

1 AN ACT relating to school students.

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

4 Section 5. The Department of State Police Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 2605-360 as follows:

7 (20 ILCS 2605/2605-360) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-360. Rules for confidentiality of juvenile
9 records. To develop rules that guarantee the confidentiality
10 of the individually identifiable juvenile records described
11 in Section 2605-355 except to juvenile authorities who
12 request information concerning the minor and who certify in
13 writing that the information will not be disclosed to any
14 other party except as provided under law or order of court.
15 For purposes of this Section, "juvenile authorities" means:

16 (1) A judge of the circuit court and members of the
17 staff of the court designated by the judge.

18 (2) Parties to the proceedings under the Juvenile
19 Court Act of 1987 and their attorneys.

20 (3) Probation officers and court appointed
21 advocates for the juvenile authorized by the judge
22 hearing the case.

23 (4) Any individual or public or private agency
24 having custody of the child pursuant to court order.

25 (5) Any individual or public or private agency
26 providing education, medical, or mental health services
27 to the child when the requested information is needed to
28 determine the appropriate service or treatment for the
29 minor.

30 (5.5) If the child is enrolled in public school and
31 has a propensity for violence, an employee or official of

1 the school or school district with current demonstrable
2 educational or administrative interest in the student, in
3 furtherance of this interest.

4 (5.10) If the child is enrolled in public school
5 and has a propensity for violence, the child's
6 psychiatrist, clinical psychologist, or clinical
7 professional counselor, if any.

8 (6) Any potential placement provider when the
9 release is authorized by the court for the limited
10 purpose of determining the appropriateness of the
11 potential placement.

12 (7) Law enforcement officers and prosecutors.

13 (8) Adult and juvenile prisoner review boards.

14 (9) Authorized military personnel.

15 (10) Individuals authorized by court.

16 (11) The Illinois General Assembly or any committee
17 or commission of the General Assembly.

18 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98;
19 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff.
20 7-30-98; 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

21 Section 10. The Illinois School Student Records Act is
22 amended by changing Section 6 as follows:

23 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

27 (1) To a parent or student or person specifically
28 designated as a representative by a parent, as provided
29 in paragraph (a) of Section 5;

30 (2) To an employee or official of the school or
31 school district or State Board with current demonstrable
32 educational or administrative interest in the student, in

1 furtherance of such interest;

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

7 (4) To any person for the purpose of research,
8 statistical reporting or planning, provided that no
9 student or parent can be identified from the information
10 released and the person to whom the information is
11 released signs an affidavit agreeing to comply with all
12 applicable statutes and rules pertaining to school
13 student records;

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

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

23 (6.5) To juvenile authorities when necessary for
24 the discharge of their official duties who request
25 information prior to adjudication of the student and who
26 certify in writing that the information will not be
27 disclosed to any other party except as provided under law
28 or order of court. For purposes of this Section
29 "juvenile authorities" means: (i) ~~a-judge-of-the--circuit~~
30 ~~court-and-members-of-the-staff-of-the-court-designated-by~~
31 ~~the--judge;--(ii)~~ parties to the proceedings under the
32 Juvenile Court Act of 1987 and their attorneys; (ii)
33 ~~(iii)~~ probation officers and court appointed advocates
34 for the juvenile authorized by the judge hearing the

1 case; (iii) ~~(iv)~~ any individual, public or private
2 agency having custody of the child pursuant to court
3 order; (iv) ~~(v)~~ any individual, public or private agency
4 providing education, medical or mental health service to
5 the child when the requested information is needed to
6 determine the appropriate service or treatment for the
7 minor; (v) ~~(vi)~~ any potential placement provider when
8 such release is authorized by the court for the limited
9 purpose of determining the appropriateness of the
10 potential placement; (vi) ~~(vii)~~-law-enforcement--officers
11 and prosecutors; (vii) ~~(viii)~~ adult and juvenile prisoner
12 review boards; (viii) ~~(ix)~~ authorized military personnel;
13 (ix) ~~(x)~~ individuals authorized by court;

14 (6.10) To a law enforcement officer, when necessary
15 for the discharge of his or her official duties, who
16 requests information and who certifies in writing that
17 the information will not be disclosed to any other party
18 except as provided under law or order of court;

