



Rep. Jay Hoffman

Filed: 4/1/2019

10100HB2840ham001

LRB101 08616 AXK 58583 a

1 AMENDMENT TO HOUSE BILL 2840

2 AMENDMENT NO. _____. Amend House Bill 2840 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-20.59, 10-21.8, 13B-60.10, 14-8.02, and 34-18.52 and by
6 adding Sections 10-20.69 and 34-18.61 as follows:

7 (105 ILCS 5/10-20.59)

8 Sec. 10-20.59. DCFS liaison.

9 (a) Each school board must ~~may~~ appoint at least one
10 employee to act as a liaison to facilitate the enrollment and
11 transfer of records of students in the legal custody of the
12 Department of Children and Family Services when enrolling in or
13 changing schools. The school board may appoint any employee of
14 the school district who is licensed under Article 21B of this
15 Code to act as a liaison; however, employees who meet any of
16 the following criteria must be prioritized for appointment:

1 (1) Employees who have worked with mobile student
2 populations or students in foster care.

3 (2) Employees who are familiar with enrollment, record
4 transfers, existing community services, and student
5 support services.

6 (3) Employees who serve as a high-level administrator.

7 (4) Employees who are counselors or have experience
8 with student counseling.

9 (5) Employees who are knowledgeable on child welfare
10 policies.

11 (6) Employees who serve as a school social worker.

12 (b) Liaisons under this Section are encouraged to build
13 capacity and infrastructure within their school district to
14 support students in the legal custody of the Department of
15 Children and Family Services. Liaison responsibilities may
16 include the following:

17 (1) streamlining the enrollment processes for students
18 in foster care;

19 (2) implementing student data tracking and monitoring
20 mechanisms;

21 (3) ensuring that students in the legal custody of the
22 Department of Children and Family Services receive all
23 school nutrition and meal programs available;

24 (4) coordinating student withdrawal from a school,
25 record transfers, and credit recovery;

26 (5) becoming experts on the foster care system and

1 State laws and policies in place that support children
2 under the legal custody of the Department of Children and
3 Family Services;

4 (6) coordinating with child welfare partners;

5 (7) providing foster care-related information and
6 training to the school district;

7 (8) working with the Department of Children and Family
8 Services to help students maintain their school placement,
9 if appropriate;

10 (9) reviewing student schedules to ensure that
11 students are on track to graduate;

12 (10) encouraging a successful transition into
13 adulthood and post-secondary opportunities;

14 (11) encouraging involvement in extracurricular
15 activities; and

16 (12) knowing what support is available within the
17 school district and community for students in the legal
18 custody of the Department of Children and Family Services.

19 (c) (Blank). ~~A school district is encouraged to designate a~~
20 ~~liaison by the beginning of the 2017-2018 school year.~~

21 (d) Individuals licensed under Article 21B of this Code
22 acting as a liaison under this Section shall perform the duties
23 of a liaison in addition to existing contractual obligations.

24 (Source: P.A. 99-781, eff. 8-12-16; 100-201, eff. 8-18-17.)

1 Sec. 10-20.69. Parent-teacher conference and other
2 meetings; caseworker. For any student who is in the legal
3 custody of the Department of Children and Family Services, the
4 liaison appointed under Section 10-20.59 must inform the
5 Department's Office of Education and Transition Services of a
6 parent-teacher conference or any other meeting concerning the
7 student that would otherwise involve a parent and must, at the
8 option of the caseworker, allow the student's caseworker to
9 attend the conference or meeting.

10 (105 ILCS 5/10-21.8) (from Ch. 122, par. 10-21.8)

11 Sec. 10-21.8. Correspondence and Reports. In the absence of
12 any court order to the contrary to require that, upon the
13 request of either parent of a pupil whose parents are divorced
14 or, if the student is in the legal custody of the Department of
15 Children and Family Services, the Department's Office of
16 Education and Transition Services, copies of the following:
17 reports or records which reflect the pupil's academic progress,
18 reports of the pupil's emotional and physical health, notices
19 of school-initiated parent-teacher conference, notices of
20 major school-sponsored events, such as open houses, which
21 involve pupil-parent interaction, and copies of the school
22 calendar regarding the child which are furnished by the school
23 district to one parent be furnished by mail to the other parent
24 or, if applicable, the Department's Office of Education and
25 Transition Services. Notwithstanding the foregoing provisions

1 of this Section a school board shall not, under the authority
2 of this Section, refuse to mail copies of reports, records,
3 notices or other documents regarding a pupil to a parent of the
4 pupil as provided by this Section, unless the school board
5 first has been furnished with a certified copy of the court
6 order prohibiting the release of such reports, records, notices
7 or other documents to that parent. No such reports or records
8 with respect to a pupil shall be provided to a parent who has
9 been prohibited by an order of protection from inspecting or
10 obtaining school records of that pupil pursuant to the Illinois
11 Domestic Violence Act of 1986, as now or hereafter amended.

