



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1702

Introduced 2/9/2007, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.40 new  
105 ILCS 5/34-18.34 new  
30 ILCS 805/8.31 new

Amends the School Code. Provides that if a public school or school district collects biometric information from students, it may do so only with, at a minimum, written permission from (i) the individual who legally enrolled the student or (ii) the student, if he or she has reached the age of 18. Prohibits the school or school district from refusing any services otherwise available to the student for withholding permission. Sets forth conditions for collecting and using the information. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective August 1, 2007.

LRB095 04125 RAS 24163 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 School Code is amended by adding Sections  
5 10-20.40 and 34-18.34 as follows:

6 (105 ILCS 5/10-20.40 new)

7 Sec. 10-20.40. Student biometric information.

8 (a) For the purposes of this Section, "biometric  
9 information" means any information that is collected through an  
10 identification process for individuals based on their unique  
11 behavioral or physiological characteristics, including  
12 fingerprint, hand geometry, voice, or facial recognition or  
13 iris or retinal scans.

14 (b) If a public school or school district collects  
15 biometric information from students, it may do so only with, at  
16 a minimum, written permission from (i) the individual who  
17 legally enrolled the student, whether it is the parent or  
18 guardian of the student or another individual, or (ii) the  
19 student, if he or she has reached the age of 18. The choice of  
20 the individual who legally enrolled the student not to approve  
21 the collection of the student's biometric information or the  
22 choice of a student who has reached the age of 18 not to  
23 participate in the collection of his or her biometric

1 information must not be a basis for refusal of any services  
2 otherwise available to the student.

3 (c) The school or school district must discontinue the use  
4 of a student's biometric information under either of the  
5 following conditions:

6 (1) Upon the student's graduation or withdrawal from  
7 the school or school district.

8 (2) If, at any time, the discontinuation is requested,  
9 in writing, by the individual who legally enrolled the  
10 student, whether it is the parent or guardian of the  
11 student or another individual, or by any student who has  
12 reached the age of 18.

13 Within 30 days after the collection of biometric information is  
14 discontinued in accordance with this subsection (b), the school  
15 or school district must destroy all of the biometric  
16 information it collected from that student.

17 (d) If the school district or a school collects a student's  
18 biometric information, then all of the following apply:

19 (1) The school or district may not use the biometric  
20 information for any purpose other than identification or  
21 fraud prevention.

22 (2) The school or district may not sell, lease, or  
23 otherwise disclose the biometric information to another  
24 person or entity unless:

25 (A) the individual who legally enrolled the  
26 student, whether it is the parent or guardian of the

1 student or another individual, or the student, if the  
2 student has reached the age of 18, consents to the  
3 disclosure; or

4 (B) the disclosure is required by court order.

5 (3) The school or district must store, transmit, and  
6 protect all biometric information from disclosure using  
7 reasonable care and in a manner that is the same as or more  
8 protective than the manner in which the school or school  
9 district stores, transmits, and protects its other  
10 confidential information.

11 (105 ILCS 5/34-18.34 new)

12 Sec. 34-18.34. Student biometric information.

13 (a) For the purposes of this Section, "biometric  
14 information" means any information that is collected through an  
15 identification process for individuals based on their unique  
16 behavioral or physiological characteristics, including  
17 fingerprint, hand geometry, voice, or facial recognition or  
18 iris or retinal scans.

19 (b) If the school district or any public school within the  
20 district collects biometric information from students, it may  
21 do so only with, at a minimum, written permission from (i) the  
22 individual who legally enrolled the student, whether it is the  
23 parent or guardian of the student or another individual, or  
24 (ii) the student, if he or she has reached the age of 18. The  
25 choice of the individual who legally enrolled the student not

1 to approve the collection of the student's biometric  
2 information or the choice of a student who has reached the age  
3 of 18 not to participate in the collection of his or her  
4 biometric information must not be a basis for refusal of any  
5 services otherwise available to the student.

6 (c) If the school district or any public school within the  
7 district collects a student's biometric information, it must  
8 discontinue the use of that student's biometric information  
9 under either of the following conditions:

10 (1) Upon the student's graduation or withdrawal from  
11 the school or school district.

12 (2) If, at any time, the discontinuation is requested,  
13 in writing, by the individual who legally enrolled the  
14 student, whether it is the parent or guardian of the  
15 student or another individual, or by any student who has  
16 reached the age of 18.

17 Within 30 days after the collection of biometric information is  
18 discontinued in accordance with this subsection (b), the school  
19 or school district must destroy all of the biometric  
20 information it collected from that student.

21 (d) If the school district or a school collects a student's  
22 biometric information, then all of the following apply:

23 (1) It may not use the biometric information for any  
24 purpose other than identification or fraud prevention.

25 (2) It may not sell, lease, or otherwise disclose the  
26 biometric information to another person or entity unless:

1           (A) the individual who legally enrolled the  
2           student, whether it is the parent or guardian of the  
3           student or another individual, or the student, if the  
4           student has reached the age of 18, consents to the  
5           disclosure; or

6           (B) the disclosure is required by court order.

7           (3) It must store, transmit, and protect all biometric  
8           information from disclosure using reasonable care and in a  
9           manner that is the same as or more protective than the  
10           manner in which the school or school district stores,  
11           transmits, and protects its other confidential  
12           information.

13           Section 90. The State Mandates Act is amended by adding  
14           Section 8.31 as follows:

15           (30 ILCS 805/8.31 new)

16           Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
17           of this Act, no reimbursement by the State is required for the  
18           implementation of any mandate created by this amendatory Act of  
19           the 95th General Assembly.

20           Section 99. Effective date. This Act takes effect August 1,  
21           2007.