



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1885

Introduced 2/5/2025, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

105 ILCS 10/2  
105 ILCS 10/6

from Ch. 122, par. 50-2  
from Ch. 122, par. 50-6

Amends the Illinois School Student Records Act. Provides that "Student Permanent Record" includes a summary of performance for students that received special-education services. Provides that student records or information contained therein may be released, transferred, disclosed, or other disseminated to the Department of Human Services for the sole purpose of assessing or evaluating the student's eligibility for Medicaid waiver benefits consistent with rules adopted by the Department of Human Services.

LRB104 10969 LNS 21051 b

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 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,  
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 shall ~~may~~ include the student's name, birth date,  
18 address, grades and grade level; τ parents' or guardians'  
19 names and addresses; τ attendance records; a summary of  
20 performance for students that received special-education  
21 services; τ and such other entries as the State Board may  
22 require or authorize. The summary of performance shall be  
23 substantially similar to the summary-of-performance form  
24 developed by the State Board of Education. Any summary of  
25 performance maintained as part of a Student Permanent Record  
26 shall be kept confidential, maintained separately from other

1 information in the Student Permanent Record, and not be  
2 disclosed except as authorized by paragraph (1) or (14) of  
3 subsection (a) of Section 6.

4 (f) "Student Temporary Record" means all information  
5 contained in a school student record but not contained in the  
6 student permanent record. Such information may include family  
7 background information, intelligence test scores, aptitude  
8 test scores, psychological and personality test results,  
9 teacher evaluations, and other information of clear relevance  
10 to the education of the student, all subject to regulations of  
11 the State Board. The information shall include information  
12 provided under Section 8.6 of the Abused and Neglected Child  
13 Reporting Act and information contained in service logs  
14 maintained by a local education agency under subsection (d) of  
15 Section 14-8.02f of the School Code. In addition, the student  
16 temporary record shall include information regarding serious  
17 disciplinary infractions that resulted in expulsion,  
18 suspension, or the imposition of punishment or sanction. For  
19 purposes of this provision, serious disciplinary infractions  
20 means: infractions involving drugs, weapons, or bodily harm to  
21 another.

22 (g) "Parent" means a person who is the natural parent of  
23 the student or other person who has the primary responsibility  
24 for the care and upbringing of the student. All rights and  
25 privileges accorded to a parent under this Act shall become  
26 exclusively those of the student upon his 18th birthday,

1 graduation from secondary school, marriage or entry into  
2 military service, whichever occurs first. Such rights and  
3 privileges may also be exercised by the student at any time  
4 with respect to the student's permanent school record.

5 (h) "Department" means the Department of Children and  
6 Family Services.

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

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

10 Sec. 2. As used in this Act:

11 (a) "Student" means any person enrolled or previously  
12 enrolled in a school.

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

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

21 (d) "School Student Record" means any writing or other  
22 recorded information concerning a student and by which a  
23 student may be individually identified, maintained by a school  
24 or at its direction or by an employee of a school, regardless  
25 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 shall ~~may~~ include the student's name, birth date,  
18 address, grades and grade level; τ parents' or guardians'  
19 names and addresses; τ attendance records; a summary of  
20 performance for students that received special-education  
21 services; τ and such other entries as the State Board may  
22 require or authorize. The summary of performance shall be  
23 substantially similar to the summary-of-performance form  
24 developed by the State Board of Education. Any summary of  
25 performance maintained as part of a Student Permanent Record  
26 shall be kept confidential, maintained separately from other

1 information in the Student Permanent Record, and not be  
2 disclosed except as authorized by paragraph (1) or (14) of  
3 subsection (a) of Section 6.

4 (f) "Student Temporary Record" means all information  
5 contained in a school student record but not contained in the  
6 student permanent record. Such information may include family  
7 background information, intelligence test scores, aptitude  
8 test scores, psychological and personality test results,  
9 teacher evaluations, and other information of clear relevance  
10 to the education of the student, all subject to regulations of  
11 the State Board. The information shall include all of the  
12 following:

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

18 (2) Information regarding serious disciplinary  
19 infractions that resulted in expulsion, suspension, or the  
20 imposition of punishment or sanction. For purposes of this  
21 provision, serious disciplinary infractions means:  
22 infractions involving drugs, weapons, or bodily harm to  
23 another.

24 (3) Information concerning a student's status and  
25 related experiences as a parent, expectant parent, or  
26 victim of domestic or sexual violence, as defined in

1 Article 26A of the School Code, including a statement of  
2 the student or any other documentation, record, or  
3 corroborating evidence and the fact that the student has  
4 requested or obtained assistance, support, or services  
5 related to that status. Enforcement of this paragraph (3)  
6 shall follow the procedures provided in Section 26A-40 of  
7 the School Code.

