

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 Illinois School Student Records Act is
5 amended by changing Sections 2 and 6 as follows:

6 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

7 (Text of Section before amendment by P.A. 102-466)

8 Sec. 2. As used in this Act:

9 (a) "Student" means any person enrolled or previously
10 enrolled in a school.

11 (b) "School" means any public preschool, day care center,
12 kindergarten, nursery, elementary or secondary educational
13 institution, vocational school, special educational facility
14 or any other elementary or secondary educational agency or
15 institution and any person, agency or institution which
16 maintains school student records from more than one school,
17 but does not include a private or non-public school.

18 (c) "State Board" means the State Board of Education.

19 (d) "School Student Record" means any writing or other
20 recorded information concerning a student and by which a
21 student may be individually identified, maintained by a school
22 or at its direction or by an employee of a school, regardless
23 of how or where the information is stored. The following shall

1 not be deemed school student records under this Act: writings
2 or other recorded information maintained by an employee of a
3 school or other person at the direction of a school for his or
4 her exclusive use; provided that all such writings and other
5 recorded information are destroyed not later than the
6 student's graduation or permanent withdrawal from the school;
7 and provided further that no such records or recorded
8 information may be released or disclosed to any person except
9 a person designated by the school as a substitute unless they
10 are first incorporated in a school student record and made
11 subject to all of the provisions of this Act. School student
12 records shall not include information maintained by law
13 enforcement professionals working in the school.

14 (e) "Student Permanent Record" means the minimum personal
15 information necessary to a school in the education of the
16 student and contained in a school student record. Such
17 information may include the student's name, birth date,
18 address, grades and grade level;; parents' or guardians' names
19 and addresses;; attendance records;; a summary of performance
20 for students that received special education services; and
21 such other entries as the State Board may require or
22 authorize. A summary of performance shall be substantially
23 similar to the summary of performance form developed by the
24 State Board. Any summary of performance maintained as part of
25 a Student Permanent Record shall be kept confidential and not
26 be disclosed except as authorized by paragraph (1) or (14) of

1 subsection (a) of Section 6. A summary of performance may be
2 excluded from a Student Permanent Record if, after being
3 notified in writing that (i) school districts do not keep
4 special education records beyond 5 years and (ii) if a summary
5 of performance record is not kept in a student's permanent
6 file, the student may not have the documentation necessary to
7 qualify for State or federal benefits in the future, the
8 student and parents or guardians consent in writing to the
9 exclusion of a summary of performance.

10 (f) "Student Temporary Record" means all information
11 contained in a school student record but not contained in the
12 student permanent record. Such information may include family
13 background information, intelligence test scores, aptitude
14 test scores, psychological and personality test results,
15 teacher evaluations, and other information of clear relevance
16 to the education of the student, all subject to regulations of
17 the State Board. The information shall include information
18 provided under Section 8.6 of the Abused and Neglected Child
19 Reporting Act and information contained in service logs
20 maintained by a local education agency under subsection (d) of
21 Section 14-8.02f of the School Code. In addition, the student
22 temporary record shall include information regarding serious
23 disciplinary infractions that resulted in expulsion,
24 suspension, or the imposition of punishment or sanction. For
25 purposes of this provision, serious disciplinary infractions
26 means: infractions involving drugs, weapons, or bodily harm to

1 another.

2 (g) "Parent" means a person who is the natural parent of
3 the student or other person who has the primary responsibility
4 for the care and upbringing of the student. All rights and
5 privileges accorded to a parent under this Act shall become
6 exclusively those of the student upon his 18th birthday,
7 graduation from secondary school, marriage or entry into
8 military service, whichever occurs first. Such rights and
9 privileges may also be exercised by the student at any time
10 with respect to the student's permanent school record.

11 (h) "Department" means the Department of Children and
12 Family Services.

13 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
14 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

15 (Text of Section after amendment by P.A. 102-466)

16 Sec. 2. As used in this Act:

17 (a) "Student" means any person enrolled or previously
18 enrolled in a school.

