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LRB095 15561 NHT 47870 a

1 AMENDMENT TO HOUSE BILL 5188

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5188 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 Section 2 as follows:

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

7 Sec. 2. As used in this Act:

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

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

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

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

20 (e) "Student Permanent Record" means the minimum personal  
21 information necessary to a school in the education of the  
22 student and contained in a school student record. Such  
23 information may include the student's name, birth date,  
24 address, grades and grade level, parents' names and addresses,  
25 attendance records, and such other entries as the State Board  
26 may require or authorize.

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

16 (g) "Parent" means a person who is the natural parent of  
17 the student or other person who has the primary responsibility  
18 for the care and upbringing of the student. All rights and  
19 privileges accorded to a parent under this Act shall become  
20 exclusively those of the student upon his 18th birthday,  
21 graduation from secondary school, marriage or entry into  
22 military service, whichever occurs first. Such rights and  
23 privileges may also be exercised by the student at any time  
24 with respect to the student's permanent school record.

25 (h) For purposes of subsection (f) of Section 5 of this  
26 Act, "psychotherapist" means a person who is a school social

1 worker, school psychologist, or school counselor, as those  
2 terms are defined in the School Code, or an intern working  
3 under the direct supervision of a school social worker, school  
4 psychologist, or school counselor.

5 (Source: P.A. 92-295, eff. 1-1-02.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."