

# HB5497



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5497

Introduced 2/9/2024, by Rep. Patrick Windhorst

### SYNOPSIS AS INTRODUCED:

105 ILCS 10/6

from Ch. 122, par. 50-6

Amends the Illinois School Student Records Act. In provisions concerning exceptions allowing the release of student records, provides that school student records or information contained may be released, transferred, disclosed or otherwise disseminated to law enforcement officers for purposes of review, recording, or contemporaneous access to security or surveillance video, audio, or footage, to the extent that the release, transfer, disclosure, or dissemination is consistent with the federal Family Educational Rights and Privacy Act. Effective immediately.

LRB103 37569 RJT 67695 b

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 Illinois School Student Records Act is  
5 amended by changing Section 6 as follows:

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

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

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

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

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

22 (4) to any person for the purpose of research,  
23 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 (7.5) to law enforcement officers for purposes of  
17 review, recording, or contemporaneous access to security  
18 or surveillance video, audio, or footage, to the extent  
19 that the release, transfer, disclosure, or dissemination  
20 is consistent with the federal Family Educational Rights  
21 and Privacy Act (20 U.S.C. 1232g);

22 (8) to any person, with the prior specific dated  
23 written consent of the parent designating the person to  
24 whom the records may be released, provided that at the  
25 time any such consent is requested or obtained, the parent  
26 shall be advised in writing that he has the right to

1 inspect and copy such records in accordance with Section  
2 5, to challenge their contents in accordance with Section  
3 7 and to limit any such consent to designated records or  
4 designated portions of the information contained therein;

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

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

21 (11) to the Department of Healthcare and Family  
22 Services in furtherance of the requirements of Section  
23 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
24 Section 10 of the School Breakfast and Lunch Program Act;

25 (12) to the State Board or another State government  
26 agency or between or among State government agencies in

1 order to evaluate or audit federal and State programs or  
2 perform research and planning, but only to the extent that  
3 the release, transfer, disclosure, or dissemination is  
4 consistent with the federal Family Educational Rights and  
5 Privacy Act (20 U.S.C. 1232g);

6 (12.5) if the student is in the legal custody of the  
7 Department of Children and Family Services, to the  
8 Department's Office of Education and Transition Services;

9 ~~or~~

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

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

22 (B) The sharing of student information applies  
23 only to students who have been enrolled in both  
24 districts or would be enrolled in both districts based  
25 on district attendance boundaries, and the student's  
26 parent or guardian has expressed in writing that the

1 student intends to enroll or has enrolled in the high  
2 school district.

3 (C) The sharing of student information does not  
4 exceed the scope of information that is shared among  
5 schools in a unit school district. However, the terms  
6 of an intergovernmental agreement may place further  
7 limitations on the information that is allowed to be  
8 shared.

9 (b) No information may be released pursuant to  
10 subparagraph (3) or (6) of paragraph (a) of this Section 6  
11 unless the parent receives prior written notice of the nature  
12 and substance of the information proposed to be released, and  
13 an opportunity to inspect and copy such records in accordance  
14 with Section 5 and to challenge their contents in accordance  
15 with Section 7. Provided, however, that such notice shall be  
16 sufficient if published in a local newspaper of general  
17 circulation or other publication directed generally to the  
18 parents involved where the proposed release of information is  
19 pursuant to subparagraph (6) of paragraph (a) of this Section  
20 6 and relates to more than 25 students.

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

1 release shall also include:

2 (1) the nature and substance of the information  
3 released;

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

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

9 (4) the date of the release; and

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

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

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

24 (Source: P.A. 102-199, eff. 7-1-22; 102-557, eff. 8-20-21;  
25 102-813, eff. 5-13-22.)

26 Section 99. Effective date. This Act takes effect upon



1 becoming law.