



Rep. Scott Drury

**Filed: 3/6/2015**

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LRB099 08776 NHT 32144 a

1 AMENDMENT TO HOUSE BILL 1535

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1535 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 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.

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

2 (d) "School Student Record" means any writing or other  
3 recorded information concerning a student and by which a  
4 student may be individually or personally identified,  
5 maintained by a school or at its direction or by an employee of  
6 a school, regardless of how or where the information is stored.  
7 The following shall not be deemed school student records under  
8 this Act: writings or other recorded information maintained by  
9 an employee of a school or other person at the direction of a  
10 school for his or her exclusive use; provided that all such  
11 writings and other recorded information are destroyed not later  
12 than the student's graduation or permanent withdrawal from the  
13 school; and provided further that no such records or recorded  
14 information may be released or disclosed to any person except a  
15 person designated by the school as a substitute unless they are  
16 first incorporated in a school student record and made subject  
17 to all of the provisions of this Act. School student records  
18 shall not include information maintained by law enforcement  
19 professionals working in the school.

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

1 (f) "Student Temporary Record" means all information  
2 contained in a school student record but not contained in the  
3 student permanent record. Such information may include family  
4 background information, intelligence test scores, aptitude  
5 test scores, psychological and personality test results,  
6 teacher evaluations, and other information of clear relevance  
7 to the education of the student, all subject to regulations of  
8 the State Board. The information shall include information  
9 provided under Section 8.6 of the Abused and Neglected Child  
10 Reporting Act. In addition, the student temporary record shall  
11 include information regarding serious disciplinary infractions  
12 that resulted in expulsion, suspension, or the imposition of  
13 punishment or sanction. For purposes of this provision, serious  
14 disciplinary infractions means: infractions involving drugs,  
15 weapons, or bodily harm to another.

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

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

1       (i) "School Board" means any school board, board of  
2 directors, or any other governing body established under the  
3 School Code.

4       (j) "Personally identifiable information" means:

5           (1) the student's name;

6           (2) the name of the student's parent or guardian or  
7 other family members;

8           (3) the address of the student or student's family;

9           (4) a personal identifier, such as the student's social  
10 security number, student number, or biometric record;

11           (5) other indirect identifiers, such as the student's  
12 date of birth, place of birth, and mother's maiden name;

13           (6) other information that, alone or in combination, is  
14 linked or linkable to a specific student and that would  
15 allow a reasonable person in the school community, who does  
16 not have personal knowledge of the relevant circumstances,  
17 to identify the student with reasonable certainty; or

18           (7) information requested by a person who an  
19 educational agency or institution reasonably believes  
20 knows the identity of the student to whom the education  
21 record relates.

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

23       (105 ILCS 10/6) (from Ch. 122, par. 50-6)

24       Sec. 6. (a) No school student records or information  
25 contained therein may be released, transferred, disclosed or

1 otherwise disseminated, except as follows:

2 (1) to ~~to~~ a parent or student or person specifically  
3 designated as a representative by a parent, as provided in  
4 paragraph (a) of Section 5;

5 (2) to ~~to~~ an employee or official of the school or  
6 school district or State Board with current demonstrable  
7 educational or administrative interest in the student, in  
8 furtherance of such interest;

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

14 (4) to ~~to~~ any person for the purpose of research,  
15 statistical reporting, or planning, provided that such  
16 research, statistical reporting, or planning is  
17 permissible under and undertaken in accordance with the  
18 federal Family Educational Rights and Privacy Act (20  
19 U.S.C. 1232g);

20 (5) pursuant ~~Pursuant~~ to a court order, provided that  
21 the parent shall be given prompt written notice upon  
22 receipt of such order of the terms of the order, the nature  
23 and substance of the information proposed to be released in  
24 compliance with such order and an opportunity to inspect  
25 and copy the school student records and to challenge their  
26 contents pursuant to Section 7;

1           (6) to ~~to~~ any person as specifically required by State  
2 or federal law;

3           (6.5) to ~~to~~ juvenile authorities when necessary for the  
4 discharge of their official duties who request information  
5 prior to adjudication of the student and who certify in  
6 writing that the information will not be disclosed to any  
7 other party except as provided under law or order of court.

