



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1828

Introduced 2/20/2009, by Sen. Heather Steans

SYNOPSIS AS INTRODUCED:

New Act
105 ILCS 5/27A-5
105 ILCS 10/6

from Ch. 122, par. 50-6

Creates the P-20 Longitudinal Education Data System Act. Requires the State Board of Education, the Illinois Community College Board, and the Board of Higher Education to jointly establish and maintain a longitudinal data system by entering into one or more agreements that link early learning, elementary, and secondary school student unit records with institution of higher learning student unit records. Subject to appropriation, requires the State Board of Education to establish a data warehouse that integrates data from multiple student unit record systems and supports all of the uses and functions of the longitudinal data system. Provides that the data warehouse must be developed in cooperation with the Illinois Community College Board and the Board of Higher Education and must have the ability to integrate longitudinal data from early learning through the postsecondary level. Sets forth provisions concerning the collection and maintenance of data, data sharing, privacy protection laws, and the performance of an evaluation and submission of a report. Makes changes to the Charter Schools Law of the School Code concerning not being exempt from the Act and the Illinois School Student Records Act concerning the federal Family Educational Rights and Privacy Act. Effective immediately.

LRB096 10930 NHT 21182 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 1. Short title. This Act may be cited as the P-20
5 Longitudinal Education Data System Act.

6 Section 5. Findings; declarations. The General Assembly
7 finds and declares all of the following:

8 (1) Sound data collection, reporting, and analysis are
9 critical to building a State education system capable of
10 ensuring all Illinois students are adequately prepared for
11 college and the global workforce. School districts and
12 institutions of higher learning can improve instructional
13 and educational decision-making using data that is
14 collected and made available by this State.

15 (2) Reliable and sufficient education data is
16 necessary to ensure that this State bases education policy
17 decisions on valid, objective measures of student
18 outcomes. Publicly accessible data on State, school
19 district, and school performance allows the citizens of
20 this State to assess local and statewide investments in
21 education.

22 (3) A national collaborative effort among State
23 education officials, national education organizations, and

1 State and federal policymakers has defined the essential
2 elements a State longitudinal data system should contain.
3 Public Law 110-69, the America COMPETES Act, requires state
4 longitudinal data systems to include all 10 elements
5 identified by this national, collaborative effort for
6 states to qualify for federal funding opportunities.

7 (4) Public Law 110-134 requires the Illinois Early
8 Learning Council to develop recommendations regarding the
9 establishment of a unified data collection system for
10 public early childhood education and development programs
11 and services throughout this State, and those efforts
12 should be coordinated with the development of this State's
13 longitudinal data system.

14 (5) State education policymaking benefits from
15 partnerships between State education agencies and entities
16 with expertise in education research, including school
17 districts, institutions of higher learning, and research
18 organizations. This State should establish systems and
19 processes to permit qualified researchers to assist with
20 State evaluation and research functions in a manner
21 consistent with privacy protection laws.

22 (6) This State is committed to establishing and
23 maintaining a longitudinal student unit record data system
24 that educators and policymakers can use to analyze and
25 assess student progress from early learning programs
26 through postsecondary education and into employment. The

1 State Board of Education, the Illinois Community College
2 Board, and the Board of Higher Education have designed,
3 built, and deployed some of the fundamental components of a
4 longitudinal data system and have engaged in extensive
5 efforts to effectively link and use available education
6 data. However, the various education data components
7 maintained by this State must be integrated and managed in
8 a cooperative manner to establish a data-driven,
9 decision-making environment for this State's education
10 system.

11 (7) The longitudinal data system established by this
12 Act is intended, among other purposes, to link student test
13 scores, length of enrollment, and graduation records over
14 time, as permitted by Section 1111(b)(3)(B) of the federal
15 Elementary and Secondary Education Act (20 U.S.C.
16 6311(b)(3)(B)).

17 (8) Students will achieve improved learning outcomes
18 as a result of the longitudinal data system established by
19 this Act through instruction and educational programs
20 informed by valid and reliable data.

