



Sen. David Koehler

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10400SB0408sam001

LRB104 06646 LNS 24941 a

1 AMENDMENT TO SENATE BILL 408

2 AMENDMENT NO. _____. Amend Senate Bill 408 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 (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,

1 but does not include a private or non-public school.

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

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

21 (e) "Student Permanent Record" means the minimum personal
22 information necessary to a school in the education of the
23 student and contained in a school student record. Such
24 information may include the student's name, birth date,
25 address, grades and grade level;; parents' or guardians' names
26 and addresses;; attendance records;; a summary of performance

1 for students that received special education services; and
2 such other entries as the State Board may require or
3 authorize. A summary of performance shall be substantially
4 similar to the summary of performance form developed by the
5 State Board. Any summary of performance maintained as part of
6 a Student Permanent Record shall be kept confidential and not
7 be disclosed except as authorized by paragraph (1) or (14) of
8 subsection (a) of Section 6. A summary of performance may be
9 excluded from a Student Permanent Record if, after being
10 notified in writing that (i) school districts do not keep
11 special education records beyond 5 years and (ii) if a summary
12 of performance record is not kept in a student's permanent
13 file, the student may not have the documentation necessary to
14 qualify for State or federal benefits in the future, the
15 student and parents or guardians consent in writing to the
16 exclusion of a summary of performance.

17 (f) "Student Temporary Record" means all information
18 contained in a school student record but not contained in the
19 student permanent record. Such information may include family
20 background information, intelligence test scores, aptitude
21 test scores, psychological and personality test results,
22 teacher evaluations, and other information of clear relevance
23 to the education of the student, all subject to regulations of
24 the State Board. The information shall include information
25 provided under Section 8.6 of the Abused and Neglected Child
26 Reporting Act and information contained in service logs

1 maintained by a local education agency under subsection (d) of
2 Section 14-8.02f of the School Code. In addition, the student
3 temporary record shall include information regarding serious
4 disciplinary infractions that resulted in expulsion,
5 suspension, or the imposition of punishment or sanction. For
6 purposes of this provision, serious disciplinary infractions
7 means: infractions involving drugs, weapons, or bodily harm to
8 another.

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

18 (h) "Department" means the Department of Children and
19 Family Services.

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

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

23 Sec. 2. As used in this Act:

24 (a) "Student" means any person enrolled or previously
25 enrolled in a school.

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

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

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

1 (e) "Student Permanent Record" means the minimum personal
2 information necessary to a school in the education of the
3 student and contained in a school student record. Such
4 information may include the student's name, birth date,
5 address, grades and grade level;7 parents' or guardians' names
6 and addresses, attendance records; a summary of performance
7 for students that received special education services;7 and
8 such other entries as the State Board may require or
9 authorize. A summary of performance shall be substantially
10 similar to the summary of performance form developed by the
11 State Board. Any summary of performance maintained as part of
12 a Student Permanent Record shall be kept confidential and not
13 be disclosed except as authorized by paragraph (1) or (14) of
14 subsection (a) of Section 6. A summary of performance may be
15 excluded from a Student Permanent Record if, after being
16 notified in writing that (i) school districts do not keep
17 special education records beyond 5 years and (ii) if a summary
18 of performance record is not kept in a student's permanent
19 file, the student may not have the documentation necessary to
20 qualify for State or federal benefits in the future, the
21 student and parents or guardians consent in writing to the
22 exclusion of a summary of performance.

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

1 test scores, psychological and personality test results,
2 teacher evaluations, and other information of clear relevance
3 to the education of the student, all subject to regulations of
4 the State Board. The information shall include all of the
5 following:

6 (1) Information provided under Section 8.6 of the
7 Abused and Neglected Child Reporting Act and information
8 contained in service logs maintained by a local education
9 agency under subsection (d) of Section 14-8.02f of the
10 School Code.

11 (2) Information regarding serious disciplinary
12 infractions that resulted in expulsion, suspension, or the
13 imposition of punishment or sanction. For purposes of this
14 provision, serious disciplinary infractions means:
15 infractions involving drugs, weapons, or bodily harm to
16 another.

17 (3) Information concerning a student's status and
18 related experiences as a parent, expectant parent, or
19 victim of domestic or sexual violence, as defined in
20 Article 26A of the School Code, including a statement of
21 the student or any other documentation, record, or
22 corroborating evidence and the fact that the student has
23 requested or obtained assistance, support, or services
24 related to that status. Enforcement of this paragraph (3)
25 shall follow the procedures provided in Section 26A-40 of
26 the School Code.

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

10 (h) "Department" means the Department of Children and
11 Family Services.

12 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
13 102-466, eff. 7-1-25; 102-558, eff. 8-20-21; 102-813, eff.
14 5-13-22.)

