

# SB2434



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**SB2434**

Introduced 2/26/2021, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

105 ILCS 10/6

from Ch. 122, par. 50-6

Amends the Illinois School Student Records Act. Provides that school student records or information may be shared under an intergovernmental agreement, if the elementary school district and the high school district have attendance boundaries that overlap and are parties to an intergovernmental agreement that allows the sharing of student records and information between the districts. Requires the sharing of student information under an intergovernmental agreement to be voluntary, to apply only to students who have been enrolled in both districts or would be enrolled in both districts based on district attendance boundaries, and does not exceed the scope of information that is shared among schools in a unit school district. Allows the terms of an intergovernmental agreement to place further limitations on the information that is allowed to be shared. Effective immediately.

LRB102 12553 CMG 17891 b

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The Illinois School Student Records Act is  
5 amended by changing Section 6 as follows:

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

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

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

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

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

22 (4) to any person for the purpose of research,  
23 statistical reporting, or planning, provided that such

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

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

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

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

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

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

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

25 (9) to a governmental agency, or social service agency  
26 contracted by a governmental agency, in furtherance of an

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

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

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

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

1           (13) Under an intergovernmental agreement if an  
2           elementary school district and a high school district have  
3           attendance boundaries that overlap and are parties to an  
4           intergovernmental agreement that allows the sharing of  
5           student records and information between the districts.  
6           However, the sharing of student information is allowed  
7           under an intergovernmental agreement only if the  
8           intergovernmental agreement meets all of the following  
9           requirements:

10           (A) The sharing of student information must be  
11           voluntary and at the discretion of each school  
12           district that is a party to the agreement.

13           (B) The sharing of student information applies  
14           only to students who have been enrolled in both  
15           districts or would be enrolled in both districts based  
16           on district attendance boundaries.

17           (C) The sharing of student information does not  
18           exceed the scope of information that is shared among  
19           schools in a unit school district. However, the terms  
20           of an intergovernmental agreement may place further  
21           limitations on the information that is allowed to be  
22           shared.

23           (b) No information may be released pursuant to  
24           subparagraph (3) or (6) of paragraph (a) of this Section 6  
25           unless the parent receives prior written notice of the nature  
26           and substance of the information proposed to be released, and

1 an opportunity to inspect and copy such records in accordance  
2 with Section 5 and to challenge their contents in accordance  
3 with Section 7. Provided, however, that such notice shall be  
4 sufficient if published in a local newspaper of general  
5 circulation or other publication directed generally to the  
6 parents involved where the proposed release of information is  
7 pursuant to subparagraph (6) of paragraph (a) of this Section  
8 6 and relates to more than 25 students.

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

16 (1) the nature and substance of the information  
17 released;

18 (2) the name and signature of the official records  
19 custodian releasing such information;

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

23 (4) the date of the release; and

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

25 (d) Except for the student and his parents, no person to  
26 whom information is released pursuant to this Section and no

1 person specifically designated as a representative by a parent  
2 may permit any other person to have access to such information  
3 without a prior consent of the parent obtained in accordance  
4 with the requirements of subparagraph (8) of paragraph (a) of  
5 this Section.

6 (e) Nothing contained in this Act shall prohibit the  
7 publication of student directories which list student names,  
8 addresses and other identifying information and similar  
9 publications which comply with regulations issued by the State  
10 Board.

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.