



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1746

Introduced 2/17/2021, by Rep. Jay Hoffman - Carol Ammons

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Provides that each school board must (rather than may) appoint at least one employee to act as a liaison to facilitate enrollment and transfer of records of students in the legal custody of the Department of Children and Family Services. Provides that a school district is required (rather than encouraged) to designate a liaison by the beginning of the 2022-2023 school year. Provides that, for any student who is in the legal custody of the Department of Children and Family Services, the liaison must inform the Department's Office of Education and Transition Services of a parent-teacher conference or any other meeting concerning the student that would otherwise involve a parent and must, at the option of the caseworker, allow the student's caseworker to attend the conference or meeting. Amends the Illinois School Student Records Act. Provides that if a student is in the legal custody of the Department of Children and Family Services, the Department's Office of Education and Transition Services must be informed before a school student record is destroyed or any information in that record is deleted and shall have the right to inspect and copy all school student permanent and temporary records. Makes related changes. Effective July 1, 2022.

LRB102 02735 CMG 12738 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The 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 34-18.67 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
13 or changing schools. The school board may appoint any employee
14 of the school district who is licensed under Article 21B of
15 this Code to act as a liaison; however, employees who meet any
16 of 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
13 a liaison by the beginning of the 2022-2023 ~~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
17 duties of a liaison in addition to existing contractual
18 obligations.

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

20 (105 ILCS 5/10-20.73 new)

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

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

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

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

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

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

9 (105 ILCS 5/13B-60.10)

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

1 guardian.

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

3 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

4 Sec. 14-8.02. Identification, evaluation, and placement of
5 children.

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

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

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

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

1 entitled to an independent educational evaluation, it must be
2 completed within 30 days of the decision unless the parent or
3 the school district offers reasonable grounds to show that
4 such 30-day ~~30-day~~ period should be extended. If a parent
5 disagrees with the summary report or recommendations of the
6 multidisciplinary conference or the findings of any
7 educational evaluation which results therefrom, the school
8 district shall not proceed with a placement based upon such
9 evaluation and the child shall remain in his or her regular
10 classroom setting. No child shall be eligible for admission to
11 a special class for children with a mental disability who are
12 educable or for children with a mental disability who are
13 trainable except with a psychological evaluation and
14 recommendation by a school psychologist. Consent shall be
15 obtained from the parent of a child before any evaluation is
16 conducted. If consent is not given by the parent or if the
17 parent disagrees with the findings of the evaluation, then the
18 school district may initiate an impartial due process hearing
19 under this Section. The school district may evaluate the child
20 if that is the decision resulting from the impartial due
21 process hearing and the decision is not appealed or if the
22 decision is affirmed on appeal. The determination of
23 eligibility shall be made and the IEP meeting shall be
24 completed within 60 school days from the date of written
25 parental consent. In those instances when written parental
26 consent is obtained with fewer than 60 pupil attendance days

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

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

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

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

1 consider all of the following factors:

2 (1) The verbal and nonverbal communication needs of
3 the child.

4 (2) The need to develop social interaction skills and
5 proficiencies.

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

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

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

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

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

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

23 If the student may be eligible to participate in the
24 Home-Based Support Services Program for Adults with Mental
25 Disabilities authorized under the Developmental Disability and
26 Mental Disability Services Act upon becoming an adult, the

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

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

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

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

1 such that education in the regular classes with the use of
2 supplementary aids and services cannot be achieved
3 satisfactorily. The placement of English learners with
4 disabilities shall be in non-restrictive environments which
5 provide for integration with peers who do not have
6 disabilities in bilingual classrooms. Annually, each January,
7 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

1 such examination or treatment conflicts with his religious
2 beliefs.

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

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

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

22 To ensure that a parent can participate fully and
23 effectively with school personnel in the development of
24 appropriate educational and related services for his or her
25 child, the parent, an independent educational evaluator, or a
26 qualified professional retained by or on behalf of a parent or

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

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

1 visiting an educational placement or program proposed for
2 the child.

