



Rep. Jay Hoffman

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10100HB4103ham001

LRB101 16405 CMG 70050 a

1 AMENDMENT TO HOUSE BILL 4103

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4103 by replacing  
3 everything after the enacting clause with the following:

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 10-20.73 and 34-18.66 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:

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

3           (2) Employees who are familiar with enrollment, record  
4           transfers, existing community services, and student  
5           support services.

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

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

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

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

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

17               (1) streamlining the enrollment processes for students  
18               in foster care;

19               (2) implementing student data tracking and monitoring  
20               mechanisms;

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

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

26               (5) becoming experts on the foster care system and

1 State laws and policies in place that support children  
2 under the legal custody of the Department of Children and  
3 Family Services;

4 (6) coordinating with child welfare partners;

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

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

10 (9) reviewing student schedules to ensure that  
11 students are on track to graduate;

12 (10) encouraging a successful transition into  
13 adulthood and post-secondary opportunities;

14 (11) encouraging involvement in extracurricular  
15 activities; and

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

19 (c) A school district is required ~~encouraged~~ to designate a  
20 liaison by the beginning of the 2021-2022 ~~2017-2018~~ school  
21 year.

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

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

1 (105 ILCS 5/10-20.73 new)

2 Sec. 10-20.73. Parent-teacher conference and other  
3 meetings; caseworker. For any student who is in the legal  
4 custody of the Department of Children and Family Services, the  
5 liaison appointed under Section 10-20.59 must inform the  
6 Department's Office of Education and Transition Services of a  
7 parent-teacher conference or any other meeting concerning the  
8 student that would otherwise involve a parent and must, at the  
9 option of the caseworker, allow the student's caseworker to  
10 attend the conference or meeting.

11 (105 ILCS 5/10-21.8) (from Ch. 122, par. 10-21.8)

12 Sec. 10-21.8. Correspondence and Reports. In the absence of  
13 any court order to the contrary to require that, upon the  
14 request of either parent of a pupil whose parents are divorced  
15 or, if the student is in the legal custody of the Department of  
16 Children and Family Services, the Department's Office of  
17 Education and Transition Services, copies of the following:  
18 reports or records which reflect the pupil's academic progress,  
19 reports of the pupil's emotional and physical health, notices  
20 of school-initiated parent-teacher conference, notices of  
21 major school-sponsored events, such as open houses, which  
22 involve pupil-parent interaction, and copies of the school  
23 calendar regarding the child which are furnished by the school  
24 district to one parent be furnished by mail to the other parent  
25 or, if applicable, the Department's Office of Education and

1 Transition Services. Notwithstanding the foregoing provisions  
2 of this Section a school board shall not, under the authority  
3 of this Section, refuse to mail copies of reports, records,  
4 notices or other documents regarding a pupil to a parent of the  
5 pupil as provided by this Section, unless the school board  
6 first has been furnished with a certified copy of the court  
7 order prohibiting the release of such reports, records, notices  
8 or other documents to that parent. No such reports or records  
9 with respect to a pupil shall be provided to a parent who has  
10 been prohibited by an order of protection from inspecting or  
11 obtaining school records of that pupil pursuant to the Illinois  
12 Domestic Violence Act of 1986, as now or hereafter amended.

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

14 (105 ILCS 5/13B-60.10)

15 Sec. 13B-60.10. Parent conference. Before being enrolled  
16 in an alternative learning opportunities program, the student  
17 and each of his or her parents or guardians, and, if the  
18 student is in the legal custody of the Department of Children  
19 and Family Services, the Department's Office of Education and  
20 Transition Services shall receive written notice to attend a  
21 conference to determine if the student would benefit from  
22 attending an alternative learning opportunities program. The  
23 conference must provide all of the information necessary for  
24 the student and parent or guardian to make an informed decision  
25 regarding enrollment in an alternative learning opportunities

1 program. The conference shall include a discussion of the  
2 extent to which the student, if enrolled in the program, may  
3 participate in school activities. No student shall be enrolled  
4 in an alternative learning opportunities program without the  
5 consent of the student's parent or guardian.

