



Rep. Aaron M. Ortiz

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10100HB3685ham001

LRB101 10598 AXK 57450 a

1 AMENDMENT TO HOUSE BILL 3685

2 AMENDMENT NO. _____. Amend House Bill 3685 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Sections
5 2-3.176 and 22-12.5 as follows:

6 (105 ILCS 5/2-3.176 new)

7 Sec. 2-3.176. Federal Family Educational Rights and
8 Privacy Act of 1974; policies.

9 (a) The General Assembly finds and declares all of the
10 following:

11 (1) The privacy of Illinois citizens is of the utmost
12 importance, and protecting their privacy is a top priority
13 for the lawmakers of this State.

14 (2) It is imperative that personal information stay
15 confidential unless otherwise chosen to be disclosed on an
16 individual basis.

1 (3) The privacy of our children is critically
2 important, especially the privacy of any student data and
3 any information collected in educational settings,
4 including day care, home-visiting programs, prevention
5 initiatives, after-school programs, early intervention
6 programs, preschool, and a student's kindergarten through
7 grade 12 educational experience.

8 (4) Schools and educational settings are safe
9 environments, and an important component of maintaining
10 security is ensuring family privacy and protecting student
11 data.

12 (b) The State Board of Education, in cooperation with the
13 Department of Human Services, must develop, publish, and make
14 publicly available policies and procedures that comply with the
15 federal Family Educational Rights and Privacy Act of 1974,
16 including, but not limited to, policies that restrict access to
17 the personally identifiable information of a student or a
18 student's parent or guardian.

19 (c) Subject to the requirements of the Illinois School
20 Student Records Act and the Student Online Personal Protection
21 Act, the State Board may, in cooperation with the Department of
22 Human Services, collect personally identifiable information of
23 a student or a student's parent or guardian only as required to
24 assess eligibility for or to administer public services or
25 programs. Any information collected under this subsection,
26 whether written or oral, must be kept confidential, except in

1 the case of either of the following:

2 (1) If the disclosure is to comply with a judicial
3 order or lawfully issued subpoena or is in connection with
4 a health or safety emergency.

5 (2) If the student or the student's parent or guardian
6 provides written consent for the disclosure.

7 (105 ILCS 5/22-12.5 new)

8 Sec. 22-12.5. Threats based on citizenship or immigration
9 status. Because threats made by a school employee to a student
10 based on his or her citizenship or immigration status
11 interferes with the student's attendance at school, a public or
12 nonpublic school employee may not make any threats or acts of
13 menace toward or intimidate any student entitled to attend a
14 public or nonpublic school in this State that are based on the
15 student's actual or perceived citizenship or immigration
16 status, including threats, acts of menace, or intimidation that
17 are based on information disclosed, orally or written, to any
18 public or nonpublic school employee throughout the course of
19 that employee performing educational services. A violation of
20 this Section is a Class A misdemeanor."