



Sen. Heather Steans

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1 AMENDMENT TO SENATE BILL 1828

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1828 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the P-20  
5 Longitudinal Education Data System Act.

6 Section 5. Findings; declarations. The General Assembly  
7 finds and declares all of the following:

8 (1) Sound data collection, reporting, and analysis are  
9 critical to building a State education system capable of  
10 ensuring all Illinois students are adequately prepared for  
11 college and the global workforce. School districts and  
12 institutions of higher learning can improve instructional  
13 and educational decision-making using data that is  
14 collected and made available by this State.

15 (2) Reliable and sufficient education data is  
16 necessary to ensure that this State bases education policy

1 decisions on valid, objective measures of student  
2 outcomes. Publicly accessible data on State, school  
3 district, and school performance allows the citizens of  
4 this State to assess local and statewide investments in  
5 education.

6 (3) A national collaborative effort among State  
7 education officials, national education organizations, and  
8 state and federal policymakers has defined the essential  
9 elements a State longitudinal data system should contain.  
10 Public Law 110-69, the America COMPETES Act, requires state  
11 longitudinal data systems to include all 10 elements  
12 identified by this national, collaborative effort for  
13 states to qualify for federal funding opportunities. The  
14 federal American Recovery and Reinvestment Act of 2009  
15 requires states to establish longitudinal data systems  
16 with all 10 elements to qualify for federal funding for  
17 education, public safety, and other government services.

18 (4) Public Law 110-134 requires the Illinois Early  
19 Learning Council to develop recommendations regarding the  
20 establishment of a unified data collection system for  
21 public early childhood education and development programs  
22 and services throughout this State, and those efforts  
23 should be coordinated with the development of this State's  
24 longitudinal data system.

25 (5) State education policymaking benefits from  
26 partnerships between State education agencies and entities

1 with expertise in education research, including school  
2 districts, institutions of higher learning, and research  
3 organizations. This State should establish systems and  
4 processes to permit qualified researchers to assist with  
5 State evaluation and research functions in a manner  
6 consistent with privacy protection laws.

7 (6) State education systems and national policymaking  
8 benefit from multi-state collaborations that are informed  
9 by high quality data collection systems.

10 (7) This State is committed to establishing and  
11 maintaining a longitudinal student unit record data system  
12 that educators and policymakers can use to analyze and  
13 assess student progress from early learning programs  
14 through postsecondary education and into employment. The  
15 State Board of Education, the Illinois Community College  
16 Board, and the Board of Higher Education have designed,  
17 built, and deployed some of the fundamental components of a  
18 longitudinal data system and have engaged in extensive  
19 efforts to effectively link and use available education  
20 data. However, the various education data components  
21 maintained by this State must be integrated and managed in  
22 a cooperative manner to establish a data-driven,  
23 decision-making environment for this State's education  
24 system.

25 (8) The longitudinal data system established by this  
26 Act is intended, among other purposes, to link student test

1 scores, length of enrollment, and graduation records over  
2 time, as permitted by Section 1111(b)(3)(B) of the federal  
3 Elementary and Secondary Education Act (20 U.S.C.  
4 6311(b)(3)(B)).

5 (9) Students will achieve improved learning outcomes  
6 as a result of the longitudinal data system established by  
7 this Act through instruction and educational programs  
8 informed by valid and reliable data.

9 (10) State use and management of education data must be  
10 in accordance with all legal requirements protecting  
11 student privacy and must protect personal information from  
12 intentional or accidental release to unauthorized persons  
13 and from intentional or accidental use for unauthorized  
14 purposes.

15 Section 10. Definitions. In this Act:

16 "Community College Board" means the Illinois Community  
17 College Board.

18 "Community colleges" has the meaning ascribed to that term  
19 in Section 1-2 of the Public Community College Act.

20 "Early learning" means any publicly funded education and  
21 care program supporting young children not yet enrolled in  
22 kindergarten.

23 "Elementary" means kindergarten through eighth grade.

24 "Institution of higher learning" has the meaning ascribed  
25 to that term in Section 10 of the Higher Education Student

1 Assistance Act.

2 "Longitudinal data system" means a student unit record data  
3 system that links student records from early learning through  
4 the postsecondary level, which may consist of separate student  
5 unit record systems integrated through agreement and data  
6 transfer mechanisms.

