

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 5 as follows:

6 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

7 Sec. 5. (a) A parent or any person specifically designated  
8 as a representative by a parent shall have the right to inspect  
9 and copy all school student permanent and temporary records of  
10 that parent's child. A student shall have the right to inspect  
11 and copy his or her school student permanent record. No person  
12 who is prohibited by an order of protection from inspecting or  
13 obtaining school records of a student pursuant to the Illinois  
14 Domestic Violence Act of 1986, as now or hereafter amended,  
15 shall have any right of access to, or inspection of, the school  
16 records of that student. If a school's principal or person with  
17 like responsibilities or his designee has knowledge of such  
18 order of protection, the school shall prohibit access or  
19 inspection of the student's school records by such person.

20 (b) Whenever access to any person is granted pursuant to  
21 paragraph (a) of this Section, at the option of either the  
22 parent or the school a qualified professional, who may be a  
23 psychologist, counsellor or other advisor, and who may be an

1 employee of the school or employed by the parent, may be  
2 present to interpret the information contained in the student  
3 temporary record. If the school requires that a professional be  
4 present, the school shall secure and bear any cost of the  
5 presence of the professional. If the parent so requests, the  
6 school shall secure and bear any cost of the presence of a  
7 professional employed by the school.

8 (c) A parent's or student's request to inspect and copy  
9 records, or to allow a specifically designated representative  
10 to inspect and copy records, must be granted within a  
11 reasonable time, and in no case later than 15 school days after  
12 the date of receipt of such request by the official records  
13 custodian.

14 (d) The school may charge its reasonable costs for the  
15 copying of school student records, not to exceed the amounts  
16 fixed in schedules adopted by the State Board, to any person  
17 permitted to copy such records, except that no parent or  
18 student shall be denied a copy of school student records as  
19 permitted under this Section 5 for inability to bear the cost  
20 of such copying.

21 (e) Nothing contained in this Section 5 shall make  
22 available to a parent or student confidential letters and  
23 statements of recommendation furnished in connection with  
24 applications for employment to a post-secondary educational  
25 institution or the receipt of an honor or honorary recognition,  
26 provided such letters and statements are not used for purposes

1 other than those for which they were specifically intended, and

2 (1) were placed in a school student record prior to  
3 January 1, 1975; or

4 (2) the student has waived access thereto after being  
5 advised of his right to obtain upon request the names of  
6 all such persons making such confidential recommendations.

7 (f) Nothing contained in this Act shall be construed to  
8 impair or limit the confidentiality of:

9 (1) Communications otherwise protected by law as  
10 privileged or confidential, including but not limited to,  
11 information communicated in confidence to a physician,  
12 psychologist, ~~or~~ other psychotherapist, school social  
13 worker, school counselor, school psychologist, or school  
14 social work, school counselor, or school psychologist  
15 intern working under the direct supervision of a school  
16 social worker, school counselor, or school psychologist;

17 or

18 (2) Information which is communicated by a student or  
19 parent in confidence to school personnel; or

20 (3) Information which is communicated by a student,  
21 parent, or guardian to a law enforcement professional  
22 working in the school, except as provided by court order.

23 (g) No school employee shall be subjected to adverse  
24 employment action, the threat of adverse employment action, or  
25 any manner of discrimination because the employee is acting or  
26 has acted to protect communications as privileged or

1 confidential pursuant to applicable standards of professional  
2 responsibility, ethical codes, or relevant provisions of State  
3 or federal law.

4 (Source: P.A. 90-590, eff. 1-1-00.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.