19 (6.15) To a judge of the circuit court or any
20 member of the staff of the court designated by the judge,
21 when necessary for the discharge of the judge's official
22 duties, who requests information and who certifies in
23 writing that the information will not be disclosed to any
24 other party except as provided under law or order of
25 court;

26 (6.20) If the student has a propensity for
27 violence, to the student's psychiatrist, clinical
28 psychologist, or clinical professional counselor if that
29 therapist requests information and certifies in writing
30 that the information will not be disclosed to any other
31 party except as provided under law or order of court;

32 (7) Subject to regulations of the State Board, in
33 connection with an emergency, to appropriate persons if
34 the knowledge of such information is necessary to protect

1 the health or safety of the student or other persons;

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

12 (9) To a governmental agency, or social service
13 agency contracted by a governmental agency, in
14 furtherance of an investigation of a student's school
15 attendance pursuant to the compulsory student attendance
16 laws of this State, provided that the records are
17 released to the employee or agent designated by the
18 agency; or

19 (10) To those SHOCAP committee members who fall
20 within the meaning of "state and local officials and
21 authorities", as those terms are used within the meaning
22 of the federal Family Educational Rights and Privacy Act,
23 for the purposes of identifying serious habitual juvenile
24 offenders and matching those offenders with community
25 resources pursuant to Section 5-145 of the Juvenile Court
26 Act of 1987, but only to the extent that the release,
27 transfer, disclosure, or dissemination is consistent with
28 the Family Educational Rights and Privacy Act.

29 (b) No information may be released pursuant to
30 subparagraphs (3) or (6) of paragraph (a) of this Section 6
31 unless the parent receives prior written notice of the nature
32 and substance of the information proposed to be released, and
33 an opportunity to inspect and copy such records in accordance
34 with Section 5 and to challenge their contents in accordance

1 with Section 7. Provided, however, that such notice shall be
2 sufficient if published in a local newspaper of general
3 circulation or other publication directed generally to the
4 parents involved where the proposed release of information is
5 pursuant to subparagraph 6 of paragraph (a) in this Section 6
6 and relates to more than 25 students.

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

14 (1) The nature and substance of the information
15 released;

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

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

21 (4) The date of the release; and

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

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

30 (e) Nothing contained in this Act shall prohibit the
31 publication of student directories which list student names,
32 addresses and other identifying information and similar
33 publications which comply with regulations issued by the
34 State Board.

1 (Source: P.A. 90-566, eff. 1-2-98; 90-590, eff. 1-1-00;
2 91-357, eff. 7-29-99; 91-665, eff. 12-22-99.)

3 Section 15. The Mental Health and Developmental
4 Disabilities Confidentiality Act is amended by adding Section
5 9.5 as follows:

6 (740 ILCS 110/9.5 new)

7 Sec. 9.5. Disclosure without consent; student with a
8 propensity for violence.

9 (a) If the therapist is a psychiatrist, clinical
10 psychologist, or clinical professional counselor and the
11 recipient is enrolled in public school and has a propensity
12 for violence, then the therapist shall disclose the
13 recipient's record or communications without consent to any
14 of the following persons if that person requests information
15 and certifies in writing that the information will not be
16 disclosed to any other party except as provided under law or
17 order of court:

18 (1) An employee or official of the school or school
19 district with current demonstrable educational or
20 administrative interest in the student, in furtherance of
21 this interest.

22 (2) A law enforcement officer, when necessary for
23 the discharge of his or her official duties.

24 (3) A judge of the circuit court or any member of
25 the staff of the court designated by the judge, when
26 necessary for the discharge of the judge's official
27 duties.

28 (b) Information may be disclosed under this Section only
29 to the extent that knowledge of the record or communications
30 is essential to the purpose for which disclosure is made and
31 only after the recipient is informed that the disclosure is
32 to be made.

1 (c) Any therapist participating in good faith in the
2 disclosure of records and communications under this Section
3 has immunity from any liability, civil, criminal, or
4 otherwise, that might result by reason of the action. For the
5 purposes of any proceeding, civil or criminal, arising out of
6 a report or disclosure under this Section, the good faith of
7 the therapist shall be rebuttably presumed.

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.26 as follows:

10 (30 ILCS 805/8.26 new)

11 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6
12 and 8 of this Act, no reimbursement by the State is required
13 for the implementation of any mandate created by this
14 amendatory Act of the 92nd General Assembly.