7 "Privacy protection laws" means the federal Family  
8 Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g),  
9 the Illinois School Students Record Act, the Personal  
10 Information Protection Act, and any other State or federal law  
11 relating to the confidentiality and protection of personally  
12 identifiable information.

13 "Research organization" means a governmental entity,  
14 institution of higher learning, public policy or advocacy  
15 organization, or other person or entity conducting educational  
16 research that (i) is qualified to perform educational research  
17 and protect the privacy of student data, (ii) is seeking to  
18 perform research for a non-commercial purpose authorized by  
19 privacy protection laws, and (iii) agrees to perform the  
20 research pursuant to a written agreement meeting the  
21 requirements of privacy protection laws and this Act.

22 "School" means any elementary or secondary educational  
23 institution, charter school, vocational school, special  
24 education facility, or any other elementary or secondary  
25 educational agency or institution, but does not include a  
26 non-public school.

1 "Secondary" means ninth through twelfth grade.

2 "State Board" means the State Board of Education.

3 "State Education Authorities" means the State Board,  
4 Community College Board, and Board of Higher Education.

5 Section 15. Establishment of the longitudinal data system  
6 and data warehouse.

7 (a) The State Education Authorities shall jointly  
8 establish and maintain a longitudinal data system by entering  
9 into one or more agreements that link early learning,  
10 elementary, and secondary school student unit records with  
11 institution of higher learning student unit records. To the  
12 extent authorized by this Section and Section 20 of this Act:

13 (1) the State Board is responsible for collecting and  
14 maintaining authoritative enrollment, completion, and  
15 student characteristic information on early learning,  
16 public school (kindergarten through grade 12), and  
17 non-public school (kindergarten through grade 12)  
18 students;

19 (2) the Community College Board is responsible for  
20 collecting and maintaining authoritative enrollment,  
21 completion, and student characteristic information on  
22 community college students; and

23 (3) the Board of Higher Education is responsible for  
24 collecting and maintaining authoritative enrollment,  
25 completion, and student characteristic information on

1 students enrolled in institutions of higher learning,  
2 other than community colleges.

3 (b) On or before June 30, 2013, subject to the availability  
4 of funding through appropriations made specifically for the  
5 purposes of this Act, the State Education Authorities shall  
6 improve and expand the longitudinal data system to enable the  
7 State Education Authorities to perform or cause to be performed  
8 all of the following activities and functions:

9 (1) Reduce, to the maximum extent possible, the data  
10 collection burden on school districts and institutions of  
11 higher learning by using data submitted to the system for  
12 multiple reporting and analysis functions.

13 (2) Provide authorized officials of early learning  
14 programs, schools, school districts, and institutions of  
15 higher learning with access to their own student-level  
16 data, summary reports, and data that can be integrated with  
17 additional data maintained outside of the system to inform  
18 education decision-making.

19 (3) Link data to instructional management tools that  
20 support instruction and assist collaboration among  
21 teachers and postsecondary instructors.

22 (4) Enhance and expand existing high  
23 school-to-postsecondary reporting systems to inform school  
24 and school district officials, education policymakers, and  
25 members of the public about public school students'  
26 performance in postsecondary education.

1           (5) Provide data reporting, analysis, and planning  
2 tools that assist with financial oversight, human resource  
3 management, and other education support functions.

4           (6) Improve student access to educational  
5 opportunities by linking data to student college and career  
6 planning portals, facilitating the submission of  
7 electronic transcripts and scholarship and financial aid  
8 applications, and enabling the transfer of student records  
9 to officials of a school or institution of higher learning  
10 where a student enrolls or seeks or intends to enroll.

11          (7) Establish a public Internet web interface that  
12 provides non-confidential data reports and permits queries  
13 so that parents, the media, and other members of the public  
14 can more easily access information pertaining to  
15 statewide, district, and school performance.

16          (8) Provide research and reports to the General  
17 Assembly that assist with evaluating the effectiveness of  
18 specific programs and that enable legislators to analyze  
19 educational performance within their legislative  
20 districts.

21          (9) Allow the State Education Authorities to  
22 efficiently meet federal and State reporting requirements  
23 by drawing data for required reports from multiple State  
24 systems.

