



Elementary Secondary Education Committee

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09600HB0326ham001

LRB096 04263 NHT 22265 a

1 AMENDMENT TO HOUSE BILL 326

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 326 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 5 as follows:

6 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

7 Sec. 5. (a) A parent or any person specifically designated  
8 as a representative by a parent shall have the right to inspect  
9 and copy all school student permanent and temporary records of  
10 that parent's child. A student shall have the right to inspect  
11 and copy his or her school student permanent record. No person  
12 who is prohibited by an order of protection from inspecting or  
13 obtaining school records of a student pursuant to the Illinois  
14 Domestic Violence Act of 1986, as now or hereafter amended,  
15 shall have any right of access to, or inspection of, the school  
16 records of that student. If a school's principal or person with

1 like responsibilities or his designee has knowledge of such  
2 order of protection, the school shall prohibit access or  
3 inspection of the student's school records by such person.

4 (b) Whenever access to any person is granted pursuant to  
5 paragraph (a) of this Section, at the option of either the  
6 parent or the school a qualified professional, who may be a  
7 psychologist, counsellor or other advisor, and who may be an  
8 employee of the school or employed by the parent, may be  
9 present to interpret the information contained in the student  
10 temporary record. If the school requires that a professional be  
11 present, the school shall secure and bear any cost of the  
12 presence of the professional. If the parent so requests, the  
13 school shall secure and bear any cost of the presence of a  
14 professional employed by the school.

15 (c) A parent's or student's request to inspect and copy  
16 records, or to allow a specifically designated representative  
17 to inspect and copy records, must be granted within a  
18 reasonable time, and in no case later than 15 school days after  
19 the date of receipt of such request by the official records  
20 custodian.

21 (d) The school may charge its reasonable costs for the  
22 copying of school student records, not to exceed the amounts  
23 fixed in schedules adopted by the State Board, to any person  
24 permitted to copy such records, except that no parent or  
25 student shall be denied a copy of school student records as  
26 permitted under this Section 5 for inability to bear the cost

1 of such copying.

2 (e) Nothing contained in this Section 5 shall make  
3 available to a parent or student confidential letters and  
4 statements of recommendation furnished in connection with  
5 applications for employment to a post-secondary educational  
6 institution or the receipt of an honor or honorary recognition,  
7 provided such letters and statements are not used for purposes  
8 other than those for which they were specifically intended, and

9 (1) were placed in a school student record prior to  
10 January 1, 1975; or

11 (2) the student has waived access thereto after being  
12 advised of his right to obtain upon request the names of  
13 all such persons making such confidential recommendations.

14 (f) Nothing contained in this Act shall be construed to  
15 impair or limit the confidentiality of:

16 (1) Communications otherwise protected by law as  
17 privileged or confidential, including but not limited to,  
18 information communicated in confidence to a physician,  
19 psychologist, ~~or~~ other psychotherapist, school social  
20 worker, school counselor, school psychologist, or intern  
21 working under the direct supervision of a school social  
22 worker, school counselor, or school psychologist; or

23 (2) Information which is communicated by a student or  
24 parent in confidence to school personnel; or

25 (3) Information which is communicated by a student,  
26 parent, or guardian to a law enforcement professional

1 working in the school, except as provided by court order.

2 (g) No employer shall take, attempt to take, or threaten to  
3 take adverse employment action or in any manner discriminate  
4 against an employee because the employee invokes his or her  
5 professional and legal responsibility to protect the  
6 confidentiality of communications protected by law or  
7 applicable standards of professional responsibility as  
8 privileged or confidential.

9 (Source: P.A. 90-590, eff. 1-1-00.)".