12 (Source: P.A. 86-966.)

13 (105 ILCS 5/13B-60.10)

14 Sec. 13B-60.10. Parent conference. Before being enrolled
15 in an alternative learning opportunities program, the student
16 and each of his or her parents or guardians, and, if the
17 student is in the legal custody of the Department of Children
18 and Family Services, the Department's Office of Education and
19 Transition Services shall receive written notice to attend a
20 conference to determine if the student would benefit from
21 attending an alternative learning opportunities program. The
22 conference must provide all of the information necessary for
23 the student and parent or guardian to make an informed decision
24 regarding enrollment in an alternative learning opportunities
25 program. The conference shall include a discussion of the

1 extent to which the student, if enrolled in the program, may
2 participate in school activities. No student shall be enrolled
3 in an alternative learning opportunities program without the
4 consent of the student's parent or guardian.

5 (Source: P.A. 92-42, eff. 1-1-02.)

6 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

7 Sec. 14-8.02. Identification, evaluation, and placement of
8 children.

9 (a) The State Board of Education shall make rules under
10 which local school boards shall determine the eligibility of
11 children to receive special education. Such rules shall ensure
12 that a free appropriate public education be available to all
13 children with disabilities as defined in Section 14-1.02. The
14 State Board of Education shall require local school districts
15 to administer non-discriminatory procedures or tests to
16 English learners coming from homes in which a language other
17 than English is used to determine their eligibility to receive
18 special education. The placement of low English proficiency
19 students in special education programs and facilities shall be
20 made in accordance with the test results reflecting the
21 student's linguistic, cultural and special education needs.
22 For purposes of determining the eligibility of children the
23 State Board of Education shall include in the rules definitions
24 of "case study", "staff conference", "individualized
25 educational program", and "qualified specialist" appropriate

1 to each category of children with disabilities as defined in
2 this Article. For purposes of determining the eligibility of
3 children from homes in which a language other than English is
4 used, the State Board of Education shall include in the rules
5 definitions for "qualified bilingual specialists" and
6 "linguistically and culturally appropriate individualized
7 educational programs". For purposes of this Section, as well as
8 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,
9 "parent" means a parent as defined in the federal Individuals
10 with Disabilities Education Act (20 U.S.C. 1401(23)).

11 (b) No child shall be eligible for special education
12 facilities except with a carefully completed case study fully
13 reviewed by professional personnel in a multidisciplinary
14 staff conference and only upon the recommendation of qualified
15 specialists or a qualified bilingual specialist, if available.
16 At the conclusion of the multidisciplinary staff conference,
17 the parent of the child and, if the child is in the legal
18 custody of the Department of Children and Family Services, the
19 Department's Office of Education and Transition Services shall
20 be given a copy of the multidisciplinary conference summary
21 report and recommendations, which includes options considered,
22 and, in the case of the parent, be informed of his or her ~~their~~
23 right to obtain an independent educational evaluation if he or
24 she disagrees ~~they disagree~~ with the evaluation findings
25 conducted or obtained by the school district. If the school
26 district's evaluation is shown to be inappropriate, the school

1 district shall reimburse the parent for the cost of the
2 independent evaluation. The State Board of Education shall,
3 with advice from the State Advisory Council on Education of
4 Children with Disabilities on the inclusion of specific
5 independent educational evaluators, prepare a list of
6 suggested independent educational evaluators. The State Board
7 of Education shall include on the list clinical psychologists
8 licensed pursuant to the Clinical Psychologist Licensing Act.
9 Such psychologists shall not be paid fees in excess of the
10 amount that would be received by a school psychologist for
11 performing the same services. The State Board of Education
12 shall supply school districts with such list and make the list
13 available to parents at their request. School districts shall
14 make the list available to parents at the time they are
15 informed of their right to obtain an independent educational
16 evaluation. However, the school district may initiate an
17 impartial due process hearing under this Section within 5 days
18 of any written parent request for an independent educational
19 evaluation to show that its evaluation is appropriate. If the
20 final decision is that the evaluation is appropriate, the
21 parent still has a right to an independent educational
22 evaluation, but not at public expense. An independent
23 educational evaluation at public expense must be completed
24 within 30 days of a parent written request unless the school
25 district initiates an impartial due process hearing or the
26 parent or school district offers reasonable grounds to show