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

7 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

8 Sec. 14-8.02. Identification, evaluation, and placement of  
9 children.

10 (a) The State Board of Education shall make rules under  
11 which local school boards shall determine the eligibility of  
12 children to receive special education. Such rules shall ensure  
13 that a free appropriate public education be available to all  
14 children with disabilities as defined in Section 14-1.02. The  
15 State Board of Education shall require local school districts  
16 to administer non-discriminatory procedures or tests to  
17 English learners coming from homes in which a language other  
18 than English is used to determine their eligibility to receive  
19 special education. The placement of low English proficiency  
20 students in special education programs and facilities shall be  
21 made in accordance with the test results reflecting the  
22 student's linguistic, cultural and special education needs.  
23 For purposes of determining the eligibility of children the  
24 State Board of Education shall include in the rules definitions  
25 of "case study", "staff conference", "individualized

1 educational program", and "qualified specialist" appropriate  
2 to each category of children with disabilities as defined in  
3 this Article. For purposes of determining the eligibility of  
4 children from homes in which a language other than English is  
5 used, the State Board of Education shall include in the rules  
6 definitions for "qualified bilingual specialists" and  
7 "linguistically and culturally appropriate individualized  
8 educational programs". For purposes of this Section, as well as  
9 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,  
10 "parent" means a parent as defined in the federal Individuals  
11 with Disabilities Education Act (20 U.S.C. 1401(23)).

12 (b) No child shall be eligible for special education  
13 facilities except with a carefully completed case study fully  
14 reviewed by professional personnel in a multidisciplinary  
15 staff conference and only upon the recommendation of qualified  
16 specialists or a qualified bilingual specialist, if available.  
17 At the conclusion of the multidisciplinary staff conference,  
18 the parent of the child and, if the child is in the legal  
19 custody of the Department of Children and Family Services, the  
20 Department's Office of Education and Transition Services shall  
21 be given a copy of the multidisciplinary conference summary  
22 report and recommendations, which includes options considered,  
23 and, in the case of the parent, be informed of his or her ~~their~~  
24 right to obtain an independent educational evaluation if he or  
25 she disagrees ~~they disagree~~ with the evaluation findings  
26 conducted or obtained by the school district. If the school

1 district's evaluation is shown to be inappropriate, the school  
2 district shall reimburse the parent for the cost of the  
3 independent evaluation. The State Board of Education shall,  
4 with advice from the State Advisory Council on Education of  
5 Children with Disabilities on the inclusion of specific  
6 independent educational evaluators, prepare a list of  
7 suggested independent educational evaluators. The State Board  
8 of Education shall include on the list clinical psychologists  
9 licensed pursuant to the Clinical Psychologist Licensing Act.  
10 Such psychologists shall not be paid fees in excess of the  
11 amount that would be received by a school psychologist for  
12 performing the same services. The State Board of Education  
13 shall supply school districts with such list and make the list  
14 available to parents at their request. School districts shall  
15 make the list available to parents at the time they are  
16 informed of their right to obtain an independent educational  
17 evaluation. However, the school district may initiate an  
18 impartial due process hearing under this Section within 5 days  
19 of any written parent request for an independent educational  
20 evaluation to show that its evaluation is appropriate. If the  
21 final decision is that the evaluation is appropriate, the  
22 parent still has a right to an independent educational  
23 evaluation, but not at public expense. An independent  
24 educational evaluation at public expense must be completed  
25 within 30 days of a parent written request unless the school  
26 district initiates an impartial due process hearing or the



