

1 AN ACT concerning schools.

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
5 Sections 2-3.13a and 22-20 as follows:

6 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

7 Sec. 2-3.13a. Scholastic records; transferring students.

8 The State Board of Education shall establish and implement
9 rules requiring all of the public schools and all private or
10 nonpublic elementary and secondary schools located in this
11 State, whenever any such school has a student who is
12 transferring to any other public elementary or secondary
13 school located in this or in any other state, to forward
14 within 10 days of notice of the student's transfer an
15 unofficial record of that student's grades to the school to
16 which such student is transferring. Each public school at
17 the same time also shall forward to the school to which the
18 student is transferring the remainder of the student's school
19 student records as required by the Illinois School Student
20 Records Act and information regarding any probable cause
21 notices, disposition orders, or court orders received by the
22 principal under Section 22-20 of this Code. In addition, if a
23 student is transferring from a public school, whether located
24 in this or any other state, from which the student has been
25 suspended or expelled for knowingly possessing in a school
26 building or on school grounds a weapon as defined in the Gun
27 Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly
28 possessing, selling, or delivering in a school building or on
29 school grounds a controlled substance or cannabis, or for
30 battering a staff member of the school, and if the period of
31 suspension or expulsion has not expired at the time the

1 student attempts to transfer into another public school in
2 the same or any other school district: (i) any school student
3 records required to be transferred shall include the date and
4 duration of the period of suspension or expulsion; and (ii)
5 with the exception of transfers into the Department of
6 Corrections school district, the student shall not be
7 permitted to attend class in the public school into which he
8 or she is transferring until the student has served the
9 entire period of the suspension or expulsion imposed by the
10 school from which the student is transferring, provided that
11 the school board may approve the placement of the student in
12 an alternative school program established under Article 13A
13 of this Code. A school district may adopt a policy providing
14 that if a student is suspended or expelled for any reason
15 from any public or private school in this or any other state,
16 the student must complete the entire term of the suspension
17 or expulsion before being admitted into the school district.
18 This policy may allow placement of the student in an
19 alternative school program established under Article 13A of
20 this Code, if available, for the remainder of the suspension
21 or expulsion. Each public school and each private or
22 nonpublic elementary or secondary school in this State shall
23 within 10 days after the student has paid all of his or her
24 outstanding fines and fees and at its own expense forward an
25 official transcript of the scholastic records of each student
26 transferring from that school in strict accordance with the
27 provisions of this Section and the rules established by the
28 State Board of Education as herein provided.

29 The State Board of Education shall develop a one-page
30 standard form that Illinois school districts are required to
31 provide to any student who is moving out of the school
32 district and that contains the information about whether or
33 not the student is "in good standing" and whether or not his
34 or her medical records are up-to-date and complete. As used

1 in this Section, "in good standing" means that the student is
2 not being disciplined by a suspension or expulsion, but is
3 entitled to attend classes. No school district is required
4 to admit a new student who is transferring from another
5 Illinois school district unless he or she can produce the
6 standard form from the student's previous school district
7 enrollment. No school district is required to admit a new
8 student who is transferring from an out-of-state public
9 school unless the parent or guardian of the student certifies
10 in writing that the student is not currently serving a
11 suspension or expulsion imposed by the school from which the
12 student is transferring.

13 (Source: P.A. 91-365, eff. 7-30-99; 92-64, eff. 7-12-01.)

14 (105 ILCS 5/22-20) (from Ch. 122, par. 22-20)

15 Sec. 22-20. All courts and law enforcement agencies of
16 the State of Illinois and its political subdivisions shall
17 report to the principal of any public school in this State
18 whenever a child enrolled therein is detained for proceedings
19 under the Juvenile Court Act of 1987, as heretofore and
20 hereafter amended, or for any criminal offense or any
21 violation of a municipal or county ordinance. The report
22 shall include the basis for detaining the child,
23 circumstances surrounding the events which led to the child's
24 detention, and status of proceedings. The report shall be
25 updated as appropriate to notify the principal of
26 developments and the disposition of the matter.

27 The information derived thereby shall be kept on file but
28 shall be separate from and shall not become a part of the
29 official school record of such child and shall not be a
30 public record. Such information shall be used solely by the
31 principal, counselors and teachers of the school to aid in
32 the proper rehabilitation of the child and to protect the
33 safety of students and employees in the school. However, if

1 a student is transferring to another school, then information
2 regarding any probable cause notices, disposition orders, or
3 court orders shall be forwarded along with the student's
4 school records under Section 2-3.13a of this Code, unless
5 the State's attorney opts not to proceed with a petition, the
6 student enrolls in a diversion or mediation program, the
7 juvenile court decides not to issue a disposition order, or a
8 year has passed from the time the information was received,
9 in which case the principal shall destroy the information.
10 The information forwarded to the school to which the student
11 is transferring shall be used solely by the principal,
12 counselors, and teachers of the school to aid in the proper
13 rehabilitation of the child and to protect the safety of
14 students and employees in the school.

15 (Source: P.A. 89-610, eff. 8-6-96.)

