



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2840

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.59	
105 ILCS 5/10-20.69 new	
105 ILCS 5/10-21.8	from Ch. 122, par. 10-21.8
105 ILCS 5/13B-60.10	
105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02
105 ILCS 5/34-18.52	
105 ILCS 5/34-18.61 new	
105 ILCS 10/2	from Ch. 122, par. 50-2
105 ILCS 10/4	from Ch. 122, par. 50-4
105 ILCS 10/5	from Ch. 122, par. 50-5
105 ILCS 10/6	from Ch. 122, par. 50-6

Amends the School Code. Provides that each school board must (rather than may) appoint at least one employee to act as a liaison to facilitate enrollment and transfer of records of students in the legal custody of the Department of Children and Family Services. Provides that, for any student who is in the legal custody of the Department of Children and Family Services, a school board must inform the student's caseworker of a parent-teacher conference or any other meeting concerning the student that would otherwise involve a parent and must, at the option of the caseworker, allow the caseworker to attend the conference or meeting. Makes related changes. Amends the Illinois School Student Records Act. Provides that if a student is in the legal custody of the Department of Children and Family Services, his or her caseworker must be informed before a school student record is destroyed or any information in that record is deleted and shall have the right to inspect and copy all school student permanent and temporary records. Makes related changes. Effective immediately.

LRB101 08616 AXK 53695 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 School Code is amended by changing Sections
5 10-20.59, 10-21.8, 13B-60.10, 14-8.02, and 34-18.52 and by
6 adding Sections 10-20.69 and 34-18.61 as follows:

7 (105 ILCS 5/10-20.59)

8 Sec. 10-20.59. DCFS liaison.

9 (a) Each school board must ~~may~~ appoint at least one
10 employee to act as a liaison to facilitate the enrollment and
11 transfer of records of students in the legal custody of the
12 Department of Children and Family Services when enrolling in or
13 changing schools. The school board may appoint any employee of
14 the school district who is licensed under Article 21B of this
15 Code to act as a liaison; however, employees who meet any of
16 the following criteria must be prioritized for appointment:

17 (1) Employees who have worked with mobile student
18 populations or students in foster care.

19 (2) Employees who are familiar with enrollment, record
20 transfers, existing community services, and student
21 support services.

22 (3) Employees who serve as a high-level administrator.

23 (4) Employees who are counselors or have experience

1 with student counseling.

2 (5) Employees who are knowledgeable on child welfare
3 policies.

4 (6) Employees who serve as a school social worker.

5 (b) Liaisons under this Section are encouraged to build
6 capacity and infrastructure within their school district to
7 support students in the legal custody of the Department of
8 Children and Family Services. Liaison responsibilities may
9 include the following:

10 (1) streamlining the enrollment processes for students
11 in foster care;

12 (2) implementing student data tracking and monitoring
13 mechanisms;

14 (3) ensuring that students in the legal custody of the
15 Department of Children and Family Services receive all
16 school nutrition and meal programs available;

17 (4) coordinating student withdrawal from a school,
18 record transfers, and credit recovery;

19 (5) becoming experts on the foster care system and
20 State laws and policies in place that support children
21 under the legal custody of the Department of Children and
22 Family Services;

23 (6) coordinating with child welfare partners;

24 (7) providing foster care-related information and
25 training to the school district;

26 (8) working with the Department of Children and Family

1 Services to help students maintain their school placement,
2 if appropriate;

3 (9) reviewing student schedules to ensure that
4 students are on track to graduate;

5 (10) encouraging a successful transition into
6 adulthood and post-secondary opportunities;

7 (11) encouraging involvement in extracurricular
8 activities; and

9 (12) knowing what support is available within the
10 school district and community for students in the legal
11 custody of the Department of Children and Family Services.

12 (c) (Blank). ~~A school district is encouraged to designate a~~
13 ~~liaison by the beginning of the 2017-2018 school year.~~

14 (d) Individuals licensed under Article 21B of this Code
15 acting as a liaison under this Section shall perform the duties
16 of a liaison in addition to existing contractual obligations.

17 (Source: P.A. 99-781, eff. 8-12-16; 100-201, eff. 8-18-17.)

18 (105 ILCS 5/10-20.69 new)

19 Sec. 10-20.69. Parent-teacher conference and other
20 meetings; caseworker. For any student who is in the legal
21 custody of the Department of Children and Family Services, a
22 school board must inform the student's caseworker of a
23 parent-teacher conference or any other meeting concerning the
24 student that would otherwise involve a parent and must, at the
25 option of the caseworker, allow the caseworker to attend the

1 conference or meeting.

