

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 10-20.73 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:

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) A school district is required ~~encouraged~~ to designate a
13 liaison by the beginning of the 2021-2022 ~~2017-2018~~ school
14 year.

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

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

19 (105 ILCS 5/10-20.73 new)

20 Sec. 10-20.73. Parent-teacher conference and other
21 meetings; caseworker. For any student who is in the legal
22 custody of the Department of Children and Family Services, the
23 liaison appointed under Section 10-20.59 must inform the
24 Department's Office of Education and Transition Services of a
25 parent-teacher conference or any other meeting concerning the

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

4 (105 ILCS 5/10-21.8) (from Ch. 122, par. 10-21.8)

5 Sec. 10-21.8. Correspondence and Reports. In the absence of
6 any court order to the contrary to require that, upon the
7 request of either parent of a pupil whose parents are divorced
8 or, if the student is in the legal custody of the Department of
9 Children and Family Services, the Department's Office of
10 Education and Transition Services, copies of the following:
11 reports or records which reflect the pupil's academic progress,
12 reports of the pupil's emotional and physical health, notices
13 of school-initiated parent-teacher conference, notices of
14 major school-sponsored events, such as open houses, which
15 involve pupil-parent interaction, and copies of the school
16 calendar regarding the child which are furnished by the school
17 district to one parent be furnished by mail to the other parent
18 or, if applicable, the Department's Office of Education and
19 Transition Services. Notwithstanding the foregoing provisions
20 of this Section a school board shall not, under the authority
21 of this Section, refuse to mail copies of reports, records,
22 notices or other documents regarding a pupil to a parent of the
23 pupil as provided by this Section, unless the school board
24 first has been furnished with a certified copy of the court
25 order prohibiting the release of such reports, records, notices

1 or other documents to that parent. No such reports or records
2 with respect to a pupil shall be provided to a parent who has
3 been prohibited by an order of protection from inspecting or
4 obtaining school records of that pupil pursuant to the Illinois
5 Domestic Violence Act of 1986, as now or hereafter amended.

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

7 (105 ILCS 5/13B-60.10)

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

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

1 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

2 Sec. 14-8.02. Identification, evaluation, and placement of
3 children.

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

1 educational programs". For purposes of this Section, as well as
2 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,
3 "parent" means a parent as defined in the federal Individuals
4 with Disabilities Education Act (20 U.S.C. 1401(23)).

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

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

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

1 no later than 10 school attendance days after notice is
2 provided to the parents pursuant to Section 300.503 of Title 34
3 of the Code of Federal Regulations and implementing rules
4 adopted by the State Board of Education. The appropriate
5 program pursuant to the individualized educational program of
6 students whose native tongue is a language other than English
7 shall reflect the special education, cultural and linguistic
8 needs. No later than September 1, 1993, the State Board of
9 Education shall establish standards for the development,
10 implementation and monitoring of appropriate bilingual special
11 individualized educational programs. The State Board of
12 Education shall further incorporate appropriate monitoring
13 procedures to verify implementation of these standards. The
14 district shall indicate to the parent, ~~and~~ the State Board of
15 Education, and, if applicable, the Department's Office of
16 Education and Transition Services the nature of the services
17 the child will receive for the regular school term while
18 waiting placement in the appropriate special education class.
19 At the child's initial IEP meeting and at each annual review
20 meeting, the child's IEP team shall provide the child's parent
21 or guardian and, if applicable, the Department's Office of
22 Education and Transition Services with a written notification
23 that informs the parent or guardian or the Department's Office
24 of Education and Transition Services that the IEP team is
25 required to consider whether the child requires assistive
26 technology in order to receive free, appropriate public

1 education. The notification must also include a toll-free
2 telephone number and internet address for the State's assistive
3 technology program.

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

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

23 (1) The verbal and nonverbal communication needs of the
24 child.

25 (2) The need to develop social interaction skills and
26 proficiencies.

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

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

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

7 (6) The need for any positive behavioral
8 interventions, strategies, and supports to address any
9 behavioral difficulties resulting from autism spectrum
10 disorder.

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

14 Public Act 95-257 does not create any new entitlement to a
15 service, program, or benefit, but must not affect any
16 entitlement to a service, program, or benefit created by any
17 other law.

18 If the student may be eligible to participate in the
19 Home-Based Support Services Program for Adults with Mental
20 Disabilities authorized under the Developmental Disability and
21 Mental Disability Services Act upon becoming an adult, the
22 student's individualized education program shall include plans
23 for (i) determining the student's eligibility for those
24 home-based services, (ii) enrolling the student in the program
25 of home-based services, and (iii) developing a plan for the
26 student's most effective use of the home-based services after

1 the student becomes an adult and no longer receives special
2 educational services under this Article. The plans developed
3 under this paragraph shall include specific actions to be taken
4 by specified individuals, agencies, or officials.