1 that such 30 day time period should be extended. If the due
2 process hearing decision indicates that the parent is entitled
3 to an independent educational evaluation, it must be completed
4 within 30 days of the decision unless the parent or the school
5 district offers reasonable grounds to show that such 30 day
6 period should be extended. If a parent disagrees with the
7 summary report or recommendations of the multidisciplinary
8 conference or the findings of any educational evaluation which
9 results therefrom, the school district shall not proceed with a
10 placement based upon such evaluation and the child shall remain
11 in his or her regular classroom setting. No child shall be
12 eligible for admission to a special class for children with a
13 mental disability who are educable or for children with a
14 mental disability who are trainable except with a psychological
15 evaluation and recommendation by a school psychologist.
16 Consent shall be obtained from the parent of a child before any
17 evaluation is conducted. If consent is not given by the parent
18 or if the parent disagrees with the findings of the evaluation,
19 then the school district may initiate an impartial due process
20 hearing under this Section. The school district may evaluate
21 the child if that is the decision resulting from the impartial
22 due process hearing and the decision is not appealed or if the
23 decision is affirmed on appeal. The determination of
24 eligibility shall be made and the IEP meeting shall be
25 completed within 60 school days from the date of written
26 parental consent. In those instances when written parental

1 consent is obtained with fewer than 60 pupil attendance days
2 left in the school year, the eligibility determination shall be
3 made and the IEP meeting shall be completed prior to the first
4 day of the following school year. Special education and related
5 services must be provided in accordance with the student's IEP
6 no later than 10 school attendance days after notice is
7 provided to the parents pursuant to Section 300.503 of Title 34
8 of the Code of Federal Regulations and implementing rules
9 adopted by the State Board of Education. The appropriate
10 program pursuant to the individualized educational program of
11 students whose native tongue is a language other than English
12 shall reflect the special education, cultural and linguistic
13 needs. No later than September 1, 1993, the State Board of
14 Education shall establish standards for the development,
15 implementation and monitoring of appropriate bilingual special
16 individualized educational programs. The State Board of
17 Education shall further incorporate appropriate monitoring
18 procedures to verify implementation of these standards. The
19 district shall indicate to the parent, ~~and~~ the State Board of
20 Education, and, if applicable, the Department's Office of
21 Education and Transition Services the nature of the services
22 the child will receive for the regular school term while
23 waiting placement in the appropriate special education class.
24 At the child's initial IEP meeting and at each annual review
25 meeting, the child's IEP team shall provide the child's parent
26 or guardian and, if applicable, the Department's Office of

1 Education and Transition Services with a written notification
2 that informs the parent or guardian or the Department's Office
3 of Education and Transition Services that the IEP team is
4 required to consider whether the child requires assistive
5 technology in order to receive free, appropriate public
6 education. The notification must also include a toll-free
7 telephone number and internet address for the State's assistive
8 technology program.

9 If the child is deaf, hard of hearing, blind, or visually
10 impaired and he or she might be eligible to receive services
11 from the Illinois School for the Deaf or the Illinois School
12 for the Visually Impaired, the school district shall notify the
13 parents, in writing, of the existence of these schools and the
14 services they provide and shall make a reasonable effort to
15 inform the parents of the existence of other, local schools
16 that provide similar services and the services that these other
17 schools provide. This notification shall include without
18 limitation information on school services, school admissions
19 criteria, and school contact information.

20 In the development of the individualized education program
21 for a student who has a disability on the autism spectrum
22 (which includes autistic disorder, Asperger's disorder,
23 pervasive developmental disorder not otherwise specified,
24 childhood disintegrative disorder, and Rett Syndrome, as
25 defined in the Diagnostic and Statistical Manual of Mental
26 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall

1 consider all of the following factors:

2 (1) The verbal and nonverbal communication needs of the
3 child.

4 (2) The need to develop social interaction skills and
5 proficiencies.

6 (3) The needs resulting from the child's unusual
7 responses to sensory experiences.

8 (4) The needs resulting from resistance to
9 environmental change or change in daily routines.

10 (5) The needs resulting from engagement in repetitive
11 activities and stereotyped movements.

12 (6) The need for any positive behavioral
13 interventions, strategies, and supports to address any
14 behavioral difficulties resulting from autism spectrum
15 disorder.

