



Sen. Heather Steans

Filed: 3/24/2009

09600SB1828sam001

LRB096 10930 NHT 24170 a

1 AMENDMENT TO SENATE BILL 1828

2 AMENDMENT NO. _____. Amend Senate Bill 1828 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the P-20
5 Longitudinal Education Data System Act.

6 Section 5. Findings; declarations. The General Assembly
7 finds and declares all of the following:

8 (1) Sound data collection, reporting, and analysis are
9 critical to building a State education system capable of
10 ensuring all Illinois students are adequately prepared for
11 college and the global workforce. School districts and
12 institutions of higher learning can improve instructional
13 and educational decision-making using data that is
14 collected and made available by this State.

15 (2) Reliable and sufficient education data is
16 necessary to ensure that this State bases education policy

1 decisions on valid, objective measures of student
2 outcomes. Publicly accessible data on State, school
3 district, and school performance allows the citizens of
4 this State to assess local and statewide investments in
5 education.

6 (3) A national collaborative effort among State
7 education officials, national education organizations, and
8 State and federal policymakers has defined the essential
9 elements a State longitudinal data system should contain.
10 Public Law 110-69, the America COMPETES Act, requires state
11 longitudinal data systems to include all 10 elements
12 identified by this national, collaborative effort for
13 states to qualify for federal funding opportunities. The
14 federal American Recovery and Reinvestment Act of 2009
15 requires states to establish longitudinal data systems
16 with all 10 elements to qualify for federal funding for
17 education, public safety, and other government services.

18 (4) Public Law 110-134 requires the Illinois Early
19 Learning Council to develop recommendations regarding the
20 establishment of a unified data collection system for
21 public early childhood education and development programs
22 and services throughout this State, and those efforts
23 should be coordinated with the development of this State's
24 longitudinal data system.

25 (5) State education policymaking benefits from
26 partnerships between State education agencies and entities

1 with expertise in education research, including school
2 districts, institutions of higher learning, and research
3 organizations. This State should establish systems and
4 processes to permit qualified researchers to assist with
5 State evaluation and research functions in a manner
6 consistent with privacy protection laws.

7 (6) This State is committed to establishing and
8 maintaining a longitudinal student unit record data system
9 that educators and policymakers can use to analyze and
10 assess student progress from early learning programs
11 through postsecondary education and into employment. The
12 State Board of Education, the Illinois Community College
13 Board, and the Board of Higher Education have designed,
14 built, and deployed some of the fundamental components of a
15 longitudinal data system and have engaged in extensive
16 efforts to effectively link and use available education
17 data. However, the various education data components
18 maintained by this State must be integrated and managed in
19 a cooperative manner to establish a data-driven,
20 decision-making environment for this State's education
21 system.

22 (7) The longitudinal data system established by this
23 Act is intended, among other purposes, to link student test
24 scores, length of enrollment, and graduation records over
25 time, as permitted by Section 1111(b)(3)(B) of the federal
26 Elementary and Secondary Education Act (20 U.S.C.

1 6311(b)(3)(B)).

2 (8) Students will achieve improved learning outcomes
3 as a result of the longitudinal data system established by
4 this Act through instruction and educational programs
5 informed by valid and reliable data.

6 (9) State use and management of education data must be
7 in accordance with all legal requirements protecting
8 student privacy and must protect personal information from
9 intentional or accidental release to unauthorized persons
10 and from intentional or accidental use for unauthorized
11 purposes.

12 Section 10. Definitions. In this Act:

13 "Community College Board" means the Illinois Community
14 College Board.

15 "Community colleges" has the meaning ascribed to that term
16 in Section 1-2 of the Public Community College Act.

17 "Early learning" means any publicly funded education and
18 care program supporting young children not yet enrolled in
19 kindergarten.

20 "Elementary" means kindergarten through eighth grade.

21 "Institution of higher learning" has the meaning ascribed
22 to that term in Section 10 of the Higher Education Student
23 Assistance Act.

24 "Longitudinal data system" means a student unit record data
25 system that links student records from early learning through

1 the postsecondary level, which may consist of separate student
2 unit record systems integrated through agreement and data
3 transfer mechanisms.