1 parent or school district offers reasonable grounds to show  
2 that such 30-day ~~30-day~~ time period should be extended. If the  
3 due process hearing decision indicates that the parent is  
4 entitled to an independent educational evaluation, it must be  
5 completed within 30 days of the decision unless the parent or  
6 the school district offers reasonable grounds to show that such  
7 30-day ~~30-day~~ period should be extended. If a parent disagrees  
8 with the summary report or recommendations of the  
9 multidisciplinary conference or the findings of any  
10 educational evaluation which results therefrom, the school  
11 district shall not proceed with a placement based upon such  
12 evaluation and the child shall remain in his or her regular  
13 classroom setting. No child shall be eligible for admission to  
14 a special class for children with a mental disability who are  
15 educable or for children with a mental disability who are  
16 trainable except with a psychological evaluation and  
17 recommendation by a school psychologist. Consent shall be  
18 obtained from the parent of a child before any evaluation is  
19 conducted. If consent is not given by the parent or if the  
20 parent disagrees with the findings of the evaluation, then the  
21 school district may initiate an impartial due process hearing  
22 under this Section. The school district may evaluate the child  
23 if that is the decision resulting from the impartial due  
24 process hearing and the decision is not appealed or if the  
25 decision is affirmed on appeal. The determination of  
26 eligibility shall be made and the IEP meeting shall be

1 completed within 60 school days from the date of written  
2 parental consent. In those instances when written parental  
3 consent is obtained with fewer than 60 pupil attendance days  
4 left in the school year, the eligibility determination shall be  
5 made and the IEP meeting shall be completed prior to the first  
6 day of the following school year. Special education and related  
7 services must be provided in accordance with the student's IEP  
8 no later than 10 school attendance days after notice is  
9 provided to the parents pursuant to Section 300.503 of Title 34  
10 of the Code of Federal Regulations and implementing rules  
11 adopted by the State Board of Education. The appropriate  
12 program pursuant to the individualized educational program of  
13 students whose native tongue is a language other than English  
14 shall reflect the special education, cultural and linguistic  
15 needs. No later than September 1, 1993, the State Board of  
16 Education shall establish standards for the development,  
17 implementation and monitoring of appropriate bilingual special  
18 individualized educational programs. The State Board of  
19 Education shall further incorporate appropriate monitoring  
20 procedures to verify implementation of these standards. The  
21 district shall indicate to the parent, ~~and~~ the State Board of  
22 Education, and, if applicable, the Department's Office of  
23 Education and Transition Services the nature of the services  
24 the child will receive for the regular school term while  
25 waiting placement in the appropriate special education class.  
26 At the child's initial IEP meeting and at each annual review

1 meeting, the child's IEP team shall provide the child's parent  
2 or guardian and, if applicable, the Department's Office of  
3 Education and Transition Services with a written notification  
4 that informs the parent or guardian or the Department's Office  
5 of Education and Transition Services that the IEP team is  
6 required to consider whether the child requires assistive  
7 technology in order to receive free, appropriate public  
8 education. The notification must also include a toll-free  
9 telephone number and internet address for the State's assistive  
10 technology program.

11 If the child is deaf, hard of hearing, blind, or visually  
12 impaired and he or she might be eligible to receive services  
13 from the Illinois School for the Deaf or the Illinois School  
14 for the Visually Impaired, the school district shall notify the  
15 parents, in writing, of the existence of these schools and the  
16 services they provide and shall make a reasonable effort to  
17 inform the parents of the existence of other, local schools  
18 that provide similar services and the services that these other  
19 schools provide. This notification shall include without  
20 limitation information on school services, school admissions  
21 criteria, and school contact information.

22 In the development of the individualized education program  
23 for a student who has a disability on the autism spectrum  
24 (which includes autistic disorder, Asperger's disorder,  
25 pervasive developmental disorder not otherwise specified,  
26 childhood disintegrative disorder, and Rett Syndrome, as

1 defined in the Diagnostic and Statistical Manual of Mental  
2 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall  
3 consider all of the following factors:

4 (1) The verbal and nonverbal communication needs of the  
5 child.

6 (2) The need to develop social interaction skills and  
7 proficiencies.

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

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

12 (5) The needs resulting from engagement in repetitive  
13 activities and stereotyped movements.