21 (9) State use and management of education data must be
22 in accordance with all legal requirements protecting
23 student privacy and must protect personal information from
24 intentional or accidental release to unauthorized persons
25 and from intentional or accidental use for unauthorized
26 purposes.

1 Section 10. Definitions. In this Act:

2 "Community College Board" means the Illinois Community
3 College Board.

4 "Community colleges" has the meaning ascribed to that term
5 in Section 1-2 of the Public Community College Act.

6 "Early learning" means any publicly funded education and
7 care program supporting young children not yet enrolled in
8 kindergarten.

9 "Elementary" means kindergarten through eighth grade.

10 "Institution of higher learning" has the meaning ascribed
11 to that term in Section 10 of the Higher Education Student
12 Assistance Act.

13 "Longitudinal data system" means a student unit record data
14 system that links student records from early learning through
15 the postsecondary level, which may consist of separate student
16 unit record systems integrated through agreement and data
17 transfer mechanisms.

18 "Privacy protection laws" means the federal Family
19 Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g),
20 the Illinois School Students Record Act, the Personal
21 Information Protection Act, and any other State or federal law
22 relating to the confidentiality and protection of personally
23 identifiable information.

24 "Research organization" means a governmental entity,
25 institution of higher learning, public policy or advocacy

1 organization, or other person or entity conducting educational
2 research that (i) is qualified to perform educational research
3 and protect the privacy of student data, (ii) is seeking to
4 perform research for a non-commercial purpose authorized by
5 privacy protection laws, and (iii) agrees to perform the
6 research pursuant to a written agreement meeting the
7 requirements of privacy protection laws and this Act.

8 "School" means any elementary or secondary educational
9 institution, charter school, vocational school, special
10 education facility, or any other elementary or secondary
11 educational agency or institution, but does not include a
12 non-public school.

13 "Secondary" means ninth through twelfth grade.

14 "State Board" means the State Board of Education.

15 "State Education Authorities" means the State Board,
16 Community College Board, and Board of Higher Education.

17 Section 15. Establishment of the longitudinal data system
18 and data warehouse.

19 (a) The State Education Authorities shall jointly
20 establish and maintain a longitudinal data system by entering
21 into one or more agreements that link early learning,
22 elementary, and secondary school student unit records with
23 institution of higher learning student unit records. To the
24 extent authorized by this Section and Section 20 of this Act:

25 (1) the State Board is responsible for collecting and

1 maintaining authoritative enrollment, completion, and
2 student characteristic information on early learning,
3 public school (kindergarten through grade 12), and
4 non-public school (kindergarten through grade 12)
5 students;

6 (2) the Community College Board is responsible for
7 collecting and maintaining authoritative enrollment,
8 completion, and student characteristic information on
9 community college students; and

10 (3) the Board of Higher Education is responsible for
11 collecting and maintaining authoritative enrollment,
12 completion, and student characteristic information on
13 students enrolled in institutions of higher learning,
14 other than community colleges.

15 (b) On or before June 30, 2013, subject to the availability
16 of funding through appropriations made specifically for the
17 purposes of this Act, the State Education Authorities shall
18 improve and expand the longitudinal data system to enable the
19 State Education Authorities to perform or cause to be performed
20 all of the following activities and functions:

21 (1) Reduce, to the maximum extent possible, the data
22 collection burden on school districts and institutions of
23 higher learning by using data submitted to the system for
24 multiple reporting and analysis functions.

25 (2) Provide authorized officials of early learning
26 programs, schools, school districts, and institutions of

1 higher learning with access to their own student-level
2 data, summary reports, and data that can be integrated with
3 additional data maintained outside of the system to inform
4 education decision-making.

5 (3) Link data to instructional management tools that
6 support instruction and assist collaboration among
7 teachers and postsecondary instructors.

8 (4) Enhance and expand existing high
9 school-to-postsecondary reporting systems to inform school
10 and school district officials, education policymakers, and
11 members of the public about public school students'
12 performance in postsecondary education.

13 (5) Provide data reporting, analysis, and planning
14 tools that assist with financial oversight, human resource
15 management, and other education support functions.

