



Rep. Sandra M. Pihos

Filed: 3/21/2007

09500HB1647ham002

LRB095 07887 NHT 33754 a

1 AMENDMENT TO HOUSE BILL 1647

2 AMENDMENT NO. _____. Amend House Bill 1647, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by adding Section
6 22-41 as follows:

7 (105 ILCS 5/22-41 new)

8 Sec. 22-41. School counseling, psychological, and social
9 work services; confidentiality.

10 (a) As used in this Section, "information of a personal
11 nature" does not include routine objective information related
12 to academic and career counseling.

13 (b) Any information of a personal nature disclosed by a
14 pupil 12 years of age or older in the process of receiving (i)
15 school counseling services, as defined in Section 10-22.24b of
16 this Code, from a school counselor or school counselor intern;

1 (ii) school psychological services, as defined in Section
2 14-1.09.1 of this Code, from a school psychologist or school
3 psychologist intern; or (iii) school social work services, as
4 defined in Section 14-1.09.2 of this Code, from a school social
5 worker or school social worker intern is confidential.

6 (c) Any information of a personal nature disclosed to a
7 school counselor or school counselor intern, a school
8 psychologist or school psychologist intern, or a school social
9 worker or school social worker intern by a parent or guardian
10 of a pupil who is 12 years of age or older and who is in the
11 process of receiving (i) school counseling services, as defined
12 in Section 10-22.24b of this Code, from a school counselor or
13 school counselor intern; (ii) school psychological services,
14 as defined in Section 14-1.09.1 of this Code, from a school
15 psychologist or school psychologist intern; or (iii) school
16 social work services, as defined in Section 14-1.09.2 of this
17 Code, from a school social worker or school social worker
18 intern is confidential.

19 (d) Information disclosed under subsection (b) or (c) of
20 this Section must not become part of the pupil's record without
21 the written consent of the pupil who disclosed the confidential
22 information to the school counselor or school counselor intern,
23 the school psychologist or school psychologist intern, or the
24 school social worker or school social worker intern. The
25 information must not be revealed, released, discussed, or
26 referred to, except as follows:

1 (1) Discussion with psychotherapists, other health
2 care providers, or the school nurse, for the sole purpose
3 of referring the pupil for treatment.

4 (2) Reporting of child abuse or neglect as required by
5 law.

6 (3) Reporting information to the principal or parents
7 of the pupil when the school counselor or school counselor
8 intern, the school psychologist or school psychologist
9 intern, or the school social worker or school social worker
10 intern has reasonable cause to believe that disclosure is
11 necessary to avert a clear, imminent risk of serious
12 physical or mental injury or disease or death being
13 inflicted upon the pupil who disclosed the confidential
14 information to the school counselor or school counselor
15 intern, the school psychologist or school psychologist
16 intern, or the school social worker or school social worker
17 intern or upon other persons in the school community, such
18 as administrators, teachers, school staff, parents,
19 pupils, and other school community members.

20 (4) Reporting information to one or more persons
21 specified in a written waiver of confidentiality, after
22 this written waiver is read and signed by the pupil and
23 preserved in the pupil's file.

24 (e) Notwithstanding any other provision of this Section, a
25 school counselor or school counselor intern, a school
26 psychologist or school psychologist intern, or a school social

1 worker or school social worker intern may not disclose
2 information deemed to be confidential pursuant to this Section
3 to the parents of the pupil when the school counselor or school
4 counselor intern, the school psychologist or school
5 psychologist intern, or the school social worker or school
6 social worker intern has reasonable cause to believe that the
7 disclosure would result in a clear and present danger to the
8 health, safety, or welfare of the pupil.

9 (f) Notwithstanding any other provision of this Section, a
10 school counselor or school counselor intern, a school
11 psychologist or school psychologist intern, or a school social
12 worker or school social worker intern shall disclose
13 information deemed to be confidential pursuant to this Section
14 to law enforcement agencies when ordered to do so by order of a
15 court of law or when ordered to testify in an administrative or
16 judicial proceeding by order of a court of law.

17 (g) Nothing in this Section shall be deemed to limit access
18 to a pupil's records. Nothing in this Section shall be deemed
19 to limit the school counselor or school counselor intern, the
20 school psychologist or school psychologist intern, or the
21 school social worker or school social worker intern from
22 conferring with other school staff, as appropriate, regarding
23 modification of the pupil's academic program.

24 (h) It is the intent of the General Assembly that
25 counselors use the privilege of confidentiality under this
26 Section to assist the pupil whenever possible to communicate

1 more effectively with parents, school staff, and others.

2 (i) Except in cases of willful or wanton misconduct, no
3 person required by this Section to keep information discussed
4 confidential may incur any civil or criminal liability as a
5 result of keeping that information confidential.

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.31 as follows:

8 (30 ILCS 805/8.31 new)

9 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
10 of this Act, no reimbursement by the State is required for the
11 implementation of any mandate created by this amendatory Act of
12 the 95th General Assembly."