



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4103

Introduced 1/16/2020, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Provides that each school board must (rather than may) appoint at least one employee to act as a liaison to facilitate enrollment and transfer of records of students in the legal custody of the Department of Children and Family Services. Provides that, for any student who is in the legal custody of the Department of Children and Family Services, the liaison must inform the Department's Office of Education and Transition Services of a parent-teacher conference or any other meeting concerning the student that would otherwise involve a parent and must, at the option of the caseworker, allow the student's caseworker to attend the conference or meeting. Amends the Illinois School Student Records Act. Provides that if a student is in the legal custody of the Department of Children and Family Services, the Department's Office of Education and Transition Services must be informed before a school student record is destroyed or any information in that record is deleted and shall have the right to inspect and copy all school student permanent and temporary records. Makes related changes. Effective immediately.

LRB101 16405 CMG 65784 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 10-20.59, 10-21.8, 13B-60.10, 14-8.02, and 34-18.52 and by  
6 adding Sections 10-20.73 and 34-81.66 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:

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

19 (2) Employees who are familiar with enrollment, record  
20 transfers, existing community services, and student  
21 support services.

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

23 (4) Employees who are counselors or have experience

1 with student counseling.

2 (5) Employees who are knowledgeable on child welfare  
3 policies.

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

5 (b) Liaisons under this Section are encouraged to build  
6 capacity and infrastructure within their school district to  
7 support students in the legal custody of the Department of  
8 Children and Family Services. Liaison responsibilities may  
9 include the following:

10 (1) streamlining the enrollment processes for students  
11 in foster care;

12 (2) implementing student data tracking and monitoring  
13 mechanisms;

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

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

19 (5) becoming experts on the foster care system and  
20 State laws and policies in place that support children  
21 under the legal custody of the Department of Children and  
22 Family Services;

23 (6) coordinating with child welfare partners;

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

26 (8) working with the Department of Children and Family

1 Services to help students maintain their school placement,  
2 if appropriate;

3 (9) reviewing student schedules to ensure that  
4 students are on track to graduate;

5 (10) encouraging a successful transition into  
6 adulthood and post-secondary opportunities;

7 (11) encouraging involvement in extracurricular  
8 activities; and

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

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

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

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

18 (105 ILCS 5/10-20.73 new)

19 Sec. 10-20.73. Parent-teacher conference and other  
20 meetings; caseworker. For any student who is in the legal  
21 custody of the Department of Children and Family Services, the  
22 liaison appointed under Section 10-20.59 must inform the  
23 Department's Office of Education and Transition Services of a  
24 parent-teacher conference or any other meeting concerning the  
25 student that would otherwise involve a parent and must, at the

1 option of the caseworker, allow the student's caseworker to  
2 attend the conference or meeting.

3 (105 ILCS 5/10-21.8) (from Ch. 122, par. 10-21.8)

4 Sec. 10-21.8. Correspondence and Reports. In the absence of  
5 any court order to the contrary to require that, upon the  
6 request of either parent of a pupil whose parents are divorced  
7 or, if the student is in the legal custody of the Department of  
8 Children and Family Services, the Department's Office of  
9 Education and Transition Services, copies of the following:  
10 reports or records which reflect the pupil's academic progress,  
11 reports of the pupil's emotional and physical health, notices  
12 of school-initiated parent-teacher conference, notices of  
13 major school-sponsored events, such as open houses, which  
14 involve pupil-parent interaction, and copies of the school  
15 calendar regarding the child which are furnished by the school  
16 district to one parent be furnished by mail to the other parent  
17 or, if applicable, the Department's Office of Education and  
18 Transition Services. Notwithstanding the foregoing provisions  
19 of this Section a school board shall not, under the authority  
20 of this Section, refuse to mail copies of reports, records,  
21 notices or other documents regarding a pupil to a parent of the  
22 pupil as provided by this Section, unless the school board  
23 first has been furnished with a certified copy of the court  
24 order prohibiting the release of such reports, records, notices  
25 or other documents to that parent. No such reports or records

1 with respect to a pupil shall be provided to a parent who has  
2 been prohibited by an order of protection from inspecting or  
3 obtaining school records of that pupil pursuant to the Illinois  
4 Domestic Violence Act of 1986, as now or hereafter amended.