4 "Privacy protection laws" means the federal Family
5 Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g),
6 the Illinois School Students Record Act, the Personal
7 Information Protection Act, and any other State or federal law
8 relating to the confidentiality and protection of personally
9 identifiable information.

10 "Research organization" means a governmental entity,
11 institution of higher learning, public policy or advocacy
12 organization, or other person or entity conducting educational
13 research that (i) is qualified to perform educational research
14 and protect the privacy of student data, (ii) is seeking to
15 perform research for a non-commercial purpose authorized by
16 privacy protection laws, and (iii) agrees to perform the
17 research pursuant to a written agreement meeting the
18 requirements of privacy protection laws and this Act.

19 "School" means any elementary or secondary educational
20 institution, charter school, vocational school, special
21 education facility, or any other elementary or secondary
22 educational agency or institution, but does not include a
23 non-public school.

24 "Secondary" means ninth through twelfth grade.

25 "State Board" means the State Board of Education.

26 "State Education Authorities" means the State Board,

1 Community College Board, and Board of Higher Education.

2 Section 15. Establishment of the longitudinal data system
3 and data warehouse.

4 (a) The State Education Authorities shall jointly
5 establish and maintain a longitudinal data system by entering
6 into one or more agreements that link early learning,
7 elementary, and secondary school student unit records with
8 institution of higher learning student unit records. To the
9 extent authorized by this Section and Section 20 of this Act:

10 (1) the State Board is responsible for collecting and
11 maintaining authoritative enrollment, completion, and
12 student characteristic information on early learning,
13 public school (kindergarten through grade 12), and
14 non-public school (kindergarten through grade 12)
15 students;

16 (2) the Community College Board is responsible for
17 collecting and maintaining authoritative enrollment,
18 completion, and student characteristic information on
19 community college students; and

20 (3) the Board of Higher Education is responsible for
21 collecting and maintaining authoritative enrollment,
22 completion, and student characteristic information on
23 students enrolled in institutions of higher learning,
24 other than community colleges.

25 (b) On or before June 30, 2013, subject to the availability

1 of funding through appropriations made specifically for the
2 purposes of this Act, the State Education Authorities shall
3 improve and expand the longitudinal data system to enable the
4 State Education Authorities to perform or cause to be performed
5 all of the following activities and functions:

6 (1) Reduce, to the maximum extent possible, the data
7 collection burden on school districts and institutions of
8 higher learning by using data submitted to the system for
9 multiple reporting and analysis functions.

10 (2) Provide authorized officials of early learning
11 programs, schools, school districts, and institutions of
12 higher learning with access to their own student-level
13 data, summary reports, and data that can be integrated with
14 additional data maintained outside of the system to inform
15 education decision-making.

16 (3) Link data to instructional management tools that
17 support instruction and assist collaboration among
18 teachers and postsecondary instructors.

19 (4) Enhance and expand existing high
20 school-to-postsecondary reporting systems to inform school
21 and school district officials, education policymakers, and
22 members of the public about public school students'
23 performance in postsecondary education.

24 (5) Provide data reporting, analysis, and planning
25 tools that assist with financial oversight, human resource
26 management, and other education support functions.

1 (6) Improve student access to educational
2 opportunities by linking data to student college and career
3 planning portals, facilitating the submission of
4 electronic transcripts and scholarship and financial aid
5 applications, and enabling the transfer of student records
6 to officials of a school or institution of higher learning
7 where a student enrolls or seeks or intends to enroll.

8 (7) Establish a public Internet web interface that
9 provides non-confidential data reports and permits queries
10 so that parents, the media, and other members of the public
11 can more easily access information pertaining to
12 statewide, district, and school performance.

13 (8) Provide research and reports to the General
14 Assembly that assist with evaluating the effectiveness of
15 specific programs and that enable legislators to analyze
16 educational performance within their legislative
17 districts.

18 (9) Allow the State Education Authorities to
19 efficiently meet federal and State reporting requirements
20 by drawing data for required reports from multiple State
21 systems.

22 (10) Establish a system to evaluate teacher and
23 administrator preparation programs using student academic
24 growth as one component of evaluation.