2 (105 ILCS 5/10-21.8) (from Ch. 122, par. 10-21.8)

3 Sec. 10-21.8. Correspondence and Reports. In the absence of
4 any court order to the contrary to require that, upon the
5 request of either parent of a pupil whose parents are divorced
6 or, if the student is in the legal custody of the Department of
7 Children and Family Services, a caseworker, copies of the
8 following: reports or records which reflect the pupil's
9 academic progress, reports of the pupil's emotional and
10 physical health, notices of school-initiated parent-teacher
11 conference, notices of major school-sponsored events, such as
12 open houses, which involve pupil-parent interaction, and
13 copies of the school calendar regarding the child which are
14 furnished by the school district to one parent be furnished by
15 mail to the other parent or, if applicable, the caseworker.
16 Notwithstanding the foregoing provisions of this Section a
17 school board shall not, under the authority of this Section,
18 refuse to mail copies of reports, records, notices or other
19 documents regarding a pupil to a parent of the pupil as
20 provided by this Section, unless the school board first has
21 been furnished with a certified copy of the court order
22 prohibiting the release of such reports, records, notices or
23 other documents to that parent. No such reports or records with
24 respect to a pupil shall be provided to a parent who has been
25 prohibited by an order of protection from inspecting or

1 obtaining school records of that pupil pursuant to the Illinois
2 Domestic Violence Act of 1986, as now or hereafter amended.

3 (Source: P.A. 86-966.)

4 (105 ILCS 5/13B-60.10)

5 Sec. 13B-60.10. Parent conference. Before being enrolled
6 in an alternative learning opportunities program, the student
7 and each of his or her parents or guardians, and, if the
8 student is in the legal custody of the Department of Children
9 and Family Services, his or her caseworker shall receive
10 written notice to attend a conference to determine if the
11 student would benefit from attending an alternative learning
12 opportunities program. The conference must provide all of the
13 information necessary for the student and parent or guardian to
14 make an informed decision regarding enrollment in an
15 alternative learning opportunities program. The conference
16 shall include a discussion of the extent to which the student,
17 if enrolled in the program, may participate in school
18 activities. No student shall be enrolled in an alternative
19 learning opportunities program without the consent of the
20 student's parent or guardian.

21 (Source: P.A. 92-42, eff. 1-1-02.)

22 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

23 Sec. 14-8.02. Identification, evaluation, and placement of
24 children.

1 (a) The State Board of Education shall make rules under
2 which local school boards shall determine the eligibility of
3 children to receive special education. Such rules shall ensure
4 that a free appropriate public education be available to all
5 children with disabilities as defined in Section 14-1.02. The
6 State Board of Education shall require local school districts
7 to administer non-discriminatory procedures or tests to
8 English learners coming from homes in which a language other
9 than English is used to determine their eligibility to receive
10 special education. The placement of low English proficiency
11 students in special education programs and facilities shall be
12 made in accordance with the test results reflecting the
13 student's linguistic, cultural and special education needs.
14 For purposes of determining the eligibility of children the
15 State Board of Education shall include in the rules definitions
16 of "case study", "staff conference", "individualized
17 educational program", and "qualified specialist" appropriate
18 to each category of children with disabilities as defined in
19 this Article. For purposes of determining the eligibility of
20 children from homes in which a language other than English is
21 used, the State Board of Education shall include in the rules
22 definitions for "qualified bilingual specialists" and
23 "linguistically and culturally appropriate individualized
24 educational programs". For purposes of this Section, as well as
25 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,
26 "parent" means a parent as defined in the federal Individuals

1 with Disabilities Education Act (20 U.S.C. 1401(23)).

2 (b) No child shall be eligible for special education
3 facilities except with a carefully completed case study fully
4 reviewed by professional personnel in a multidisciplinary
5 staff conference and only upon the recommendation of qualified
6 specialists or a qualified bilingual specialist, if available.
7 At the conclusion of the multidisciplinary staff conference,
8 the parent of the child and, if the child is in the legal
9 custody of the Department of Children and Family Services, his
10 or her caseworker shall be given a copy of the
11 multidisciplinary conference summary report and
12 recommendations, which includes options considered, and, in
13 the case of the parent, be informed of his or her ~~their~~ right
14 to obtain an independent educational evaluation if he or she
15 disagrees ~~they disagree~~ with the evaluation findings conducted
16 or obtained by the school district. If the school district's
17 evaluation is shown to be inappropriate, the school district
18 shall reimburse the parent for the cost of the independent
19 evaluation. The State Board of Education shall, with advice
20 from the State Advisory Council on Education of Children with
21 Disabilities on the inclusion of specific independent
22 educational evaluators, prepare a list of suggested
23 independent educational evaluators. The State Board of
24 Education shall include on the list clinical psychologists
25 licensed pursuant to the Clinical Psychologist Licensing Act.
26 Such psychologists shall not be paid fees in excess of the

