



Sen. Don Harmon

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10100SB2360sam001

LRB101 15717 CMG 70945 a

1 AMENDMENT TO SENATE BILL 2360

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2360 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois School Student Records Act is  
5 amended by changing Section 6 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           (B) The sharing of student information applies  
21 only to students who have been enrolled in both  
22 districts or would be enrolled in both districts based  
23 on district attendance boundaries.

24           (C) The sharing of student information does not  
25 exceed the scope of information that is shared among  
26 schools in a unit school district. However, the terms

1           of an intergovernmental agreement may place further  
2           limitations on the information that is allowed to be  
3           shared.

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

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

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

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

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

4           (4) the date of the release; and

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

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