14 (6) The need for any positive behavioral  
15 interventions, strategies, and supports to address any  
16 behavioral difficulties resulting from autism spectrum  
17 disorder.

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

21 Public Act 95-257 does not create any new entitlement to a  
22 service, program, or benefit, but must not affect any  
23 entitlement to a service, program, or benefit created by any  
24 other law.

25 If the student may be eligible to participate in the  
26 Home-Based Support Services Program for Adults with Mental

1 Disabilities authorized under the Developmental Disability and  
2 Mental Disability Services Act upon becoming an adult, the  
3 student's individualized education program shall include plans  
4 for (i) determining the student's eligibility for those  
5 home-based services, (ii) enrolling the student in the program  
6 of home-based services, and (iii) developing a plan for the  
7 student's most effective use of the home-based services after  
8 the student becomes an adult and no longer receives special  
9 educational services under this Article. The plans developed  
10 under this paragraph shall include specific actions to be taken  
11 by specified individuals, agencies, or officials.

12 (c) In the development of the individualized education  
13 program for a student who is functionally blind, it shall be  
14 presumed that proficiency in Braille reading and writing is  
15 essential for the student's satisfactory educational progress.  
16 For purposes of this subsection, the State Board of Education  
17 shall determine the criteria for a student to be classified as  
18 functionally blind. Students who are not currently identified  
19 as functionally blind who are also entitled to Braille  
20 instruction include: (i) those whose vision loss is so severe  
21 that they are unable to read and write at a level comparable to  
22 their peers solely through the use of vision, and (ii) those  
23 who show evidence of progressive vision loss that may result in  
24 functional blindness. Each student who is functionally blind  
25 shall be entitled to Braille reading and writing instruction  
26 that is sufficient to enable the student to communicate with

1 the same level of proficiency as other students of comparable  
2 ability. Instruction should be provided to the extent that the  
3 student is physically and cognitively able to use Braille.  
4 Braille instruction may be used in combination with other  
5 special education services appropriate to the student's  
6 educational needs. The assessment of each student who is  
7 functionally blind for the purpose of developing the student's  
8 individualized education program shall include documentation  
9 of the student's strengths and weaknesses in Braille skills.  
10 Each person assisting in the development of the individualized  
11 education program for a student who is functionally blind shall  
12 receive information describing the benefits of Braille  
13 instruction. The individualized education program for each  
14 student who is functionally blind shall specify the appropriate  
15 learning medium or media based on the assessment report.

16 (d) To the maximum extent appropriate, the placement shall  
17 provide the child with the opportunity to be educated with  
18 children who do not have a disability; provided that children  
19 with disabilities who are recommended to be placed into regular  
20 education classrooms are provided with supplementary services  
21 to assist the children with disabilities to benefit from the  
22 regular classroom instruction and are included on the teacher's  
23 regular education class register. Subject to the limitation of  
24 the preceding sentence, placement in special classes, separate  
25 schools or other removal of the child with a disability from  
26 the regular educational environment shall occur only when the

1 nature of the severity of the disability is such that education  
2 in the regular classes with the use of supplementary aids and  
3 services cannot be achieved satisfactorily. The placement of  
4 English learners with disabilities shall be in non-restrictive  
5 environments which provide for integration with peers who do  
6 not have disabilities in bilingual classrooms. Annually, each  
7 January, school districts shall report data on students from  
8 non-English speaking backgrounds receiving special education  
9 and related services in public and private facilities as  
10 prescribed in Section 2-3.30. If there is a disagreement  
11 between parties involved regarding the special education  
12 placement of any child, either in-state or out-of-state, the  
13 placement is subject to impartial due process procedures  
14 described in Article 10 of the Rules and Regulations to Govern  
15 the Administration and Operation of Special Education.

16 (e) No child who comes from a home in which a language  
17 other than English is the principal language used may be  
18 assigned to any class or program under this Article until he  
19 has been given, in the principal language used by the child and  
20 used in his home, tests reasonably related to his cultural  
21 environment. All testing and evaluation materials and  
22 procedures utilized for evaluation and placement shall not be  
23 linguistically, racially or culturally discriminatory.