1 amount that would be received by a school psychologist for
2 performing the same services. The State Board of Education
3 shall supply school districts with such list and make the list
4 available to parents at their request. School districts shall
5 make the list available to parents at the time they are
6 informed of their right to obtain an independent educational
7 evaluation. However, the school district may initiate an
8 impartial due process hearing under this Section within 5 days
9 of any written parent request for an independent educational
10 evaluation to show that its evaluation is appropriate. If the
11 final decision is that the evaluation is appropriate, the
12 parent still has a right to an independent educational
13 evaluation, but not at public expense. An independent
14 educational evaluation at public expense must be completed
15 within 30 days of a parent written request unless the school
16 district initiates an impartial due process hearing or the
17 parent or school district offers reasonable grounds to show
18 that such 30 day time period should be extended. If the due
19 process hearing decision indicates that the parent is entitled
20 to an independent educational evaluation, it must be completed
21 within 30 days of the decision unless the parent or the school
22 district offers reasonable grounds to show that such 30 day
23 period should be extended. If a parent disagrees with the
24 summary report or recommendations of the multidisciplinary
25 conference or the findings of any educational evaluation which
26 results therefrom, the school district shall not proceed with a

1 placement based upon such evaluation and the child shall remain
2 in his or her regular classroom setting. No child shall be
3 eligible for admission to a special class for children with a
4 mental disability who are educable or for children with a
5 mental disability who are trainable except with a psychological
6 evaluation and recommendation by a school psychologist.
7 Consent shall be obtained from the parent of a child before any
8 evaluation is conducted. If consent is not given by the parent
9 or if the parent disagrees with the findings of the evaluation,
10 then the school district may initiate an impartial due process
11 hearing under this Section. The school district may evaluate
12 the child if that is the decision resulting from the impartial
13 due process hearing and the decision is not appealed or if the
14 decision is affirmed on appeal. The determination of
15 eligibility shall be made and the IEP meeting shall be
16 completed within 60 school days from the date of written
17 parental consent. In those instances when written parental
18 consent is obtained with fewer than 60 pupil attendance days
19 left in the school year, the eligibility determination shall be
20 made and the IEP meeting shall be completed prior to the first
21 day of the following school year. Special education and related
22 services must be provided in accordance with the student's IEP
23 no later than 10 school attendance days after notice is
24 provided to the parents pursuant to Section 300.503 of Title 34
25 of the Code of Federal Regulations and implementing rules
26 adopted by the State Board of Education. The appropriate

1 program pursuant to the individualized educational program of
2 students whose native tongue is a language other than English
3 shall reflect the special education, cultural and linguistic
4 needs. No later than September 1, 1993, the State Board of
5 Education shall establish standards for the development,
6 implementation and monitoring of appropriate bilingual special
7 individualized educational programs. The State Board of
8 Education shall further incorporate appropriate monitoring
9 procedures to verify implementation of these standards. The
10 district shall indicate to the parent, ~~and~~ the State Board of
11 Education, and, if applicable, the child's caseworker the
12 nature of the services the child will receive for the regular
13 school term while waiting placement in the appropriate special
14 education class. At the child's initial IEP meeting and at each
15 annual review meeting, the child's IEP team shall provide the
16 child's parent or guardian and, if applicable, the child's
17 caseworker with a written notification that informs the parent
18 or guardian or the caseworker that the IEP team is required to
19 consider whether the child requires assistive technology in
20 order to receive free, appropriate public education. The
21 notification must also include a toll-free telephone number and
22 internet address for the State's assistive technology program.

23 If the child is deaf, hard of hearing, blind, or visually
24 impaired and he or she might be eligible to receive services
25 from the Illinois School for the Deaf or the Illinois School
26 for the Visually Impaired, the school district shall notify the

1 parents, in writing, of the existence of these schools and the
2 services they provide and shall make a reasonable effort to
3 inform the parents of the existence of other, local schools
4 that provide similar services and the services that these other
5 schools provide. This notification shall include without
6 limitation information on school services, school admissions
7 criteria, and school contact information.

8 In the development of the individualized education program
9 for a student who has a disability on the autism spectrum
10 (which includes autistic disorder, Asperger's disorder,
11 pervasive developmental disorder not otherwise specified,
12 childhood disintegrative disorder, and Rett Syndrome, as
13 defined in the Diagnostic and Statistical Manual of Mental
14 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
15 consider all of the following factors:

16 (1) The verbal and nonverbal communication needs of the
17 child.

18 (2) The need to develop social interaction skills and
19 proficiencies.

20 (3) The needs resulting from the child's unusual
21 responses to sensory experiences.

22 (4) The needs resulting from resistance to
23 environmental change or change in daily routines.

24 (5) The needs resulting from engagement in repetitive
25 activities and stereotyped movements.