25          (10) Establish a system to evaluate teacher and  
26 administrator preparation programs using student academic



1 growth as one component of evaluation.

2 (11) In accordance with a data sharing agreement  
3 entered into between the State Education Authorities and  
4 the Illinois Student Assistance Commission, establish  
5 procedures and systems to evaluate the relationship  
6 between need-based financial aid and student enrollment  
7 and success in institutions of higher learning.

8 (12) In accordance with data sharing agreements  
9 entered into between the State Education Authorities and  
10 health and human service agencies, establish procedures  
11 and systems to evaluate the relationship between education  
12 and other student and family support systems.

13 (13) In accordance with data sharing agreements  
14 entered into between the State Education Authorities and  
15 employment and workforce development agencies, establish  
16 procedures and systems to evaluate the relationship  
17 between education programs and outcomes and employment  
18 fields, employment locations, and employment outcomes.

19 (c) On or before June 30, 2013, subject to the availability  
20 of funding through appropriations made specifically for the  
21 purposes of this Act, the State Board shall establish a data  
22 warehouse that integrates data from multiple student unit  
23 record systems and supports all of the uses and functions of  
24 the longitudinal data system set forth in this Act. The data  
25 warehouse must be developed in cooperation with the Community  
26 College Board and the Board of Higher Education and must have

1 the ability to integrate longitudinal data from early learning  
2 through the postsecondary level in accordance with one or more  
3 data sharing agreements entered into among the State Education  
4 Authorities. The data warehouse, as integrated with the  
5 longitudinal data system, must include, but is not limited to,  
6 all of the following elements:

7 (1) A unique statewide student identifier that  
8 connects student data across key databases across years.  
9 The unique statewide student identifier must not be derived  
10 from a student's social security number and must be  
11 provided to institutions of higher learning to assist with  
12 linkages between early learning through secondary and  
13 postsecondary data.

14 (2) Student-level enrollment, demographic, and program  
15 participation information, including information on  
16 participation in dual credit programs.

17 (3) The ability to match individual students'  
18 elementary and secondary test records from year to year to  
19 measure academic growth.

20 (4) Information on untested students in the elementary  
21 and secondary levels, and the reasons they were not tested.

22 (5) A teacher and administrator identifier system with  
23 the ability to match students to early learning,  
24 elementary, and secondary teachers and elementary and  
25 secondary administrators. Information able to be obtained  
26 only as a result of the linkage of teacher and student data

1 through the longitudinal data system may not be used by a  
2 school district for decisions involving teacher pay or  
3 teacher benefits unless the district and the exclusive  
4 bargaining representative of the district's teachers, if  
5 any, have agreed to this use. Information able to be  
6 obtained only as a result of the linkage of teacher and  
7 student data through the longitudinal data system may not  
8 be used by a school district as part of an evaluation under  
9 Article 24A of the School Code unless, in good faith  
10 cooperation with the school district's teachers or, where  
11 applicable, the exclusive bargaining representative of the  
12 school district's teachers, the school district has  
13 developed an evaluation plan or substantive change to an  
14 evaluation plan that specifically describes the school  
15 district's rationale for using this information for  
16 evaluations, how this information will be used as part of  
17 the evaluation process, and how this information will  
18 relate to evaluation standards. However, nothing in this  
19 subdivision (5) or elsewhere in this Act limits or  
20 restricts (i) a district's use of any local or State data  
21 that has been obtained independently from the linkage of  
22 teacher and student data through the longitudinal data  
23 system or (ii) a charter school's use of any local or State  
24 data in connection with teacher pay, benefits, or  
25 evaluations.

26 (6) Student-level transcript information, including

1 information on courses completed and grades earned, from  
2 middle and high schools. The State Board shall establish a  
3 statewide course classification system based upon the  
4 federal School Codes for Exchange of Data or a similar  
5 course classification system. Each school district and  
6 charter school shall map its course descriptions to the  
7 statewide course classification system for the purpose of  
8 State reporting. School districts and charter schools are  
9 not required to change or modify the locally adopted course  
10 descriptions used for all other purposes. The State Board  
11 shall establish or contract for the establishment of a  
12 technical support and training system to assist schools and  
13 districts with the implementation of this item (6) and  
14 shall, to the extent possible, collect transcript data  
15 using a system that permits automated reporting from  
16 district student information systems.