25 (11) In accordance with a data sharing agreement
26 entered into between the State Education Authorities and

1 the Illinois Student Assistance Commission, establish
2 procedures and systems to evaluate the relationship
3 between need-based financial aid and student enrollment
4 and success in institutions of higher learning.

5 (12) In accordance with data sharing agreements
6 entered into between the State Education Authorities and
7 health and human service agencies, establish procedures
8 and systems to evaluate the relationship between education
9 and other student and family support systems.

10 (13) In accordance with data sharing agreements
11 entered into between the State Education Authorities and
12 employment and workforce development agencies, establish
13 procedures and systems to evaluate the relationship
14 between education programs and outcomes and employment
15 fields, employment locations, and employment outcomes.

16 (c) On or before June 30, 2013, subject to the availability
17 of funding through appropriations made specifically for the
18 purposes of this Act, the State Board shall establish a data
19 warehouse that integrates data from multiple student unit
20 record systems and supports all of the uses and functions of
21 the longitudinal data system set forth in this Act. The data
22 warehouse must be developed in cooperation with the Community
23 College Board and the Board of Higher Education and must have
24 the ability to integrate longitudinal data from early learning
25 through the postsecondary level in accordance with one or more
26 data sharing agreements entered into among the State Education

1 Authorities. The data warehouse, as integrated with the
2 longitudinal data system, must include, but is not limited to,
3 all of the following elements:

4 (1) A unique statewide student identifier that
5 connects student data across key databases across years.
6 The unique statewide student identifier must not be derived
7 from a student's social security number and must be
8 provided to institutions of higher learning to assist with
9 linkages between early learning through secondary and
10 postsecondary data.

11 (2) Student-level enrollment, demographic, and program
12 participation information, including information on
13 participation in dual credit programs.

14 (3) The ability to match individual students'
15 elementary and secondary test records from year to year to
16 measure academic growth.

17 (4) Information on untested students in the elementary
18 and secondary levels, and the reasons they were not tested.

19 (5) A teacher and administrator identifier system with
20 the ability to match students to early learning,
21 elementary, and secondary teachers and elementary and
22 secondary administrators. Information able to be obtained
23 only as a result of the linkage of teacher and student data
24 through the longitudinal data system may not be used by a
25 school district for decisions involving teacher pay or
26 teacher benefits unless the district and the exclusive

1 bargaining representative of the district's teachers, if
2 any, have agreed to this use. Information able to be
3 obtained only as a result of the linkage of teacher and
4 student data through the longitudinal data system may not
5 be used by a school district as part of an evaluation under
6 Article 24A of the School Code unless, in good faith
7 cooperation with the school district's teachers or, where
8 applicable, the exclusive bargaining representative of the
9 school district's teachers, the school district has
10 developed an evaluation plan or substantive change to an
11 evaluation plan that specifically describes the school
12 district's rationale for using this information for
13 evaluations, how this information will be used as part of
14 the evaluation process, and how this information will
15 relate to evaluation standards. However, nothing in this
16 subdivision (5) or elsewhere in this Act limits or
17 restricts (i) a district's use of any local or State data
18 that has been obtained independently from the linkage of
19 teacher and student data through the longitudinal data
20 system or (ii) a charter school's use of any local or State
21 data in connection with teacher pay, benefits, or
22 evaluations.

23 (6) Student-level transcript information, including
24 information on courses completed and grades earned, from
25 middle and high schools. The State Board shall establish a
26 statewide course classification system based upon the

1 federal School Codes for Exchange of Data or a similar
2 course classification system. Each school district and
3 charter school shall map its course descriptions to the
4 statewide course classification system for the purpose of
5 State reporting. School districts and charter schools are
6 not required to change or modify the locally adopted course
7 descriptions used for all other purposes. The State Board
8 shall establish or contract for the establishment of a
9 technical support and training system to assist schools and
10 districts with the implementation of this item (6) and
11 shall, to the extent possible, collect transcript data
12 using a system that permits automated reporting from
13 district student information systems.

14 (7) Student-level college readiness test scores.

15 (8) Student-level graduation and dropout data.