26 (6) The need for any positive behavioral

1 interventions, strategies, and supports to address any
2 behavioral difficulties resulting from autism spectrum
3 disorder.

4 (7) Other needs resulting from the child's disability
5 that impact progress in the general curriculum, including
6 social and emotional development.

7 Public Act 95-257 does not create any new entitlement to a
8 service, program, or benefit, but must not affect any
9 entitlement to a service, program, or benefit created by any
10 other law.

11 If the student may be eligible to participate in the
12 Home-Based Support Services Program for Adults with Mental
13 Disabilities authorized under the Developmental Disability and
14 Mental Disability Services Act upon becoming an adult, the
15 student's individualized education program shall include plans
16 for (i) determining the student's eligibility for those
17 home-based services, (ii) enrolling the student in the program
18 of home-based services, and (iii) developing a plan for the
19 student's most effective use of the home-based services after
20 the student becomes an adult and no longer receives special
21 educational services under this Article. The plans developed
22 under this paragraph shall include specific actions to be taken
23 by specified individuals, agencies, or officials.

24 (c) In the development of the individualized education
25 program for a student who is functionally blind, it shall be
26 presumed that proficiency in Braille reading and writing is

1 essential for the student's satisfactory educational progress.
2 For purposes of this subsection, the State Board of Education
3 shall determine the criteria for a student to be classified as
4 functionally blind. Students who are not currently identified
5 as functionally blind who are also entitled to Braille
6 instruction include: (i) those whose vision loss is so severe
7 that they are unable to read and write at a level comparable to
8 their peers solely through the use of vision, and (ii) those
9 who show evidence of progressive vision loss that may result in
10 functional blindness. Each student who is functionally blind
11 shall be entitled to Braille reading and writing instruction
12 that is sufficient to enable the student to communicate with
13 the same level of proficiency as other students of comparable
14 ability. Instruction should be provided to the extent that the
15 student is physically and cognitively able to use Braille.
16 Braille instruction may be used in combination with other
17 special education services appropriate to the student's
18 educational needs. The assessment of each student who is
19 functionally blind for the purpose of developing the student's
20 individualized education program shall include documentation
21 of the student's strengths and weaknesses in Braille skills.
22 Each person assisting in the development of the individualized
23 education program for a student who is functionally blind shall
24 receive information describing the benefits of Braille
25 instruction. The individualized education program for each
26 student who is functionally blind shall specify the appropriate

1 learning medium or media based on the assessment report.

2 (d) To the maximum extent appropriate, the placement shall
3 provide the child with the opportunity to be educated with
4 children who do not have a disability; provided that children
5 with disabilities who are recommended to be placed into regular
6 education classrooms are provided with supplementary services
7 to assist the children with disabilities to benefit from the
8 regular classroom instruction and are included on the teacher's
9 regular education class register. Subject to the limitation of
10 the preceding sentence, placement in special classes, separate
11 schools or other removal of the child with a disability from
12 the regular educational environment shall occur only when the
13 nature of the severity of the disability is such that education
14 in the regular classes with the use of supplementary aids and
15 services cannot be achieved satisfactorily. The placement of
16 English learners with disabilities shall be in non-restrictive
17 environments which provide for integration with peers who do
18 not have disabilities in bilingual classrooms. Annually, each
19 January, school districts shall report data on students from
20 non-English speaking backgrounds receiving special education
21 and related services in public and private facilities as
22 prescribed in Section 2-3.30. If there is a disagreement
23 between parties involved regarding the special education
24 placement of any child, either in-state or out-of-state, the
25 placement is subject to impartial due process procedures
26 described in Article 10 of the Rules and Regulations to Govern

1 the Administration and Operation of Special Education.

2 (e) No child who comes from a home in which a language
3 other than English is the principal language used may be
4 assigned to any class or program under this Article until he
5 has been given, in the principal language used by the child and
6 used in his home, tests reasonably related to his cultural
7 environment. All testing and evaluation materials and
8 procedures utilized for evaluation and placement shall not be
9 linguistically, racially or culturally discriminatory.

10 (f) Nothing in this Article shall be construed to require
11 any child to undergo any physical examination or medical
12 treatment whose parents object thereto on the grounds that such
13 examination or treatment conflicts with his religious beliefs.

