



Sen. David Koehler

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10300SB3166sam001

LRB103 37559 RJT 71584 a

1 AMENDMENT TO SENATE BILL 3166

2 AMENDMENT NO. _____. Amend Senate Bill 3166 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

7 (Text of Section before amendment by P.A. 102-466)

8 Sec. 2. As used in this Act:

9 (a) "Student" means any person enrolled or previously
10 enrolled in a school.

11 (b) "School" means any public preschool, day care center,
12 kindergarten, nursery, elementary or secondary educational
13 institution, vocational school, special educational facility
14 or any other elementary or secondary educational agency or
15 institution and any person, agency or institution which
16 maintains school student records from more than one school,

1 but does not include a private or non-public school.

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

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

21 (e) "Student Permanent Record" means the minimum personal
22 information necessary to a school in the education of the
23 student and contained in a school student record. Such
24 information may include the student's name, birth date,
25 address, grades and grade level, parents' names and addresses,
26 attendance records, a special education summary of performance

1 form, and such other entries as the State Board may require or
2 authorize.

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

21 (g) "Parent" means a person who is the natural parent of
22 the student or other person who has the primary responsibility
23 for the care and upbringing of the student. All rights and
24 privileges accorded to a parent under this Act shall become
25 exclusively those of the student upon his 18th birthday,
26 graduation from secondary school, marriage or entry into

1 military service, whichever occurs first. Such rights and
2 privileges may also be exercised by the student at any time
3 with respect to the student's permanent school record.

4 (h) "Department" means the Department of Children and
5 Family Services.

6 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

8 (Text of Section after amendment by P.A. 102-466)

9 Sec. 2. As used in this Act:

10 (a) "Student" means any person enrolled or previously
11 enrolled in a school.

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

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

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

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

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

21 (f) "Student Temporary Record" means all information
22 contained in a school student record but not contained in the
23 student permanent record. Such information may include family
24 background information, intelligence test scores, aptitude
25 test scores, psychological and personality test results,
26 teacher evaluations, and other information of clear relevance

1 to the education of the student, all subject to regulations of
2 the State Board. The information shall include all of the
3 following:

4 (1) Information provided under Section 8.6 of the
5 Abused and Neglected Child Reporting Act and information
6 contained in service logs maintained by a local education
7 agency under subsection (d) of Section 14-8.02f of the
8 School Code.

9 (2) Information regarding serious disciplinary
10 infractions that resulted in expulsion, suspension, or the
11 imposition of punishment or sanction. For purposes of this
12 provision, serious disciplinary infractions means:
13 infractions involving drugs, weapons, or bodily harm to
14 another.

15 (3) Information concerning a student's status and
16 related experiences as a parent, expectant parent, or
17 victim of domestic or sexual violence, as defined in
18 Article 26A of the School Code, including a statement of
19 the student or any other documentation, record, or
20 corroborating evidence and the fact that the student has
21 requested or obtained assistance, support, or services
22 related to that status. Enforcement of this paragraph (3)
23 shall follow the procedures provided in Section 26A-40 of
24 the School Code.

25 (g) "Parent" means a person who is the natural parent of
26 the student or other person who has the primary responsibility

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

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

10 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
11 102-466, eff. 7-1-25; 102-558, eff. 8-20-21; 102-813, eff.
12 5-13-22.)

13 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

14 Sec. 5. (a) A parent or any person specifically designated
15 as a representative by a parent and, if the child is in the
16 legal custody of the Department of Children and Family
17 Services, the Department's Office of Education and Transition
18 Services shall have the right to inspect and copy all school
19 student permanent and temporary records of that child. A
20 student and representatives of the Department of Human
21 Services, for the sole purpose of assessing waiver services
22 qualification of the student, shall have the right to inspect
23 and copy the student's ~~his or her~~ school student permanent
24 record. No person who is prohibited by an order of protection
25 from inspecting or obtaining school records of a student

1 pursuant to the Illinois Domestic Violence Act of 1986, as now
2 or hereafter amended, shall have any right of access to, or
3 inspection of, the school records of that student. If a
4 school's principal or person with like responsibilities or his
5 designee has knowledge of such order of protection, the school
6 shall prohibit access or inspection of the student's school
7 records by such person.

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

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

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

5 (1) the requested records are stored in whole or in
6 part at other locations than the office having charge of
7 the requested records;

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

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

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

16 (5) the request for records cannot be complied with by
17 the school district within the time limits prescribed by
18 subsection (c) of this Section without unduly burdening or
19 interfering with the operations of the school district; or

20 (6) there is a need for consultation, which shall be
21 conducted with all practicable speed, with another public
22 body or school district or among 2 or more components of a
23 public body or school district having a substantial
24 interest in the determination or in the subject matter of
25 the request.

26 The person making a request and the school district may

1 agree in writing to extend the time for compliance for a period
2 to be determined by the parties. If the requester and the
3 school district agree to extend the period for compliance, a
4 failure by the school district to comply with any previous
5 deadlines shall not be treated as a denial of the request for
6 the records.

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

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

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

25 (2) the student has waived access thereto after being
26 advised of his right to obtain upon request the names of

1 all such persons making such confidential recommendations.

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

4 (1) Communications otherwise protected by law as
5 privileged or confidential, including but not limited to,
6 information communicated in confidence to a physician,
7 psychologist or other psychotherapist, school social
8 worker, school counselor, school psychologist, or school
9 social worker, school counselor, or school psychologist
10 intern who works under the direct supervision of a school
11 social worker, school counselor, or school psychologist;
12 or

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

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

18 (g) No school employee shall be subjected to adverse
19 employment action, the threat of adverse employment action, or
20 any manner of discrimination because the employee is acting or
21 has acted to protect communications as privileged or
22 confidential pursuant to applicable provisions of State or
23 federal law or rule or regulation.

24 (Source: P.A. 102-199, eff. 7-1-22.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.".