24 (f) Nothing in this Article shall be construed to require  
25 any child to undergo any physical examination or medical  
26 treatment whose parents object thereto on the grounds that such

1 examination or treatment conflicts with his religious beliefs.

2 (g) School boards or their designee shall provide to the  
3 parents of a child or, if applicable, the Department of  
4 Children and Family Services' Office of Education and  
5 Transition Services prior written notice of any decision (a)  
6 proposing to initiate or change, or (b) refusing to initiate or  
7 change, the identification, evaluation, or educational  
8 placement of the child or the provision of a free appropriate  
9 public education to their child, and the reasons therefor. For  
10 a parent, such ~~Such~~ written notification shall also inform the  
11 parent of the opportunity to present complaints with respect to  
12 any matter relating to the educational placement of the  
13 student, or the provision of a free appropriate public  
14 education and to have an impartial due process hearing on the  
15 complaint. The notice shall inform the parents in the parents'  
16 native language, unless it is clearly not feasible to do so, of  
17 their rights and all procedures available pursuant to this Act  
18 and the federal Individuals with Disabilities Education  
19 Improvement Act of 2004 (Public Law 108-446); it shall be the  
20 responsibility of the State Superintendent to develop uniform  
21 notices setting forth the procedures available under this Act  
22 and the federal Individuals with Disabilities Education  
23 Improvement Act of 2004 (Public Law 108-446) to be used by all  
24 school boards. The notice shall also inform the parents of the  
25 availability upon request of a list of free or low-cost legal  
26 and other relevant services available locally to assist parents



1 in initiating an impartial due process hearing. The State  
2 Superintendent shall revise the uniform notices required by  
3 this subsection (g) to reflect current law and procedures at  
4 least once every 2 years. Any parent who is deaf, or does not  
5 normally communicate using spoken English, who participates in  
6 a meeting with a representative of a local educational agency  
7 for the purposes of developing an individualized educational  
8 program shall be entitled to the services of an interpreter.  
9 The State Board of Education must adopt rules to establish the  
10 criteria, standards, and competencies for a bilingual language  
11 interpreter who attends an individualized education program  
12 meeting under this subsection to assist a parent who has  
13 limited English proficiency.

14 (g-5) For purposes of this subsection (g-5), "qualified  
15 professional" means an individual who holds credentials to  
16 evaluate the child in the domain or domains for which an  
17 evaluation is sought or an intern working under the direct  
18 supervision of a qualified professional, including a master's  
19 or doctoral degree candidate.

20 To ensure that a parent can participate fully and  
21 effectively with school personnel in the development of  
22 appropriate educational and related services for his or her  
23 child, the parent, an independent educational evaluator, or a  
24 qualified professional retained by or on behalf of a parent or  
25 child must be afforded reasonable access to educational  
26 facilities, personnel, classrooms, and buildings and to the

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

21 (1) A parent must be afforded reasonable access of  
22 sufficient duration and scope for the purpose of observing  
23 his or her child in the child's current educational  
24 placement, services, or program or for the purpose of  
25 visiting an educational placement or program proposed for  
26 the child.

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

21 ~~(h) (Blank).~~

22 ~~(i) (Blank).~~

23 ~~(j) (Blank).~~

24 ~~(k) (Blank).~~

25 ~~(l) (Blank).~~

26 ~~(m) (Blank).~~

1       ~~(n) (Blank).~~

2       ~~(e) (Blank).~~

3       (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;  
4       100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

5               (105 ILCS 5/34-18.52)

6               Sec. 34-18.52. DCFS liaison.

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

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

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

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

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

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

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

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

6           (1) streamlining the enrollment processes for students  
7 in foster care;

8           (2) implementing student data tracking and monitoring  
9 mechanisms;

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

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

15          (5) becoming experts on the foster care system and  
16 State laws and policies in place that support children  
17 under the legal custody of the Department of Children and  
18 Family Services;