14 (g) School boards or their designee shall provide to the
15 parents of a child or, if applicable, the child's caseworker
16 prior written notice of any decision (a) proposing to initiate
17 or change, or (b) refusing to initiate or change, the
18 identification, evaluation, or educational placement of the
19 child or the provision of a free appropriate public education
20 to their child, and the reasons therefor. For a parent, such
21 ~~Such~~ written notification shall also inform the parent of the
22 opportunity to present complaints with respect to any matter
23 relating to the educational placement of the student, or the
24 provision of a free appropriate public education and to have an
25 impartial due process hearing on the complaint. The notice
26 shall inform the parents in the parents' native language,

1 unless it is clearly not feasible to do so, of their rights and
2 all procedures available pursuant to this Act and the federal
3 Individuals with Disabilities Education Improvement Act of
4 2004 (Public Law 108-446); it shall be the responsibility of
5 the State Superintendent to develop uniform notices setting
6 forth the procedures available under this Act and the federal
7 Individuals with Disabilities Education Improvement Act of
8 2004 (Public Law 108-446) to be used by all school boards. The
9 notice shall also inform the parents of the availability upon
10 request of a list of free or low-cost legal and other relevant
11 services available locally to assist parents in initiating an
12 impartial due process hearing. The State Superintendent shall
13 revise the uniform notices required by this subsection (g) to
14 reflect current law and procedures at least once every 2 years.
15 Any parent who is deaf, or does not normally communicate using
16 spoken English, who participates in a meeting with a
17 representative of a local educational agency for the purposes
18 of developing an individualized educational program shall be
19 entitled to the services of an interpreter.

20 (g-5) For purposes of this subsection (g-5), "qualified
21 professional" means an individual who holds credentials to
22 evaluate the child in the domain or domains for which an
23 evaluation is sought or an intern working under the direct
24 supervision of a qualified professional, including a master's
25 or doctoral degree candidate.

26 To ensure that a parent can participate fully and

1 effectively with school personnel in the development of
2 appropriate educational and related services for his or her
3 child, the parent, an independent educational evaluator, or a
4 qualified professional retained by or on behalf of a parent or
5 child must be afforded reasonable access to educational
6 facilities, personnel, classrooms, and buildings and to the
7 child as provided in this subsection (g-5). The requirements of
8 this subsection (g-5) apply to any public school facility,
9 building, or program and to any facility, building, or program
10 supported in whole or in part by public funds. Prior to
11 visiting a school, school building, or school facility, the
12 parent, independent educational evaluator, or qualified
13 professional may be required by the school district to inform
14 the building principal or supervisor in writing of the proposed
15 visit, the purpose of the visit, and the approximate duration
16 of the visit. The visitor and the school district shall arrange
17 the visit or visits at times that are mutually agreeable.
18 Visitors shall comply with school safety, security, and
19 visitation policies at all times. School district visitation
20 policies must not conflict with this subsection (g-5). Visitors
21 shall be required to comply with the requirements of applicable
22 privacy laws, including those laws protecting the
23 confidentiality of education records such as the federal Family
24 Educational Rights and Privacy Act and the Illinois School
25 Student Records Act. The visitor shall not disrupt the
26 educational process.

1 (1) A parent must be afforded reasonable access of
2 sufficient duration and scope for the purpose of observing
3 his or her child in the child's current educational
4 placement, services, or program or for the purpose of
5 visiting an educational placement or program proposed for
6 the child.

7 (2) An independent educational evaluator or a
8 qualified professional retained by or on behalf of a parent
9 or child must be afforded reasonable access of sufficient
10 duration and scope for the purpose of conducting an
11 evaluation of the child, the child's performance, the
12 child's current educational program, placement, services,
13 or environment, or any educational program, placement,
14 services, or environment proposed for the child, including
15 interviews of educational personnel, child observations,
16 assessments, tests or assessments of the child's
17 educational program, services, or placement or of any
18 proposed educational program, services, or placement. If
19 one or more interviews of school personnel are part of the
20 evaluation, the interviews must be conducted at a mutually
21 agreed upon time, date, and place that do not interfere
22 with the school employee's school duties. The school
23 district may limit interviews to personnel having
24 information relevant to the child's current educational
25 services, program, or placement or to a proposed
26 educational service, program, or placement.

1 (h) (Blank).

2 (i) (Blank).

3 (j) (Blank).

4 (k) (Blank).

5 (l) (Blank).

6 (m) (Blank).

7 (n) (Blank).

8 (o) (Blank).

9 (Source: P.A. 99-30, eff. 7-10-15; 99-143, eff. 7-27-15;
10 99-642, eff. 7-28-16; 100-122, eff. 8-18-17; 100-863, eff.
11 8-14-18; 100-993, eff. 8-20-18.)

12 (105 ILCS 5/34-18.52)

13 Sec. 34-18.52. DCFS liaison.

14 (a) The board must ~~may~~ appoint at least one employee to act
15 as a liaison to facilitate the enrollment and transfer of
16 records of students in the legal custody of the Department of
17 Children and Family Services when enrolling in or changing
18 schools. The board may appoint any employee of the school
19 district who is licensed under Article 21B of this Code to act
20 as a liaison; however, employees who meet any of the following
21 criteria must be prioritized for appointment:

22 (1) Employees who have worked with mobile student
23 populations or students in foster care.