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

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

1           (7) subject ~~Subject~~ to regulations of the State Board,  
2           in connection with an emergency, to appropriate persons if  
3           the knowledge of such information is necessary to protect  
4           the health or safety of the student or other persons;

5           (8) to ~~to~~ any person, with the prior specific dated  
6           written consent of the parent designating the person to  
7           whom the records may be released, provided that at the time  
8           any such consent is requested or obtained, the parent shall  
9           be advised in writing that he has the right to inspect and  
10          copy such records in accordance with Section 5, to  
11          challenge their contents in accordance with Section 7 and  
12          to limit any such consent to designated records or  
13          designated portions of the information contained therein;

14          (9) to ~~to~~ a governmental agency, or social service  
15          agency contracted by a governmental agency, in furtherance  
16          of an investigation of a student's school attendance  
17          pursuant to the compulsory student attendance laws of this  
18          State, provided that the records are released to the  
19          employee or agent designated by the agency;

20          (10) to ~~to~~ those SHOCAP committee members who fall  
21          within the meaning of "state and local officials and  
22          authorities", as those terms are used within the meaning of  
23          the federal Family Educational Rights and Privacy Act, for  
24          the purposes of identifying serious habitual juvenile  
25          offenders and matching those offenders with community  
26          resources pursuant to Section 5-145 of the Juvenile Court

1 Act of 1987, but only to the extent that the release,  
2 transfer, disclosure, or dissemination is consistent with  
3 the Family Educational Rights and Privacy Act;

4 (11) to ~~to~~ the Department of Healthcare and Family  
5 Services in furtherance of the requirements of Section  
6 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
7 Section 10 of the School Breakfast and Lunch Program Act;  
8 or

9 (12) to ~~to~~ the State Board or another State government  
10 agency or between or among State government agencies in  
11 order to evaluate or audit federal and State programs or  
12 perform research and planning, but only to the extent that  
13 the release, transfer, disclosure, or dissemination is  
14 consistent with the federal Family Educational Rights and  
15 Privacy Act (20 U.S.C. 1232g).

16 (a-5) Pursuant to subparagraph (4) of paragraph (a) of this  
17 Section, a school board or the State Board may provide school  
18 student data to researchers at an accredited post-secondary  
19 educational institution or an organization conducting research  
20 if any such research is conducted in accordance with the  
21 federal Family Educational Rights and Privacy Act and does not  
22 take place until the following requirements are complied with:

23 (1) Prior to the beginning of each school year, the  
24 school board shall provide notice to parents, guardians, or  
25 eligible students regarding planned studies. For those  
26 school boards that maintain an Internet website, the school



1 board shall post on its Internet website a current list of  
2 all research studies using data obtained from the school  
3 board without obtaining consent from parents, guardians,  
4 or eligible students currently being conducted or  
5 scheduled to be conducted. In April and December of each  
6 year, the school board shall update the Internet website to  
7 include new research studies that are approved or  
8 conducted. For those school boards that do not maintain an  
9 Internet website, each school board shall provide parents,  
10 guardians, and eligible students with a current list of all  
11 research studies being conducted or scheduled to be  
12 conducted in the same notice described above and shall  
13 provide supplemental notices in April and December as new  
14 research studies are approved or conducted.

15 (A) The school board shall send the notice  
16 described in this subparagraph (1) by the same means  
17 generally used to send notices to parents, guardians,  
18 or eligible students.

19 (B) The notice described in this subparagraph (1)  
20 shall describe generally the purposes of conducting  
21 educational research, contain a short description of  
22 all current and scheduled research studies, and set  
23 forth the address of the Internet website containing a  
24 current list of all research studies being conducted  
25 and scheduled to be conducted, which web address shall  
26 also be set forth in the school board's student

1           handbook. The notice shall also advise parents,  
2           guardians, and eligible students that the State Board  
3           conducts research studies and shall provide the  
4           Internet website address for that part of the State  
5           Board's website that contains a list of the current and  
6           scheduled studies to be conducted.

7           (C) For those school boards that maintain an  
8           Internet website, the webpage that contains the list of  
9           all current and scheduled research studies shall also  
10          set forth, in general terms, the nature of each listed  
11          research study, the categories of students whose data  
12          will be used in each listed research study, and the  
13          names of all organizations involved in each listed  
14          research study. For those school boards that do not  
15          maintain an Internet website, the school boards shall  
16          provide the information described in this subdivision  
17          (C) in the notice described in this subparagraph (1).

18          (2) A written data use agreement that complies with the  
19          federal Family Educational Rights and Privacy Act and its  
20          accompanying regulations and, at a minimum, contains the  
21          following provisions is entered into by and between the  
22          party gaining access to the data of the school board or  
23          State Board and the entity with the legal authority to  
24          permit the use of the data:

25                 (A) The accredited post-secondary educational  
26                 institution or the organization conducting research

1 shall abide by all requirements of this subparagraph  
2 (2).

3 (B) A statement of the purpose, scope, and duration  
4 of the research study or studies, as well as a  
5 description of the data to be used as part of the study  
6 and the person or persons to whom the data will be  
7 disclosed; however, the list of persons to whom the  
8 data may be disclosed may be amended from time to time  
9 with the agreement of all parties to the data use  
10 agreement.

11 (C) The accredited post-secondary educational  
12 institution or the organization conducting research  
13 shall use school student records only to meet the  
14 purpose or purposes of the study as set forth in  
15 subdivision (B) of this subparagraph (2).

