

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 22-60 as follows:

6 (105 ILCS 5/22-60 new)

7 Sec. 22-60. Student services personnel; confidentiality.

8 (a) In this Section, "confidential communication" means  
9 any communication made by a student who is a recipient of  
10 school counseling, school psychological, or school social work  
11 services, including services provided by a school counselor  
12 intern working under the supervision of a school counselor, a  
13 school psychologist intern working under the supervision of a  
14 school psychologist, or a school social worker intern working  
15 under the supervision of a school social worker. "Confidential  
16 communication" includes the fact that a student is a recipient  
17 of school counseling, school psychological, or school social  
18 work services. "Confidential communication" does not include  
19 (i) academic or career counseling information that is available  
20 to the general public or (ii) in the case of a student with an  
21 individualized education program (IEP) or a Section 504 plan  
22 (under the federal Rehabilitation Act of 1973), general  
23 information about a student's progress on IEP or Section 504

1 plan goals and benchmarks shared with the school district's IEP  
2 or Section 504 plan team or individual members of the IEP or  
3 Section 504 team for the purpose of developing or revising  
4 goals and benchmarks.

5 (b) With the exception of information described in  
6 subsection (c) of this Section, any confidential communication  
7 disclosed by a student to a school counselor, school  
8 psychologist, or school social worker or to a school counselor  
9 intern working under the supervision of a school counselor, a  
10 school psychologist intern working under the supervision of a  
11 school psychologist, or a school social worker intern working  
12 under the supervision of a school social worker may be  
13 disclosed only upon the execution of a written consent to the  
14 release of information that conforms with the requirements of  
15 the Mental Health and Developmental Disabilities  
16 Confidentiality Act and any other statute governing the release  
17 of confidential information applicable to the specific type of  
18 information for which disclosure is sought.

19 (c) Communications that would otherwise be confidential  
20 communications must be disclosed as follows:

21 (1) When there is reasonable cause to believe that  
22 failure to disclose confidential information would result  
23 in a clear and present danger to the health, safety, or  
24 welfare of the student or others.

25 (2) When disclosure is required by law.

26 (3) When disclosure is required by currently adopted

1       standards of professional conduct and codes of ethics  
2       applicable respectively to school counselors, school  
3       psychologists, and school social workers.

4       (d) Access to student records is governed by the Illinois  
5       School Student Records Act.

6       (e) Nothing in this Section shall be construed to limit the  
7       school counselor or school counselor intern, the school  
8       psychologist or school psychologist intern, or the school  
9       social worker or school social worker intern from conferring  
10       with other school staff, as appropriate, regarding  
11       modification of the student's academic program.

12       Section 90. The State Mandates Act is amended by adding  
13       Section 8.34 as follows:

14       (30 ILCS 805/8.34 new)

15       Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
16       of this Act, no reimbursement by the State is required for the  
17       implementation of any mandate created by this amendatory Act of  
18       the 96th General Assembly.

19       Section 99. Effective date. This Act takes effect upon  
20       becoming law.