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

6 (105 ILCS 5/13B-60.10)

7 Sec. 13B-60.10. Parent conference. Before being enrolled  
8 in an alternative learning opportunities program, the student  
9 and each of his or her parents or guardians, and, if the  
10 student is in the legal custody of the Department of Children  
11 and Family Services, the Department's Office of Education and  
12 Transition Services shall receive written notice to attend a  
13 conference to determine if the student would benefit from  
14 attending an alternative learning opportunities program. The  
15 conference must provide all of the information necessary for  
16 the student and parent or guardian to make an informed decision  
17 regarding enrollment in an alternative learning opportunities  
18 program. The conference shall include a discussion of the  
19 extent to which the student, if enrolled in the program, may  
20 participate in school activities. No student shall be enrolled  
21 in an alternative learning opportunities program without the  
22 consent of the student's parent or guardian.

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

24 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

1           Sec. 14-8.02. Identification, evaluation, and placement of  
2 children.

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

1 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,  
2 "parent" means a parent as defined in the federal Individuals  
3 with Disabilities Education Act (20 U.S.C. 1401(23)).

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



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

1 multidisciplinary conference or the findings of any  
2 educational evaluation which results therefrom, the school  
3 district shall not proceed with a placement based upon such  
4 evaluation and the child shall remain in his or her regular  
5 classroom setting. No child shall be eligible for admission to  
6 a special class for children with a mental disability who are  
7 educable or for children with a mental disability who are  
8 trainable except with a psychological evaluation and  
9 recommendation by a school psychologist. Consent shall be  
10 obtained from the parent of a child before any evaluation is  
11 conducted. If consent is not given by the parent or if the  
12 parent disagrees with the findings of the evaluation, then the  
13 school district may initiate an impartial due process hearing  
14 under this Section. The school district may evaluate the child  
15 if that is the decision resulting from the impartial due  
16 process hearing and the decision is not appealed or if the  
17 decision is affirmed on appeal. The determination of  
18 eligibility shall be made and the IEP meeting shall be  
19 completed within 60 school days from the date of written  
20 parental consent. In those instances when written parental  
21 consent is obtained with fewer than 60 pupil attendance days  
22 left in the school year, the eligibility determination shall be  
23 made and the IEP meeting shall be completed prior to the first  
24 day of the following school year. Special education and related  
25 services must be provided in accordance with the student's IEP  
26 no later than 10 school attendance days after notice is

1 provided to the parents pursuant to Section 300.503 of Title 34  
2 of the Code of Federal Regulations and implementing rules  
3 adopted by the State Board of Education. The appropriate  
4 program pursuant to the individualized educational program of  
5 students whose native tongue is a language other than English  
6 shall reflect the special education, cultural and linguistic  
7 needs. No later than September 1, 1993, the State Board of  
8 Education shall establish standards for the development,  
9 implementation and monitoring of appropriate bilingual special  
10 individualized educational programs. The State Board of  
11 Education shall further incorporate appropriate monitoring  
12 procedures to verify implementation of these standards. The  
13 district shall indicate to the parent, ~~and~~ the State Board of  
14 Education, and, if applicable, the Department's Office of  
15 Education and Transition Services the nature of the services  
16 the child will receive for the regular school term while  
17 waiting placement in the appropriate special education class.  
18 At the child's initial IEP meeting and at each annual review  
19 meeting, the child's IEP team shall provide the child's parent  
20 or guardian and, if applicable, the Department's Office of  
21 Education and Transition Services with a written notification  
22 that informs the parent or guardian or the Department's Office  
23 of Education and Transition Services that the IEP team is  
24 required to consider whether the child requires assistive  
25 technology in order to receive free, appropriate public  
26 education. The notification must also include a toll-free

1 telephone number and internet address for the State's assistive  
2 technology program.

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

14 In the development of the individualized education program  
15 for a student who has a disability on the autism spectrum  
16 (which includes autistic disorder, Asperger's disorder,  
17 pervasive developmental disorder not otherwise specified,  
18 childhood disintegrative disorder, and Rett Syndrome, as  
19 defined in the Diagnostic and Statistical Manual of Mental  
20 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall  
21 consider all of the following factors:

22 (1) The verbal and nonverbal communication needs of the  
23 child.

24 (2) The need to develop social interaction skills and  
25 proficiencies.

26 (3) The needs resulting from the child's unusual

1 responses to sensory experiences.

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

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

6 (6) The need for any positive behavioral  
7 interventions, strategies, and supports to address any  
8 behavioral difficulties resulting from autism spectrum  
9 disorder.

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

13 Public Act 95-257 does not create any new entitlement to a  
14 service, program, or benefit, but must not affect any  
15 entitlement to a service, program, or benefit created by any  
16 other law.