16 (6) Improve student access to educational
17 opportunities by linking data to student college and career
18 planning portals, facilitating the submission of
19 electronic transcripts and scholarship and financial aid
20 applications, and enabling the transfer of student records
21 to officials of a school or institution of higher learning
22 where a student enrolls or seeks or intends to enroll.

23 (7) Establish a public Internet web interface that
24 provides non-confidential data reports and permits queries
25 so that parents, the media, and other members of the public
26 can more easily access information pertaining to

1 statewide, district, and school performance.

2 (8) Provide research and reports to the General
3 Assembly that assist with evaluating the effectiveness of
4 specific programs and that enable legislators to analyze
5 educational performance within their legislative
6 districts.

7 (9) Allow the State Education Authorities to
8 efficiently meet federal and State reporting requirements
9 by drawing data for required reports from multiple State
10 systems.

11 (10) Establish a system to evaluate teacher and
12 administrator preparation programs using student academic
13 growth as one component of evaluation.

14 (11) In accordance with a data sharing agreement
15 entered into between the State Education Authorities and
16 the Illinois Student Assistance Commission, establish
17 procedures and systems to evaluate the relationship
18 between need-based financial aid and student enrollment
19 and success in institutions of higher learning.

20 (12) In accordance with data sharing agreements
21 entered into between the State Education Authorities and
22 health and human service agencies, establish procedures
23 and systems to evaluate the relationship between education
24 and other student and family support systems.

25 (13) In accordance with data sharing agreements
26 entered into between the State Education Authorities and

1 employment and workforce development agencies, establish
2 procedures and systems to evaluate the relationship
3 between education programs and outcomes and employment
4 fields, employment locations, and employment outcomes.

5 (c) On or before June 30, 2013, subject to the availability
6 of funding through appropriations made specifically for the
7 purposes of this Act, the State Board shall establish a data
8 warehouse that integrates data from multiple student unit
9 record systems and supports all of the uses and functions of
10 the longitudinal data system set forth in this Act. The data
11 warehouse must be developed in cooperation with the Community
12 College Board and the Board of Higher Education and must have
13 the ability to integrate longitudinal data from early learning
14 through the postsecondary level in accordance with one or more
15 data sharing agreements entered into among the State Education
16 Authorities. The data warehouse, as integrated with the
17 longitudinal data system, must include, but is not limited to,
18 all of the following elements:

19 (1) A unique statewide student identifier that
20 connects student data across key databases across years.
21 The unique statewide student identifier must not be derived
22 from a student's social security number and must be
23 provided to institutions of higher learning to assist with
24 linkages between early learning through secondary and
25 postsecondary data.

26 (2) Student-level enrollment, demographic, and program

1 participation information, including information on
2 participation in dual credit programs.

3 (3) The ability to match individual students'
4 elementary and secondary test records from year to year to
5 measure academic growth.

6 (4) Information on untested students in the elementary
7 and secondary levels, and the reasons they were not tested.

8 (5) A teacher and administrator identifier system with
9 the ability to match students to early learning,
10 elementary, and secondary teachers and elementary and
11 secondary administrators. Data from the teacher
12 identification system must not be used by school districts
13 for employment decisions involving individual teachers in
14 contractual continued service unless the district and the
15 exclusive bargaining representative of the district's
16 teachers, if any, have agreed to such use. For purposes of
17 this item (5), employment decisions do not include the use
18 of data from the teacher identification system to support
19 student learning and adjust instruction through
20 non-punitive measures. Nothing in this item (5) or
21 elsewhere in this Act shall in any way alter those rights
22 and obligations set forth in the Illinois Educational Labor
23 Relations Act.

