



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0326

Introduced 1/27/2009, by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-50 new
30 ILCS 805/8.33 new

Amends the School Code. Provides that any information of a personal nature disclosed by a pupil 12 years of age or older in the process of receiving school counseling services from a school counselor or school counselor intern is confidential, and provides that any information of a personal nature disclosed to a school counselor or school counselor intern by a parent or guardian of such a pupil is confidential. Provides that the information must not become part of the pupil's record without the written consent of the pupil who disclosed the confidential information. Provides that the information must not be revealed, released, discussed, or referred to, with exceptions. Provides that except in cases of willful or wanton misconduct, no person required to keep the information confidential may incur any civil or criminal liability as a result of keeping that information confidential. Amends the State Mandates Act to require implementation without reimbursement.

LRB096 04263 NHT 14309 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Section
5 22-50 as follows:

6 (105 ILCS 5/22-50 new)

7 Sec. 22-50. School counseling confidentiality.

8 (a) As used in this Section, "information of a personal
9 nature" does not include routine objective information related
10 to academic and career counseling.

11 (b) Any information of a personal nature disclosed by a
12 pupil 12 years of age or older in the process of receiving
13 school counseling services, as defined in Section 10-22.24b of
14 this Code, from a school counselor or school counselor intern
15 is confidential.

16 (c) Any information of a personal nature disclosed to a
17 school counselor or school counselor intern by a parent or
18 guardian of a pupil who is 12 years of age or older and who is
19 in the process of receiving school counseling services, as
20 defined in Section 10-22.24b of this Code, from a school
21 counselor or school counselor intern is confidential.

22 (d) Information disclosed under subsection (b) or (c) of
23 this Section must not become part of the pupil's record without

1 the written consent of the pupil who disclosed the confidential
2 information to the school counselor or school counselor intern.
3 The information must not be revealed, released, discussed, or
4 referred to, except as follows:

5 (1) Discussion with psychotherapists, other health
6 care providers, or the school nurse, for the sole purpose
7 of referring the pupil for treatment.

8 (2) Reporting of child abuse or neglect as required by
9 law.

10 (3) Reporting information to the principal or parents
11 of the pupil when the school counselor or school counselor
12 intern has reasonable cause to believe that disclosure is
13 necessary to avert a clear, imminent risk of serious
14 physical or mental injury or disease or death being
15 inflicted upon the pupil who disclosed the confidential
16 information to the school counselor or school counselor
17 intern or upon other persons in the school community, such
18 as administrators, teachers, school staff, parents,
19 pupils, and other school community members.

20 (4) Reporting information to one or more persons
21 specified in a written waiver of confidentiality, after
22 this written waiver is read and signed by the pupil and
23 preserved in the pupil's file.

24 (e) Notwithstanding any other provision of this Section, a
25 school counselor or school counselor intern may not disclose
26 information deemed to be confidential pursuant to this Section

1 to the parents of the pupil when the school counselor or school
2 counselor intern has reasonable cause to believe that the
3 disclosure would result in a clear and present danger to the
4 health, safety, or welfare of the pupil.

5 (f) Notwithstanding any other provision of this Section, a
6 school counselor or school counselor intern shall disclose
7 information deemed to be confidential pursuant to this Section
8 to law enforcement agencies when ordered to do so by order of a
9 court of law or when ordered to testify in an administrative or
10 judicial proceeding by order of a court of law.

11 (g) Nothing in this Section shall be deemed to limit access
12 to a pupil's records. Nothing in this Section shall be deemed
13 to limit the school counselor or school counselor intern from
14 conferring with other school staff, as appropriate, regarding
15 modification of the pupil's academic program.

16 (h) It is the intent of the General Assembly that
17 counselors use the privilege of confidentiality under this
18 Section to assist the pupil whenever possible to communicate
19 more effectively with parents, school staff, and others.

20 (i) Except in cases of willful or wanton misconduct, no
21 person required by this Section to keep information discussed
22 confidential may incur any civil or criminal liability as a
23 result of keeping that information confidential.

24 Section 90. The State Mandates Act is amended by adding
25 Section 8.33 as follows:

1 (30 ILCS 805/8.33 new)

2 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 96th General Assembly.