19          (6) coordinating with child welfare partners;

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

22          (8) working with the Department of Children and Family  
23 Services to help students maintain their school placement,  
24 if appropriate;

25          (9) reviewing student schedules to ensure that  
26 students are on track to graduate;

1 (10) encouraging a successful transition into  
2 adulthood and post-secondary opportunities;

3 (11) encouraging involvement in extracurricular  
4 activities; and

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

8 (c) The school district is required ~~encouraged~~ to designate  
9 a liaison by the beginning of the 2021-2022 ~~2017-2018~~ school  
10 year.

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

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

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20 Department's Office of Education and Transition Services of a  
21 parent-teacher conference or any other meeting concerning the  
22 student that would otherwise involve a parent and must, at the  
23 option of the caseworker, allow the student's caseworker to  
24 attend the conference or meeting.

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

3           (105 ILCS 10/2) (from Ch. 122, par. 50-2)

4           Sec. 2. As used in this Act:7

5           (a) "Student" means any person enrolled or previously  
6 enrolled in a school.

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

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

15           (d) "School Student Record" means any writing or other  
16 recorded information concerning a student and by which a  
17 student may be individually identified, maintained by a school  
18 or at its direction or by an employee of a school, regardless  
19 of how or where the information is stored. The following shall  
20 not be deemed school student records under this Act: writings  
21 or other recorded information maintained by an employee of a  
22 school or other person at the direction of a school for his or  
23 her exclusive use; provided that all such writings and other  
24 recorded information are destroyed not later than the student's  
25 graduation or permanent withdrawal from the school; and

1 provided further that no such records or recorded information  
2 may be released or disclosed to any person except a person  
3 designated by the school as a substitute unless they are first  
4 incorporated in a school student record and made subject to all  
5 of the provisions of this Act. School student records shall not  
6 include information maintained by law enforcement  
7 professionals working in the school.

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

15 (f) "Student Temporary Record" means all information  
16 contained in a school student record but not contained in the  
17 student permanent record. Such information may include family  
18 background information, intelligence test scores, aptitude  
19 test scores, psychological and personality test results,  
20 teacher evaluations, and other information of clear relevance  
21 to the education of the student, all subject to regulations of  
22 the State Board. The information shall include information  
23 provided under Section 8.6 of the Abused and Neglected Child  
24 Reporting Act and information contained in service logs  
25 maintained by a local education agency under subsection (d) of  
26 Section 14-8.02f of the School Code. In addition, the student



1 temporary record shall include information regarding serious  
2 disciplinary infractions that resulted in expulsion,  
3 suspension, or the imposition of punishment or sanction. For  
4 purposes of this provision, serious disciplinary infractions  
5 means: infractions involving drugs, weapons, or bodily harm to  
6 another.

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

16 (h) "Department" means the Department of Children and  
17 Family Services.

18 (Source: P.A. 101-515, eff. 8-23-19; revised 12-3-19.)

19 (105 ILCS 10/4) (from Ch. 122, par. 50-4)

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

24 (b) The official records custodian shall take all  
25 reasonable measures to prevent unauthorized access to or

1 dissemination of school student records.

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

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

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

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

23 (g) The principal of each school or the person with like  
24 responsibilities or his or her designate shall periodically  
25 review each student temporary record for verification of  
26 entries and elimination or correction of all inaccurate,

1 misleading, unnecessary or irrelevant information. The State  
2 Board shall issue regulations to govern the periodic review of  
3 the student temporary records and length of time for  
4 maintenance of entries to such records.