19 (b) "School" means any public preschool, day care center,
20 kindergarten, nursery, elementary or secondary educational
21 institution, vocational school, special educational facility
22 or any other elementary or secondary educational agency or
23 institution and any person, agency or institution which
24 maintains school student records from more than one school,
25 but does not include a private or non-public school.

1 (c) "State Board" means the State Board of Education.

2 (d) "School Student Record" means any writing or other
3 recorded information concerning a student and by which a
4 student may be individually identified, maintained by a school
5 or at its direction or by an employee of a school, regardless
6 of how or where the information is stored. The following shall
7 not be deemed school student records under this Act: writings
8 or other recorded information maintained by an employee of a
9 school or other person at the direction of a school for his or
10 her exclusive use; provided that all such writings and other
11 recorded information are destroyed not later than the
12 student's graduation or permanent withdrawal from the school;
13 and provided further that no such records or recorded
14 information may be released or disclosed to any person except
15 a person designated by the school as a substitute unless they
16 are first incorporated in a school student record and made
17 subject to all of the provisions of this Act. School student
18 records shall not include information maintained by law
19 enforcement professionals working in the school.

20 (e) "Student Permanent Record" means the minimum personal
21 information necessary to a school in the education of the
22 student and contained in a school student record. Such
23 information may include the student's name, birth date,
24 address, grades and grade level;; parents' or guardians' names
25 and addresses, attendance records;; a summary of performance
26 for students that received special education services; and

1 such other entries as the State Board may require or
2 authorize. A summary of performance shall be substantially
3 similar to the summary of performance form developed by the
4 State Board. Any summary of performance maintained as part of
5 a Student Permanent Record shall be kept confidential and not
6 be disclosed except as authorized by paragraph (1) or (14) of
7 subsection (a) of Section 6. A summary of performance may be
8 excluded from a Student Permanent Record if, after being
9 notified in writing that (i) school districts do not keep
10 special education records beyond 5 years and (ii) if a summary
11 of performance record is not kept in a student's permanent
12 file, the student may not have the documentation necessary to
13 qualify for State or federal benefits in the future, the
14 student and parents or guardians consent in writing to the
15 exclusion of a summary of performance.

16 (f) "Student Temporary Record" means all information
17 contained in a school student record but not contained in the
18 student permanent record. Such information may include family
19 background information, intelligence test scores, aptitude
20 test scores, psychological and personality test results,
21 teacher evaluations, and other information of clear relevance
22 to the education of the student, all subject to regulations of
23 the State Board. The information shall include all of the
24 following:

25 (1) Information provided under Section 8.6 of the
26 Abused and Neglected Child Reporting Act and information

1 contained in service logs maintained by a local education
2 agency under subsection (d) of Section 14-8.02f of the
3 School Code.

4 (2) Information regarding serious disciplinary
5 infractions that resulted in expulsion, suspension, or the
6 imposition of punishment or sanction. For purposes of this
7 provision, serious disciplinary infractions means:
8 infractions involving drugs, weapons, or bodily harm to
9 another.

10 (3) Information concerning a student's status and
11 related experiences as a parent, expectant parent, or
12 victim of domestic or sexual violence, as defined in
13 Article 26A of the School Code, including a statement of
14 the student or any other documentation, record, or
15 corroborating evidence and the fact that the student has
16 requested or obtained assistance, support, or services
17 related to that status. Enforcement of this paragraph (3)
18 shall follow the procedures provided in Section 26A-40 of
19 the School Code.

20 (g) "Parent" means a person who is the natural parent of
21 the student or other person who has the primary responsibility
22 for the care and upbringing of the student. All rights and
23 privileges accorded to a parent under this Act shall become
24 exclusively those of the student upon his 18th birthday,
25 graduation from secondary school, marriage or entry into
26 military service, whichever occurs first. Such rights and

1 privileges may also be exercised by the student at any time
2 with respect to the student's permanent school record.

3 (h) "Department" means the Department of Children and
4 Family Services.

5 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;
6 102-466, eff. 7-1-25; 102-558, eff. 8-20-21; 102-813, eff.
7 5-13-22.)