24 (2) Employees who are familiar with enrollment, record
25 transfers, existing community services, and student

1 support services.

2 (3) Employees who serve as a high-level administrator.

3 (4) Employees who are counselors or have experience
4 with student counseling.

5 (5) Employees who are knowledgeable on child welfare
6 policies.

7 (6) Employees who serve as a school social worker.

8 (b) Liaisons under this Section are encouraged to build
9 capacity and infrastructure within the school district to
10 support students in the legal custody of the Department of
11 Children and Family Services. Liaison responsibilities may
12 include the following:

13 (1) streamlining the enrollment processes for students
14 in foster care;

15 (2) implementing student data tracking and monitoring
16 mechanisms;

17 (3) ensuring that students in the legal custody of the
18 Department of Children and Family Services receive all
19 school nutrition and meal programs available;

20 (4) coordinating student withdrawal from a school,
21 record transfers, and credit recovery;

22 (5) becoming experts on the foster care system and
23 State laws and policies in place that support children
24 under the legal custody of the Department of Children and
25 Family Services;

26 (6) coordinating with child welfare partners;

1 (7) providing foster care-related information and
2 training to the school district;

3 (8) working with the Department of Children and Family
4 Services to help students maintain their school placement,
5 if appropriate;

6 (9) reviewing student schedules to ensure that
7 students are on track to graduate;

8 (10) encouraging a successful transition into
9 adulthood and post-secondary opportunities;

10 (11) encouraging involvement in extracurricular
11 activities; and

12 (12) knowing what support is available within the
13 school district and community for students in the legal
14 custody of the Department of Children and Family Services.

15 (c) (Blank). ~~The school district is encouraged to designate~~
16 ~~a liaison by the beginning of the 2017-2018 school year.~~

17 (d) Individuals licensed under Article 21B of this Code
18 acting as a liaison under this Section shall perform the duties
19 of a liaison in addition to existing contractual obligations.

20 (Source: P.A. 99-781, eff. 8-12-16; 100-201, eff. 8-18-17.)

21 (105 ILCS 5/34-18.61 new)

22 Sec. 34-18.61. Parent-teacher conference and other
23 meetings; caseworker. For any student who is in the legal
24 custody of the Department of Children and Family Services, the
25 board must inform the student's caseworker of a parent-teacher

1 conference or any other meeting concerning the student that
2 would otherwise involve a parent and must, at the option of the
3 caseworker, allow the caseworker to attend the conference or
4 meeting.

5 Section 10. The Illinois School Student Records Act is
6 amended by changing Sections 2, 4, 5, and 6 as follows:

7 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

8 Sec. 2. As used in this Act,

9 (a) "Student" means any person enrolled or previously
10 enrolled in a school.

11 (b) "School" means any public preschool, day care center,
12 kindergarten, nursery, elementary or secondary educational
13 institution, vocational school, special educational facility
14 or any other elementary or secondary educational agency or
15 institution and any person, agency or institution which
16 maintains school student records from more than one school, but
17 does not include a private or non-public school.

18 (c) "State Board" means the State Board of Education.

19 (d) "School Student Record" means any writing or other
20 recorded information concerning a student and by which a
21 student may be individually identified, maintained by a school
22 or at its direction or by an employee of a school, regardless
23 of how or where the information is stored. The following shall
24 not be deemed school student records under this Act: writings

1 or other recorded information maintained by an employee of a
2 school or other person at the direction of a school for his or
3 her exclusive use; provided that all such writings and other
4 recorded information are destroyed not later than the student's
5 graduation or permanent withdrawal from the school; and
6 provided further that no such records or recorded information
7 may be released or disclosed to any person except a person
8 designated by the school as a substitute unless they are first
9 incorporated in a school student record and made subject to all
10 of the provisions of this Act. School student records shall not
11 include information maintained by law enforcement
12 professionals working in the school.

13 (e) "Student Permanent Record" means the minimum personal
14 information necessary to a school in the education of the
15 student and contained in a school student record. Such
16 information may include the student's name, birth date,
17 address, grades and grade level, parents' names and addresses,
18 attendance records, and such other entries as the State Board
19 may require or authorize.

20 (f) "Student Temporary Record" means all information
21 contained in a school student record but not contained in the
22 student permanent record. Such information may include family
23 background information, intelligence test scores, aptitude
24 test scores, psychological and personality test results,
25 teacher evaluations, and other information of clear relevance
26 to the education of the student, all subject to regulations of

1 the State Board. The information shall include information
2 provided under Section 8.6 of the Abused and Neglected Child
3 Reporting Act. In addition, the student temporary record shall
4 include information regarding serious disciplinary infractions
5 that resulted in expulsion, suspension, or the imposition of
6 punishment or sanction. For purposes of this provision, serious
7 disciplinary infractions means: infractions involving drugs,
8 weapons, or bodily harm to another.