16 (7) Other needs resulting from the child's disability
17 that impact progress in the general curriculum, including
18 social and emotional development.

19 Public Act 95-257 does not create any new entitlement to a
20 service, program, or benefit, but must not affect any
21 entitlement to a service, program, or benefit created by any
22 other law.

23 If the student may be eligible to participate in the
24 Home-Based Support Services Program for Adults with Mental
25 Disabilities authorized under the Developmental Disability and
26 Mental Disability Services Act upon becoming an adult, the

1 student's individualized education program shall include plans
2 for (i) determining the student's eligibility for those
3 home-based services, (ii) enrolling the student in the program
4 of home-based services, and (iii) developing a plan for the
5 student's most effective use of the home-based services after
6 the student becomes an adult and no longer receives special
7 educational services under this Article. The plans developed
8 under this paragraph shall include specific actions to be taken
9 by specified individuals, agencies, or officials.

10 (c) In the development of the individualized education
11 program for a student who is functionally blind, it shall be
12 presumed that proficiency in Braille reading and writing is
13 essential for the student's satisfactory educational progress.
14 For purposes of this subsection, the State Board of Education
15 shall determine the criteria for a student to be classified as
16 functionally blind. Students who are not currently identified
17 as functionally blind who are also entitled to Braille
18 instruction include: (i) those whose vision loss is so severe
19 that they are unable to read and write at a level comparable to
20 their peers solely through the use of vision, and (ii) those
21 who show evidence of progressive vision loss that may result in
22 functional blindness. Each student who is functionally blind
23 shall be entitled to Braille reading and writing instruction
24 that is sufficient to enable the student to communicate with
25 the same level of proficiency as other students of comparable
26 ability. Instruction should be provided to the extent that the

1 student is physically and cognitively able to use Braille.
2 Braille instruction may be used in combination with other
3 special education services appropriate to the student's
4 educational needs. The assessment of each student who is
5 functionally blind for the purpose of developing the student's
6 individualized education program shall include documentation
7 of the student's strengths and weaknesses in Braille skills.
8 Each person assisting in the development of the individualized
9 education program for a student who is functionally blind shall
10 receive information describing the benefits of Braille
11 instruction. The individualized education program for each
12 student who is functionally blind shall specify the appropriate
13 learning medium or media based on the assessment report.

14 (d) To the maximum extent appropriate, the placement shall
15 provide the child with the opportunity to be educated with
16 children who do not have a disability; provided that children
17 with disabilities who are recommended to be placed into regular
18 education classrooms are provided with supplementary services
19 to assist the children with disabilities to benefit from the
20 regular classroom instruction and are included on the teacher's
21 regular education class register. Subject to the limitation of
22 the preceding sentence, placement in special classes, separate
23 schools or other removal of the child with a disability from
24 the regular educational environment shall occur only when the
25 nature of the severity of the disability is such that education
26 in the regular classes with the use of supplementary aids and

1 services cannot be achieved satisfactorily. The placement of
2 English learners with disabilities shall be in non-restrictive
3 environments which provide for integration with peers who do
4 not have disabilities in bilingual classrooms. Annually, each
5 January, school districts shall report data on students from
6 non-English speaking backgrounds receiving special education
7 and related services in public and private facilities as
8 prescribed in Section 2-3.30. If there is a disagreement
9 between parties involved regarding the special education
10 placement of any child, either in-state or out-of-state, the
11 placement is subject to impartial due process procedures
12 described in Article 10 of the Rules and Regulations to Govern
13 the Administration and Operation of Special Education.

14 (e) No child who comes from a home in which a language
15 other than English is the principal language used may be
16 assigned to any class or program under this Article until he
17 has been given, in the principal language used by the child and
18 used in his home, tests reasonably related to his cultural
19 environment. All testing and evaluation materials and
20 procedures utilized for evaluation and placement shall not be
21 linguistically, racially or culturally discriminatory.

22 (f) Nothing in this Article shall be construed to require
23 any child to undergo any physical examination or medical
24 treatment whose parents object thereto on the grounds that such
25 examination or treatment conflicts with his religious beliefs.