24 (6) Student-level transcript information, including
25 information on courses completed and grades earned, from
26 middle and high schools. The State Board shall establish a

1 statewide course classification system based upon the
2 federal School Codes for Exchange of Data or a similar
3 course classification system. Each school district and
4 charter school shall map its course descriptions to the
5 statewide course classification system for the purpose of
6 State reporting. School districts and charter schools are
7 not required to change or modify the locally adopted course
8 descriptions used for all other purposes. The State Board
9 shall establish or contract for the establishment of a
10 technical support and training system to assist schools and
11 districts with the implementation of this item (6) and
12 shall, to the extent possible, collect transcript data
13 using a system that permits automated reporting from
14 district student information systems.

15 (7) Student-level college readiness test scores.

16 (8) Student-level graduation and dropout data.

17 (9) The ability to match early learning through
18 secondary student unit records with institution of higher
19 learning student unit record systems.

20 (10) A State data audit system assessing data quality,
21 validity, and reliability.

22 (d) Using data provided to and maintained by the
23 longitudinal data system, the State Education Authorities may,
24 in addition to functions and activities specified elsewhere in
25 this Section, perform and undertake the following:

26 (1) research for or on behalf of early learning

1 programs, schools, school districts, or institutions of
2 higher learning, which may be performed by one or more
3 State Education Authorities or through agreements with
4 research organizations meeting all of the requirements of
5 this Act and privacy protection laws; and

6 (2) audits or evaluations of federal or
7 State-supported education programs and activities to
8 enforce federal or State legal requirements with respect to
9 those programs. Each State Education Authority may assist
10 another State Education Authority with audit, evaluation,
11 or enforcement activities and may disclose education
12 records with each other for those activities relating to
13 any early learning through postsecondary program. The
14 State Education Authorities may disclose student
15 information to authorized officials of a student's former
16 early learning program, school, or school district to
17 assist with the evaluation of federal or State-supported
18 programs.

19 (e) In establishing, operating, and expanding the
20 longitudinal data system, the State Education Authorities
21 shall convene stakeholders and create opportunities for input
22 and advice in the areas of data ownership, data use, research
23 priorities, data management, confidentiality, data access, and
24 reporting from the system. Such stakeholders include, but are
25 not limited to, institutions of higher learning, school
26 districts, charter schools, early learning programs, teachers,

1 professors, parents, principals and administrators, school
2 research consortiums, education policy and advocacy
3 organizations, news media, the Illinois Student Assistance
4 Commission, the Illinois Education Research Council, the
5 Department of Commerce and Economic Opportunity, the Illinois
6 Early Learning Council, and the Legislative Research Unit.

7 (f) Representatives of the State Education Authorities
8 shall report to and advise the Illinois P-20 Council on the
9 implementation, operation, and expansion of the longitudinal
10 data system.

11 (g) Appropriations made to the State Education Authorities
12 for the purposes of this Act shall be used exclusively for
13 expenses for the development and operation of the longitudinal
14 data system. Authorized expenses of the State Education
15 Authorities may relate to contracts with outside vendors for
16 the development and operation of the system, agreements with
17 other governmental entities or research organizations for
18 authorized uses and functions of the system, technical support
19 and training for entities submitting data to the system, or
20 regular or contractual employees necessary for the system's
21 development or operation.

22 Section 20. Collection and maintenance of data.

23 (a) The State Board is authorized to collect and maintain
24 data from school districts, schools, and early learning
25 programs and disclose this data to the longitudinal data system

1 for the purposes set forth in this Act. The State Board may
2 also disclose data to the longitudinal data system that the
3 State Board is otherwise authorized by law to collect and
4 maintain.

5 On or before July 1, 2010, the State Board shall establish
6 procedures through which State-recognized, non-public schools
7 may elect to participate in the longitudinal data system by
8 disclosing data to the State Board for one or more of the
9 purposes set forth in this Act.

10 Subject to the availability of funding through
11 appropriations made specifically for the purposes of this Act,
12 the State Board shall establish or contract for the
13 establishment of a technical support and training system to
14 assist school districts, schools, and early learning programs
15 with data submission, use, and analysis.

16 (b) The Community College Board is authorized to collect
17 and maintain data from community college districts and disclose
18 this data to the longitudinal data system for the purposes set
19 forth in this Act. The Community College Board may also
20 disclose data to the longitudinal data system that the
21 Community College Board is otherwise authorized by law to
22 collect and maintain.