9 (g) "Parent" means a person who is the natural parent of
10 the student or other person who has the primary responsibility
11 for the care and upbringing of the student. All rights and
12 privileges accorded to a parent under this Act shall become
13 exclusively those of the student upon his 18th birthday,
14 graduation from secondary school, marriage or entry into
15 military service, whichever occurs first. Such rights and
16 privileges may also be exercised by the student at any time
17 with respect to the student's permanent school record.

18 (h) "Department" means the Department of Children and
19 Family Services.

20 (Source: P.A. 92-295, eff. 1-1-02.)

21 (105 ILCS 10/4) (from Ch. 122, par. 50-4)

22 Sec. 4. (a) Each school shall designate an official records
23 custodian who is responsible for the maintenance, care and
24 security of all school student records, whether or not such
25 records are in his personal custody or control.

1 (b) The official records custodian shall take all
2 reasonable measures to prevent unauthorized access to or
3 dissemination of school student records.

4 (c) Information contained in or added to a school student
5 record shall be limited to information which is of clear
6 relevance to the education of the student.

7 (d) Information added to a student temporary record after
8 the effective date of this Act shall include the name,
9 signature and position of the person who has added such
10 information and the date of its entry into the record.

11 (e) Each school shall maintain student permanent records
12 and the information contained therein for not less than 60
13 years after the student has transferred, graduated or otherwise
14 permanently withdrawn from the school.

15 (f) Each school shall maintain student temporary records
16 and the information contained in those records for not less
17 than 5 years after the student has transferred, graduated, or
18 otherwise withdrawn from the school. However, student
19 temporary records shall not be disclosed except as provided in
20 Section 5 or 6 or by court order. A school may maintain
21 indefinitely anonymous information from student temporary
22 records for authorized research, statistical reporting or
23 planning purposes, provided that no student or parent can be
24 individually identified from the information maintained.

25 (g) The principal of each school or the person with like
26 responsibilities or his or her designate shall periodically

1 review each student temporary record for verification of
2 entries and elimination or correction of all inaccurate,
3 misleading, unnecessary or irrelevant information. The State
4 Board shall issue regulations to govern the periodic review of
5 the student temporary records and length of time for
6 maintenance of entries to such records.

7 (h) Before any school student record is destroyed or
8 information deleted therefrom, the parent and, if the student
9 is in the legal custody of the Department of Children and
10 Family Services, his or her caseworker shall be given
11 reasonable prior notice at his or her last known address in
12 accordance with regulations adopted by the State Board and an
13 opportunity to copy the record and information proposed to be
14 destroyed or deleted.

15 (i) No school shall be required to separate permanent and
16 temporary school student records of a student not enrolled in
17 such school on or after the effective date of this Act or to
18 destroy any such records, or comply with the provisions of
19 paragraph (g) of this Section with respect to such records,
20 except (1) in accordance with the request of the parent that
21 any or all of such actions be taken in compliance with the
22 provisions of this Act or (2) in accordance with regulations
23 adopted by the State Board.

24 (Source: P.A. 90-590, eff. 1-1-00; 90-811, eff. 1-26-99.)

25 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

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

16 (b) Whenever access to any person is granted pursuant to
17 paragraph (a) of this Section, at the option of that person
18 ~~either the parent~~ or the school, a qualified professional, who
19 may be a psychologist, counsellor or other advisor, and who may
20 be an employee of the school or employed by the parent or the
21 Department, may be present to interpret the information
22 contained in the student temporary record. If the school
23 requires that a professional be present, the school shall
24 secure and bear any cost of the presence of the professional.
25 If the parent or the Department so requests, the school shall
26 secure and bear any cost of the presence of a professional

1 employed by the school.

2 (c) A parent's or student's or, if applicable, a
3 caseworker's request to inspect and copy records, or to allow a
4 specifically designated representative to inspect and copy
5 records, must be granted within a reasonable time, and in no
6 case later than 10 business days after the date of receipt of
7 such request by the official records custodian.

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

12 (1) the requested records are stored in whole or in
13 part at other locations than the office having charge of
14 the requested records;

15 (2) the request requires the collection of a
16 substantial number of specified records;

17 (3) the request is couched in categorical terms and
18 requires an extensive search for the records responsive to
19 it;

20 (4) the requested records have not been located in the
21 course of routine search and additional efforts are being
22 made to locate them;

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

1 (6) there is a need for consultation, which shall be
2 conducted with all practicable speed, with another public
3 body or school district or among 2 or more components of a
4 public body or school district having a substantial
5 interest in the determination or in the subject matter of
6 the request.