17 (7) Student-level college readiness test scores.

18 (8) Student-level graduation and dropout data.

19 (9) The ability to match early learning through  
20 secondary student unit records with institution of higher  
21 learning student unit record systems.

22 (10) A State data audit system assessing data quality,  
23 validity, and reliability.

24 (d) Using data provided to and maintained by the  
25 longitudinal data system, the State Education Authorities may,  
26 in addition to functions and activities specified elsewhere in

1 this Section, perform and undertake the following:

2 (1) research for or on behalf of early learning  
3 programs, schools, school districts, or institutions of  
4 higher learning, which may be performed by one or more  
5 State Education Authorities or through agreements with  
6 research organizations meeting all of the requirements of  
7 this Act and privacy protection laws; and

8 (2) audits or evaluations of federal or  
9 State-supported education programs and activities to  
10 enforce federal or State legal requirements with respect to  
11 those programs. Each State Education Authority may assist  
12 another State Education Authority with audit, evaluation,  
13 or enforcement activities and may disclose education  
14 records with each other for those activities relating to  
15 any early learning through postsecondary program. The  
16 State Education Authorities may disclose student  
17 information to authorized officials of a student's former  
18 early learning program, school, or school district to  
19 assist with the evaluation of federal or State-supported  
20 education programs.

21 (e) In establishing, operating, and expanding the  
22 longitudinal data system, the State Education Authorities  
23 shall convene stakeholders and create opportunities for input  
24 and advice in the areas of data ownership, data use, research  
25 priorities, data management, confidentiality, data access, and  
26 reporting from the system. Such stakeholders include, but are

1 not limited to, public and non-public institutions of higher  
2 learning, school districts, charter schools, non-public  
3 elementary and secondary schools, early learning programs,  
4 teachers, professors, parents, principals and administrators,  
5 school research consortiums, education policy and advocacy  
6 organizations, news media, the Illinois Student Assistance  
7 Commission, the Illinois Education Research Council, the  
8 Department of Commerce and Economic Opportunity, the Illinois  
9 Early Learning Council, and the Legislative Research Unit.

10 (f) Representatives of the State Education Authorities  
11 shall report to and advise the Illinois P-20 Council on the  
12 implementation, operation, and expansion of the longitudinal  
13 data system.

14 (g) Appropriations made to the State Education Authorities  
15 for the purposes of this Act shall be used exclusively for  
16 expenses for the development and operation of the longitudinal  
17 data system. Authorized expenses of the State Education  
18 Authorities may relate to contracts with outside vendors for  
19 the development and operation of the system, agreements with  
20 other governmental entities or research organizations for  
21 authorized uses and functions of the system, technical support  
22 and training for entities submitting data to the system, or  
23 regular or contractual employees necessary for the system's  
24 development or operation.

25 Section 20. Collection and maintenance of data.

1           (a) The State Board is authorized to collect and maintain  
2 data from school districts, schools, and early learning  
3 programs and disclose this data to the longitudinal data system  
4 for the purposes set forth in this Act. The State Board shall  
5 collect data from charter schools with more than one campus in  
6 a manner that can be disaggregated by campus site. The State  
7 Board may also disclose data to the longitudinal data system  
8 that the State Board is otherwise authorized by law to collect  
9 and maintain.

10           On or before July 1, 2010, the State Board shall establish  
11 procedures through which State-recognized, non-public schools  
12 may elect to participate in the longitudinal data system by  
13 disclosing data to the State Board for one or more of the  
14 purposes set forth in this Act.

15           Subject to the availability of funding through  
16 appropriations made specifically for the purposes of this Act,  
17 the State Board shall establish or contract for the  
18 establishment of a technical support and training system to  
19 assist school districts, schools, and early learning programs  
20 with data submission, use, and analysis.

21           (b) The Community College Board is authorized to collect  
22 and maintain data from community college districts and disclose  
23 this data to the longitudinal data system for the purposes set  
24 forth in this Act. The Community College Board may also  
25 disclose data to the longitudinal data system that the  
26 Community College Board is otherwise authorized by law to

1 collect and maintain.

2 Subject to the availability of funding through  
3 appropriations made specifically for the purposes of this Act,  
4 the Community College Board shall establish or contract for the  
5 establishment of a technical support and training system to  
6 assist community colleges with data submission, use, and  
7 analysis.