16 (9) The ability to match early learning through
17 secondary student unit records with institution of higher
18 learning student unit record systems.

19 (10) A State data audit system assessing data quality,
20 validity, and reliability.

21 (d) Using data provided to and maintained by the
22 longitudinal data system, the State Education Authorities may,
23 in addition to functions and activities specified elsewhere in
24 this Section, perform and undertake the following:

25 (1) research for or on behalf of early learning
26 programs, schools, school districts, or institutions of

1 higher learning, which may be performed by one or more
2 State Education Authorities or through agreements with
3 research organizations meeting all of the requirements of
4 this Act and privacy protection laws; and

5 (2) audits or evaluations of federal or
6 State-supported education programs and activities to
7 enforce federal or State legal requirements with respect to
8 those programs. Each State Education Authority may assist
9 another State Education Authority with audit, evaluation,
10 or enforcement activities and may disclose education
11 records with each other for those activities relating to
12 any early learning through postsecondary program. The
13 State Education Authorities may disclose student
14 information to authorized officials of a student's former
15 early learning program, school, or school district to
16 assist with the evaluation of federal or State-supported
17 programs.

18 (e) In establishing, operating, and expanding the
19 longitudinal data system, the State Education Authorities
20 shall convene stakeholders and create opportunities for input
21 and advice in the areas of data ownership, data use, research
22 priorities, data management, confidentiality, data access, and
23 reporting from the system. Such stakeholders include, but are
24 not limited to, institutions of higher learning, school
25 districts, charter schools, early learning programs, teachers,
26 professors, parents, principals and administrators, school

1 research consortiums, education policy and advocacy
2 organizations, news media, the Illinois Student Assistance
3 Commission, the Illinois Education Research Council, the
4 Department of Commerce and Economic Opportunity, the Illinois
5 Early Learning Council, and the Legislative Research Unit.

6 (f) Representatives of the State Education Authorities
7 shall report to and advise the Illinois P-20 Council on the
8 implementation, operation, and expansion of the longitudinal
9 data system.

10 (g) Appropriations made to the State Education Authorities
11 for the purposes of this Act shall be used exclusively for
12 expenses for the development and operation of the longitudinal
13 data system. Authorized expenses of the State Education
14 Authorities may relate to contracts with outside vendors for
15 the development and operation of the system, agreements with
16 other governmental entities or research organizations for
17 authorized uses and functions of the system, technical support
18 and training for entities submitting data to the system, or
19 regular or contractual employees necessary for the system's
20 development or operation.

21 Section 20. Collection and maintenance of data.

22 (a) The State Board is authorized to collect and maintain
23 data from school districts, schools, and early learning
24 programs and disclose this data to the longitudinal data system
25 for the purposes set forth in this Act. The State Board shall

1 collect data from charter schools with more than one campus in
2 a manner that can be disaggregated by campus site. The State
3 Board may also disclose data to the longitudinal data system
4 that the State Board is otherwise authorized by law to collect
5 and maintain.

6 On or before July 1, 2010, the State Board shall establish
7 procedures through which State-recognized, non-public schools
8 may elect to participate in the longitudinal data system by
9 disclosing data to the State Board for one or more of the
10 purposes set forth in this Act.

11 Subject to the availability of funding through
12 appropriations made specifically for the purposes of this Act,
13 the State Board shall establish or contract for the
14 establishment of a technical support and training system to
15 assist school districts, schools, and early learning programs
16 with data submission, use, and analysis.

17 (b) The Community College Board is authorized to collect
18 and maintain data from community college districts and disclose
19 this data to the longitudinal data system for the purposes set
20 forth in this Act. The Community College Board may also
21 disclose data to the longitudinal data system that the
22 Community College Board is otherwise authorized by law to
23 collect and maintain.

24 Subject to the availability of funding through
25 appropriations made specifically for the purposes of this Act,
26 the Community College Board shall establish or contract for the

1 establishment of a technical support and training system to
2 assist community colleges with data submission, use, and
3 analysis.