7 The person making a request and the school district may
8 agree in writing to extend the time for compliance for a period
9 to be determined by the parties. If the requester and the
10 school district agree to extend the period for compliance, a
11 failure by the school district to comply with any previous
12 deadlines shall not be treated as a denial of the request for
13 the records.

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

21 (e) Nothing contained in this Section 5 shall make
22 available to a parent or student or, if applicable, a
23 caseworker confidential letters and statements of
24 recommendation furnished in connection with applications for
25 employment to a post-secondary educational institution or the
26 receipt of an honor or honorary recognition, provided such

1 letters and statements are not used for purposes other than
2 those for which they were specifically intended, and

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

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

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

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

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

21 (3) Information which is communicated by a student,
22 parent, or guardian to a law enforcement professional
23 working in the school, except as provided by court order.

24 (g) No school employee shall be subjected to adverse
25 employment action, the threat of adverse employment action, or
26 any manner of discrimination because the employee is acting or

1 has acted to protect communications as privileged or
2 confidential pursuant to applicable provisions of State or
3 federal law or rule or regulation.

4 (Source: P.A. 100-532, eff. 9-22-17.)

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

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

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

12 (2) to an employee or official of the school or school
13 district or State Board with current demonstrable
14 educational or administrative interest in the student, in
15 furtherance of such interest;

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

21 (4) to any person for the purpose of research,
22 statistical reporting, or planning, provided that such
23 research, statistical reporting, or planning is
24 permissible under and undertaken in accordance with the
25 federal Family Educational Rights and Privacy Act (20

1 U.S.C. 1232g);

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

9 (6) to any person as specifically required by State or
10 federal law;

11 (6.5) to juvenile authorities when necessary for the
12 discharge of their official duties who request information
13 prior to adjudication of the student and who certify in
14 writing that the information will not be disclosed to any
15 other party except as provided under law or order of court.
16 For purposes of this Section "juvenile authorities" means:
17 (i) a judge of the circuit court and members of the staff
18 of the court designated by the judge; (ii) parties to the
19 proceedings under the Juvenile Court Act of 1987 and their
20 attorneys; (iii) probation officers and court appointed
21 advocates for the juvenile authorized by the judge hearing
22 the case; (iv) any individual, public or private agency
23 having custody of the child pursuant to court order; (v)
24 any individual, public or private agency providing
25 education, medical or mental health service to the child
26 when the requested information is needed to determine the

1 appropriate service or treatment for the minor; (vi) any
2 potential placement provider when such release is
3 authorized by the court for the limited purpose of
4 determining the appropriateness of the potential
5 placement; (vii) law enforcement officers and prosecutors;
6 (viii) adult and juvenile prisoner review boards; (ix)
7 authorized military personnel; (x) individuals authorized
8 by court;

9 (7) subject to regulations of the State Board, in
10 connection with an emergency, to appropriate persons if the
11 knowledge of such information is necessary to protect the
12 health or safety of the student or other persons;

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

22 (9) to a governmental agency, or social service agency
23 contracted by a governmental agency, in furtherance of an
24 investigation of a student's school attendance pursuant to
25 the compulsory student attendance laws of this State,
26 provided that the records are released to the employee or

1 agent designated by the agency;

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

12 (11) to the Department of Healthcare and Family
13 Services in furtherance of the requirements of Section
14 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
15 Section 10 of the School Breakfast and Lunch Program Act;

16 ~~or~~

17 (12) to the State Board or another State government
18 agency or between or among State government agencies in
19 order to evaluate or audit federal and State programs or
20 perform research and planning, but only to the extent that
21 the release, transfer, disclosure, or dissemination is
22 consistent with the federal Family Educational Rights and
23 Privacy Act (20 U.S.C. 1232g); or

24 (13) if the student is in the legal custody of the
25 Department of Children and Family Services, the Department
26 or a caseworker of the Department.

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

13 (c) A record of any release of information pursuant to this
14 Section must be made and kept as a part of the school student
15 record and subject to the access granted by Section 5. Such
16 record of release shall be maintained for the life of the
17 school student records and shall be available only to the
18 parent and the official records custodian. Each record of
19 release shall also include:

20 (1) the nature and substance of the information
21 released;

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

24 (3) the name of the person requesting such information,
25 the capacity in which such a request has been made, and the
26 purpose of such request;

1 (4) the date of the release; and

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

3 (d) Except for the student and his or her parents or, if
4 applicable, caseworker, no person to whom information is
5 released pursuant to this Section and no person specifically
6 designated as a representative by a parent may permit any other
7 person to have access to such information without a prior
8 consent of the parent obtained in accordance with the
9 requirements of subparagraph (8) of paragraph (a) of this
10 Section.

11 (e) Nothing contained in this Act shall prohibit the
12 publication of student directories which list student names,
13 addresses and other identifying information and similar
14 publications which comply with regulations issued by the State
15 Board.

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

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