

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

20 (b) Whenever access to any person is granted pursuant to
21 paragraph (a) of this Section, at the option of either the
22 parent or the school a qualified professional, who may be a
23 psychologist, counsellor or other advisor, and who may be an

1 employee of the school or employed by the parent, may be
2 present to interpret the information contained in the student
3 temporary record. If the school requires that a professional be
4 present, the school shall secure and bear any cost of the
5 presence of the professional. If the parent so requests, the
6 school shall secure and bear any cost of the presence of a
7 professional employed by the school.

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

14 (d) The school may charge its reasonable costs for the
15 copying of school student records, not to exceed the amounts
16 fixed in schedules adopted by the State Board, to any person
17 permitted to copy such records, except that no parent or
18 student shall be denied a copy of school student records as
19 permitted under this Section 5 for inability to bear the cost
20 of such copying.

21 (e) Nothing contained in this Section 5 shall make
22 available to a parent or student confidential letters and
23 statements of recommendation furnished in connection with
24 applications for employment to a post-secondary educational
25 institution or the receipt of an honor or honorary recognition,
26 provided such letters and statements are not used for purposes

1 other than those for which they were specifically intended, and

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

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

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

9 (1) Communications otherwise protected by law as
10 privileged or confidential, including but not limited to,
11 information communicated in confidence to a physician,
12 psychologist or other psychotherapist, school social
13 worker, school counselor, school psychologist, or school
14 social worker, school counselor, or school psychologist
15 intern who works under the direct supervision of a school
16 social worker, school counselor, or school psychologist;

17 or

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

20 (3) Information which is communicated by a student,
21 parent, or guardian to a law enforcement professional
22 working in the school, except as provided by court order.

23 (g) No school employee shall be subjected to adverse
24 employment action, the threat of adverse employment action, or
25 any manner of discrimination because the employee is acting or
26 has acted to protect communications as privileged or

1 confidential pursuant to applicable provisions of State or

2 federal law or rule or regulation.

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