



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4558

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

105 ILCS 10/2
105 ILCS 10/6

from Ch. 122, par. 50-2
from Ch. 122, par. 50-6

Amends the Illinois School Student Records Act. Provides that the definition of "School Student Record" includes the following information used by or assigned to an individual student: (i) any unique identification number; (ii) any unique user name, other than the student's name itself; and (iii) any other unique information used to identify an individual student. Provides that school student records or information contained in the records may be released, transferred, disclosed, or otherwise disseminated to any person or entity (instead of to any person) for the purpose of research, statistical reporting, planning, audit, or evaluation (instead of for the purpose of research, statistical reporting, or planning). Adds as a condition that the parent or eligible student (defined as a student who has reached 18 years of age) provide prior, specific, dated, written consent designating the person to whom the records may be released and, at the time any such consent is requested or obtained, the parent or eligible student is first advised in writing of the specific purpose of the release, transfer, disclosure, or dissemination and has the right to inspect and copy such records, to challenge their contents, and to limit any such consent to designated records or designated portions of the information contained in the records. Provides that a separate, prior, specific, dated, written consent shall be required from the parent or eligible student for each release, transfer, disclosure, or dissemination of school student records or information.

LRB098 17628 NHT 54624 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 Illinois School Student Records Act is
5 amended by changing Sections 2 and 6 as follows:

6 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

7 Sec. 2. As used in this Act,

8 (a) "Student" means any person enrolled or previously
9 enrolled in a school.

10 (b) "School" means any public preschool, day care center,
11 kindergarten, nursery, elementary or secondary educational
12 institution, vocational school, special educational facility
13 or any other elementary or secondary educational agency or
14 institution and any person, agency or institution which
15 maintains school student records from more than one school, but
16 does not include a private or non-public school.

17 (c) "State Board" means the State Board of Education.

18 (d) "School Student Record" means any writing or other
19 recorded information concerning a student and by which a
20 student may be individually identified, maintained by a school
21 or at its direction or by an employee of a school, regardless
22 of how or where the information is stored. "School Student
23 Record" includes the following information used by or assigned

1 to an individual student: (i) any unique identification number;
2 (ii) any unique user name, other than the student's name
3 itself; and (iii) any other unique information used to identify
4 an individual student. The following shall not be deemed school
5 student records under this Act: writings or other recorded
6 information maintained by an employee of a school or other
7 person at the direction of a school for his or her exclusive
8 use; provided that all such writings and other recorded
9 information are destroyed not later than the student's
10 graduation or permanent withdrawal from the school; and
11 provided further that no such records or recorded information
12 may be released or disclosed to any person except a person
13 designated by the school as a substitute unless they are first
14 incorporated in a school student record and made subject to all
15 of the provisions of this Act. School student records shall not
16 include information maintained by law enforcement
17 professionals working in the school.

18 (e) "Student Permanent Record" means the minimum personal
19 information necessary to a school in the education of the
20 student and contained in a school student record. Such
21 information may include the student's name, birth date,
22 address, grades and grade level, parents' names and addresses,
23 attendance records, and such other entries as the State Board
24 may require or authorize.

25 (f) "Student Temporary Record" means all information
26 contained in a school student record but not contained in the

1 student permanent record. Such information may include family
2 background information, intelligence test scores, aptitude
3 test scores, psychological and personality test results,
4 teacher evaluations, and other information of clear relevance
5 to the education of the student, all subject to regulations of
6 the State Board. The information shall include information
7 provided under Section 8.6 of the Abused and Neglected Child
8 Reporting Act. In addition, the student temporary record shall
9 include information regarding serious disciplinary infractions
10 that resulted in expulsion, suspension, or the imposition of
11 punishment or sanction. For purposes of this provision, serious
12 disciplinary infractions means: infractions involving drugs,
13 weapons, or bodily harm to another.

14 (g) "Parent" means a person who is the natural parent of
15 the student or other person who has the primary responsibility
16 for the care and upbringing of the student. All rights and
17 privileges accorded to a parent under this Act shall become
18 exclusively those of the student upon his 18th birthday,
19 graduation from secondary school, marriage or entry into
20 military service, whichever occurs first. Such rights and
21 privileges may also be exercised by the student at any time
22 with respect to the student's permanent school record.

23 (h) "Eligible Student" means a student who has reached 18
24 years of age.

25 (Source: P.A. 92-295, eff. 1-1-02.)

1 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

2 Sec. 6. (a) No school student records or information
3 contained therein may be released, transferred, disclosed or
4 otherwise disseminated, except as follows:

5 (1) To a parent or student or person specifically
6 designated as a representative by a parent, as provided in
7 paragraph (a) of Section 5;

8 (2) To an employee or official of the school or school
9 district or State Board with current demonstrable
10 educational or administrative interest in the student, in
11 furtherance of such interest;

12 (3) To the official records custodian of another school
13 within Illinois or an official with similar
14 responsibilities of a school outside Illinois, in which the
15 student has enrolled, or intends to enroll, upon the
16 request of such official or student;

17 (4) To any person or entity for the purpose of
18 research, statistical reporting, ~~or~~ planning, audit, or
19 evaluation, provided that (i) such research, statistical
20 reporting, ~~or~~ planning, audit, or evaluation is
21 permissible under and undertaken in accordance with the
22 federal Family Educational Rights and Privacy Act (20
23 U.S.C. 1232g) and (ii) the parent or eligible student
24 provides prior, specific, dated, written consent
25 designating the person to whom the records may be released
26 and, at the time any such consent is requested or obtained,