8 (c) The Board of Higher Education is authorized to collect  
9 and maintain data from any public institution of higher  
10 learning, other than community colleges, and disclose this data  
11 to the longitudinal data system for the purposes set forth in  
12 this Act. The Board of Higher Education may also disclose data  
13 to the longitudinal data system that the Board of Higher  
14 Education is otherwise authorized by law to collect and  
15 maintain.

16 Beginning on July 1, 2012, the Board of Higher Education is  
17 authorized to collect and maintain data from any non-public  
18 institution of higher learning enrolling one or more students  
19 receiving Monetary Award Program grants, pursuant to Section 35  
20 of the Higher Education Student Assistance Act, and disclose  
21 this data to the longitudinal data system for the purposes set  
22 forth in this Act. Prior to July 1, 2012, any non-public  
23 institution of higher learning may elect to participate in the  
24 longitudinal data system by disclosing data for one or more of  
25 the purposes set forth in this Act to the Board of Higher  
26 Education or to a consortium that has contracted with the Board



1 of Higher Education pursuant to this subsection (c).

2 The Board of Higher Education may contract with one or more  
3 voluntary consortiums of non-public institutions of higher  
4 learning established for the purpose of data sharing, research,  
5 and analysis. The contract may allow the consortium to collect  
6 data from participating institutions on behalf of the Board of  
7 Higher Education. The contract may provide for consultation  
8 with a representative committee of participating institutions  
9 and a representative of one or more organizations representing  
10 the participating institutions prior to the use of data from  
11 the consortium for a data sharing arrangement entered into with  
12 any party other than a State Education Authority pursuant to  
13 Section 25 of this Act. The contract may further provide that  
14 individual institutions of higher learning shall have the right  
15 to opt out of specific uses of their data or portions thereof  
16 for reasons specified in the contract. Student-level data  
17 submitted by each institution of higher learning participating  
18 in a consortium that has contracted with the Board of Higher  
19 Education pursuant to this paragraph shall remain the property  
20 of that institution. Upon notice to the consortium and the  
21 Board of Higher Education, any non-public institution of higher  
22 learning shall have the right to remove its data from the  
23 consortium if the institution has reasonable cause to believe  
24 that there is a threat to the security of its data or its data  
25 is used in a manner that violates the terms of the contract  
26 between the consortium and the Board of Higher Education. In

1 the event data is removed from a consortium pursuant to the  
2 preceding sentence, the data must be returned by the  
3 institution to the consortium after the basis for removal has  
4 been corrected. The data submitted from the consortium to the  
5 Board of Higher Education must be used only for agreed-upon  
6 purposes, as stated in the terms of the contract between the  
7 consortium and the Board of Higher Education. Non-public  
8 institutions of higher learning submitting student-level data  
9 to a consortium that has contracted with the Board of Higher  
10 Education pursuant to this paragraph shall not be required to  
11 submit student-level data to the Board of Higher Education.

12 Subject to the availability of funding through  
13 appropriations made specifically for the purposes of this Act,  
14 the Board of Higher Education shall establish or contract for  
15 the establishment of a technical support and training system to  
16 assist institutions of higher learning, other than community  
17 colleges, with data submission, use, and analysis. The Board of  
18 Higher Education may make available grant funding to a  
19 consortium of non-public institutions of higher learning to  
20 provide assistance in the development of a data collection  
21 system. The Board of Higher Education shall engage in a  
22 cooperative planning process with public and non-public  
23 institutions of higher learning and statewide higher education  
24 associations in connection with all of the activities  
25 authorized by this subsection (c).

26 (d) The State Education Authorities shall establish

1 procedures and requirements relating to the submission of data  
2 authorized to be collected pursuant to this Section, including  
3 requirements for data specifications, quality, security, and  
4 timeliness. All early learning programs, schools, school  
5 districts, and institutions of higher learning subject to the  
6 data collection authority of a State Education Authority  
7 pursuant to this Section shall comply with the State Education  
8 Authority's procedures and requirements for data submissions.  
9 A State Education Authority may require that staff responsible  
10 for collecting, validating, and submitting data participate in  
11 training and technical assistance offered by this State if data  
12 is not submitted in accordance with applicable procedures and  
13 requirements.

