



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1647

Introduced 2/22/2007, by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-41 new
30 ILCS 805/8.31 new

Amends the School Code. Provides that any information of a personal nature disclosed by a pupil 12 years of age or older in the process of receiving (i) school counseling services from a school counselor or school counselor intern, (ii) school psychological services from a school psychologist or school psychologist intern, or (iii) school social work services from a school social worker or school social worker intern is confidential, and provides that any information of a personal nature disclosed to a school counselor or school counselor intern, a school psychologist or school psychologist intern, or a school social worker or school social worker intern by a parent or guardian of such a pupil is confidential. Provides that the information must not become part of the pupil's record without the written consent of the person who disclosed the confidential information. Provides that the information must not be revealed, released, discussed, or referred to, with exceptions. Provides that no person required to keep the information confidential may incur any civil or criminal liability as a result of keeping that information confidential. Amends the State Mandates Act to require implementation without reimbursement.

LRB095 07887 NHT 28048 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 School Code is amended by adding Section
5 22-41 as follows:

6 (105 ILCS 5/22-41 new)

7 Sec. 22-41. School counseling, psychological, and social
8 work services; confidentiality.

9 (a) As used in this Section, "information of a personal
10 nature" does not include routine objective information related
11 to academic and career counseling.

12 (b) Any information of a personal nature disclosed by a
13 pupil 12 years of age or older in the process of receiving (i)
14 school counseling services, as defined in Section 10-22.24b of
15 this Code, from a school counselor or school counselor intern;
16 (ii) school psychological services, as defined in Section
17 14-1.09.1 of this Code, from a school psychologist or school
18 psychologist intern; or (iii) school social work services, as
19 defined in Section 14-1.09.2 of this Code, from a school social
20 worker or school social worker intern is confidential.

21 (c) Any information of a personal nature disclosed to a
22 school counselor or school counselor intern, a school
23 psychologist or school psychologist intern, or a school social

1 worker or school social worker intern by a parent or guardian
2 of a pupil who is 12 years of age or older and who is in the
3 process of receiving (i) school counseling services, as defined
4 in Section 10-22.24b of this Code, from a school counselor or
5 school counselor intern; (ii) school psychological services,
6 as defined in Section 14-1.09.1 of this Code, from a school
7 psychologist or school psychologist intern; or (iii) school
8 social work services, as defined in Section 14-1.09.2 of this
9 Code, from a school social worker or school social worker
10 intern is confidential.

11 (d) Information disclosed under subsection (b) or (c) of
12 this Section must not become part of the pupil's record without
13 the written consent of the person who disclosed the
14 confidential information. The information must not be
15 revealed, released, discussed, or referred to, except as
16 follows:

17 (1) Discussion with psychotherapists, other health
18 care providers, or the school nurse, for the sole purpose
19 of referring the pupil for treatment.

20 (2) Reporting of child abuse or neglect as required.

21 (3) Reporting information to the principal or parents
22 of the pupil when the school counselor or school counselor
23 intern, the school psychologist or school psychologist
24 intern, or the school social worker or school social worker
25 intern has reasonable cause to believe that disclosure is
26 necessary to avert a clear and present danger to the

1 health, safety, or welfare of the pupil or other persons in
2 the school community, such as administrators, teachers,
3 school staff, parents, pupils, and other school community
4 members.

5 (4) Reporting information to the principal, other
6 persons inside the school, as necessary, the parents of the
7 pupil, and other persons outside the school when the pupil
8 indicates that a crime, involving the likelihood of
9 personal injury or significant or substantial property
10 loss, will be or has been committed.

11 (5) Reporting information to one or more persons
12 specified in a written waiver of confidentiality, after
13 this written waiver is read and signed by the pupil and
14 preserved in the pupil's file.

15 (e) Notwithstanding any other provision of this Section, a
16 school counselor or school counselor intern, a school
17 psychologist or school psychologist intern, or a school social
18 worker or school social worker intern may not disclose
19 information deemed to be confidential pursuant to this Section
20 to the parents of the pupil when the school counselor or school
21 counselor intern, the school psychologist or school
22 psychologist intern, or the school social worker or school
23 social worker intern has reasonable cause to believe that the
24 disclosure would result in a clear and present danger to the
25 health, safety, or welfare of the pupil.

26 (f) Notwithstanding any other provision of this Section, a

1 school counselor or school counselor intern, a school
2 psychologist or school psychologist intern, or a school social
3 worker or school social worker intern shall disclose
4 information deemed to be confidential pursuant to this Section
5 to law enforcement agencies when ordered to do so by order of a
6 court of law, to aid in the investigation of a crime, or when
7 ordered to testify in an administrative or judicial proceeding.

8 (g) Nothing in this Section shall be deemed to limit access
9 to a pupil's records. Nothing in this Section shall be deemed
10 to limit the school counselor or school counselor intern, the
11 school psychologist or school psychologist intern, or the
12 school social worker or school social worker intern from
13 conferring with other school staff, as appropriate, regarding
14 modification of the pupil's academic program.

15 (h) It is the intent of the General Assembly that
16 counselors use the privilege of confidentiality under this
17 Section to assist the pupil whenever possible to communicate
18 more effectively with parents, school staff, and others.

19 (i) No person required by this Section to keep information
20 discussed confidential may incur any civil or criminal
21 liability as a result of keeping that information confidential.

22 Section 90. The State Mandates Act is amended by adding
23 Section 8.31 as follows:

24 (30 ILCS 805/8.31 new)

1 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
2 of this Act, no reimbursement by the State is required for the
3 implementation of any mandate created by this amendatory Act of
4 the 95th General Assembly.