



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5126

Introduced 1/29/2010, by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.24c new
30 ILCS 805/8.34 new

Amends the School Code. Provides that except as provided in specified provisions, specified information must not become part of the pupil's record without the written consent of the pupil who disclosed the confidential information to the school counselor or school counselor intern. Specifies circumstances under which information may be disclosed. Provides that a school counselor or school counselor intern may not disclose information deemed to be confidential pursuant to specified provisions to the parents of the pupil when the school counselor or school counselor intern (1) has reasonable cause to believe that the disclosure would result in a clear and present danger to the health, safety, or welfare of the pupil or (2) is ordered by a court of law to disclose specified information. Provides that nothing in specified provisions shall be deemed to limit access to a pupil's records. Provides that it is the intent of the General Assembly that school counselors use the privilege of confidentiality to assist the pupil whenever possible to communicate more effectively with parents, school staff, and others. Amends the State Mandates Act to require implementation without reimbursement.

LRB096 16347 MJR 31611 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 adding Section
5 10-22.24c as follows:

6 (105 ILCS 5/10-22.24c new)

7 Sec. 10-22.24c. School counseling confidentiality.

8 (a) Except as provided in subsection (b) of this Section,
9 the following information must not become part of the pupil's
10 record without the written consent of the pupil who disclosed
11 the confidential information to the school counselor or school
12 counselor intern:

13 (1) Any information that is communicated by a pupil in
14 the process of receiving school counseling services, as
15 defined in Section 10-22.24b of this Code, from a school
16 counselor or a school counselor intern.

17 (2) Any information that is disclosed to a school
18 counselor or a school counselor intern by a parent or
19 guardian of a pupil who is in the process of receiving
20 school counseling services, as defined in Section
21 10-22.24b of this Code, from a school counselor or a school
22 counselor intern.

23 (b) The information described under subsection (a) of this

1 Section must not be revealed, released, discussed, or referred
2 to, except under the following circumstances:

3 (1) Discussion with psychotherapists, other health
4 care providers, or the school nurse for the sole purpose of
5 referring the pupil for treatment.

6 (2) Reporting of child abuse or neglect as required by
7 law.

8 (3) Reporting information to the principal or parents
9 of the pupil when the school counselor or school counselor
10 intern has reasonable cause to believe that disclosure is
11 necessary to avert a clear, imminent risk of serious
12 physical or mental injury or disease or death being
13 inflicted upon the pupil who disclosed the confidential
14 information to the school counselor, school counselor
15 intern, or upon other persons in or outside the school
16 community, including, but not limited to, administrators,
17 teachers, school staff, parents, pupils, and other
18 community members.

19 (4) Reporting information to one or more persons
20 specified in a written waiver of confidentiality after that
21 waiver is read and signed by the pupil and preserved in the
22 pupil's file.

23 (c) Notwithstanding any other provision of this Section, a
24 school counselor or school counselor intern may not disclose
25 information deemed to be confidential pursuant to this Section
26 to the parents of the pupil when the school counselor or school

1 counselor intern has reasonable cause to believe that the
2 disclosure would result in a clear and present danger to the
3 health, safety, or welfare of the pupil.

4 (d) Notwithstanding any other provision of this Section, a
5 school counselor or school counselor intern shall disclose
6 information deemed to be confidential pursuant to this Section
7 to law enforcement agencies when ordered to do so by order of a
8 court of law or when ordered to testify in an administrative or
9 judicial proceeding by order of a court of law.

10 (e) Nothing in this Section shall be deemed to limit access
11 to a pupil's records. Nothing in this Section shall be deemed
12 to limit the school counselor or school counselor intern from
13 conferring with other school staff, as appropriate, regarding
14 the modification of a the pupil's academic program.

15 (f) It is the intent of the General Assembly that school
16 counselors use the privilege of confidentiality under this
17 Section to assist the pupil whenever possible to communicate
18 more effectively with parents, school staff, and others.

19 Section 90. The State Mandates Act is amended by adding
20 Section 8.34 as follows:

21 (30 ILCS 805/8.34 new)

22 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the
24 implementation of any mandate created by this amendatory Act of

1 the 96th General Assembly.