14 Section 25. Data sharing.

15 (a) The State Education Authorities may disclose data from  
16 the longitudinal data system collected pursuant to Section 20  
17 of this Act only in connection with a data sharing arrangement  
18 meeting the requirements of this Section.

19 (b) Any State agency, board, authority, or commission may  
20 enter into a data sharing arrangement with one or more of the  
21 State Education Authorities to share data to support the  
22 research and evaluation activities authorized by this Act.  
23 State Education Authorities may also enter into data sharing  
24 arrangements with other governmental entities, institutions of  
25 higher learning, and research organizations that support the

1 research and evaluation activities authorized by this Act.

2 (c) Any data sharing arrangement entered into pursuant to  
3 this Section must:

4 (1) be permissible under and undertaken in accordance  
5 with privacy protection laws;

6 (2) be approved by the following persons:

7 (A) the State Superintendent of Education or his or  
8 her designee for the use of early learning, public  
9 school, and non-public school student data;

10 (B) the chief executive officer of the Community  
11 College Board or his or her designee for the use of  
12 community college student data; and

13 (C) the executive director of the Board of Higher  
14 Education or his or her designee for the use of student  
15 data from an institution of higher learning, other than  
16 a community college;

17 (3) not permit the personal identification of any  
18 person by individuals other than authorized  
19 representatives of the recipient entity that have  
20 legitimate interests in the information;

21 (4) ensure the destruction or return of the data when  
22 no longer needed for the authorized purposes under the data  
23 sharing arrangement; and

24 (5) be performed pursuant to a written agreement with  
25 the recipient entity that does the following:

26 (A) specifies the purpose, scope, and duration of

1 the data sharing arrangement;

2 (B) requires the recipient of the data to use  
3 personally identifiable information from education  
4 records to meet only the purpose or purposes of the  
5 data sharing arrangement stated in the written  
6 agreement;

7 (C) describes specific data access, use, and  
8 security restrictions that the recipient will  
9 undertake; and

10 (D) includes such other terms and provisions as the  
11 State Education Authorities deem necessary to carry  
12 out the intent and purposes of this Act.

13 Section 30. Subject to privacy protection laws. The  
14 collection, use, maintenance, disclosure, and sharing of data  
15 authorized by this Act must be conducted in accordance with  
16 privacy protection laws. The State Education Authorities shall  
17 each develop security measures and procedures that protect  
18 personal information from intentional or accidental release to  
19 unauthorized persons and from intentional or accidental use for  
20 unauthorized purposes.

21 Section 35. No impact on existing authority. This Act does  
22 not modify or diminish any responsibilities or authority that a  
23 State Education Authority or the State Education Authorities  
24 collectively may otherwise have under law with respect to the

1 collection, use, maintenance, disclosure, and sharing of data.

2 Section 40. Evaluation. Subject to the availability of  
3 funding through appropriations made specifically for the  
4 purposes of this Act, the State Education Authorities shall  
5 contract with an independent outside evaluator for oversight of  
6 the development and operation of the longitudinal data system.  
7 The independent outside evaluator shall annually submit a  
8 report to the State Education Authorities, the Illinois P-20  
9 Council, the Speaker and Minority Leader of the House of  
10 Representatives, and the President and Minority Leader of the  
11 Senate. The report shall include without limitation (i) an  
12 evaluation of the extent to which the system is being developed  
13 and operated to achieve the purposes, objectives, and  
14 requirements of this Act; (ii) an evaluation of the oversight  
15 and governance of the system by the State Education Authorities  
16 and any recommendations to improve the oversight and governance  
17 of the system; and (iii) an evaluation of the security measures  
18 and procedures developed by the State Education Authorities to  
19 protect personally identifiable information and any  
20 recommendations to further ensure the privacy of personally  
21 identifiable information.

22 Section 500. The School Code is amended by changing Section  
23 27A-5 as follows:

1 (105 ILCS 5/27A-5)

2 Sec. 27A-5. Charter school; legal entity; requirements.

3 (a) A charter school shall be a public, nonsectarian,  
4 nonreligious, non-home based, and non-profit school. A charter  
5 school shall be organized and operated as a nonprofit  
6 corporation or other discrete, legal, nonprofit entity  
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article  
9 by creating a new school or by converting an existing public  
10 school or attendance center to charter school status. Beginning  
11 on the effective date of this amendatory Act of the 93rd  
12 General Assembly, in all new applications submitted to the  
13 State Board or a local school board to establish a charter  
14 school in a city having a population exceeding 500,000,  
15 operation of the charter school shall be limited to one campus.  
16 The changes made to this Section by this amendatory Act of the  
17 93rd General Assembly do not apply to charter schools existing  
18 or approved on or before the effective date of this amendatory  
19 Act.

