

1 AMENDMENT TO SENATE BILL 490

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 490 as follows:

3 on page 1, line 23, after the period, by inserting the  
4 following:

5 "The State Board of Education may not adopt any rule that  
6 would prohibit a child from receiving any form of subsidy or  
7 benefit due to his or her parent or guardian withholding  
8 consent under Section 22-35 of this Code."; and

9 on page 3, line 11, by replacing "34-18.22" with "34-18.26";  
10 and

11 on page 3, line 14, after the period, by inserting the  
12 following:

13 "The Department of Public Aid may not seek any punitive  
14 action against or withhold any benefit or subsidy from an  
15 applicant for a free or reduced-price lunch due to the  
16 applicant's parent or legal guardian withholding consent.";

17 and

18 on page 4, immediately below line 3, by inserting the  
19 following:

20 "Section 7. The Illinois School Student Records Act is  
21 amended by changing Section 6 as follows:

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  
7 in paragraph (a) of Section 5;

8 (2) To an employee or official of the school or  
9 school 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  
13 school within Illinois or an official with similar  
14 responsibilities of a school outside Illinois, in which  
15 the student has enrolled, or intends to enroll, upon the  
16 request of such official or student;

17 (4) To any person for the purpose of research,  
18 statistical reporting or planning, provided that no  
19 student or parent can be identified from the information  
20 released and the person to whom the information is  
21 released signs an affidavit agreeing to comply with all  
22 applicable statutes and rules pertaining to school  
23 student records;

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

31 (6) To any person as specifically required by State  
32 or federal law;

33 (6.5) To juvenile authorities when necessary for  
34 the discharge of their official duties who request

1 information prior to adjudication of the student and who  
2 certify in writing that the information will not be  
3 disclosed to any other party except as provided under law  
4 or order of court. For purposes of this Section  
5 "juvenile authorities" means: (i) a judge of the circuit  
6 court and members of the staff of the court designated by  
7 the judge; (ii) parties to the proceedings under the  
8 Juvenile Court Act of 1987 and their attorneys; (iii)  
9 probation officers and court appointed advocates for the  
10 juvenile authorized by the judge hearing the case; (iv)  
11 any individual, public or private agency having custody  
12 of the child pursuant to court order; (v) any individual,  
13 public or private agency providing education, medical or  
14 mental health service to the child when the requested  
15 information is needed to determine the appropriate  
16 service or treatment for the minor; (vi) any potential  
17 placement provider when such release is authorized by the  
18 court for the limited purpose of determining the  
19 appropriateness of the potential placement; (vii) law  
20 enforcement officers and prosecutors; (viii) adult and  
21 juvenile prisoner review boards; (ix) authorized military  
22 personnel; (x) individuals authorized by court;

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

27 (8) To any person, with the prior specific dated  
28 written consent of the parent designating the person to  
29 whom the records may be released, provided that at the  
30 time any such consent is requested or obtained, the  
31 parent shall be advised in writing that he has the right  
32 to inspect and copy such records in accordance with  
33 Section 5, to challenge their contents in accordance with  
34 Section 7 and to limit any such consent to designated

1 records or designated portions of the information  
2 contained therein;

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

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

20 (11) To the Department of Public Aid in furtherance  
21 of the requirements of Section 2-3.131, 3-14.29, 10-28,  
22 or 34-18.26 of the School Code or Section 10 of the  
23 School Breakfast and Lunch Program Act.

24 (b) No information may be released pursuant to  
25 subparagraphs (3) or (6) of paragraph (a) of this Section 6  
26 unless the parent receives prior written notice of the nature  
27 and substance of the information proposed to be released, and  
28 an opportunity to inspect and copy such records in accordance  
29 with Section 5 and to challenge their contents in accordance  
30 with Section 7. Provided, however, that such notice shall be  
31 sufficient if published in a local newspaper of general  
32 circulation or other publication directed generally to the  
33 parents involved where the proposed release of information is  
34 pursuant to subparagraph 6 of paragraph (a) in this Section 6

1 and relates to more than 25 students.

2 (c) A record of any release of information pursuant to  
3 this Section must be made and kept as a part of the school  
4 student record and subject to the access granted by Section  
5 5. Such record of release shall be maintained for the life of  
6 the school student records and shall be available only to the  
7 parent and the official records custodian. Each record of  
8 release shall also include:

9 (1) The nature and substance of the information  
10 released;

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

13 (3) The name of the person requesting such  
14 information, the capacity in which such a request has  
15 been made, and the purpose of such request;

16 (4) The date of the release; and

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

18 (d) Except for the student and his parents, no person to  
19 whom information is released pursuant to this Section and no  
20 person specifically designated as a representative by a  
21 parent may permit any other person to have access to such  
22 information without a prior consent of the parent obtained in  
23 accordance with the requirements of subparagraph (8) of  
24 paragraph (a) of this Section.

25 (e) Nothing contained in this Act shall prohibit the  
26 publication of student directories which list student names,  
27 addresses and other identifying information and similar  
28 publications which comply with regulations issued by the  
29 State Board.

30 (Source: P.A. 90-566, eff. 1-2-98; 90-590, eff. 1-1-00;  
31 91-357, eff. 7-29-99; 91-665, eff. 12-22-99.)".