16 Section 10. The Illinois School Student Records Act is
17 amended by changing Sections 6 and 9 as follows:

18 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

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

25 (2) To an employee or official of the school or
26 school district or State Board with current demonstrable
27 educational or administrative interest in the student, in
28 furtherance of such interest;

29 (3) To the official records custodian of another
30 school within Illinois or an official with similar
31 responsibilities of a school outside Illinois, in which
32 the student has enrolled, or intends to enroll, upon the

1 request of such official or student;

2 (4) To any person for the purpose of research,
3 statistical reporting or planning, provided that no
4 student or parent can be identified from the information
5 released and the person to whom the information is
6 released signs an affidavit agreeing to comply with all
7 applicable statutes and rules pertaining to school
8 student records;

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

16 (6) To any person as specifically required by State
17 or federal law;

18 (6.5) To juvenile authorities when necessary for
19 the discharge of their official duties who request
20 information prior to adjudication of the student and who
21 certify in writing that the information will not be
22 disclosed to any other party except as provided under law
23 or order of court. Information under this subparagraph
24 (6.5) shall be limited to information that pertains to
25 the use of a controlled substance, assault, threatening
26 conduct, possession or use of weapons, possession of
27 imitation weapons, theft, or property damage. For
28 purposes of this Section "juvenile authorities" means:
29 (i) a judge of the circuit court and members of the staff
30 of the court designated by the judge; (ii) parties to the
31 proceedings under the Juvenile Court Act of 1987 and
32 their attorneys; (iii) probation officers and court
33 appointed advocates for the juvenile authorized by the
34 judge hearing the case; (iv) any individual, public or

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

13 (7) Subject to regulations of the State Board, in
14 connection with an emergency, to appropriate persons if
15 the knowledge of such information is necessary to protect
16 the 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
20 time any such consent is requested or obtained, the
21 parent shall be advised in writing that he has the right
22 to inspect and copy such records in accordance with
23 Section 5, to challenge their contents in accordance with
24 Section 7 and to limit any such consent to designated
25 records or designated portions of the information
26 contained therein;

27 (9) To a governmental agency, or social service
28 agency contracted by a governmental agency, in
29 furtherance of an investigation of a student's school
30 attendance pursuant to the compulsory student attendance
31 laws of this State, provided that the records are
32 released to the employee or agent designated by the
33 agency; or

34 (10) To those SHOCAP committee members who fall

1 within the meaning of "state and local officials and
2 authorities", as those terms are used within the meaning
3 of the federal Family Educational Rights and Privacy Act,
4 for the purposes of identifying serious habitual juvenile
5 offenders and matching those offenders with community
6 resources pursuant to Section 5-145 of the Juvenile Court
7 Act of 1987, but only to the extent that the release,
8 transfer, disclosure, or dissemination is consistent with
9 the Family Educational Rights and Privacy Act.

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

22 No information may be released pursuant to subparagraph
23 (6.5) of this Section unless the parent or guardian receives
24 prior written notice, by certified mail, of the nature and
25 substance of the information proposed to be release and an
26 opportunity to inspect and copy such records in accordance
27 with Section 5 of this Act and to challenge their contents in
28 accordance with Section 7 of this Act. If the parent or
29 guardian objects to the release of the information within 10
30 days after receiving notice, then the information may not be
31 released. If the information is prohibited from being
32 released because of the objection, the juvenile authorities
33 shall be informed that the information is prohibited from
34 being released because of the objection.

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
4 5. Such record of release shall be maintained for the life of
5 the 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
14 been 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 parents, no person to
18 whom information is released pursuant to this Section and no
19 person specifically designated as a representative by a
20 parent may permit any other person to have access to such
21 information without a prior consent of the parent obtained in
22 accordance with the requirements of subparagraph (8) of
23 paragraph (a) of this Section.

24 (e) Nothing contained in this Act shall prohibit the
25 publication of student directories which list student names,
26 addresses and other identifying information and similar
27 publications which comply with regulations issued by the
28 State Board.

29 (Source: P.A. 90-566, eff. 1-2-98; 90-590, eff. 1-1-00;
30 91-357, eff. 7-29-99; 91-665, eff. 12-22-99.)

31 (105 ILCS 10/9) (from Ch. 122, par. 50-9)

32 Sec. 9. (a) Any person aggrieved by any violation of
33 this Act may institute an action for injunctive relief in the

1 Circuit Court of the County in which the violation has
2 occurred or the Circuit Court of the County in which the
3 school is located.

4 (b) Any person injured by a wilful or negligent
5 violation of this Act may institute an action for damages in
6 the Circuit Court of the County in which the violation has
7 occurred or the Circuit Court of the County in which the
8 school is located.

9 (c) In the case of any successful action under paragraph
10 (a) or (b) of this Section, any person or school found to
11 have wilfully or negligently violated any provision of this
12 Act is liable to the plaintiff for the plaintiff's damages,
13 the costs of the action and reasonable attorneys' fees, as
14 determined by the Court.

15 (d) Actions for injunctive relief to secure compliance
16 with this Act may be brought by the State Board, by the
17 State's Attorney of the County in which the alleged violation
18 has occurred or the State's Attorney of the County in which
19 the school is located, in each case in the Circuit Court of
20 such County.

21 (e) Wilful failure to comply with any Section of this
22 Act is a petty offense; except that any person who wilfully
23 and maliciously falsifies any school student record, student
24 permanent record or student temporary record shall be guilty
25 of a Class A misdemeanor.

26 (f) Absent proof of malice, no cause of action or claim
27 for relief, civil or criminal, may be maintained against any
28 school, or employee or official of a school or person acting
29 at the direction of a school for any statement made or
30 judgment expressed in any entry to a school student record of
31 a type which does not violate this Act or the regulations
32 issued by the State Board pursuant to this Act; provided that
33 this paragraph (f) does not limit or deny any defense
34 available under existing law.

1 (g) No cause of action or claim for relief, civil or
2 criminal, may be maintained against any school, employee or
3 official of a school, or person acting at the direction of a
4 school for complying with a request for information under
5 subparagraph (6.5) of subsection (a) of Section 6 of this
6 Act.

7 (Source: P.A. 84-712.)

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.27 as follows:

10 (30 ILCS 805/8.27 new)

11 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
12 and 8 of this Act, no reimbursement by the State is required
13 for the implementation of any mandate created by this
14 amendatory Act of the 93rd General Assembly.