15 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

16 Sec. 6. (a) No school student records or information
17 contained therein may be released, transferred, disclosed or
18 otherwise disseminated, except as follows:

19 (1) to a parent or student or person specifically
20 designated as a representative by a parent, as provided in
21 paragraph (a) of Section 5;

22 (2) to an employee or official of the school or school
23 district or State Board with current demonstrable
24 educational or administrative interest in the student, in
25 furtherance of such interest;

1 (3) to the official records custodian of another
2 school within Illinois or an official with similar
3 responsibilities of a school outside Illinois, in which
4 the student has enrolled, or intends to enroll, upon the
5 request of such official or student;

6 (4) to any person for the purpose of research,
7 statistical reporting, or planning, provided that such
8 research, statistical reporting, or planning is
9 permissible under and undertaken in accordance with the
10 federal Family Educational Rights and Privacy Act (20
11 U.S.C. 1232g);

12 (5) pursuant to a court order, provided that the
13 parent shall be given prompt written notice upon receipt
14 of such order of the terms of the order, the nature and
15 substance of the information proposed to be released in
16 compliance with such order and an opportunity to inspect
17 and copy the school student records and to challenge their
18 contents pursuant to Section 7;

19 (6) to any person as specifically required by State or
20 federal law;

21 (6.5) to juvenile authorities when necessary for the
22 discharge of their official duties who request information
23 prior to adjudication of the student and who certify in
24 writing that the information will not be disclosed to any
25 other party except as provided under law or order of
26 court. For purposes of this Section "juvenile authorities"

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

19 (7) subject to regulations of the State Board, in
20 connection with an emergency, to appropriate persons if
21 the knowledge of such information is necessary to protect
22 the health or safety of the student or other persons;

23 (8) to any person, with the prior specific dated
24 written consent of the parent designating the person to
25 whom the records may be released, provided that at the
26 time any such consent is requested or obtained, the parent

1 shall be advised in writing that he has the right to
2 inspect and copy such records in accordance with Section
3 5, to challenge their contents in accordance with Section
4 7 and to limit any such consent to designated records or
5 designated portions of the information contained therein;

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

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

22 (11) to the Department of Healthcare and Family
23 Services in furtherance of the requirements of Section
24 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
25 Section 10 of the School Breakfast and Lunch Program Act;

26 (12) to the State Board or another State government

1 agency or between or among State government agencies in
2 order to evaluate or audit federal and State programs or
3 perform research and planning, but only to the extent that
4 the release, transfer, disclosure, or dissemination is
5 consistent with the federal Family Educational Rights and
6 Privacy Act (20 U.S.C. 1232g);

7 (12.5) if the student is in the legal custody of the
8 Department of Children and Family Services, to the
9 Department's Office of Education and Transition Services;

10 ~~or~~

11 (13) under an intergovernmental agreement if an
12 elementary school district and a high school district have
13 attendance boundaries that overlap and are parties to an
14 intergovernmental agreement that allows the sharing of
15 student records and information between the districts.
16 However, the sharing of student information is allowed
17 under an intergovernmental agreement only if the
18 intergovernmental agreement meets all of the following
19 requirements:

20 (A) The sharing of student information must be
21 voluntary and at the discretion of each school
22 district that is a party to the agreement.

23 (B) The sharing of student information applies
24 only to students who have been enrolled in both
25 districts or would be enrolled in both districts based
26 on district attendance boundaries, and the student's

1 parent or guardian has expressed in writing that the
2 student intends to enroll or has enrolled in the high
3 school district.

4 (C) The sharing of student information does not
5 exceed the scope of information that is shared among
6 schools in a unit school district. However, the terms
7 of an intergovernmental agreement may place further
8 limitations on the information that is allowed to be
9 shared; or -

10 (14) to the Department of Human Services for the sole
11 purpose of assessing or evaluating the student's
12 eligibility for Medicaid waiver benefits consistent with
13 rules adopted by the Department of Human Services.

14 (b) No information may be released pursuant to
15 subparagraph (3) or (6) of paragraph (a) of this Section 6
16 unless the parent receives prior written notice of the nature
17 and substance of the information proposed to be released, and
18 an opportunity to inspect and copy such records in accordance
19 with Section 5 and to challenge their contents in accordance
20 with Section 7. Provided, however, that such notice shall be
21 sufficient if published in a local newspaper of general
22 circulation or other publication directed generally to the
23 parents involved where the proposed release of information is
24 pursuant to subparagraph (6) of paragraph (a) of this Section
25 6 and relates to more than 25 students.

26 (c) A record of any release of information pursuant to

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

7 (1) the nature and substance of the information
8 released;

9 (2) the name and signature of the official records
10 custodian releasing such information;

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

14 (4) the date of the release; and

15 (5) a copy of any consent to such release.

16 (d) Except for the student and his or her parents or, if
17 applicable, the Department's Office of Education and
18 Transition Services, no person to whom information is released
19 pursuant to this Section and no person specifically designated
20 as a representative by a parent may permit any other person to
21 have access to such information without a prior consent of the
22 parent obtained in accordance with the requirements of
23 subparagraph (8) of paragraph (a) of this Section.

24 (e) Nothing contained in this Act shall prohibit the
25 publication of student directories which list student names,
26 addresses and other identifying information and similar

1 publications which comply with regulations issued by the State
2 Board.

3 (Source: P.A. 102-199, eff. 7-1-22; 102-557, eff. 8-20-21;
4 102-813, eff. 5-13-22.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act."