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

1 individualized education program shall include documentation
2 of the student's strengths and weaknesses in Braille skills.
3 Each person assisting in the development of the individualized
4 education program for a student who is functionally blind shall
5 receive information describing the benefits of Braille
6 instruction. The individualized education program for each
7 student who is functionally blind shall specify the appropriate
8 learning medium or media based on the assessment report.

9 (d) To the maximum extent appropriate, the placement shall
10 provide the child with the opportunity to be educated with
11 children who do not have a disability; provided that children
12 with disabilities who are recommended to be placed into regular
13 education classrooms are provided with supplementary services
14 to assist the children with disabilities to benefit from the
15 regular classroom instruction and are included on the teacher's
16 regular education class register. Subject to the limitation of
17 the preceding sentence, placement in special classes, separate
18 schools or other removal of the child with a disability from
19 the regular educational environment shall occur only when the
20 nature of the severity of the disability is such that education
21 in the regular classes with the use of supplementary aids and
22 services cannot be achieved satisfactorily. The placement of
23 English learners with disabilities shall be in non-restrictive
24 environments which provide for integration with peers who do
25 not have disabilities in bilingual classrooms. Annually, each
26 January, school districts shall report data on students from

1 non-English speaking backgrounds receiving special education
2 and related services in public and private facilities as
3 prescribed in Section 2-3.30. If there is a disagreement
4 between parties involved regarding the special education
5 placement of any child, either in-state or out-of-state, the
6 placement is subject to impartial due process procedures
7 described in Article 10 of the Rules and Regulations to Govern
8 the Administration and Operation of Special Education.

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

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

21 (g) School boards or their designee shall provide to the
22 parents of a child or, if applicable, the Department of
23 Children and Family Services' Office of Education and
24 Transition Services prior written notice of any decision (a)
25 proposing to initiate or change, or (b) refusing to initiate or
26 change, the identification, evaluation, or educational

1 placement of the child or the provision of a free appropriate
2 public education to their child, and the reasons therefor. For
3 a parent, such ~~Such~~ written notification shall also inform the
4 parent of the opportunity to present complaints with respect to
5 any matter relating to the educational placement of the
6 student, or the provision of a free appropriate public
7 education and to have an impartial due process hearing on the
8 complaint. The notice shall inform the parents in the parents'
9 native language, unless it is clearly not feasible to do so, of
10 their rights and all procedures available pursuant to this Act
11 and the federal Individuals with Disabilities Education
12 Improvement Act of 2004 (Public Law 108-446); it shall be the
13 responsibility of the State Superintendent to develop uniform
14 notices setting forth the procedures available under this Act
15 and the federal Individuals with Disabilities Education
16 Improvement Act of 2004 (Public Law 108-446) to be used by all
17 school boards. The notice shall also inform the parents of the
18 availability upon request of a list of free or low-cost legal
19 and other relevant services available locally to assist parents
20 in initiating an impartial due process hearing. The State
21 Superintendent shall revise the uniform notices required by
22 this subsection (g) to reflect current law and procedures at
23 least once every 2 years. Any parent who is deaf, or does not
24 normally communicate using spoken English, who participates in
25 a meeting with a representative of a local educational agency
26 for the purposes of developing an individualized educational

1 program shall be entitled to the services of an interpreter.
2 The State Board of Education must adopt rules to establish the
3 criteria, standards, and competencies for a bilingual language
4 interpreter who attends an individualized education program
5 meeting under this subsection to assist a parent who has
6 limited English proficiency.

7 (g-5) For purposes of this subsection (g-5), "qualified
8 professional" means an individual who holds credentials to
9 evaluate the child in the domain or domains for which an
10 evaluation is sought or an intern working under the direct
11 supervision of a qualified professional, including a master's
12 or doctoral degree candidate.