8 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

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

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

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

24 (4) to any person for the purpose of research,
25 statistical reporting, or planning, provided that such

1 research, statistical reporting, or planning is
2 permissible under and undertaken in accordance with the
3 federal Family Educational Rights and Privacy Act (20
4 U.S.C. 1232g);

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

12 (6) to any person as specifically required by State or
13 federal law;

14 (6.5) to juvenile authorities when necessary for the
15 discharge of their official duties who request information
16 prior to adjudication of the student and who certify in
17 writing that the information will not be disclosed to any
18 other party except as provided under law or order of
19 court. For purposes of this Section "juvenile authorities"
20 means: (i) a judge of the circuit court and members of the
21 staff of the court designated by the judge; (ii) parties
22 to the proceedings under the Juvenile Court Act of 1987
23 and their attorneys; (iii) probation officers and court
24 appointed advocates for the juvenile authorized by the
25 judge hearing the case; (iv) any individual, public or
26 private agency having custody of the child pursuant to

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

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

16 (8) to any person, with the prior specific dated
17 written consent of the parent designating the person to
18 whom the records may be released, provided that at the
19 time any such consent is requested or obtained, the parent
20 shall be advised in writing that he has the right to
21 inspect and copy such records in accordance with Section
22 5, to challenge their contents in accordance with Section
23 7 and to limit any such consent to designated records or
24 designated portions of the information contained therein;

25 (9) to a governmental agency, or social service agency
26 contracted by a governmental agency, in furtherance of an

1 investigation of a student's school attendance pursuant to
2 the compulsory student attendance laws of this State,
3 provided that the records are released to the employee or
4 agent designated by the agency;

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

15 (11) to the Department of Healthcare and Family
16 Services in furtherance of the requirements of Section
17 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
18 Section 10 of the School Breakfast and Lunch Program Act;

19 (12) to the State Board or another State government
20 agency or between or among State government agencies in
21 order to evaluate or audit federal and State programs or
22 perform research and planning, but only to the extent that
23 the release, transfer, disclosure, or dissemination is
24 consistent with the federal Family Educational Rights and
25 Privacy Act (20 U.S.C. 1232g);

26 (12.5) if the student is in the legal custody of the

1 Department of Children and Family Services, to the
2 Department's Office of Education and Transition Services;

3 ~~or~~

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

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

16 (B) The sharing of student information applies
17 only to students who have been enrolled in both
18 districts or would be enrolled in both districts based
19 on district attendance boundaries, and the student's
20 parent or guardian has expressed in writing that the
21 student intends to enroll or has enrolled in the high
22 school district.

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

1 limitations on the information that is allowed to be
2 shared; or -

3 (14) to the Department of Human Services for the sole
4 purpose of assessing or evaluating the student's
5 eligibility for Medicaid waiver benefits consistent with
6 rules adopted by the Department of Human Services.

7 (b) No information may be released pursuant to
8 subparagraph (3) or (6) of paragraph (a) of this Section 6
9 unless the parent receives prior written notice of the nature
10 and substance of the information proposed to be released, and
11 an opportunity to inspect and copy such records in accordance
12 with Section 5 and to challenge their contents in accordance
13 with Section 7. Provided, however, that such notice shall be
14 sufficient if published in a local newspaper of general
15 circulation or other publication directed generally to the
16 parents involved where the proposed release of information is
17 pursuant to subparagraph (6) of paragraph (a) of this Section
18 6 and relates to more than 25 students.

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

26 (1) the nature and substance of the information

1 released;

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

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

7 (4) the date of the release; and

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

9 (d) Except for the student and his or her parents or, if
10 applicable, the Department's Office of Education and
11 Transition Services, no person to whom information is released
12 pursuant to this Section and no person specifically designated
13 as a representative by a parent may permit any other person to
14 have access to such information without a prior consent of the
15 parent obtained in accordance with the requirements of
16 subparagraph (8) of paragraph (a) of this Section.

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

22 (Source: P.A. 102-199, eff. 7-1-22; 102-557, eff. 8-20-21;
23 102-813, eff. 5-13-22.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.