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

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

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

22 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

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

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

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

13           (4) to any person for the purpose of research,  
14 statistical reporting, or planning, provided that such  
15 research, statistical reporting, or planning is  
16 permissible under and undertaken in accordance with the  
17 federal Family Educational Rights and Privacy Act (20  
18 U.S.C. 1232g);

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

26           (6) to any person as specifically required by State or

1 federal law;

2 (6.5) to juvenile authorities when necessary for the  
3 discharge of their official duties who request information  
4 prior to adjudication of the student and who certify in  
5 writing that the information will not be disclosed to any  
6 other party except as provided under law or order of  
7 court. For purposes of this Section "juvenile authorities"  
8 means: (i) a judge of the circuit court and members of the  
9 staff of the court designated by the judge; (ii) parties  
10 to the proceedings under the Juvenile Court Act of 1987  
11 and their attorneys; (iii) probation officers and court  
12 appointed advocates for the juvenile authorized by the  
13 judge hearing the case; (iv) any individual, public or  
14 private agency having custody of the child pursuant to  
15 court order; (v) any individual, public or private agency  
16 providing education, medical or mental health service to  
17 the child when the requested information is needed to  
18 determine the appropriate service or treatment for the  
19 minor; (vi) any potential placement provider when such  
20 release is authorized by the court for the limited purpose  
21 of determining the appropriateness of the potential  
22 placement; (vii) law enforcement officers and prosecutors;  
23 (viii) adult and juvenile prisoner review boards; (ix)  
24 authorized military personnel; (x) individuals authorized  
25 by court;

26 (7) subject to regulations of the State Board, in

1 connection with an emergency, to appropriate persons if  
2 the knowledge of such information is necessary to protect  
3 the health or safety of the student or other persons;

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

13 (9) to a governmental agency, or social service agency  
14 contracted by a governmental agency, in furtherance of an  
15 investigation of a student's school attendance pursuant to  
16 the compulsory student attendance laws of this State,  
17 provided that the records are released to the employee or  
18 agent designated by the agency;

19 (10) to those SHOCAP committee members who fall within  
20 the meaning of "state and local officials and  
21 authorities", as those terms are used within the meaning  
22 of the federal Family Educational Rights and Privacy Act,  
23 for the purposes of identifying serious habitual juvenile  
24 offenders and matching those offenders with community  
25 resources pursuant to Section 5-145 of the Juvenile Court  
26 Act of 1987, but only to the extent that the release,

1 transfer, disclosure, or dissemination is consistent with  
2 the Family Educational Rights and Privacy Act;

3 (11) to the Department of Healthcare and Family  
4 Services in furtherance of the requirements of Section  
5 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
6 Section 10 of the School Breakfast and Lunch Program Act;

7 (12) to the State Board or another State government  
8 agency or between or among State government agencies in  
9 order to evaluate or audit federal and State programs or  
10 perform research and planning, but only to the extent that  
11 the release, transfer, disclosure, or dissemination is  
12 consistent with the federal Family Educational Rights and  
13 Privacy Act (20 U.S.C. 1232g);

14 (12.5) if the student is in the legal custody of the  
15 Department of Children and Family Services, to the  
16 Department's Office of Education and Transition Services;  
17 or

18 (13) under an intergovernmental agreement if an  
19 elementary school district and a high school district have  
20 attendance boundaries that overlap and are parties to an  
21 intergovernmental agreement that allows the sharing of  
22 student records and information between the districts.  
23 However, the sharing of student information is allowed  
24 under an intergovernmental agreement only if the  
25 intergovernmental agreement meets all of the following  
26 requirements:

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

4 (B) The sharing of student information applies  
5 only to students who have been enrolled in both  
6 districts or would be enrolled in both districts based  
7 on district attendance boundaries, and the student's  
8 parent or guardian has expressed in writing that the  
9 student intends to enroll or has enrolled in the high  
10 school district.

11 (C) The sharing of student information does not  
12 exceed the scope of information that is shared among  
13 schools in a unit school district. However, the terms  
14 of an intergovernmental agreement may place further  
15 limitations on the information that is allowed to be  
16 shared.

17 (14) to the Department of Human Services for the sole  
18 purpose of assessing or evaluating the student's  
19 eligibility for Medicaid waiver benefits consistent with  
20 rules adopted by the Department of Human Services.

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

1 with Section 7. Provided, however, that such notice shall be  
2 sufficient if published in a local newspaper of general  
3 circulation or other publication directed generally to the  
4 parents involved where the proposed release of information is  
5 pursuant to subparagraph (6) of paragraph (a) of this Section  
6 and relates to more than 25 students.

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

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

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

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

21 (4) the date of the release; and

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

23 (d) Except for the student and his or her parents or, if  
24 applicable, the Department's Office of Education and  
25 Transition Services, no person to whom information is released  
26 pursuant to this Section and no person specifically designated

1 as a representative by a parent may permit any other person to  
2 have access to such information without a prior consent of the  
3 parent obtained in accordance with the requirements of  
4 subparagraph (8) of paragraph (a) of this Section.

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

10 (Source: P.A. 102-199, eff. 7-1-22; 102-557, eff. 8-20-21;  
11 102-813, eff. 5-13-22.)

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