1 the parent or eligible student is first advised in writing
2 of the specific purpose of the release, transfer,
3 disclosure, or dissemination and has the right to inspect
4 and copy such records in accordance with Section 5 of this
5 Act, to challenge their contents in accordance with Section
6 7 of this Act, and to limit any such consent to designated
7 records or designated portions of the information
8 contained in the records. For purposes of this subparagraph
9 (4), a separate, prior, specific, dated, written consent
10 shall be required from the parent or eligible student for
11 each release, transfer, disclosure, or dissemination of
12 school student records or information;

13 (5) Pursuant to a court order, provided that the parent
14 shall be given prompt written notice upon receipt of such
15 order of the terms of the order, the nature and substance
16 of the information proposed to be released in compliance
17 with such order and an opportunity to inspect and copy the
18 school student records and to challenge their contents
19 pursuant to Section 7;

20 (6) To any person as specifically required by State or
21 federal law;

22 (6.5) To juvenile authorities when necessary for the
23 discharge of their official duties who request information
24 prior to adjudication of the student and who certify in
25 writing that the information will not be disclosed to any
26 other party except as provided under law or order of court.

1 For purposes of this Section "juvenile authorities" means:

2 (i) a judge of the circuit court and members of the staff
3 of the court designated by the judge; (ii) parties to the
4 proceedings under the Juvenile Court Act of 1987 and their
5 attorneys; (iii) probation officers and court appointed
6 advocates for the juvenile authorized by the judge hearing
7 the case; (iv) any individual, public or private agency
8 having custody of the child pursuant to court order; (v)
9 any individual, public or private agency providing
10 education, medical or mental health service to the child
11 when the requested information is needed to determine the
12 appropriate service or treatment for the minor; (vi) any
13 potential placement provider when such release is
14 authorized by the court for the limited purpose of
15 determining the appropriateness of the potential
16 placement; (vii) law enforcement officers and prosecutors;
17 (viii) adult and juvenile prisoner review boards; (ix)
18 authorized military personnel; (x) individuals authorized
19 by court;

20 (7) Subject to regulations of the State Board, in
21 connection with an emergency, to appropriate persons if the
22 knowledge of such information is necessary to protect the
23 health or safety of the student or other persons;

24 (8) To any person, with the prior specific dated
25 written consent of the parent designating the person to
26 whom the records may be released, provided that at the time

1 any such consent is requested or obtained, the parent shall
2 be advised in writing that he has the right to inspect and
3 copy such records in accordance with Section 5, to
4 challenge their contents in accordance with Section 7 and
5 to limit any such consent to designated records or
6 designated portions of the information contained therein;

7 (9) To a governmental agency, or social service agency
8 contracted by a governmental agency, in furtherance of an
9 investigation of a student's school attendance pursuant to
10 the compulsory student attendance laws of this State,
11 provided that the records are released to the employee or
12 agent designated by the agency;

13 (10) To those SHOCAP committee members who fall within
14 the meaning of "state and local officials and authorities",
15 as those terms are used within the meaning of the federal
16 Family Educational Rights and Privacy Act, for the purposes
17 of identifying serious habitual juvenile offenders and
18 matching those offenders with community resources pursuant
19 to Section 5-145 of the Juvenile Court Act of 1987, but
20 only to the extent that the release, transfer, disclosure,
21 or dissemination is consistent with the Family Educational
22 Rights and Privacy Act;

23 (11) To the Department of Healthcare and Family
24 Services in furtherance of the requirements of Section
25 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
26 Section 10 of the School Breakfast and Lunch Program Act;

1 or

2 (12) To the State Board or another State government
3 agency or between or among State government agencies in
4 order to evaluate or audit federal and State programs or
5 perform research and planning, but only to the extent that
6 the release, transfer, disclosure, or dissemination is
7 consistent with the federal Family Educational Rights and
8 Privacy Act (20 U.S.C. 1232g).

9 (b) No information may be released pursuant to
10 subparagraphs (3) or (6) of paragraph (a) of this Section 6
11 unless the parent receives prior written notice of the nature
12 and substance of the information proposed to be released, and
13 an opportunity to inspect and copy such records in accordance
14 with Section 5 and to challenge their contents in accordance
15 with Section 7. Provided, however, that such notice shall be
16 sufficient if published in a local newspaper of general
17 circulation or other publication directed generally to the
18 parents involved where the proposed release of information is
19 pursuant to subparagraph 6 of paragraph (a) in this Section 6
20 and relates to more than 25 students.

21 (c) A record of any release of information pursuant to this
22 Section must be made and kept as a part of the school student
23 record and subject to the access granted by Section 5. Such
24 record of release shall be maintained for the life of the
25 school student records and shall be available only to the
26 parent and the official records custodian. Each record of

1 release shall also include:

2 (1) The nature and substance of the information
3 released;

4 (2) The name and signature of the official records
5 custodian releasing such information;

6 (3) The name of the person requesting such information,
7 the capacity in which such a request has been made, and the
8 purpose of such request;

9 (4) The date of the release; and

10 (5) A copy of any consent to such release.

11 (d) Except for the student and his parents, no person to
12 whom information is released pursuant to this Section and no
13 person specifically designated as a representative by a parent
14 may permit any other person to have access to such information
15 without a prior consent of the parent obtained in accordance
16 with the requirements of subparagraph (8) of paragraph (a) of
17 this Section.

18 (e) Nothing contained in this Act shall prohibit the
19 publication of student directories which list student names,
20 addresses and other identifying information and similar
21 publications which comply with regulations issued by the State
22 Board.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09;
24 96-107, eff. 7-30-09; 96-1000, eff. 7-2-10.)