26 (g) School boards or their designee shall provide to the

1 parents of a child or, if applicable, the Department of
2 Children and Family Services' Office of Education and
3 Transition Services prior written notice of any decision (a)
4 proposing to initiate or change, or (b) refusing to initiate or
5 change, the identification, evaluation, or educational
6 placement of the child or the provision of a free appropriate
7 public education to their child, and the reasons therefor. For
8 a parent, such ~~Such~~ written notification shall also inform the
9 parent of the opportunity to present complaints with respect to
10 any matter relating to the educational placement of the
11 student, or the provision of a free appropriate public
12 education and to have an impartial due process hearing on the
13 complaint. The notice shall inform the parents in the parents'
14 native language, unless it is clearly not feasible to do so, of
15 their rights and all procedures available pursuant to this Act
16 and the federal Individuals with Disabilities Education
17 Improvement Act of 2004 (Public Law 108-446); it shall be the
18 responsibility of the State Superintendent to develop uniform
19 notices setting forth the procedures available under this Act
20 and the federal Individuals with Disabilities Education
21 Improvement Act of 2004 (Public Law 108-446) to be used by all
22 school boards. The notice shall also inform the parents of the
23 availability upon request of a list of free or low-cost legal
24 and other relevant services available locally to assist parents
25 in initiating an impartial due process hearing. The State
26 Superintendent shall revise the uniform notices required by

1 this subsection (g) to reflect current law and procedures at
2 least once every 2 years. Any parent who is deaf, or does not
3 normally communicate using spoken English, who participates in
4 a meeting with a representative of a local educational agency
5 for the purposes of developing an individualized educational
6 program shall be entitled to the services of an interpreter.

7 (g-5) For purposes of this subsection (g-5), "qualified
8 professional" means an individual who holds credentials to
9 evaluate the child in the domain or domains for which an
10 evaluation is sought or an intern working under the direct
11 supervision of a qualified professional, including a master's
12 or doctoral degree candidate.

13 To ensure that a parent can participate fully and
14 effectively with school personnel in the development of
15 appropriate educational and related services for his or her
16 child, the parent, an independent educational evaluator, or a
17 qualified professional retained by or on behalf of a parent or
18 child must be afforded reasonable access to educational
19 facilities, personnel, classrooms, and buildings and to the
20 child as provided in this subsection (g-5). The requirements of
21 this subsection (g-5) apply to any public school facility,
22 building, or program and to any facility, building, or program
23 supported in whole or in part by public funds. Prior to
24 visiting a school, school building, or school facility, the
25 parent, independent educational evaluator, or qualified
26 professional may be required by the school district to inform

1 the building principal or supervisor in writing of the proposed
2 visit, the purpose of the visit, and the approximate duration
3 of the visit. The visitor and the school district shall arrange
4 the visit or visits at times that are mutually agreeable.
5 Visitors shall comply with school safety, security, and
6 visitation policies at all times. School district visitation
7 policies must not conflict with this subsection (g-5). Visitors
8 shall be required to comply with the requirements of applicable
9 privacy laws, including those laws protecting the
10 confidentiality of education records such as the federal Family
11 Educational Rights and Privacy Act and the Illinois School
12 Student Records Act. The visitor shall not disrupt the
13 educational process.

14 (1) A parent must be afforded reasonable access of
15 sufficient duration and scope for the purpose of observing
16 his or her child in the child's current educational
17 placement, services, or program or for the purpose of
18 visiting an educational placement or program proposed for
19 the child.

20 (2) An independent educational evaluator or a
21 qualified professional retained by or on behalf of a parent
22 or child must be afforded reasonable access of sufficient
23 duration and scope for the purpose of conducting an
24 evaluation of the child, the child's performance, the
25 child's current educational program, placement, services,
26 or environment, or any educational program, placement,

1 services, or environment proposed for the child, including
2 interviews of educational personnel, child observations,
3 assessments, tests or assessments of the child's
4 educational program, services, or placement or of any
5 proposed educational program, services, or placement. If
6 one or more interviews of school personnel are part of the
7 evaluation, the interviews must be conducted at a mutually
8 agreed upon time, date, and place that do not interfere
9 with the school employee's school duties. The school
10 district may limit interviews to personnel having
11 information relevant to the child's current educational
12 services, program, or placement or to a proposed
13 educational service, program, or placement.

14 (h) (Blank).

15 (i) (Blank).

16 (j) (Blank).

17 (k) (Blank).

18 (l) (Blank).

19 (m) (Blank).

20 (n) (Blank).

21 (o) (Blank).

22 (Source: P.A. 99-30, eff. 7-10-15; 99-143, eff. 7-27-15;
23 99-642, eff. 7-28-16; 100-122, eff. 8-18-17; 100-863, eff.
24 8-14-18; 100-993, eff. 8-20-18.)

