

AN ACT regarding schools.

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

Section 5. The School Code is amended by adding Sections 2-3.131, 3-14.29, 10-28, 22-35, and 34-18.26 and changing Section 3-14 as follows:

(105 ILCS 5/2-3.131 new)

Sec. 2-3.131. Sharing information on school lunch applicants. The State Board of Education shall, whenever requested by the Department of Public Aid, agree in writing with the Department of Public Aid (as the State agency that administers the State Medical Assistance Program as provided in Title XIX of the federal Social Security Act and the State Children's Health Insurance Program as provided in Title XXI of the federal Social Security Act) to share with the Department of Public Aid information on applicants for free or reduced-price lunches. This sharing of information shall be for the sole purpose of helping the Department of Public Aid identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii). The State Board of Education may not adopt any rule that would prohibit a child from receiving any form of subsidy or benefit due to his or her parent or guardian withholding consent under Section 22-35 of this Code.

(105 ILCS 5/3-14) (from Ch. 122, par. 3-14)

Sec. 3-14. Duties of regional superintendent. The regional superintendent of schools shall perform the duties

enumerated in the following Sections preceding Section 3-15
3-14.1-through-3-14.25.

(Source: P.A. 83-503.)

(105 ILCS 5/3-14.29 new)

Sec. 3-14.29. Sharing information on school lunch
applicants. Whenever requested by the Department of Public
Aid, to agree in writing with the Department of Public Aid
(as the State agency that administers the State Medical
Assistance Program as provided in Title XIX of the federal
Social Security Act and the State Children's Health Insurance
Program as provided in Title XXI of the federal Social
Security Act) to share with the Department of Public Aid
information on applicants for free or reduced-price lunches.
This sharing of information shall be for the sole purpose of
helping the Department of Public Aid identify and enroll
children in the State Medical Assistance Program or the State
Children's Health Insurance Program or both as allowed under
42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the
restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi)
and (vii).

(105 ILCS 5/10-28 new)

Sec. 10-28. Sharing information on school lunch
applicants. A school board shall, whenever requested by the
Department of Public Aid, agree in writing with the
Department of Public Aid (as the State agency that
administers the State Medical Assistance Program as provided
in Title XIX of the federal Social Security Act and the State
Children's Health Insurance Program as provided in Title XXI
of the federal Social Security Act) to share with the
Department of Public Aid information on applicants for free
or reduced-price lunches. A school board shall, whenever
requested by the Department of Public Aid, require each of

its schools to agree in writing with the Department of Public Aid to share with the Department of Public Aid information on applicants for free or reduced-price lunches. This sharing of information shall be for the sole purpose of helping the Department of Public Aid identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

(105 ILCS 5/22-35 new)

Sec. 22-35. Sharing information on school lunch applicants; consent. Before an entity shares with the Department of Public Aid information on an applicant for free or reduced-price lunches under Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of this Code or Section 10 of the School Breakfast and Lunch Program Act, that entity must obtain, in writing, the consent of the applicant's parent or legal guardian. The Department of Public Aid may not seek any punitive action against or withhold any benefit or subsidy from an applicant for a free or reduced-price lunch due to the applicant's parent or legal guardian withholding consent.

(105 ILCS 5/34-18.26 new)

Sec. 34-18.26. Sharing information on school lunch applicants. The board shall, whenever requested by the Department of Public Aid, agree in writing with the Department of Public Aid (as the State agency that administers the State Medical Assistance Program as provided in Title XIX of the federal Social Security Act and the State Children's Health Insurance Program as provided in Title XXI of the federal Social Security Act) to share with the Department of Public Aid information on applicants for free or reduced-price lunches. The board shall, whenever

requested by the Department of Public Aid, require each of its schools to agree in writing with the Department of Public Aid to share with the Department of Public Aid information on applicants for free or reduced-price lunches. This sharing of information shall be for the sole purpose of helping the Department of Public Aid identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

Section 7. The Illinois School Student Records Act is amended by changing Section 6 as follows:

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

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

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

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

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

(4) To any person for the purpose of research, statistical reporting or planning, provided that no student or parent can be identified from the information released and the person to whom the information is

released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records;

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

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

(6.5) To juvenile authorities when necessary for the discharge of their official duties who request information prior to adjudication of the student and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to court order; (v) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and

juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court;

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

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

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

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

(11) To the Department of Public Aid in furtherance

of the requirements of Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or Section 10 of the School Breakfast and Lunch Program Act.

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

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

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

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

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

(4) The date of the release; and

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

(d) Except for the student and his parents, no person to whom information is released pursuant to this Section and no person specifically designated as a representative by a

parent may permit any other person to have access to such information without a prior consent of the parent obtained in accordance with the requirements of subparagraph (8) of paragraph (a) of this Section.

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

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

Section 10. The School Breakfast and Lunch Program Act is amended by adding Section 10 as follows:

(105 ILCS 125/10 new)

Sec. 10. Sharing information on school lunch applicants. Each private school that receives funds for free or reduced-price lunches under this Act shall, whenever requested by the Department of Public Aid, agree in writing with the Department of Public Aid (as the State agency that administers the State Medical Assistance Program as provided in Title XIX of the federal Social Security Act and the State Children's Health Insurance Program as provided in Title XXI of the federal Social Security Act) to share with the Department of Public Aid information on applicants for free or reduced-price lunches. This sharing of information shall be for the sole purpose of helping the Department of Public Aid identify and enroll children in the State Medical Assistance Program or the State Children's Health Insurance Program or both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

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Section 99. Effective date. This Act takes effect on
July 1, 2003.