17 If the student may be eligible to participate in the  
18 Home-Based Support Services Program for Adults with Mental  
19 Disabilities authorized under the Developmental Disability and  
20 Mental Disability Services Act upon becoming an adult, the  
21 student's individualized education program shall include plans  
22 for (i) determining the student's eligibility for those  
23 home-based services, (ii) enrolling the student in the program  
24 of home-based services, and (iii) developing a plan for the  
25 student's most effective use of the home-based services after  
26 the student becomes an adult and no longer receives special

1 educational services under this Article. The plans developed  
2 under this paragraph shall include specific actions to be taken  
3 by specified individuals, agencies, or officials.

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

1 of the student's strengths and weaknesses in Braille skills.  
2 Each person assisting in the development of the individualized  
3 education program for a student who is functionally blind shall  
4 receive information describing the benefits of Braille  
5 instruction. The individualized education program for each  
6 student who is functionally blind shall specify the appropriate  
7 learning medium or media based on the assessment report.

8 (d) To the maximum extent appropriate, the placement shall  
9 provide the child with the opportunity to be educated with  
10 children who do not have a disability; provided that children  
11 with disabilities who are recommended to be placed into regular  
12 education classrooms are provided with supplementary services  
13 to assist the children with disabilities to benefit from the  
14 regular classroom instruction and are included on the teacher's  
15 regular education class register. Subject to the limitation of  
16 the preceding sentence, placement in special classes, separate  
17 schools or other removal of the child with a disability from  
18 the regular educational environment shall occur only when the  
19 nature of the severity of the disability is such that education  
20 in the regular classes with the use of supplementary aids and  
21 services cannot be achieved satisfactorily. The placement of  
22 English learners with disabilities shall be in non-restrictive  
23 environments which provide for integration with peers who do  
24 not have disabilities in bilingual classrooms. Annually, each  
25 January, school districts shall report data on students from  
26 non-English speaking backgrounds receiving special education

1 and related services in public and private facilities as  
2 prescribed in Section 2-3.30. If there is a disagreement  
3 between parties involved regarding the special education  
4 placement of any child, either in-state or out-of-state, the  
5 placement is subject to impartial due process procedures  
6 described in Article 10 of the Rules and Regulations to Govern  
7 the Administration and Operation of Special Education.

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

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

20 (g) School boards or their designee shall provide to the  
21 parents of a child or, if applicable, the Department of  
22 Children and Family Services' Office of Education and  
23 Transition Services prior written notice of any decision (a)  
24 proposing to initiate or change, or (b) refusing to initiate or  
25 change, the identification, evaluation, or educational  
26 placement of the child or the provision of a free appropriate



1 public education to their child, and the reasons therefor. For  
2 a parent, such ~~Such~~ written notification shall also inform the  
3 parent of the opportunity to present complaints with respect to  
4 any matter relating to the educational placement of the  
5 student, or the provision of a free appropriate public  
6 education and to have an impartial due process hearing on the  
7 complaint. The notice shall inform the parents in the parents'  
8 native language, unless it is clearly not feasible to do so, of  
9 their rights and all procedures available pursuant to this Act  
10 and the federal Individuals with Disabilities Education  
11 Improvement Act of 2004 (Public Law 108-446); it shall be the  
12 responsibility of the State Superintendent to develop uniform  
13 notices setting forth the procedures available under this Act  
14 and the federal Individuals with Disabilities Education  
15 Improvement Act of 2004 (Public Law 108-446) to be used by all  
16 school boards. The notice shall also inform the parents of the  
17 availability upon request of a list of free or low-cost legal  
18 and other relevant services available locally to assist parents  
19 in initiating an impartial due process hearing. The State  
20 Superintendent shall revise the uniform notices required by  
21 this subsection (g) to reflect current law and procedures at  
22 least once every 2 years. Any parent who is deaf, or does not  
23 normally communicate using spoken English, who participates in  
24 a meeting with a representative of a local educational agency  
25 for the purposes of developing an individualized educational  
26 program shall be entitled to the services of an interpreter.

1 The State Board of Education must adopt rules to establish the  
2 criteria, standards, and competencies for a bilingual language  
3 interpreter who attends an individualized education program  
4 meeting under this subsection to assist a parent who has  
5 limited English proficiency.