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

23 ~~(h) (Blank).~~

24 ~~(i) (Blank).~~

25 ~~(j) (Blank).~~

26 ~~(k) (Blank).~~

1 ~~(l) (Blank).~~

2 ~~(m) (Blank).~~

3 ~~(n) (Blank).~~

4 ~~(o) (Blank).~~

5 (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;
6 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

7 (105 ILCS 5/34-18.52)

8 Sec. 34-18.52. DCFS liaison.

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

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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.

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24 with student counseling.

25 (5) Employees who are knowledgeable on child welfare

1 policies.

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

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4 capacity and infrastructure within the school district to
5 support students in the legal custody of the Department of
6 Children and Family Services. Liaison responsibilities may
7 include the following:

8 (1) streamlining the enrollment processes for students
9 in foster care;

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11 mechanisms;

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

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

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

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23 training to the school district;

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25 Services to help students maintain their school placement,
26 if appropriate;

1 (9) reviewing student schedules to ensure that
2 students are on track to graduate;

3 (10) encouraging a successful transition into
4 adulthood and post-secondary opportunities;

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6 activities; and

7 (12) knowing what support is available within the
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9 custody of the Department of Children and Family Services.

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12 ~~2017-2018~~ school year.

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

18 (105 ILCS 5/34-18.67 new)

19 Sec. 34-18.67. Parent-teacher conference and other
20 meetings; caseworker. For any student who is in the legal
21 custody of the Department of Children and Family Services, the
22 liaison appointed under Section 34-18.52 must inform the
23 Department's Office of Education and Transition Services of a
24 parent-teacher conference or any other meeting concerning the
25 student that would otherwise involve a parent and must, at the

1 option of the caseworker, allow the student's caseworker to
2 attend the conference or meeting.

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

5 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

6 Sec. 2. As used in this Act:~~7~~

7 (a) "Student" means any person enrolled or previously
8 enrolled in a school.

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

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

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

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

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

18 (f) "Student Temporary Record" means all information
19 contained in a school student record but not contained in the
20 student permanent record. Such information may include family
21 background information, intelligence test scores, aptitude
22 test scores, psychological and personality test results,
23 teacher evaluations, and other information of clear relevance
24 to the education of the student, all subject to regulations of
25 the State Board. The information shall include information
26 provided under Section 8.6 of the Abused and Neglected Child

1 Reporting Act and information contained in service logs
2 maintained by a local education agency under subsection (d) of
3 Section 14-8.02f of the School Code. In addition, the student
4 temporary record shall include information regarding serious
5 disciplinary infractions that resulted in expulsion,
6 suspension, or the imposition of punishment or sanction. For
7 purposes of this provision, serious disciplinary infractions
8 means: infractions involving drugs, weapons, or bodily harm to
9 another.

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

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

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

22 (105 ILCS 10/4) (from Ch. 122, par. 50-4)

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

1 such records are in his personal custody or control.

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

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

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

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

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

26 (g) The principal of each school or the person with like

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

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

26 (i) No school shall be required to separate permanent and

1 temporary school student records of a student not enrolled in
2 such school on or after the effective date of this Act or to
3 destroy any such records, or comply with the provisions of
4 paragraph (g) of this Section with respect to such records,
5 except (1) in accordance with the request of the parent that
6 any or all of such actions be taken in compliance with the
7 provisions of this Act or (2) in accordance with regulations
8 adopted by the State Board.

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

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

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

1 inspection of the student's school records by such person.

2 (b) Whenever access to any person is granted pursuant to
3 paragraph (a) of this Section, at the option of that person
4 ~~either the parent~~ or the school, a qualified professional, who
5 may be a psychologist, counsellor or other advisor, and who
6 may be an employee of the school or employed by the parent or
7 the Department, may be present to interpret the information
8 contained in the student temporary record. If the school
9 requires that a professional be present, the school shall
10 secure and bear any cost of the presence of the professional.
11 If the parent or the Department so requests, the school shall
12 secure and bear any cost of the presence of a professional
13 employed by the school.

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

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

25 (1) the requested records are stored in whole or in
26 part at other locations than the office having charge of

1 the requested records;

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

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

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

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

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

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

1 (d) The school may charge its reasonable costs for the
2 copying of school student records, not to exceed the amounts
3 fixed in schedules adopted by the State Board, to any person
4 permitted to copy such records, except that no parent or
5 student shall be denied a copy of school student records as
6 permitted under this Section 5 for inability to bear the cost
7 of such copying.

