



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3685

by Rep. Aaron M. Ortiz

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.176 new

Amends the School Code. Provides that the State Board of Education, in cooperation with the Department of Human Services, must develop, publish, and make publicly available policies and procedures that comply with the federal Family Educational Rights and Privacy Act of 1974, including, but not limited to, policies that restrict access to the personally identifiable information of a student or a student's parent or guardian. Provides that, subject to the requirements of the Illinois School Student Records Act and the Student Online Personal Protection Act, the State Board may, in cooperation with the Department of Human Services, collect personally identifiable information of a student or a student's parent or guardian only as required to assess eligibility for or to administer public services or programs. Provides that any information collected, whether written or oral, must be kept confidential, with exceptions. Provides for legislative findings.

LRB101 10598 AXK 55704 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by adding Section  
5 2-3.176 as follows:

6 (105 ILCS 5/2-3.176 new)

7 Sec. 2-3.176. Federal Family Educational Rights and  
8 Privacy Act of 1974; policies.

9 (a) The General Assembly finds and declares all of the  
10 following:

11 (1) The privacy of Illinois citizens is of the utmost  
12 importance, and protecting their privacy is a top priority  
13 for the lawmakers of this State.

14 (2) It is imperative that personal information stay  
15 confidential unless otherwise chosen to be disclosed on an  
16 individual basis.

17 (3) The privacy of our children is critically  
18 important, especially the privacy of any student data and  
19 any information collected in educational settings,  
20 including day care, home-visiting programs, prevention  
21 initiatives, after-school programs, early intervention  
22 programs, preschool, and a student's kindergarten through  
23 grade 12 educational experience.

1           (4) Schools and educational settings are safe  
2           environments, and an important component of maintaining  
3           security is ensuring family privacy and protecting student  
4           data.

5           (b) The State Board of Education, in cooperation with the  
6           Department of Human Services, must develop, publish, and make  
7           publicly available policies and procedures that comply with the  
8           federal Family Educational Rights and Privacy Act of 1974,  
9           including, but not limited to, policies that restrict access to  
10          the personally identifiable information of a student or a  
11          student's parent or guardian.

12          (c) Subject to the requirements of the Illinois School  
13          Student Records Act and the Student Online Personal Protection  
14          Act, the State Board may, in cooperation with the Department of  
15          Human Services, collect personally identifiable information of  
16          a student or a student's parent or guardian only as required to  
17          assess eligibility for or to administer public services or  
18          programs. Any information collected under this subsection,  
19          whether written or oral, must be kept confidential, except in  
20          the case of either of the following:

21               (1) If the disclosure is to comply with a judicial  
22               order or lawfully issued subpoena or is in connection with  
23               a health or safety emergency.

24               (2) If the student or the student's parent or guardian  
25               provides written consent for the disclosure.