4 (c) The Board of Higher Education is authorized to collect
5 and maintain data from any public institution of higher
6 learning, other than community colleges, and disclose this data
7 to the longitudinal data system for the purposes set forth in
8 this Act. The Board of Higher Education may also disclose data
9 to the longitudinal data system that the Board of Higher
10 Education is otherwise authorized by law to collect and
11 maintain.

12 Beginning on July 1, 2012, the Board of Higher Education is
13 authorized to collect and maintain data from any non-public
14 institution of higher learning enrolling one or more students
15 receiving Monetary Award Program grants, pursuant to Section 35
16 of the Higher Education Student Assistance Act, and disclose
17 this data to the longitudinal data system for the purposes set
18 forth in this Act. Prior to July 1, 2012, any non-public
19 institution of higher learning may elect to participate in the
20 longitudinal data system by disclosing data for one or more of
21 the purposes set forth in this Act to the Board of Higher
22 Education or to a consortium that has contracted with the Board
23 of Higher Education pursuant to this subsection (c).

24 The Board of Higher Education may contract with one or more
25 voluntary consortiums of non-public institutions of higher
26 learning established for the purpose of data sharing, research,

1 and analysis. The contract may allow the consortium to collect
2 data from participating institutions on behalf of the Board of
3 Higher Education. The contract may provide for consultation
4 with a representative committee of participating institutions
5 and a representative of one or more organizations representing
6 the participating institutions prior to the use of data from
7 the consortium for a data sharing arrangement entered into with
8 any party other than a State Education Authority pursuant to
9 Section 25 of this Act. The contract may further provide that
10 individual institutions of higher learning shall have the right
11 to opt out of specific uses of their data or portions thereof
12 for reasons specified in the contract. Student-level data
13 submitted by each institution of higher learning participating
14 in a consortium that has contracted with the Board of Higher
15 Education pursuant to this paragraph shall remain the property
16 of that institution. Upon notice to the consortium and the
17 Board of Higher Education, any non-public institution of higher
18 learning shall have the right to remove its data from the
19 consortium if the institution has reasonable cause to believe
20 that there is a threat to the security of its data or its data
21 is used in a manner that violates the terms of the contract
22 between the consortium and the Board of Higher Education. In
23 the event data is removed from a consortium pursuant to the
24 preceding sentence, the data must be returned by the
25 institution to the consortium after the basis for removal has
26 been corrected. The data submitted from the consortium to the

1 Board of Higher Education must be used only for agreed-upon
2 purposes, as stated in the terms of the contract between the
3 consortium and the Board of Higher Education. Non-public
4 institutions of higher learning submitting student-level data
5 to a consortium that has contracted with the Board of Higher
6 Education pursuant to this paragraph shall not be required to
7 submit student-level data to the Board of Higher Education.

8 Subject to the availability of funding through
9 appropriations made specifically for the purposes of this Act,
10 the Board of Higher Education shall establish or contract for
11 the establishment of a technical support and training system to
12 assist institutions of higher learning, other than community
13 colleges, with data submission, use, and analysis. The Board of
14 Higher Education may make available grant funding to a
15 consortium of non-public institutions of higher learning to
16 provide assistance in the development of the Board's data
17 collection system. The Board of Higher Education shall engage
18 in a cooperative planning process with public and non-public
19 institutions of higher learning and statewide higher education
20 associations in connection with all of the activities
21 authorized by this subsection (c).

22 (d) The State Education Authorities shall establish
23 procedures and requirements relating to the submission of data
24 authorized to be collected pursuant to this Section, including
25 requirements for data specifications, quality, security, and
26 timeliness. All early learning programs, schools, school

1 districts, and institutions of higher learning subject to the
2 data collection authority of a State Education Authority
3 pursuant to this Section shall comply with the State Education
4 Authority's procedures and requirements for data submissions.
5 A State Education Authority may require that staff responsible
6 for collecting, validating, and submitting data participate in
7 training and technical assistance offered by this State if data
8 is not submitted in accordance with applicable procedures and
9 requirements.

10 Section 25. Data sharing.

11 (a) The State Education Authorities may disclose data from
12 the longitudinal data system collected pursuant to Section 20
13 of this Act only in connection with a data sharing arrangement
14 meeting the requirements of this Section.

