

1 AN ACT regarding schools.

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 Sections
5 2-3.131, 3-14.29, 10-28, 22-35, and 34-18.26 and changing
6 Section 3-14 as follows:

7 (105 ILCS 5/2-3.131 new)

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

28 (105 ILCS 5/3-14) (from Ch. 122, par. 3-14)

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

1 enumerated in the following Sections preceding Section 3-15
 2 3-14-1-through-3-14-25.
 3 (Source: P.A. 83-503.)

4 (105 ILCS 5/3-14.29 new)
 5 Sec. 3-14.29. Sharing information on school lunch
 6 applicants. Whenever requested by the Department of Public
 7 Aid, to agree in writing with the Department of Public Aid
 8 (as the State agency that administers the State Medical
 9 Assistance Program as provided in Title XIX of the federal
 10 Social Security Act and the State Children's Health Insurance
 11 Program as provided in Title XXI of the federal Social
 12 Security Act) to share with the Department of Public Aid
 13 information on applicants for free or reduced-price lunches.
 14 This sharing of information shall be for the sole purpose of
 15 helping the Department of Public Aid identify and enroll
 16 children in the State Medical Assistance Program or the State
 17 Children's Health Insurance Program or both as allowed under
 18 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the
 19 restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi)
 20 and (vii).

21 (105 ILCS 5/10-28 new)
 22 Sec. 10-28. Sharing information on school lunch
 23 applicants. A school board shall, whenever requested by the
 24 Department of Public Aid, agree in writing with the
 25 Department of Public Aid (as the State agency that
 26 administers the State Medical Assistance Program as provided
 27 in Title XIX of the federal Social Security Act and the State
 28 Children's Health Insurance Program as provided in Title XXI
 29 of the federal Social Security Act) to share with the
 30 Department of Public Aid information on applicants for free
 31 or reduced-price lunches. A school board shall, whenever
 32 requested by the Department of Public Aid, require each of

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

10 (105 ILCS 5/22-35 new)

11 Sec. 22-35. Sharing information on school lunch
 12 applicants; consent. Before an entity shares with the
 13 Department of Public Aid information on an applicant for free
 14 or reduced-price lunches under Section 2-3.131, 3-14.29,
 15 10-28, or 34-18.26 of this Code or Section 10 of the School
 16 Breakfast and Lunch Program Act, that entity must obtain, in
 17 writing, the consent of the applicant's parent or legal
 18 guardian. The Department of Public Aid may not seek any
 19 punitive action against or withhold any benefit or subsidy
 20 from an applicant for a free or reduced-price lunch due to
 21 the applicant's parent or legal guardian withholding consent.

22 (105 ILCS 5/34-18.26 new)

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

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

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

13 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

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

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

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

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

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

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

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

13 (6.5) To juvenile authorities when necessary for
14 the discharge of their official duties who request
15 information prior to adjudication of the student and who
16 certify in writing that the information will not be
17 disclosed to any other party except as provided under law
18 or order of court. For purposes of this Section
19 "juvenile authorities" means: (i) a judge of the circuit
20 court and members of the staff of the court designated by
21 the judge; (ii) parties to the proceedings under the
22 Juvenile Court Act of 1987 and their attorneys; (iii)
23 probation officers and court appointed advocates for the
24 juvenile authorized by the judge hearing the case; (iv)
25 any individual, public or private agency having custody
26 of the child pursuant to court order; (v) any individual,
27 public or private agency providing education, medical or
28 mental health service to the child when the requested
29 information is needed to determine the appropriate
30 service or treatment for the minor; (vi) any potential
31 placement provider when such release is authorized by the
32 court for the limited purpose of determining the
33 appropriateness of the potential placement; (vii) law
34 enforcement officers and prosecutors; (viii) adult and

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

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

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

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

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

34 (11) To the Department of Public Aid in furtherance

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

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

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

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

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

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

30 (4) The date of the release; and

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

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

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

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

10 (Source: P.A. 90-566, eff. 1-2-98; 90-590, eff. 1-1-00;
11 91-357, eff. 7-29-99; 91-665, eff. 12-22-99.)

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

14 (105 ILCS 125/10 new)

15 Sec. 10. Sharing information on school lunch applicants.
16 Each private school that receives funds for free or
17 reduced-price lunches under this Act shall, whenever
18 requested by the Department of Public Aid, agree in writing
19 with the Department of Public Aid (as the State agency that
20 administers the State Medical Assistance Program as provided
21 in Title XIX of the federal Social Security Act and the State
22 Children's Health Insurance Program as provided in Title XXI
23 of the federal Social Security Act) to share with the
24 Department of Public Aid information on applicants for free
25 or reduced-price lunches. This sharing of information shall
26 be for the sole purpose of helping the Department of Public
27 Aid identify and enroll children in the State Medical
28 Assistance Program or the State Children's Health Insurance
29 Program or both as allowed under 42 U.S.C. Sec.
30 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth
31 in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

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