

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 5 as follows:

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

7 (Text of Section before amendment by P.A. 102-466)

8 Sec. 2. As used in this Act:

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

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

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

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

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

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

22 (f) "Student Temporary Record" means all information
23 contained in a school student record but not contained in the
24 student permanent record. Such information may include family
25 background information, intelligence test scores, aptitude
26 test scores, psychological and personality test results,

1 teacher evaluations, and other information of clear relevance
2 to the education of the student, all subject to regulations of
3 the State Board. The information shall include information
4 provided under Section 8.6 of the Abused and Neglected Child
5 Reporting Act and information contained in service logs
6 maintained by a local education agency under subsection (d) of
7 Section 14-8.02f of the School Code. In addition, the student
8 temporary record shall include information regarding serious
9 disciplinary infractions that resulted in expulsion,
10 suspension, or the imposition of punishment or sanction. For
11 purposes of this provision, serious disciplinary infractions
12 means: infractions involving drugs, weapons, or bodily harm to
13 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) "Department" means the Department of Children and
24 Family Services.

25 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
26 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

1 (Text of Section after amendment by P.A. 102-466)

2 Sec. 2. As used in this Act:

3 (a) "Student" means any person enrolled or previously
4 enrolled in a school.

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

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

13 (d) "School Student Record" means any writing or other
14 recorded information concerning a student and by which a
15 student may be individually identified, maintained by a school
16 or at its direction or by an employee of a school, regardless
17 of how or where the information is stored. The following shall
18 not be deemed school student records under this Act: writings
19 or other recorded information maintained by an employee of a
20 school or other person at the direction of a school for his or
21 her exclusive use; provided that all such writings and other
22 recorded information are destroyed not later than the
23 student's graduation or permanent withdrawal from the school;
24 and provided further that no such records or recorded
25 information may be released or disclosed to any person except

1 a person designated by the school as a substitute unless they
2 are first incorporated in a school student record and made
3 subject to all of the provisions of this Act. School student
4 records shall not include information maintained by law
5 enforcement professionals working in the school.

6 (e) "Student Permanent Record" means the minimum personal
7 information necessary to a school in the education of the
8 student and contained in a school student record. Such
9 information may include the student's name, birth date,
10 address, grades and grade level, parents' names and addresses,
11 attendance records, a special education summary of performance
12 form, and such other entries as the State Board may require or
13 authorize.

14 (f) "Student Temporary Record" means all information
15 contained in a school student record but not contained in the
16 student permanent record. Such information may include family
17 background information, intelligence test scores, aptitude
18 test scores, psychological and personality test results,
19 teacher evaluations, and other information of clear relevance
20 to the education of the student, all subject to regulations of
21 the State Board. The information shall include all of the
22 following:

23 (1) Information provided under Section 8.6 of the
24 Abused and Neglected Child Reporting Act and information
25 contained in service logs maintained by a local education
26 agency under subsection (d) of Section 14-8.02f of the

1 School Code.

2 (2) Information regarding serious disciplinary
3 infractions that resulted in expulsion, suspension, or the
4 imposition of punishment or sanction. For purposes of this
5 provision, serious disciplinary infractions means:
6 infractions involving drugs, weapons, or bodily harm to
7 another.

8 (3) Information concerning a student's status and
9 related experiences as a parent, expectant parent, or
10 victim of domestic or sexual violence, as defined in
11 Article 26A of the School Code, including a statement of
12 the student or any other documentation, record, or
13 corroborating evidence and the fact that the student has
14 requested or obtained assistance, support, or services
15 related to that status. Enforcement of this paragraph (3)
16 shall follow the procedures provided in Section 26A-40 of
17 the School Code.

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

1 (h) "Department" means the Department of Children and
2 Family Services.

3 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
4 102-466, eff. 7-1-25; 102-558, eff. 8-20-21; 102-813, eff.
5 5-13-22.)

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 and, if the child is in the
9 legal custody of the Department of Children and Family
10 Services, the Department's Office of Education and Transition
11 Services shall have the right to inspect and copy all school
12 student permanent and temporary records of that child. A
13 student and representatives of the Department of Human
14 Services, for the sole purpose of assessing waiver services
15 qualification of the student, shall have the right to inspect
16 and copy the student's ~~his or her~~ school student permanent
17 record. No person who is prohibited by an order of protection
18 from inspecting or obtaining school records of a student
19 pursuant to the Illinois Domestic Violence Act of 1986, as now
20 or hereafter amended, shall have any right of access to, or
21 inspection of, the school records of that student. If a
22 school's principal or person with like responsibilities or his
23 designee has knowledge of such order of protection, the school
24 shall prohibit access or inspection of the student's school
25 records by such person.

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

13 (c) A parent's or student's or, if applicable, the
14 Department's Office of Education and Transition Services'
15 request to inspect and copy records, or to allow a
16 specifically designated representative to inspect and copy
17 records, must be granted within a reasonable time, and in no
18 case later than 10 business days after the date of receipt of
19 such request by the official records custodian.

20 (c-5) The time for response under this Section may be
21 extended by the school district by not more than 5 business
22 days from the original due date for any of the following
23 reasons:

24 (1) the requested records are stored in whole or in
25 part at other locations than the office having charge of
26 the requested records;

1 (2) the request requires the collection of a
2 substantial number of specified records;

3 (3) the request is couched in categorical terms and
4 requires an extensive search for the records responsive to
5 it;

6 (4) the requested records have not been located in the
7 course of routine search and additional efforts are being
8 made to locate them;

9 (5) the request for records cannot be complied with by
10 the school district within the time limits prescribed by
11 subsection (c) of this Section without unduly burdening or
12 interfering with the operations of the school district; or

13 (6) there is a need for consultation, which shall be
14 conducted with all practicable speed, with another public
15 body or school district or among 2 or more components of a
16 public body or school district having a substantial
17 interest in the determination or in the subject matter of
18 the request.

19 The person making a request and the school district may
20 agree in writing to extend the time for compliance for a period
21 to be determined by the parties. If the requester and the
22 school district agree to extend the period for compliance, a
23 failure by the school district to comply with any previous
24 deadlines shall not be treated as a denial of the request for
25 the records.

26 (d) The school may charge its reasonable costs for the

1 copying of school student records, not to exceed the amounts
2 fixed in schedules adopted by the State Board, to any person
3 permitted to copy such records, except that no parent or
4 student shall be denied a copy of school student records as
5 permitted under this Section 5 for inability to bear the cost
6 of such copying.

7 (e) Nothing contained in this Section 5 shall make
8 available to a parent or student or, if applicable, the
9 Department's Office of Education and Transition Services
10 confidential letters and statements of recommendation
11 furnished in connection with applications for employment to a
12 post-secondary educational institution or the receipt of an
13 honor or honorary recognition, provided such letters and
14 statements are not used for purposes other than those for
15 which they were specifically intended, and

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

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

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

23 (1) Communications otherwise protected by law as
24 privileged or confidential, including but not limited to,
25 information communicated in confidence to a physician,
26 psychologist or other psychotherapist, school social

1 worker, school counselor, school psychologist, or school
2 social worker, school counselor, or school psychologist
3 intern who works under the direct supervision of a school
4 social worker, school counselor, or school psychologist;
5 or

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

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

11 (g) No school employee shall be subjected to adverse
12 employment action, the threat of adverse employment action, or
13 any manner of discrimination because the employee is acting or
14 has acted to protect communications as privileged or
15 confidential pursuant to applicable provisions of State or
16 federal law or rule or regulation.

17 (Source: P.A. 102-199, eff. 7-1-22.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.