25 (105 ILCS 5/34-18.52)

1 Sec. 34-18.52. DCFS liaison.

2 (a) The board must ~~may~~ appoint at least one employee to act
3 as a liaison to facilitate the enrollment and transfer of
4 records of students in the legal custody of the Department of
5 Children and Family Services when enrolling in or changing
6 schools. The board may appoint any employee of the school
7 district who is licensed under Article 21B of this Code to act
8 as a liaison; however, employees who meet any of the following
9 criteria must be prioritized for appointment:

10 (1) Employees who have worked with mobile student
11 populations or students in foster care.

12 (2) Employees who are familiar with enrollment, record
13 transfers, existing community services, and student
14 support services.

15 (3) Employees who serve as a high-level administrator.

16 (4) Employees who are counselors or have experience
17 with student counseling.

18 (5) Employees who are knowledgeable on child welfare
19 policies.

20 (6) Employees who serve as a school social worker.

21 (b) Liaisons under this Section are encouraged to build
22 capacity and infrastructure within the school district to
23 support students in the legal custody of the Department of
24 Children and Family Services. Liaison responsibilities may
25 include the following:

26 (1) streamlining the enrollment processes for students

1 in foster care;

2 (2) implementing student data tracking and monitoring
3 mechanisms;

4 (3) ensuring that students in the legal custody of the
5 Department of Children and Family Services receive all
6 school nutrition and meal programs available;

7 (4) coordinating student withdrawal from a school,
8 record transfers, and credit recovery;

9 (5) becoming experts on the foster care system and
10 State laws and policies in place that support children
11 under the legal custody of the Department of Children and
12 Family Services;

13 (6) coordinating with child welfare partners;

14 (7) providing foster care-related information and
15 training to the school district;

16 (8) working with the Department of Children and Family
17 Services to help students maintain their school placement,
18 if appropriate;

19 (9) reviewing student schedules to ensure that
20 students are on track to graduate;

21 (10) encouraging a successful transition into
22 adulthood and post-secondary opportunities;

23 (11) encouraging involvement in extracurricular
24 activities; and

25 (12) knowing what support is available within the
26 school district and community for students in the legal

1 custody of the Department of Children and Family Services.

2 (c) (Blank). ~~The school district is encouraged to designate~~
3 ~~a liaison by the beginning of the 2017-2018 school year.~~

4 (d) Individuals licensed under Article 21B of this Code
5 acting as a liaison under this Section shall perform the duties
6 of a liaison in addition to existing contractual obligations.

7 (Source: P.A. 99-781, eff. 8-12-16; 100-201, eff. 8-18-17.)

8 (105 ILCS 5/34-18.61 new)

9 Sec. 34-18.61. Parent-teacher conference and other
10 meetings; caseworker. For any student who is in the legal
11 custody of the Department of Children and Family Services, the
12 liaison appointed under Section 34-18.52 must inform the
13 Department's Office of Education and Transition Services of a
14 parent-teacher conference or any other meeting concerning the
15 student that would otherwise involve a parent and must, at the
16 option of the caseworker, allow the student's caseworker to
17 attend the conference or meeting.

18 Section 10. The Illinois School Student Records Act is
19 amended by changing Sections 2, 4, 5, and 6 as follows:

20 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

21 Sec. 2. As used in this Act,

22 (a) "Student" means any person enrolled or previously
23 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, but
7 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 student's
19 graduation or permanent withdrawal from the school; and
20 provided further that no such records or recorded information
21 may be released or disclosed to any person except a person
22 designated by the school as a substitute unless they are first
23 incorporated in a school student record and made subject to all
24 of the provisions of this Act. School student records shall not
25 include information maintained by law enforcement
26 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, parents' names and addresses,
6 attendance records, and such other entries as the State Board
7 may require or authorize.

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

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

1 exclusively those of the student upon his 18th birthday,
2 graduation from secondary school, marriage or entry into
3 military service, whichever occurs first. Such rights and
4 privileges may also be exercised by the student at any time
5 with respect to the student's permanent school record.

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

8 (Source: P.A. 92-295, eff. 1-1-02.)

9 (105 ILCS 10/4) (from Ch. 122, par. 50-4)

10 Sec. 4. (a) Each school shall designate an official records
11 custodian who is responsible for the maintenance, care and
12 security of all school student records, whether or not such
13 records are in his personal custody or control.

14 (b) The official records custodian shall take all
15 reasonable measures to prevent unauthorized access to or
16 dissemination of school student records.

17 (c) Information contained in or added to a school student
18 record shall be limited to information which is of clear
19 relevance to the education of the student.