5 (h) Before any school student record is destroyed or  
6 information deleted therefrom, the parent or the student, if  
7 the rights and privileges accorded to the parent under this Act  
8 have been transferred to the student, and, if the student is in  
9 the legal custody of the Department of Children and Family  
10 Services, the Department's Office of Education and Transition  
11 Services shall be given reasonable prior notice in accordance  
12 with rules adopted by the State Board and an opportunity to  
13 copy the record and information proposed to be destroyed or  
14 deleted. A school may provide reasonable prior notice under  
15 this subsection to a parent or student through (i) notice in  
16 the school's parent or student handbook, (ii) publication in a  
17 newspaper published in the school district or, if no newspaper  
18 is published in the school district, in a newspaper of general  
19 circulation within the school district, (iii) U.S. mail  
20 delivered to the last known address of the parent or student,  
21 or (iv) other means provided the notice is confirmed to have  
22 been received.

23 (i) No school shall be required to separate permanent and  
24 temporary school student records of a student not enrolled in  
25 such school on or after the effective date of this Act or to  
26 destroy any such records, or comply with the provisions of

1 paragraph (g) of this Section with respect to such records,  
2 except (1) in accordance with the request of the parent that  
3 any or all of such actions be taken in compliance with the  
4 provisions of this Act or (2) in accordance with regulations  
5 adopted by the State Board.

6 (Source: P.A. 101-161, eff. 1-1-20.)

7 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

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

24 (b) Whenever access to any person is granted pursuant to  
25 paragraph (a) of this Section, at the option of that person

1 ~~either the parent~~ or the school, a qualified professional, who  
2 may be a psychologist, counsellor or other advisor, and who may  
3 be an employee of the school or employed by the parent or the  
4 Department, may be present to interpret the information  
5 contained in the student temporary record. If the school  
6 requires that a professional be present, the school shall  
7 secure and bear any cost of the presence of the professional.  
8 If the parent or the Department so requests, the school shall  
9 secure and bear any cost of the presence of a professional  
10 employed by the school.

11 (c) A parent's or student's or, if applicable, the  
12 Department's Office of Education and Transition Services'  
13 request to inspect and copy records, or to allow a specifically  
14 designated representative to inspect and copy records, must be  
15 granted within a reasonable time, and in no case later than 10  
16 business days after the date of receipt of such request by the  
17 official records custodian.

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

22 (1) the requested records are stored in whole or in  
23 part at other locations than the office having charge of  
24 the requested records;

25 (2) the request requires the collection of a  
26 substantial number of specified records;

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

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

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

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

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

24           (d) The school may charge its reasonable costs for the  
25 copying of school student records, not to exceed the amounts  
26 fixed in schedules adopted by the State Board, to any person

1 permitted to copy such records, except that no parent or  
2 student shall be denied a copy of school student records as  
3 permitted under this Section 5 for inability to bear the cost  
4 of such copying.

5 (e) Nothing contained in this Section 5 shall make  
6 available to a parent or student or, if applicable, the  
7 Department's Office of Education and Transition Services  
8 confidential letters and statements of recommendation  
9 furnished in connection with applications for employment to a  
10 post-secondary educational institution or the receipt of an  
11 honor or honorary recognition, provided such letters and  
12 statements are not used for purposes other than those for which  
13 they were specifically intended, and

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

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

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

21 (1) Communications otherwise protected by law as  
22 privileged or confidential, including but not limited to,  
23 information communicated in confidence to a physician,  
24 psychologist or other psychotherapist, school social  
25 worker, school counselor, school psychologist, or school  
26 social worker, school counselor, or school psychologist

1 intern who works under the direct supervision of a school  
2 social worker, school counselor, or school psychologist;  
3 or

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

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

9 (g) No school employee shall be subjected to adverse  
10 employment action, the threat of adverse employment action, or  
11 any manner of discrimination because the employee is acting or  
12 has acted to protect communications as privileged or  
13 confidential pursuant to applicable provisions of State or  
14 federal law or rule or regulation.

