



Rep. Sandra M. Pihos

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09600HB5126ham001

LRB096 16347 NHT 39389 a

1 AMENDMENT TO HOUSE BILL 5126

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5126 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section  
5 22-60 as follows:

6 (105 ILCS 5/22-60 new)

7 Sec. 22-60. Student services personnel; confidentiality.

8 (a) In this Section, "confidential communication" means  
9 any communication made by a student who is a recipient of  
10 school counseling, school psychological, or school social work  
11 services, including services provided by a school counselor  
12 intern working under the supervision of a school counselor, a  
13 school psychologist intern working under the supervision of a  
14 school psychologist, or a school social worker intern working  
15 under the supervision of a school social worker. "Confidential  
16 communication" includes the fact that a student is a recipient

1 of school counseling, school psychological, or school social  
2 work services. "Confidential communication" does not include  
3 (i) academic or career counseling information that is available  
4 to the general public or (ii) in the case of a student with an  
5 individualized education program (IEP) or a Section 504 plan  
6 (under the federal Rehabilitation Act of 1973), general  
7 information about a student's progress on IEP or Section 504  
8 plan goals and benchmarks shared with the school district's IEP  
9 or Section 504 plan team or individual members of the IEP or  
10 Section 504 team for the purpose of developing or revising  
11 goals and benchmarks.

12 (b) With the exception of information described in  
13 subsection (c) of this Section, any confidential communication  
14 disclosed by a student to a school counselor, school  
15 psychologist, or school social worker or to a school counselor  
16 intern working under the supervision of a school counselor, a  
17 school psychologist intern working under the supervision of a  
18 school psychologist, or a school social work intern working  
19 under the supervision of a school social worker may be  
20 disclosed only upon the execution of a written consent to the  
21 release of information that conforms with the requirements of  
22 the Mental Health and Developmental Disabilities  
23 Confidentiality Act and any other statute governing the release  
24 of confidential information applicable to the specific type of  
25 information for which disclosure is sought.

26 (c) Communications that would otherwise be confidential

1 communications must be disclosed as follows:

2 (1) When there is reasonable cause to believe that  
3 failure to disclose confidential information would result  
4 in a clear and present danger to the health, safety, or  
5 welfare of the student or others.

6 (2) When disclosure is required by law.

7 (3) When disclosure is required by currently adopted  
8 standards of professional conduct and codes of ethics  
9 applicable respectively to school counselors, school  
10 psychologists, and school social workers.

11 (d) Access to student records is governed by the Illinois  
12 School Student Records Act.

13 (e) Nothing in this Section shall be construed to limit the  
14 school counselor or school counselor intern, the school  
15 psychologist or school psychologist intern, or the school  
16 social worker or school social worker intern from conferring  
17 with other school staff, as appropriate, regarding  
18 modification of the student's academic program.

19 Section 90. The State Mandates Act is amended by adding  
20 Section 8.34 as follows:

21 (30 ILCS 805/8.34 new)

22 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
23 of this Act, no reimbursement by the State is required for the  
24 implementation of any mandate created by this amendatory Act of

1 the 96th General Assembly.

2           Section 99. Effective date. This Act takes effect upon  
3 becoming law.".