20 (d) Information added to a student temporary record after
21 the effective date of this Act shall include the name,
22 signature and position of the person who has added such
23 information and the date of its entry into the record.

24 (e) Each school shall maintain student permanent records
25 and the information contained therein for not less than 60

1 years after the student has transferred, graduated or otherwise
2 permanently withdrawn from the school.

3 (f) Each school shall maintain student temporary records
4 and the information contained in those records for not less
5 than 5 years after the student has transferred, graduated, or
6 otherwise withdrawn from the school. However, student
7 temporary records shall not be disclosed except as provided in
8 Section 5 or 6 or by court order. A school may maintain
9 indefinitely anonymous information from student temporary
10 records for authorized research, statistical reporting or
11 planning purposes, provided that no student or parent can be
12 individually identified from the information maintained.

13 (g) The principal of each school or the person with like
14 responsibilities or his or her designate shall periodically
15 review each student temporary record for verification of
16 entries and elimination or correction of all inaccurate,
17 misleading, unnecessary or irrelevant information. The State
18 Board shall issue regulations to govern the periodic review of
19 the student temporary records and length of time for
20 maintenance of entries to such records.

21 (h) Before any school student record is destroyed or
22 information deleted therefrom, the parent and, if the student
23 is in the legal custody of the Department of Children and
24 Family Services, the Department's Office of Education and
25 Transition Services shall be given reasonable prior notice at
26 his or her last known address in accordance with regulations

1 adopted by the State Board and an opportunity to copy the
2 record and information proposed to be destroyed or deleted.

3 (i) No school shall be required to separate permanent and
4 temporary school student records of a student not enrolled in
5 such school on or after the effective date of this Act or to
6 destroy any such records, or comply with the provisions of
7 paragraph (g) of this Section with respect to such records,
8 except (1) in accordance with the request of the parent that
9 any or all of such actions be taken in compliance with the
10 provisions of this Act or (2) in accordance with regulations
11 adopted by the State Board.

12 (Source: P.A. 90-590, eff. 1-1-00; 90-811, eff. 1-26-99.)

13 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

14 Sec. 5. (a) A parent or any person specifically designated
15 as a representative by a parent and, if the child is in the
16 legal custody of the Department of Children and Family
17 Services, the Department's Office of Education and Transition
18 Services shall have the right to inspect and copy all school
19 student permanent and temporary records of that ~~parent's~~ child.
20 A student shall have the right to inspect and copy his or her
21 school student permanent record. No person who is prohibited by
22 an order of protection from inspecting or obtaining school
23 records of a student pursuant to the Illinois Domestic Violence
24 Act of 1986, as now or hereafter amended, shall have any right
25 of access to, or inspection of, the school records of that

1 student. If a school's principal or person with like
2 responsibilities or his designee has knowledge of such order of
3 protection, the school shall prohibit access or inspection of
4 the student's school records by such person.

5 (b) Whenever access to any person is granted pursuant to
6 paragraph (a) of this Section, at the option of that person
7 ~~either the parent~~ or the school, a qualified professional, who
8 may be a psychologist, counsellor or other advisor, and who may
9 be an employee of the school or employed by the parent or the
10 Department, may be present to interpret the information
11 contained in the student temporary record. If the school
12 requires that a professional be present, the school shall
13 secure and bear any cost of the presence of the professional.
14 If the parent or the Department so requests, the school shall
15 secure and bear any cost of the presence of a professional
16 employed by the school.

17 (c) A parent's or student's or, if applicable, the
18 Department's Office of Education and Transition Services'
19 request to inspect and copy records, or to allow a specifically
20 designated representative to inspect and copy records, must be
21 granted within a reasonable time, and in no case later than 10
22 business days after the date of receipt of such request by the
23 official records custodian.

24 (c-5) The time for response under this Section may be
25 extended by the school district by not more than 5 business
26 days from the original due date for any of the following

1 reasons:

2 (1) the requested records are stored in whole or in
3 part at other locations than the office having charge of
4 the requested records;

5 (2) the request requires the collection of a
6 substantial number of specified records;

7 (3) the request is couched in categorical terms and
8 requires an extensive search for the records responsive to
9 it;

10 (4) the requested records have not been located in the
11 course of routine search and additional efforts are being
12 made to locate them;

13 (5) the request for records cannot be complied with by
14 the school district within the time limits prescribed by
15 subsection (c) of this Section without unduly burdening or
16 interfering with the operations of the school district; or

17 (6) there is a need for consultation, which shall be
18 conducted with all practicable speed, with another public
19 body or school district or among 2 or more components of a
20 public body or school district having a substantial
21 interest in the determination or in the subject matter of
22 the request.

