

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, and the student's
17 parent or guardian has expressed in writing that the
18 student intends to enroll or has enrolled in the high
19 school district.

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

26 (b) No information may be released pursuant to

1 subparagraph (3) or (6) of paragraph (a) of this Section 6
2 unless the parent receives prior written notice of the nature
3 and substance of the information proposed to be released, and
4 an opportunity to inspect and copy such records in accordance
5 with Section 5 and to challenge their contents in accordance
6 with Section 7. Provided, however, that such notice shall be
7 sufficient if published in a local newspaper of general
8 circulation or other publication directed generally to the
9 parents involved where the proposed release of information is
10 pursuant to subparagraph (6) of paragraph (a) of this Section
11 6 and relates to more than 25 students.

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

19 (1) the nature and substance of the information
20 released;

21 (2) the name and signature of the official records
22 custodian releasing such information;

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

26 (4) the date of the release; and

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

2 (d) Except for the student and his parents, no person to
3 whom information is released pursuant to this Section and no
4 person specifically designated as a representative by a parent
5 may permit any other person to have access to such information
6 without a prior consent of the parent obtained in accordance
7 with the requirements of subparagraph (8) of paragraph (a) of
8 this Section.

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

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.