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

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

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

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

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

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

13 ~~(h) (Blank).~~

14 ~~(i) (Blank).~~

15 ~~(j) (Blank).~~

16 ~~(k) (Blank).~~

17 ~~(l) (Blank).~~

18 ~~(m) (Blank).~~

19 ~~(n) (Blank).~~

20 ~~(o) (Blank).~~

21 (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;  
22 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

23 (105 ILCS 5/34-18.52)

24 Sec. 34-18.52. DCFS liaison.

25 (a) The board must ~~may~~ appoint at least one employee to act

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

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

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

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

14 (4) Employees who are counselors or have experience  
15 with student counseling.

16 (5) Employees who are knowledgeable on child welfare  
17 policies.

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

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

24 (1) streamlining the enrollment processes for students  
25 in foster care;

26 (2) implementing student data tracking and monitoring

1 mechanisms;

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

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

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

11 (6) coordinating with child welfare partners;

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

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

17 (9) reviewing student schedules to ensure that  
18 students are on track to graduate;

19 (10) encouraging a successful transition into  
20 adulthood and post-secondary opportunities;

21 (11) encouraging involvement in extracurricular  
22 activities; and

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

26 (c) (Blank). ~~The school district is encouraged to designate~~

1 ~~a liaison by the beginning of the 2017-2018 school year.~~

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

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

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7 Sec. 34-81.66. Parent-teacher conference and other  
8 meetings; caseworker. For any student who is in the legal  
9 custody of the Department of Children and Family Services, the  
10 liaison appointed under Section 34-18.52 must inform the  
11 Department's Office of Education and Transition Services of a  
12 parent-teacher conference or any other meeting concerning the  
13 student that would otherwise involve a parent and must, at the  
14 option of the caseworker, allow the student's caseworker to  
15 attend the conference or meeting.

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

18 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

19 Sec. 2. As used in this Act:7

20 (a) "Student" means any person enrolled or previously  
21 enrolled in a school.

22 (b) "School" means any public preschool, day care center,  
23 kindergarten, nursery, elementary or secondary educational

1 institution, vocational school, special educational facility  
2 or any other elementary or secondary educational agency or  
3 institution and any person, agency or institution which  
4 maintains school student records from more than one school, but  
5 does not include a private or non-public school.

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

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

25 (e) "Student Permanent Record" means the minimum personal  
26 information necessary to a school in the education of the



1 student and contained in a school student record. Such  
2 information may include the student's name, birth date,  
3 address, grades and grade level, parents' names and addresses,  
4 attendance records, and such other entries as the State Board  
5 may require or authorize.

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

24 (g) "Parent" means a person who is the natural parent of  
25 the student or other person who has the primary responsibility  
26 for the care and upbringing of the student. All rights and

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

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

9 (Source: P.A. 101-515, eff. 8-23-19; revised 12-3-19.)

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

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

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

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

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

25 (e) Each school shall maintain student permanent records

1 and the information contained therein for not less than 60  
2 years after the student has transferred, graduated or otherwise  
3 permanently withdrawn from the school.

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

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

22 (h) Before any school student record is destroyed or  
23 information deleted therefrom, the parent or the student, if  
24 the rights and privileges accorded to the parent under this Act  
25 have been transferred to the student, and, if the student is in  
26 the legal custody of the Department of Children and Family

1 Services, the Department's Office of Education and Transition  
2 Services shall be given reasonable prior notice in accordance  
3 with rules adopted by the State Board and an opportunity to  
4 copy the record and information proposed to be destroyed or  
5 deleted. A school may provide reasonable prior notice under  
6 this subsection to a parent or student through (i) notice in  
7 the school's parent or student handbook, (ii) publication in a  
8 newspaper published in the school district or, if no newspaper  
9 is published in the school district, in a newspaper of general  
10 circulation within the school district, (iii) U.S. mail  
11 delivered to the last known address of the parent or student,  
12 or (iv) other means provided the notice is confirmed to have  
13 been received.

14 (i) No school shall be required to separate permanent and  
15 temporary school student records of a student not enrolled in  
16 such school on or after the effective date of this Act or to  
17 destroy any such records, or comply with the provisions of  
18 paragraph (g) of this Section with respect to such records,  
19 except (1) in accordance with the request of the parent that  
20 any or all of such actions be taken in compliance with the  
21 provisions of this Act or (2) in accordance with regulations  
22 adopted by the State Board.

23 (Source: P.A. 101-161, eff. 1-1-20.)