13 To ensure that a parent can participate fully and
14 effectively with school personnel in the development of
15 appropriate educational and related services for his or her
16 child, the parent, an independent educational evaluator, or a
17 qualified professional retained by or on behalf of a parent or
18 child must be afforded reasonable access to educational
19 facilities, personnel, classrooms, and buildings and to the
20 child as provided in this subsection (g-5). The requirements of
21 this subsection (g-5) apply to any public school facility,
22 building, or program and to any facility, building, or program
23 supported in whole or in part by public funds. Prior to
24 visiting a school, school building, or school facility, the
25 parent, independent educational evaluator, or qualified
26 professional may be required by the school district to inform

1 the building principal or supervisor in writing of the proposed
2 visit, the purpose of the visit, and the approximate duration
3 of the visit. The visitor and the school district shall arrange
4 the visit or visits at times that are mutually agreeable.
5 Visitors shall comply with school safety, security, and
6 visitation policies at all times. School district visitation
7 policies must not conflict with this subsection (g-5). Visitors
8 shall be required to comply with the requirements of applicable
9 privacy laws, including those laws protecting the
10 confidentiality of education records such as the federal Family
11 Educational Rights and Privacy Act and the Illinois School
12 Student Records Act. The visitor shall not disrupt the
13 educational process.

14 (1) A parent must be afforded reasonable access of
15 sufficient duration and scope for the purpose of observing
16 his or her child in the child's current educational
17 placement, services, or program or for the purpose of
18 visiting an educational placement or program proposed for
19 the child.

20 (2) An independent educational evaluator or a
21 qualified professional retained by or on behalf of a parent
22 or child must be afforded reasonable access of sufficient
23 duration and scope for the purpose of conducting an
24 evaluation of the child, the child's performance, the
25 child's current educational program, placement, services,
26 or environment, or any educational program, placement,

1 services, or environment proposed for the child, including
2 interviews of educational personnel, child observations,
3 assessments, tests or assessments of the child's
4 educational program, services, or placement or of any
5 proposed educational program, services, or placement. If
6 one or more interviews of school personnel are part of the
7 evaluation, the interviews must be conducted at a mutually
8 agreed upon time, date, and place that do not interfere
9 with the school employee's school duties. The school
10 district may limit interviews to personnel having
11 information relevant to the child's current educational
12 services, program, or placement or to a proposed
13 educational service, program, or placement.

14 ~~(h) (Blank).~~

15 ~~(i) (Blank).~~

16 ~~(j) (Blank).~~

17 ~~(k) (Blank).~~

18 ~~(l) (Blank).~~

19 ~~(m) (Blank).~~

20 ~~(n) (Blank).~~

21 ~~(o) (Blank).~~

22 (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;
23 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

24 (105 ILCS 5/34-18.52)

25 Sec. 34-18.52. DCFS liaison.

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

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

11 (2) Employees who are familiar with enrollment, record
12 transfers, existing community services, and student
13 support services.

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

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

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

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

20 (b) Liaisons under this Section are encouraged to build
21 capacity and infrastructure within the school district to
22 support students in the legal custody of the Department of
23 Children and Family Services. Liaison responsibilities may
24 include the following:

25 (1) streamlining the enrollment processes for students
26 in foster care;

1 (2) implementing student data tracking and monitoring
2 mechanisms;

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

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

8 (5) becoming experts on the foster care system and
9 State laws and policies in place that support children
10 under the legal custody of the Department of Children and
11 Family Services;

12 (6) coordinating with child welfare partners;

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

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

18 (9) reviewing student schedules to ensure that
19 students are on track to graduate;

20 (10) encouraging a successful transition into
21 adulthood and post-secondary opportunities;

22 (11) encouraging involvement in extracurricular
23 activities; and

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

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

4 (d) Individuals licensed under Article 21B of this Code
5 acting as a liaison under this Section shall perform the duties
6 of a liaison in addition to existing contractual obligations.
7 (Source: P.A. 99-781, eff. 8-12-16; 100-201, eff. 8-18-17.)

8 (105 ILCS 5/34-18.66 new)

9 Sec. 34-18.66. Parent-teacher conference and other
10 meetings; caseworker. For any student who is in the legal
11 custody of the Department of Children and Family Services, the
12 liaison appointed under Section 34-18.52 must inform the
13 Department's Office of Education and Transition Services of a
14 parent-teacher conference or any other meeting concerning the
15 student that would otherwise involve a parent and must, at the
16 option of the caseworker, allow the student's caseworker to
17 attend the conference or meeting.

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

20 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

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

22 (a) "Student" means any person enrolled or previously
23 enrolled in a school.

1 (b) "School" means any public preschool, day care center,
2 kindergarten, nursery, elementary or secondary educational
3 institution, vocational school, special educational facility
4 or any other elementary or secondary educational agency or
5 institution and any person, agency or institution which
6 maintains school student records from more than one school, but
7 does not include a private or non-public school.

