



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 10/6

from Ch. 122, par. 50-6

Amends the Illinois School Student Records Act. Makes a technical change in a Section concerning the nondisclosure of records.

LRB093 19881 NHT 45624 b

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 of this Act;

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 school
18 within Illinois or an official with similar
19 responsibilities of a school outside Illinois, in which the
20 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 no
24 student or parent can be identified from the information
25 released and the person to whom the information is released
26 signs an affidavit agreeing to comply with all applicable
27 statutes and rules pertaining to school student records;

28 (5) Pursuant to a court order, provided that the parent
29 shall be given prompt written notice upon receipt of such
30 order of the terms of the order, the nature and substance
31 of the information proposed to be released in compliance
32 with such order and an opportunity to inspect and copy the

1 school student records and to challenge their contents
2 pursuant to Section 7;

3 (6) To any person as specifically required by State or
4 federal law;

5 (6.5) To juvenile authorities when necessary for the
6 discharge of their official duties who request information
7 prior to adjudication of the student and who certify in
8 writing that the information will not be disclosed to any
9 other party except as provided under law or order of court.
10 For purposes of this Section "juvenile authorities" means:

11 (i) a judge of the circuit court and members of the staff
12 of the court designated by the judge; (ii) parties to the
13 proceedings under the Juvenile Court Act of 1987 and their
14 attorneys; (iii) probation officers and court appointed
15 advocates for the juvenile authorized by the judge hearing
16 the case; (iv) any individual, public or private agency
17 having custody of the child pursuant to court order; (v)
18 any individual, public or private agency providing
19 education, medical or mental health service to the child
20 when the requested information is needed to determine the
21 appropriate service or treatment for the minor; (vi) any
22 potential placement provider when such release is
23 authorized by the court for the limited purpose of
24 determining the appropriateness of the potential
25 placement; (vii) law enforcement officers and prosecutors;
26 (viii) adult and juvenile prisoner review boards; (ix)
27 authorized military personnel; (x) individuals authorized
28 by court;

29 (7) Subject to regulations of the State Board, in
30 connection with an emergency, to appropriate persons if the
31 knowledge of such information is necessary to protect the
32 health or safety of the student or other persons;

33 (8) To any person, with the prior specific dated
34 written consent of the parent designating the person to
35 whom the records may be released, provided that at the time
36 any such consent is requested or obtained, the parent shall

1 be advised in writing that he has the right to inspect and
2 copy such records in accordance with Section 5, to
3 challenge their contents in accordance with Section 7 and
4 to limit any such consent to designated records or
5 designated portions of the information contained therein;

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

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

22 (11) To the Department of Public Aid in furtherance of
23 the requirements of Section 2-3.131, 3-14.29, 10-28, or
24 34-18.26 of the School Code or Section 10 of the School
25 Breakfast and Lunch Program Act.

26 (b) No information may be released pursuant to
27 subparagraphs (3) or (6) of paragraph (a) of this Section 6
28 unless the parent receives prior written notice of the nature
29 and substance of the information proposed to be released, and
30 an opportunity to inspect and copy such records in accordance
31 with Section 5 and to challenge their contents in accordance
32 with Section 7. Provided, however, that such notice shall be
33 sufficient if published in a local newspaper of general
34 circulation or other publication directed generally to the
35 parents involved where the proposed release of information is
36 pursuant to subparagraph 6 of paragraph (a) in this Section 6

1 and relates to more than 25 students.

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

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

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

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

16 (4) The date of the release; and

17 (5) A copy of any consent to such release.

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

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

30 (Source: P.A. 93-404, eff. 8-1-03.)