20 (c) A charter school shall be administered and governed by  
21 its board of directors or other governing body in the manner  
22 provided in its charter. The governing body of a charter school  
23 shall be subject to the Freedom of Information Act and the Open  
24 Meetings Act.

25 (d) A charter school shall comply with all applicable  
26 health and safety requirements applicable to public schools

1 under the laws of the State of Illinois.

2 (e) Except as otherwise provided in the School Code, a  
3 charter school shall not charge tuition; provided that a  
4 charter school may charge reasonable fees for textbooks,  
5 instructional materials, and student activities.

6 (f) A charter school shall be responsible for the  
7 management and operation of its fiscal affairs including, but  
8 not limited to, the preparation of its budget. An audit of each  
9 charter school's finances shall be conducted annually by an  
10 outside, independent contractor retained by the charter  
11 school.

12 (g) A charter school shall comply with all provisions of  
13 this Article and its charter. A charter school is exempt from  
14 all other State laws and regulations in the School Code  
15 governing public schools and local school board policies,  
16 except the following:

17 (1) Sections 10-21.9 and 34-18.5 of the School Code  
18 regarding criminal history records checks and checks of the  
19 Statewide Sex Offender Database of applicants for  
20 employment;

21 (2) Sections 24-24 and 34-84A of the School Code  
22 regarding discipline of students;

23 (3) The Local Governmental and Governmental Employees  
24 Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit  
26 Corporation Act of 1986 regarding indemnification of



1 officers, directors, employees, and agents;

2 (5) The Abused and Neglected Child Reporting Act;

3 (6) The Illinois School Student Records Act; ~~and~~

4 (7) Section 10-17a of the School Code regarding school  
5 report cards; and—

6 (8) The P-20 Longitudinal Education Data System Act.

7 (h) A charter school may negotiate and contract with a  
8 school district, the governing body of a State college or  
9 university or public community college, or any other public or  
10 for-profit or nonprofit private entity for: (i) the use of a  
11 school building and grounds or any other real property or  
12 facilities that the charter school desires to use or convert  
13 for use as a charter school site, (ii) the operation and  
14 maintenance thereof, and (iii) the provision of any service,  
15 activity, or undertaking that the charter school is required to  
16 perform in order to carry out the terms of its charter.  
17 However, a charter school that is established on or after the  
18 effective date of this amendatory Act of the 93rd General  
19 Assembly and that operates in a city having a population  
20 exceeding 500,000 may not contract with a for-profit entity to  
21 manage or operate the school during the period that commences  
22 on the effective date of this amendatory Act of the 93rd  
23 General Assembly and concludes at the end of the 2004-2005  
24 school year. Except as provided in subsection (i) of this  
25 Section, a school district may charge a charter school  
26 reasonable rent for the use of the district's buildings,

1 grounds, and facilities. Any services for which a charter  
2 school contracts with a school district shall be provided by  
3 the district at cost. Any services for which a charter school  
4 contracts with a local school board or with the governing body  
5 of a State college or university or public community college  
6 shall be provided by the public entity at cost.

7 (i) In no event shall a charter school that is established  
8 by converting an existing school or attendance center to  
9 charter school status be required to pay rent for space that is  
10 deemed available, as negotiated and provided in the charter  
11 agreement, in school district facilities. However, all other  
12 costs for the operation and maintenance of school district  
13 facilities that are used by the charter school shall be subject  
14 to negotiation between the charter school and the local school  
15 board and shall be set forth in the charter.

16 (j) A charter school may limit student enrollment by age or  
17 grade level.

18 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,  
19 eff. 7-14-05.)