23 Subject to the availability of funding through
24 appropriations made specifically for the purposes of this Act,
25 the Community College Board shall establish or contract for the
26 establishment of a technical support and training system to

1 assist community colleges with data submission, use, and
2 analysis.

3 (c) The Board of Higher Education is authorized to collect
4 and maintain data from any public institution of higher
5 learning, other than community colleges, and disclose this data
6 to the longitudinal data system for the purposes set forth in
7 this Act. The Board of Higher Education may also disclose data
8 to the longitudinal data system that the Board of Higher
9 Education is otherwise authorized by law to collect and
10 maintain.

11 Beginning on July 1, 2012, the Board of Higher Education is
12 authorized to collect and maintain data from any non-public
13 institution of higher learning enrolling one or more students
14 receiving Monetary Award Program grants, pursuant to Section 35
15 of the Higher Education Student Assistance Act, and disclose
16 this data to the longitudinal data system for the purposes set
17 forth in this Act. Prior to July 1, 2012, any non-public
18 institution of higher learning may elect to participate in the
19 longitudinal data system by disclosing data for one or more of
20 the purposes set forth in this Act to the Board of Higher
21 Education or to a consortium that has contracted with the Board
22 of Higher Education pursuant to this subsection (c).

23 The Board of Higher Education may contract with one or more
24 voluntary consortiums of non-public institutions of higher
25 learning established for the purpose of data sharing, research,
26 and analysis. The contract may allow the consortium to collect

1 data from participating institutions on behalf of the Board of
2 Higher Education, provided that (i) the contract ensures that
3 the State Education Authorities have access to the data for the
4 purposes, functions, and activities described in Section 15 of
5 this Act and (ii) the data submitted to the consortium meets
6 all of the requirements specified by the Board of Higher
7 Education. The contract may provide for consultation with a
8 representative committee of participating institutions prior
9 to the use of data from the consortium for a data sharing
10 arrangement entered into with any party other than a State
11 Education Authority pursuant to Section 25 of this Act.
12 Non-public institutions of higher learning submitting
13 student-level data to a consortium that has contracted with the
14 Board of Higher Education pursuant to this paragraph shall not
15 be required to submit student-level data to the Board of Higher
16 Education.

17 Subject to the availability of funding through
18 appropriations made specifically for the purposes of this Act,
19 the Board of Higher Education shall establish or contract for
20 the establishment of a technical support and training system to
21 assist institutions of higher learning, other than community
22 colleges, with data submission, use, and analysis. The Board of
23 Higher Education shall engage in a cooperative planning process
24 with public and non-public institutions of higher learning and
25 statewide higher education associations in connection with all
26 of the activities authorized by this subsection (c).

1 (d) The State Education Authorities shall establish
2 procedures and requirements relating to the submission of data
3 authorized to be collected pursuant to this Section, including
4 requirements for data specifications, quality, security, and
5 timeliness. All early learning programs, schools, school
6 districts, and institutions of higher learning subject to the
7 data collection authority of a State Education Authority
8 pursuant to this Section shall comply with the State Education
9 Authority's procedures and requirements for data submissions.
10 A State Education Authority may require that staff responsible
11 for collecting, validating, and submitting data participate in
12 training and technical assistance offered by this State if data
13 is not submitted in accordance with applicable procedures and
14 requirements.

15 Section 25. Data sharing.

16 (a) The State Education Authorities may disclose data from
17 the longitudinal data system collected pursuant to Section 20
18 of this Act only in connection with a data sharing arrangement
19 meeting the requirements of this Section.

20 (b) Any State agency, board, authority, or commission may
21 enter into a data sharing arrangement with one or more of the
22 State Education Authorities to share data to support the
23 research and evaluation activities authorized by this Act.
24 State Education Authorities may also enter into data sharing
25 arrangements with other governmental entities, institutions of

1 higher learning, and research organizations that support the
2 research and evaluation activities authorized by this Act.