24 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

25 Sec. 5. (a) A parent or any person specifically designated

1 as a representative by a parent and, if the child is in the  
2 legal custody of the Department of Children and Family  
3 Services, the Department's Office of Education and Transition  
4 Services shall have the right to inspect and copy all school  
5 student permanent and temporary records of that ~~parent's~~ child.  
6 A student shall have the right to inspect and copy his or her  
7 school student permanent record. No person who is prohibited by  
8 an order of protection from inspecting or obtaining school  
9 records of a student pursuant to the Illinois Domestic Violence  
10 Act of 1986, as now or hereafter amended, shall have any right  
11 of access to, or inspection of, the school records of that  
12 student. If a school's principal or person with like  
13 responsibilities or his designee has knowledge of such order of  
14 protection, the school shall prohibit access or inspection of  
15 the student's school records by such person.

16 (b) Whenever access to any person is granted pursuant to  
17 paragraph (a) of this Section, at the option of that person  
18 ~~either the parent~~ or the school, a qualified professional, who  
19 may be a psychologist, counselor ~~counselor~~ or other advisor,  
20 and who may be an employee of the school or employed by the  
21 parent or the Department, may be present to interpret the  
22 information contained in the student temporary record. If the  
23 school requires that a professional be present, the school  
24 shall secure and bear any cost of the presence of the  
25 professional. If the parent or the Department so requests, the  
26 school shall secure and bear any cost of the presence of a

1 professional employed by the school.

2 (c) A parent's or student's or, if applicable, the  
3 Department's Office of Education and Transition Services'  
4 request to inspect and copy records, or to allow a specifically  
5 designated representative to inspect and copy records, must be  
6 granted within a reasonable time, and in no case later than 10  
7 business days after the date of receipt of such request by the  
8 official records custodian.

9 (c-5) The time for response under this Section may be  
10 extended by the school district by not more than 5 business  
11 days from the original due date for any of the following  
12 reasons:

13 (1) the requested records are stored in whole or in  
14 part at other locations than the office having charge of  
15 the requested records;

16 (2) the request requires the collection of a  
17 substantial number of specified records;

18 (3) the request is couched in categorical terms and  
19 requires an extensive search for the records responsive to  
20 it;

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

24 (5) the request for records cannot be complied with by  
25 the school district within the time limits prescribed by  
26 subsection (c) of this Section without unduly burdening or

1 interfering with the operations of the school district; or

2 (6) there is a need for consultation, which shall be  
3 conducted with all practicable speed, with another public  
4 body or school district or among 2 or more components of a  
5 public body or school district having a substantial  
6 interest in the determination or in the subject matter of  
7 the request.

8 The person making a request and the school district may  
9 agree in writing to extend the time for compliance for a period  
10 to be determined by the parties. If the requester and the  
11 school district agree to extend the period for compliance, a  
12 failure by the school district to comply with any previous  
13 deadlines shall not be treated as a denial of the request for  
14 the records.

15 (d) The school may charge its reasonable costs for the  
16 copying of school student records, not to exceed the amounts  
17 fixed in schedules adopted by the State Board, to any person  
18 permitted to copy such records, except that no parent or  
19 student shall be denied a copy of school student records as  
20 permitted under this Section 5 for inability to bear the cost  
21 of such copying.

22 (e) Nothing contained in this Section 5 shall make  
23 available to a parent or student or, if applicable, the  
24 Department's Office of Education and Transition Services  
25 confidential letters and statements of recommendation  
26 furnished in connection with applications for employment to a

1 post-secondary educational institution or the receipt of an  
2 honor or honorary recognition, provided such letters and  
3 statements are not used for purposes other than those for which  
4 they were specifically intended, and

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

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

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

12 (1) Communications otherwise protected by law as  
13 privileged or confidential, including but not limited to,  
14 information communicated in confidence to a physician,  
15 psychologist or other psychotherapist, school social  
16 worker, school counselor, school psychologist, or school  
17 social worker, school counselor, or school psychologist  
18 intern who works under the direct supervision of a school  
19 social worker, school counselor, or school psychologist;  
20 or

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

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

26 (g) No school employee shall be subjected to adverse



1 employment action, the threat of adverse employment action, or  
2 any manner of discrimination because the employee is acting or  
3 has acted to protect communications as privileged or  
4 confidential pursuant to applicable provisions of State or  
5 federal law or rule or regulation.

