and copy the  
12          school student records and to challenge their contents  
13          pursuant to Section 7;

14          (6) to any person as specifically required by State or  
15          federal law;

16          (6.5) to juvenile authorities when necessary for the  
17          discharge of their official duties who request information  
18          prior to adjudication of the student and who certify in  
19          writing that the information will not be disclosed to any  
20          other party except as provided under law or order of court.  
21          For purposes of this Section "juvenile authorities" means:  
22          (i) a judge of the circuit court and members of the staff  
23          of the court designated by the judge; (ii) parties to the  
24          proceedings under the Juvenile Court Act of 1987 and their  
25          attorneys; (iii) probation officers and court appointed  
26          advocates for the juvenile authorized by the judge hearing

1 the case; (iv) any individual, public or private agency  
2 having custody of the child pursuant to court order; (v)  
3 any individual, public or private agency providing  
4 education, medical or mental health service to the child  
5 when the requested information is needed to determine the  
6 appropriate service or treatment for the minor; (vi) any  
7 potential placement provider when such release is  
8 authorized by the court for the limited purpose of  
9 determining the appropriateness of the potential  
10 placement; (vii) law enforcement officers and prosecutors;  
11 (viii) adult and juvenile prisoner review boards; (ix)  
12 authorized military personnel; (x) individuals authorized  
13 by court;

14 (7) subject to regulations of the State Board, in  
15 connection with an emergency, to appropriate persons if the  
16 knowledge of such information is necessary to protect the  
17 health or safety of the student or other persons;

18 (8) to any person, with the prior specific dated  
19 written consent of the parent designating the person to  
20 whom the records may be released, provided that at the time  
21 any such consent is requested or obtained, the parent shall  
22 be advised in writing that he has the right to inspect and  
23 copy such records in accordance with Section 5, to  
24 challenge their contents in accordance with Section 7 and  
25 to limit any such consent to designated records or  
26 designated portions of the information contained therein;

1           (9) to a governmental agency, or social service agency  
2           contracted by a governmental agency, in furtherance of an  
3           investigation of a student's school attendance pursuant to  
4           the compulsory student attendance laws of this State,  
5           provided that the records are released to the employee or  
6           agent designated by the agency;

7           (10) to those SHOCAP committee members who fall within  
8           the meaning of "state and local officials and authorities",  
9           as those terms are used within the meaning of the federal  
10          Family Educational Rights and Privacy Act, for the purposes  
11          of identifying serious habitual juvenile offenders and  
12          matching those offenders with community resources pursuant  
13          to Section 5-145 of the Juvenile Court Act of 1987, but  
14          only to the extent that the release, transfer, disclosure,  
15          or dissemination is consistent with the Family Educational  
16          Rights and Privacy Act;

17          (11) to the Department of Healthcare and Family  
18          Services in furtherance of the requirements of Section  
19          2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
20          Section 10 of the School Breakfast and Lunch Program Act;

21          ~~or~~

22          (12) to the State Board or another State government  
23          agency or between or among State government agencies in  
24          order to evaluate or audit federal and State programs or  
25          perform research and planning, but only to the extent that  
26          the release, transfer, disclosure, or dissemination is

1 consistent with the federal Family Educational Rights and  
2 Privacy Act (20 U.S.C. 1232g); ~~or~~

3 (13) to another school district when a clear and  
4 present danger presents itself, in accordance with  
5 subsection (d) of Section 45 of the School Safety Drill  
6 Act.

7 (b) No information may be released pursuant to subparagraph  
8 (3) or (6) of paragraph (a) of this Section 6 unless the parent  
9 receives prior written notice of the nature and substance of  
10 the information proposed to be released, and an opportunity to  
11 inspect and copy such records in accordance with Section 5 and  
12 to challenge their contents in accordance with Section 7.  
13 Provided, however, that such notice shall be sufficient if  
14 published in a local newspaper of general circulation or other  
15 publication directed generally to the parents involved where  
16 the proposed release of information is pursuant to subparagraph  
17 (6) of paragraph (a) of this Section 6 and relates to more than  
18 25 students.

19 (c) A record of any release of information pursuant to this  
20 Section must be made and kept as a part of the school student  
21 record and subject to the access granted by Section 5. Such  
22 record of release shall be maintained for the life of the  
23 school student records and shall be available only to the  
24 parent and the official records custodian. Each record of  
25 release shall also include:

26 (1) the nature and substance of the information

1 released;

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

4 (3) the name of the person requesting such information,  
5 the capacity in which such a request has been made, and the  
6 purpose of such request;

7 (4) the date of the release; and

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

9 (d) Except for the student and his parents, no person to  
10 whom information is released pursuant to this Section and no  
11 person specifically designated as a representative by a parent  
12 may permit any other person to have access to such information  
13 without a prior consent of the parent obtained in accordance  
14 with the requirements of subparagraph (8) of paragraph (a) of  
15 this Section.

16 (e) Nothing contained in this Act shall prohibit the  
17 publication of student directories which list student names,  
18 addresses and other identifying information and similar  
19 publications which comply with regulations issued by the State  
20 Board.

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

22 Section 20. The School Safety Drill Act is amended by  
23 adding Section 45 as follows:

24 (105 ILCS 128/45 new)

1           Sec. 45. Threat assessment protocol.

2           (a) The school board of each school district shall adopt a  
3 threat assessment protocol. The school board shall create a  
4 threat assessment team to develop the threat assessment  
5 protocol, which shall include at least one member representing  
6 each of the following stakeholder groups:

7                   (1) administrators employed by the school district;

8                   (2) teachers employed by the school district;

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

10                   (4) school social workers employed by the school  
11 district;

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

13                   (6) parents whose children are enrolled in the school  
14 district;

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

16           and

17                   (8) emergency response professionals.

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

21           (c) The school board shall create the threat assessment  
22 team within 30 days after the effective date of this amendatory  
23 Act of the 101st General Assembly and shall adopt an initial  
24 threat assessment protocol within 90 days after the effective  
25 date of this amendatory Act of the 101st General Assembly.

26           (d) A school district may share information concerning a

1 clear and present danger with another school district. The term  
2 "clear and present danger" has the same meaning as provided in  
3 the Firearm Owners Identification Card Act. The sharing of  
4 information shall comply with the federal Family Educational  
5 Rights and Privacy Act of 1974.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.