16 (D) The accredited post-secondary educational  
17 institution or the organization conducting research  
18 may only use data by which a student may be  
19 individually or personally identified for 2 reasons:  
20 (i) to link data files or (ii) to identify eligible  
21 students for research studies for which written  
22 parental, guardian, or eligible student consent will  
23 be obtained for participation and the person or persons  
24 to whom such information will be disclosed is set forth  
25 in the data use agreement.

26 (E) The accredited post-secondary educational

1           institution or the organization conducting research  
2           shall destroy all data that individually or personally  
3           identifies a student when the information is no longer  
4           needed, but in no event later than 36 months after the  
5           research study has been completed.

6           (F) The accredited post-secondary educational  
7           institution or the organization conducting research  
8           shall certify in writing that it has the capacity to  
9           and shall restrict access to school student records to  
10           the person or persons set forth in subdivision (B) of  
11           this subparagraph (2).

12           (G) The accredited post-secondary educational  
13           institution or the organization conducting research  
14           shall certify in writing that it shall maintain the  
15           security of all data received pursuant to this  
16           paragraph (a-5) in compliance with rules adopted by the  
17           State Board, which rules shall be consistent and  
18           regularly updated to comply with commonly accepted  
19           data-security practices, including, but not limited  
20           to, those set forth by the United States Department of  
21           Education Privacy Technical Assistance Center.

22           (H) In compliance with the rules adopted pursuant  
23           to subdivision (G) of this subparagraph (2) and any  
24           other rules that may be necessary and adopted by the  
25           State Board, the accredited post-secondary educational  
26           institution or the organization conducting research

1           shall develop, implement, maintain, and use  
2           appropriate administrative, technical, and physical  
3           security measures to preserve the confidentiality and  
4           integrity of all school student records.

5           (3) Accredited post-secondary educational institutions  
6           and organizations conducting research may only use data by  
7           which a student may be personally or individually  
8           identified for 2 reasons: (i) to link data files or (ii) to  
9           identify eligible students for research studies for which  
10           written parental, guardian, or eligible student consent  
11           will be obtained for participation and the person or  
12           persons to whom such information will be disclosed is set  
13           forth in the data use agreement.

14           (4) The accredited post-secondary institution or the  
15           organization conducting research agrees that it shall use  
16           personally identifiable information from school student  
17           records only to meet the purpose or purposes of the  
18           research study or studies as stated in the data use  
19           agreement described in subparagraph (2) of this paragraph  
20           (a-5).

21           (5) Any information by which a student may be  
22           individually or personally identified shall be released,  
23           transferred, disclosed, or otherwise disseminated only as  
24           contemplated by the written data use agreement described in  
25           subparagraph (2) of this paragraph (a-5).

26           (6) All school student records shall have personally

1 identifiable information removed prior to analysis by the  
2 accredited post-secondary educational institution or the  
3 organization conducting research.

4 (7) The accredited post-secondary institution or  
5 organization conducting research shall implement and  
6 adhere to policies and procedures that restrict access to  
7 data that has personally identifiable information.

8 (A) The accredited post-secondary institution or  
9 organization conducting research shall designate an  
10 individual to act as the custodian of the data with  
11 personally identifiable information who is responsible  
12 for restricting access to that data and provide the  
13 name of that individual to the entity with the legal  
14 authority to permit the use of the data.

15 (B) Any personally identifiable information used  
16 to link data sets shall be securely stored in a  
17 location separate and apart from the location of the  
18 de-identified school student records, in a secure data  
19 file.

20 Nothing in this paragraph (a-5) shall prohibit the State  
21 Board or any school board from providing personally  
22 identifiable information about individual students to an  
23 accredited post-secondary educational institution or an  
24 organization conducting research pursuant to a specific,  
25 written agreement with a school board or State Board and in  
26 accordance with the federal Family Educational Rights and

1 Privacy Act if necessary for the school board or State Board to  
2 comply with State or federal statutory mandates.

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

15 (c) A record of any release of information pursuant to this  
16 Section must be made and kept as a part of the school student  
17 record and subject to the access granted by Section 5. Such  
18 record of release shall be maintained for the life of the  
19 school student records and shall be available only to the  
20 parent and the official records custodian. Each record of  
21 release shall also include:

22 (1) the ~~The~~ nature and substance of the information  
23 released;

24 (2) the ~~The~~ name and signature of the official records  
25 custodian releasing such information;

26 (3) the ~~The~~ name of the person requesting such

1 information, the capacity in which such a request has been  
2 made, and the purpose of such request;

3 (4) the ~~The~~ date of the release; and

4 (5) a ~~A~~ copy of any consent to such release.

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

12 (e) Nothing contained in this Act shall prohibit the  
13 publication of student directories which list student names,  
14 addresses and other identifying information and similar  
15 publications which comply with regulations issued by the State  
16 Board.

17 (Source: P.A. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09;  
18 96-107, eff. 7-30-09; 96-1000, eff. 7-2-10; revised  
19 11-26-14.)".