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

16 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

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

23 (2) to an employee or official of the school or school  
24 district or State Board with current demonstrable  
25 educational or administrative interest in the student, in



1 furtherance of such interest;

2 (3) to the official records custodian of another school  
3 within Illinois or an official with similar  
4 responsibilities of a school outside Illinois, in which the  
5 student has enrolled, or intends to enroll, upon the  
6 request of such official or student;

7 (4) to any person for the purpose of research,  
8 statistical reporting, or planning, provided that such  
9 research, statistical reporting, or planning is  
10 permissible under and undertaken in accordance with the  
11 federal Family Educational Rights and Privacy Act (20  
12 U.S.C. 1232g);

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

20 (6) to any person as specifically required by State or  
21 federal law;

22 (6.5) to juvenile authorities when necessary for the  
23 discharge of their official duties who request information  
24 prior to adjudication of the student and who certify in  
25 writing that the information will not be disclosed to any  
26 other party except as provided under law or order of court.

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

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

20 (7) subject to regulations of the State Board, in  
21 connection with an emergency, to appropriate persons if the  
22 knowledge of such information is necessary to protect the  
23 health or safety of the student or other persons;

24 (8) to any person, with the prior specific dated  
25 written consent of the parent designating the person to  
26 whom the records may be released, provided that at the time

1 any such consent is requested or obtained, the parent shall  
2 be advised in writing that he has the right to inspect and  
3 copy such records in accordance with Section 5, to  
4 challenge their contents in accordance with Section 7 and  
5 to limit any such consent to designated records or  
6 designated portions of the information contained therein;

7 (9) to a governmental agency, or social service agency  
8 contracted by a governmental agency, in furtherance of an  
9 investigation of a student's school attendance pursuant to  
10 the compulsory student attendance laws of this State,  
11 provided that the records are released to the employee or  
12 agent designated by the agency;

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

23 (11) to the Department of Healthcare and Family  
24 Services in furtherance of the requirements of Section  
25 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
26 Section 10 of the School Breakfast and Lunch Program Act;

1 ~~or~~

2 (12) to the State Board or another State government  
3 agency or between or among State government agencies in  
4 order to evaluate or audit federal and State programs or  
5 perform research and planning, but only to the extent that  
6 the release, transfer, disclosure, or dissemination is  
7 consistent with the federal Family Educational Rights and  
8 Privacy Act (20 U.S.C. 1232g); or

9 (13) if the student is in the legal custody of the  
10 Department of Children and Family Services, to the  
11 Department's Office of Education and Transition Services.

12 (b) No information may be released pursuant to subparagraph  
13 (3) or (6) of paragraph (a) of this Section 6 unless the parent  
14 receives prior written notice of the nature and substance of  
15 the information proposed to be released, and an opportunity to  
16 inspect and copy such records in accordance with Section 5 and  
17 to challenge their contents in accordance with Section 7.  
18 Provided, however, that such notice shall be sufficient if  
19 published in a local newspaper of general circulation or other  
20 publication directed generally to the parents involved where  
21 the proposed release of information is pursuant to subparagraph  
22 (6) of paragraph (a) of this Section 6 and relates to more than  
23 25 students.

24 (c) A record of any release of information pursuant to this  
25 Section must be made and kept as a part of the school student  
26 record and subject to the access granted by Section 5. Such

1 record of release shall be maintained for the life of the  
2 school student records and shall be available only to the  
3 parent and the official records custodian. Each record of  
4 release shall also include:

5 (1) the nature and substance of the information  
6 released;

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

9 (3) the name of the person requesting such information,  
10 the capacity in which such a request has been made, and the  
11 purpose of such request;

12 (4) the date of the release; and

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

14 (d) Except for the student and his or her parents or, if  
15 applicable, the Department's Office of Education and  
16 Transition Services, no person to whom information is released  
17 pursuant to this Section and no person specifically designated  
18 as a representative by a parent may permit any other person to  
19 have access to such information without a prior consent of the  
20 parent obtained in accordance with the requirements of  
21 subparagraph (8) of paragraph (a) of this Section.

22 (e) Nothing contained in this Act shall prohibit the  
23 publication of student directories which list student names,  
24 addresses and other identifying information and similar  
25 publications which comply with regulations issued by the State  
26 Board.

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

2 Section 99. Effective date. This Act takes effect on July  
3 1, 2021."