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

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

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

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

24 (1) Communications otherwise protected by law as
25 privileged or confidential, including but not limited to,
26 information communicated in confidence to a physician,

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

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

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

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

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

19 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

23 (1) to a parent or student or person specifically
24 designated as a representative by a parent, as provided in
25 paragraph (a) of Section 5;

1 (2) to an employee or official of the school or school
2 district or State Board with current demonstrable
3 educational or administrative interest in the student, in
4 furtherance of such interest;

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

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

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

23 (6) to any person as specifically required by State or
24 federal law;

25 (6.5) to juvenile authorities when necessary for the
26 discharge of their official duties who request information

1 prior to adjudication of the student and who certify in
2 writing that the information will not be disclosed to any
3 other party except as provided under law or order of
4 court. For purposes of this Section "juvenile authorities"
5 means: (i) a judge of the circuit court and members of the
6 staff of the court designated by the judge; (ii) parties
7 to the proceedings under the Juvenile Court Act of 1987
8 and their attorneys; (iii) probation officers and court
9 appointed advocates for the juvenile authorized by the
10 judge hearing the case; (iv) any individual, public or
11 private agency having custody of the child pursuant to
12 court order; (v) any individual, public or private agency
13 providing education, medical or mental health service to
14 the child when the requested information is needed to
15 determine the appropriate service or treatment for the
16 minor; (vi) any potential placement provider when such
17 release is authorized by the court for the limited purpose
18 of determining the appropriateness of the potential
19 placement; (vii) law enforcement officers and prosecutors;
20 (viii) adult and juvenile prisoner review boards; (ix)
21 authorized military personnel; (x) individuals authorized
22 by court;

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

1 (8) to any person, with the prior specific dated
2 written consent of the parent designating the person to
3 whom the records may be released, provided that at the
4 time any such consent is requested or obtained, the parent
5 shall be advised in writing that he has the right to
6 inspect and copy such records in accordance with Section
7 5, to challenge their contents in accordance with Section
8 7 and to limit any such consent to designated records or
9 designated portions of the information contained therein;

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

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

26 (11) to the Department of Healthcare and Family

1 Services in furtherance of the requirements of Section
2 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
3 Section 10 of the School Breakfast and Lunch Program Act;
4 ~~or~~

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

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

15 (b) No information may be released pursuant to
16 subparagraph (3) or (6) of paragraph (a) of this Section 6
17 unless the parent receives prior written notice of the nature
18 and substance of the information proposed to be released, and
19 an opportunity to inspect and copy such records in accordance
20 with Section 5 and to challenge their contents in accordance
21 with Section 7. Provided, however, that such notice shall be
22 sufficient if published in a local newspaper of general
23 circulation or other publication directed generally to the
24 parents involved where the proposed release of information is
25 pursuant to subparagraph (6) of paragraph (a) of this Section
26 6 and relates to more than 25 students.

1 (c) A record of any release of information pursuant to
2 this Section must be made and kept as a part of the school
3 student record and subject to the access granted by Section 5.
4 Such record of release shall be maintained for the life of the
5 school student records and shall be available only to the
6 parent and the official records custodian. Each record of
7 release shall also include:

8 (1) the nature and substance of the information
9 released;

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

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

15 (4) the date of the release; and

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

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

25 (e) Nothing contained in this Act shall prohibit the
26 publication of student directories which list student names,

1 addresses and other identifying information and similar
2 publications which comply with regulations issued by the State
3 Board.

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

5 Section 99. Effective date. This Act takes effect July 1,
6 2022.

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2		Statutes amended in order of appearance
3	105 ILCS 5/10-20.59	
4	105 ILCS 5/10-20.73 new	
5	105 ILCS 5/10-21.8	from Ch. 122, par. 10-21.8
6	105 ILCS 5/13B-60.10	
7	105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02
8	105 ILCS 5/34-18.52	
9	105 ILCS 5/34-18.67 new	
10	105 ILCS 10/2	from Ch. 122, par. 50-2
11	105 ILCS 10/4	from Ch. 122, par. 50-4
12	105 ILCS 10/5	from Ch. 122, par. 50-5
13	105 ILCS 10/6	from Ch. 122, par. 50-6