3 (c) Any data sharing arrangement entered into pursuant to
4 this Section must:

5 (1) be permissible under and undertaken in accordance
6 with privacy protection laws;

7 (2) be approved by the following persons:

8 (A) the State Superintendent of Education or his or
9 her designee for the use of early learning, public
10 school, and non-public school student data;

11 (B) the chief executive officer of the Community
12 College Board or his or her designee for the use of
13 community college student data; and

14 (C) the executive director of the Board of Higher
15 Education or his or her designee for the use of student
16 data from an institution of higher learning, other than
17 a community college;

18 (3) not permit the personal identification of any
19 person by individuals other than authorized
20 representatives of the recipient entity that have
21 legitimate interests in the information;

22 (4) ensure the destruction or return of the data when
23 no longer needed for the authorized purposes under the data
24 sharing arrangement; and

25 (5) be performed pursuant to a written agreement with
26 the recipient entity that does the following:

1 (A) specifies the purpose, scope, and duration of
2 the data sharing arrangement;

3 (B) requires the recipient of the data to use
4 personally identifiable information from education
5 records to meet only the purpose or purposes of the
6 data sharing arrangement stated in the written
7 agreement;

8 (C) describes specific data access, use, and
9 security restrictions that the recipient will
10 undertake; and

11 (D) includes such other terms and provisions as the
12 State Education Authorities deem necessary to carry
13 out the intent and purposes of this Act.

14 Section 30. Subject to privacy protection laws. The
15 collection, use, maintenance, disclosure, and sharing of data
16 authorized by this Act must be conducted in accordance with
17 privacy protection laws. The State Education Authorities shall
18 each develop security measures and procedures that protect
19 personal information from intentional or accidental release to
20 unauthorized persons and from intentional or accidental use for
21 unauthorized purposes.

22 Section 35. No impact on existing authority. This Act does
23 not modify or diminish any responsibilities or authority that a
24 State Education Authority or the State Education Authorities

1 collectively may otherwise have under law with respect to the
2 collection, use, maintenance, disclosure, and sharing of data.

3 Section 40. Evaluation. Subject to the availability of
4 funding through appropriations made specifically for the
5 purposes of this Act, the State Education Authorities shall
6 contract with an independent outside evaluator for oversight of
7 the development and operation of the longitudinal data system.
8 The independent outside evaluator shall annually submit a
9 report to the State Education Authorities, the Illinois P-20
10 Council, the Speaker and Minority Leader of the House of
11 Representatives, and the President and Minority Leader of the
12 Senate. The report shall include without limitation (i) an
13 evaluation of the extent to which the system is being developed
14 and operated to achieve the purposes, objectives, and
15 requirements of this Act; (ii) an evaluation of the oversight
16 and governance of the system by the State Education Authorities
17 and any recommendations to improve the oversight and governance
18 of the system; and (iii) an evaluation of the security measures
19 and procedures developed by the State Education Authorities to
20 protect personally identifiable information and any
21 recommendations to further ensure the privacy of personally
22 identifiable information.

23 Section 500. The School Code is amended by changing Section
24 27A-5 as follows:

1 (105 ILCS 5/27A-5)

2 Sec. 27A-5. Charter school; legal entity; requirements.

3 (a) A charter school shall be a public, nonsectarian,
4 nonreligious, non-home based, and non-profit school. A charter
5 school shall be organized and operated as a nonprofit
6 corporation or other discrete, legal, nonprofit entity
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article
9 by creating a new school or by converting an existing public
10 school or attendance center to charter school status. Beginning
11 on the effective date of this amendatory Act of the 93rd
12 General Assembly, in all new applications submitted to the
13 State Board or a local school board to establish a charter
14 school in a city having a population exceeding 500,000,
15 operation of the charter school shall be limited to one campus.
16 The changes made to this Section by this amendatory Act of the
17 93rd General Assembly do not apply to charter schools existing
18 or approved on or before the effective date of this amendatory
19 Act.