20 Section 505. The Illinois School Student Records Act is  
21 amended by changing Section 6 as follows:

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

1 otherwise disseminated, except as follows:

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

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

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

14 (4) To any person for the purpose of research,  
15 statistical reporting, or planning, provided that such  
16 research, statistical reporting, or planning is  
17 permissible under and undertaken in accordance with the  
18 federal Family Educational Rights and Privacy Act (20  
19 U.S.C. 1232g) ~~no student or parent can be identified from~~  
20 ~~the information released and the person to whom the~~  
21 ~~information is released signs an affidavit agreeing to~~  
22 ~~comply with all applicable statutes and rules pertaining to~~  
23 ~~school student records;~~

24 (5) Pursuant to a court order, provided that the parent  
25 shall be given prompt written notice upon receipt of such  
26 order of the terms of the order, the nature and substance

1 of the information proposed to be released in compliance  
2 with such order and an opportunity to inspect and copy the  
3 school student records and to challenge their contents  
4 pursuant to Section 7;

5 (6) To any person as specifically required by State or  
6 federal law;

7 (6.5) To juvenile authorities when necessary for the  
8 discharge of their official duties who request information  
9 prior to adjudication of the student and who certify in  
10 writing that the information will not be disclosed to any  
11 other party except as provided under law or order of court.

12 For purposes of this Section "juvenile authorities" means:

13 (i) a judge of the circuit court and members of the staff  
14 of the court designated by the judge; (ii) parties to the  
15 proceedings under the Juvenile Court Act of 1987 and their  
16 attorneys; (iii) probation officers and court appointed  
17 advocates for the juvenile authorized by the judge hearing  
18 the case; (iv) any individual, public or private agency  
19 having custody of the child pursuant to court order; (v)  
20 any individual, public or private agency providing  
21 education, medical or mental health service to the child  
22 when the requested information is needed to determine the  
23 appropriate service or treatment for the minor; (vi) any  
24 potential placement provider when such release is  
25 authorized by the court for the limited purpose of  
26 determining the appropriateness of the potential

1 placement; (vii) law enforcement officers and prosecutors;  
2 (viii) adult and juvenile prisoner review boards; (ix)  
3 authorized military personnel; (x) individuals authorized  
4 by court;

5 (7) Subject to regulations of the State Board, in  
6 connection with an emergency, to appropriate persons if the  
7 knowledge of such information is necessary to protect the  
8 health or safety of the student or other persons;

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

18 (9) To a governmental agency, or social service agency  
19 contracted by a governmental agency, in furtherance of an  
20 investigation of a student's school attendance pursuant to  
21 the compulsory student attendance laws of this State,  
22 provided that the records are released to the employee or  
23 agent designated by the agency;

24 (10) To those SHOCAP committee members who fall within  
25 the meaning of "state and local officials and authorities",  
26 as those terms are used within the meaning of the federal

1 Family Educational Rights and Privacy Act, for the purposes  
2 of identifying serious habitual juvenile offenders and  
3 matching those offenders with community resources pursuant  
4 to Section 5-145 of the Juvenile Court Act of 1987, but  
5 only to the extent that the release, transfer, disclosure,  
6 or dissemination is consistent with the Family Educational  
7 Rights and Privacy Act; or

8 (11) To the Department of Healthcare and Family  
9 Services in furtherance of the requirements of Section  
10 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
11 Section 10 of the School Breakfast and Lunch Program Act.

12 (12) To the State Board or another State government  
13 agency or between or among State government agencies in  
14 order to evaluate or audit federal and State programs or  
15 perform research and planning, but only to the extent that  
16 the release, transfer, disclosure, or dissemination is  
17 consistent with the federal Family Educational Rights and  
18 Privacy Act (20 U.S.C. 1232g ~~1221 et seq.~~).

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

1 circulation or other publication directed generally to the  
2 parents involved where the proposed release of information is  
3 pursuant to subparagraph 6 of paragraph (a) in this Section 6  
4 and relates to more than 25 students.

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

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

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

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

19 (4) The date of the release; and

20 (5) A copy of any consent to such release.

21 (d) Except for the student and his parents, no person to  
22 whom information is released pursuant to this Section and no  
23 person specifically designated as a representative by a parent  
24 may permit any other person to have access to such information  
25 without a prior consent of the parent obtained in accordance  
26 with the requirements of subparagraph (8) of paragraph (a) of

1 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. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09.)

8 Section 999. Effective date. This Act takes effect upon  
9 becoming law.".