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

9 (d) "School Student Record" means any writing or other
10 recorded information concerning a student and by which a
11 student may be individually identified, maintained by a school
12 or at its direction or by an employee of a school, regardless
13 of how or where the information is stored. The following shall
14 not be deemed school student records under this Act: writings
15 or other recorded information maintained by an employee of a
16 school or other person at the direction of a school for his or
17 her exclusive use; provided that all such writings and other
18 recorded information are destroyed not later than the student's
19 graduation or permanent withdrawal from the school; and
20 provided further that no such records or recorded information
21 may be released or disclosed to any person except a person
22 designated by the school as a substitute unless they are first
23 incorporated in a school student record and made subject to all
24 of the provisions of this Act. School student records shall not
25 include information maintained by law enforcement
26 professionals working in the school.

1 (e) "Student Permanent Record" means the minimum personal
2 information necessary to a school in the education of the
3 student and contained in a school student record. Such
4 information may include the student's name, birth date,
5 address, grades and grade level, parents' names and addresses,
6 attendance records, and such other entries as the State Board
7 may require or authorize.

8 (f) "Student Temporary Record" means all information
9 contained in a school student record but not contained in the
10 student permanent record. Such information may include family
11 background information, intelligence test scores, aptitude
12 test scores, psychological and personality test results,
13 teacher evaluations, and other information of clear relevance
14 to the education of the student, all subject to regulations of
15 the State Board. The information shall include information
16 provided under Section 8.6 of the Abused and Neglected Child
17 Reporting Act and information contained in service logs
18 maintained by a local education agency under subsection (d) of
19 Section 14-8.02f of the School Code. In addition, the student
20 temporary record shall include information regarding serious
21 disciplinary infractions that resulted in expulsion,
22 suspension, or the imposition of punishment or sanction. For
23 purposes of this provision, serious disciplinary infractions
24 means: infractions involving drugs, weapons, or bodily harm to
25 another.

26 (g) "Parent" means a person who is the natural parent of

1 the student or other person who has the primary responsibility
2 for the care and upbringing of the student. All rights and
3 privileges accorded to a parent under this Act shall become
4 exclusively those of the student upon his 18th birthday,
5 graduation from secondary school, marriage or entry into
6 military service, whichever occurs first. Such rights and
7 privileges may also be exercised by the student at any time
8 with respect to the student's permanent school record.

9 (h) "Department" means the Department of Children and
10 Family Services.

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

12 (105 ILCS 10/4) (from Ch. 122, par. 50-4)

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

17 (b) The official records custodian shall take all
18 reasonable measures to prevent unauthorized access to or
19 dissemination of school student records.

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

23 (d) Information added to a student temporary record after
24 the effective date of this Act shall include the name,
25 signature and position of the person who has added such

1 information and the date of its entry into the record.

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

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

16 (g) The principal of each school or the person with like
17 responsibilities or his or her designate shall periodically
18 review each student temporary record for verification of
19 entries and elimination or correction of all inaccurate,
20 misleading, unnecessary or irrelevant information. The State
21 Board shall issue regulations to govern the periodic review of
22 the student temporary records and length of time for
23 maintenance of entries to such records.

24 (h) Before any school student record is destroyed or
25 information deleted therefrom, the parent or the student, if
26 the rights and privileges accorded to the parent under this Act

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

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

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

1 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

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

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

1 If the parent or the Department so requests, the school shall
2 secure and bear any cost of the presence of a professional
3 employed by the school.

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

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

15 (1) the requested records are stored in whole or in
16 part at other locations than the office having charge of
17 the requested records;

18 (2) the request requires the collection of a
19 substantial number of specified records;

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

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

26 (5) the request for records cannot be complied with by

1 the school district within the time limits prescribed by
2 subsection (c) of this Section without unduly burdening or
3 interfering with the operations of the school district; or

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

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

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

24 (e) Nothing contained in this Section 5 shall make
25 available to a parent or student or, if applicable, the
26 Department's Office of Education and Transition Services

1 confidential letters and statements of recommendation
2 furnished in connection with applications for employment to a
3 post-secondary educational institution or the receipt of an
4 honor or honorary recognition, provided such letters and
5 statements are not used for purposes other than those for which
6 they were specifically intended, and

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

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

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

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

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

25 (3) Information which is communicated by a student,
26 parent, or guardian to a law enforcement professional

1 working in the school, except as provided by court order.

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

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

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

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

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

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

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

25 (4) to any person for the purpose of research,

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

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

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

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

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

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

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

26 (9) to a governmental agency, or social service agency

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

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

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

20 ~~or~~

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

1 Privacy Act (20 U.S.C. 1232g); ~~or~~

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

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

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

24 (1) the nature and substance of the information
25 released;

26 (2) the name and signature of the official records

1 custodian releasing such information;

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

5 (4) the date of the release; and

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

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

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

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

21 Section 99. Effective date. This Act takes effect on July
22 1, 2021.