20 (c) A charter school shall be administered and governed by
21 its board of directors or other governing body in the manner
22 provided in its charter. The governing body of a charter school
23 shall be subject to the Freedom of Information Act and the Open
24 Meetings Act.

25 (d) A charter school shall comply with all applicable

1 health and safety requirements applicable to public schools
2 under the laws of the State of Illinois.

3 (e) Except as otherwise provided in the School Code, a
4 charter school shall not charge tuition; provided that a
5 charter school may charge reasonable fees for textbooks,
6 instructional materials, and student activities.

7 (f) A charter school shall be responsible for the
8 management and operation of its fiscal affairs including, but
9 not limited to, the preparation of its budget. An audit of each
10 charter school's finances shall be conducted annually by an
11 outside, independent contractor retained by the charter
12 school.

13 (g) A charter school shall comply with all provisions of
14 this Article and its charter. A charter school is exempt from
15 all other State laws and regulations in the School Code
16 governing public schools and local school board policies,
17 except the following:

18 (1) Sections 10-21.9 and 34-18.5 of the School Code
19 regarding criminal history records checks and checks of the
20 Statewide Sex Offender Database of applicants for
21 employment;

22 (2) Sections 24-24 and 34-84A of the School Code
23 regarding discipline of students;

24 (3) The Local Governmental and Governmental Employees
25 Tort Immunity Act;

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of
2 officers, directors, employees, and agents;

3 (5) The Abused and Neglected Child Reporting Act;

4 (6) The Illinois School Student Records Act; ~~and~~

5 (7) Section 10-17a of the School Code regarding school
6 report cards; and;

7 (8) The P-20 Longitudinal Education Data System Act.

8 (h) A charter school may negotiate and contract with a
9 school district, the governing body of a State college or
10 university or public community college, or any other public or
11 for-profit or nonprofit private entity for: (i) the use of a
12 school building and grounds or any other real property or
13 facilities that the charter school desires to use or convert
14 for use as a charter school site, (ii) the operation and
15 maintenance thereof, and (iii) the provision of any service,
16 activity, or undertaking that the charter school is required to
17 perform in order to carry out the terms of its charter.
18 However, a charter school that is established on or after the
19 effective date of this amendatory Act of the 93rd General
20 Assembly and that operates in a city having a population
21 exceeding 500,000 may not contract with a for-profit entity to
22 manage or operate the school during the period that commences
23 on the effective date of this amendatory Act of the 93rd
24 General Assembly and concludes at the end of the 2004-2005
25 school year. Except as provided in subsection (i) of this
26 Section, a school district may charge a charter school

1 reasonable rent for the use of the district's buildings,
2 grounds, and facilities. Any services for which a charter
3 school contracts with a school district shall be provided by
4 the district at cost. Any services for which a charter school
5 contracts with a local school board or with the governing body
6 of a State college or university or public community college
7 shall be provided by the public entity at cost.

8 (i) In no event shall a charter school that is established
9 by converting an existing school or attendance center to
10 charter school status be required to pay rent for space that is
11 deemed available, as negotiated and provided in the charter
12 agreement, in school district facilities. However, all other
13 costs for the operation and maintenance of school district
14 facilities that are used by the charter school shall be subject
15 to negotiation between the charter school and the local school
16 board and shall be set forth in the charter.

17 (j) A charter school may limit student enrollment by age or
18 grade level.

19 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,
20 eff. 7-14-05.)

21 Section 505. The Illinois School Student Records Act is
22 amended by changing Section 6 as follows:

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

24 Sec. 6. (a) No school student records or information

1 contained therein may be released, transferred, disclosed or
2 otherwise disseminated, except as follows:

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

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

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

15 (4) To any person for the purpose of research,
16 statistical reporting, or planning, provided that such
17 research, statistical reporting, or planning is
18 permissible under and undertaken in accordance with the
19 federal Family Educational Rights and Privacy Act (20
20 U.S.C. 1221 et seq.) ~~no student or parent can be identified~~
21 ~~from the information released and the person to whom the~~
22 ~~information is released signs an affidavit agreeing to~~
23 ~~comply with all applicable statutes and rules pertaining to~~
24 ~~school student records;~~