23 The person making a request and the school district may
24 agree in writing to extend the time for compliance for a period
25 to be determined by the parties. If the requester and the
26 school district agree to extend the period for compliance, a

1 failure by the school district to comply with any previous
2 deadlines shall not be treated as a denial of the request for
3 the records.

4 (d) The school may charge its reasonable costs for the
5 copying of school student records, not to exceed the amounts
6 fixed in schedules adopted by the State Board, to any person
7 permitted to copy such records, except that no parent or
8 student shall be denied a copy of school student records as
9 permitted under this Section 5 for inability to bear the cost
10 of such copying.

11 (e) Nothing contained in this Section 5 shall make
12 available to a parent or student or, if applicable, the
13 Department's Office of Education and Transition Services
14 confidential letters and statements of recommendation
15 furnished in connection with applications for employment to a
16 post-secondary educational institution or the receipt of an
17 honor or honorary recognition, provided such letters and
18 statements are not used for purposes other than those for which
19 they were specifically intended, and

20 (1) were placed in a school student record prior to
21 January 1, 1975; or

22 (2) the student has waived access thereto after being
23 advised of his right to obtain upon request the names of
24 all such persons making such confidential recommendations.

25 (f) Nothing contained in this Act shall be construed to
26 impair or limit the confidentiality of:

1 (1) Communications otherwise protected by law as
2 privileged or confidential, including but not limited to,
3 information communicated in confidence to a physician,
4 psychologist or other psychotherapist, school social
5 worker, school counselor, school psychologist, or school
6 social worker, school counselor, or school psychologist
7 intern who works under the direct supervision of a school
8 social worker, school counselor, or school psychologist;
9 or

10 (2) Information which is communicated by a student or
11 parent in confidence to school personnel; or

12 (3) Information which is communicated by a student,
13 parent, or guardian to a law enforcement professional
14 working in the school, except as provided by court order.

15 (g) No school employee shall be subjected to adverse
16 employment action, the threat of adverse employment action, or
17 any manner of discrimination because the employee is acting or
18 has acted to protect communications as privileged or
19 confidential pursuant to applicable provisions of State or
20 federal law or rule or regulation.

21 (Source: P.A. 100-532, eff. 9-22-17.)

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 school
9 within Illinois or an official with similar
10 responsibilities of a school outside Illinois, in which the
11 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 parent
20 shall be given prompt written notice upon receipt of such
21 order of the terms of the order, the nature and substance
22 of the information proposed to be released in compliance
23 with such order and an opportunity to inspect and copy the
24 school student records and to challenge their contents
25 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 court.
7 For purposes of this Section "juvenile authorities" means:
8 (i) a judge of the circuit court and members of the staff
9 of the court designated by the judge; (ii) parties to the
10 proceedings under the Juvenile Court Act of 1987 and their
11 attorneys; (iii) probation officers and court appointed
12 advocates for the juvenile authorized by the judge hearing
13 the case; (iv) any individual, public or private agency
14 having custody of the child pursuant to court order; (v)
15 any individual, public or private agency providing
16 education, medical or mental health service to the child
17 when the requested information is needed to determine the
18 appropriate service or treatment for the minor; (vi) any
19 potential placement provider when such release is
20 authorized by the court for the limited purpose of
21 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 the
2 knowledge of such information is necessary to protect the
3 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 time
7 any such consent is requested or obtained, the parent shall
8 be advised in writing that he has the right to inspect and
9 copy such records in accordance with Section 5, to
10 challenge their contents in accordance with Section 7 and
11 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 authorities",
21 as those terms are used within the meaning of the federal
22 Family Educational Rights and Privacy Act, for the purposes
23 of identifying serious habitual juvenile offenders and
24 matching those offenders with community resources pursuant
25 to Section 5-145 of the Juvenile Court Act of 1987, but
26 only to the extent that the release, transfer, disclosure,

1 or dissemination is consistent with the Family Educational
2 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 ~~or~~

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

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

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

1 the proposed release of information is pursuant to subparagraph
2 (6) of paragraph (a) of this Section 6 and relates to more than
3 25 students.

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

11 (1) the nature and substance of the information
12 released;

13 (2) the name and signature of the official records
14 custodian releasing such information;

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

18 (4) the date of the release; and

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

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

1 subparagraph (8) of paragraph (a) of this Section.

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

7 (Source: P.A. 99-78, eff. 7-20-15.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".