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

7 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

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

14 (2) to an employee or official of the school or school  
15 district or State Board with current demonstrable  
16 educational or administrative interest in the student, in  
17 furtherance of such interest;

18 (3) to the official records custodian of another school  
19 within Illinois or an official with similar  
20 responsibilities of a school outside Illinois, in which the  
21 student has enrolled, or intends to enroll, upon the  
22 request of such official or student;

23 (4) to any person for the purpose of research,  
24 statistical reporting, or planning, provided that such  
25 research, statistical reporting, or planning is

1 permissible under and undertaken in accordance with the  
2 federal Family Educational Rights and Privacy Act (20  
3 U.S.C. 1232g);

4 (5) pursuant to a court order, provided that the parent  
5 shall be given prompt written notice upon receipt of such  
6 order of the terms of the order, the nature and substance  
7 of the information proposed to be released in compliance  
8 with such order and an opportunity to inspect and copy the  
9 school student records and to challenge their contents  
10 pursuant to Section 7;

11 (6) to any person as specifically required by State or  
12 federal law;

13 (6.5) to juvenile authorities when necessary for the  
14 discharge of their official duties who request information  
15 prior to adjudication of the student and who certify in  
16 writing that the information will not be disclosed to any  
17 other party except as provided under law or order of court.  
18 For purposes of this Section "juvenile authorities" means:  
19 (i) a judge of the circuit court and members of the staff  
20 of the court designated by the judge; (ii) parties to the  
21 proceedings under the Juvenile Court Act of 1987 and their  
22 attorneys; (iii) probation officers and court appointed  
23 advocates for the juvenile authorized by the judge hearing  
24 the case; (iv) any individual, public or private agency  
25 having custody of the child pursuant to court order; (v)  
26 any individual, public or private agency providing

1 education, medical or mental health service to the child  
2 when the requested information is needed to determine the  
3 appropriate service or treatment for the minor; (vi) any  
4 potential placement provider when such release is  
5 authorized by the court for the limited purpose of  
6 determining the appropriateness of the potential  
7 placement; (vii) law enforcement officers and prosecutors;  
8 (viii) adult and juvenile prisoner review boards; (ix)  
9 authorized military personnel; (x) individuals authorized  
10 by court;

11 (7) subject to regulations of the State Board, in  
12 connection with an emergency, to appropriate persons if the  
13 knowledge of such information is necessary to protect the  
14 health or safety of the student or other persons;

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

24 (9) to a governmental agency, or social service agency  
25 contracted by a governmental agency, in furtherance of an  
26 investigation of a student's school attendance pursuant to

1 the compulsory student attendance laws of this State,  
2 provided that the records are released to the employee or  
3 agent designated by the agency;

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

14 (11) to the Department of Healthcare and Family  
15 Services in furtherance of the requirements of Section  
16 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
17 Section 10 of the School Breakfast and Lunch Program Act;

18 ~~or~~

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

26 (13) if the student is in the legal custody of the

1       Department of Children and Family Services, to the  
2       Department's Office of Education and Transition Services.

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

15      (c) A record of any release of information pursuant to this  
16      Section must be made and kept as a part of the school student  
17      record and subject to the access granted by Section 5. Such  
18      record of release shall be maintained for the life of the  
19      school student records and shall be available only to the  
20      parent and the official records custodian. Each record of  
21      release shall also include:

22           (1) the nature and substance of the information  
23           released;

24           (2) the name and signature of the official records  
25           custodian releasing such information;

26           (3) the name of the person requesting such information,

1 the capacity in which such a request has been made, and the  
2 purpose of such request;

3 (4) the date of the release; and

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

5 (d) Except for the student and his or her parents or, if  
6 applicable, the Department's Office of Education and  
7 Transition Services, no person to whom information is released  
8 pursuant to this Section and no person specifically designated  
9 as a representative by a parent may permit any other person to  
10 have access to such information without a prior consent of the  
11 parent obtained in accordance with the requirements of  
12 subparagraph (8) of paragraph (a) of this Section.

13 (e) Nothing contained in this Act shall prohibit the  
14 publication of student directories which list student names,  
15 addresses and other identifying information and similar  
16 publications which comply with regulations issued by the State  
17 Board.

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 105 ILCS 5/10-20.59

4 105 ILCS 5/10-20.73 new

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

6 105 ILCS 5/13B-60.10

7 105 ILCS 5/14-8.02 from Ch. 122, par. 14-8.02

8 105 ILCS 5/34-18.52

9 105 ILCS 5/34-81.66 new

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

11 105 ILCS 10/4 from Ch. 122, par. 50-4

12 105 ILCS 10/5 from Ch. 122, par. 50-5

13 105 ILCS 10/6 from Ch. 122, par. 50-6