25 (5) Pursuant to a court order, provided that the parent
26 shall be given prompt written notice upon receipt of such

1 order of the terms of the order, the nature and substance
2 of the information proposed to be released in compliance
3 with such order and an opportunity to inspect and copy the
4 school student records and to challenge their contents
5 pursuant to Section 7;

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

8 (6.5) To juvenile authorities when necessary for the
9 discharge of their official duties who request information
10 prior to adjudication of the student and who certify in
11 writing that the information will not be disclosed to any
12 other party except as provided under law or order of court.
13 For purposes of this Section "juvenile authorities" means:
14 (i) a judge of the circuit court and members of the staff
15 of the court designated by the judge; (ii) parties to the
16 proceedings under the Juvenile Court Act of 1987 and their
17 attorneys; (iii) probation officers and court appointed
18 advocates for the juvenile authorized by the judge hearing
19 the case; (iv) any individual, public or private agency
20 having custody of the child pursuant to court order; (v)
21 any individual, public or private agency providing
22 education, medical or mental health service to the child
23 when the requested information is needed to determine the
24 appropriate service or treatment for the minor; (vi) any
25 potential placement provider when such release is
26 authorized by the court for the limited purpose of

1 determining the appropriateness of the potential
2 placement; (vii) law enforcement officers and prosecutors;
3 (viii) adult and juvenile prisoner review boards; (ix)
4 authorized military personnel; (x) individuals authorized
5 by court;

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

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

19 (9) To a governmental agency, or social service agency
20 contracted by a governmental agency, in furtherance of an
21 investigation of a student's school attendance pursuant to
22 the compulsory student attendance laws of this State,
23 provided that the records are released to the employee or
24 agent designated by the agency;

25 (10) To those SHOCAP committee members who fall within
26 the meaning of "state and local officials and authorities",

1 as those terms are used within the meaning of the federal
2 Family Educational Rights and Privacy Act, for the purposes
3 of identifying serious habitual juvenile offenders and
4 matching those offenders with community resources pursuant
5 to Section 5-145 of the Juvenile Court Act of 1987, but
6 only to the extent that the release, transfer, disclosure,
7 or dissemination is consistent with the Family Educational
8 Rights and Privacy Act; or

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

13 (12) To the State Board or another State government
14 agency or between or among State government agencies in
15 order to evaluate or audit federal and State programs or
16 perform research and planning, but only to the extent that
17 the release, transfer, disclosure, or dissemination is
18 consistent with the federal Family Educational Rights and
19 Privacy Act (20 U.S.C. 1221 et seq.).

20 (b) No information may be released pursuant to
21 subparagraphs (3) or (6) of paragraph (a) of this Section 6
22 unless the parent receives prior written notice of the nature
23 and substance of the information proposed to be released, and
24 an opportunity to inspect and copy such records in accordance
25 with Section 5 and to challenge their contents in accordance
26 with Section 7. Provided, however, that such notice shall be

1 sufficient if published in a local newspaper of general
2 circulation or other publication directed generally to the
3 parents involved where the proposed release of information is
4 pursuant to subparagraph 6 of paragraph (a) in this Section 6
5 and relates to more than 25 students.

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

13 (1) The nature and substance of the information
14 released;

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

17 (3) The name of the person requesting such information,
18 the capacity in which such a request has been made, and the
19 purpose of such request;

20 (4) The date of the release; and

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

22 (d) Except for the student and his parents, no person to
23 whom information is released pursuant to this Section and no
24 person specifically designated as a representative by a parent
25 may permit any other person to have access to such information
26 without a prior consent of the parent obtained in accordance

1 with the requirements of subparagraph (8) of paragraph (a) of
2 this Section.

3 (e) Nothing contained in this Act shall prohibit the
4 publication of student directories which list student names,
5 addresses and other identifying information and similar
6 publications which comply with regulations issued by the State
7 Board.

8 (Source: P.A. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09.)

9 Section 999. Effective date. This Act takes effect upon
10 becoming law.