15 (b) Any State agency, board, authority, or commission may
16 enter into a data sharing arrangement with one or more of the
17 State Education Authorities to share data to support the
18 research and evaluation activities authorized by this Act.
19 State Education Authorities may also enter into data sharing
20 arrangements with other governmental entities, institutions of
21 higher learning, and research organizations that support the
22 research and evaluation activities authorized by this Act.

23 (c) Any data sharing arrangement entered into pursuant to
24 this Section must:

25 (1) be permissible under and undertaken in accordance

1 with privacy protection laws;

2 (2) be approved by the following persons:

3 (A) the State Superintendent of Education or his or
4 her designee for the use of early learning, public
5 school, and non-public school student data;

6 (B) the chief executive officer of the Community
7 College Board or his or her designee for the use of
8 community college student data; and

9 (C) the executive director of the Board of Higher
10 Education or his or her designee for the use of student
11 data from an institution of higher learning, other than
12 a community college;

13 (3) not permit the personal identification of any
14 person by individuals other than authorized
15 representatives of the recipient entity that have
16 legitimate interests in the information;

17 (4) ensure the destruction or return of the data when
18 no longer needed for the authorized purposes under the data
19 sharing arrangement; and

20 (5) be performed pursuant to a written agreement with
21 the recipient entity that does the following:

22 (A) specifies the purpose, scope, and duration of
23 the data sharing arrangement;

24 (B) requires the recipient of the data to use
25 personally identifiable information from education
26 records to meet only the purpose or purposes of the

1 data sharing arrangement stated in the written
2 agreement;

3 (C) describes specific data access, use, and
4 security restrictions that the recipient will
5 undertake; and

6 (D) includes such other terms and provisions as the
7 State Education Authorities deem necessary to carry
8 out the intent and purposes of this Act.

9 Section 30. Subject to privacy protection laws. The
10 collection, use, maintenance, disclosure, and sharing of data
11 authorized by this Act must be conducted in accordance with
12 privacy protection laws. The State Education Authorities shall
13 each develop security measures and procedures that protect
14 personal information from intentional or accidental release to
15 unauthorized persons and from intentional or accidental use for
16 unauthorized purposes.

17 Section 35. No impact on existing authority. This Act does
18 not modify or diminish any responsibilities or authority that a
19 State Education Authority or the State Education Authorities
20 collectively may otherwise have under law with respect to the
21 collection, use, maintenance, disclosure, and sharing of data.

22 Section 40. Evaluation. Subject to the availability of
23 funding through appropriations made specifically for the

1 purposes of this Act, the State Education Authorities shall
2 contract with an independent outside evaluator for oversight of
3 the development and operation of the longitudinal data system.
4 The independent outside evaluator shall annually submit a
5 report to the State Education Authorities, the Illinois P-20
6 Council, the Speaker and Minority Leader of the House of
7 Representatives, and the President and Minority Leader of the
8 Senate. The report shall include without limitation (i) an
9 evaluation of the extent to which the system is being developed
10 and operated to achieve the purposes, objectives, and
11 requirements of this Act; (ii) an evaluation of the oversight
12 and governance of the system by the State Education Authorities
13 and any recommendations to improve the oversight and governance
14 of the system; and (iii) an evaluation of the security measures
15 and procedures developed by the State Education Authorities to
16 protect personally identifiable information and any
17 recommendations to further ensure the privacy of personally
18 identifiable information.

19 Section 500. The School Code is amended by changing Section
20 27A-5 as follows:

21 (105 ILCS 5/27A-5)

22 Sec. 27A-5. Charter school; legal entity; requirements.

23 (a) A charter school shall be a public, nonsectarian,
24 nonreligious, non-home based, and non-profit school. A charter

1 school shall be organized and operated as a nonprofit
2 corporation or other discrete, legal, nonprofit entity
3 authorized under the laws of the State of Illinois.

4 (b) A charter school may be established under this Article
5 by creating a new school or by converting an existing public
6 school or attendance center to charter school status. Beginning
7 on the effective date of this amendatory Act of the 93rd
8 General Assembly, in all new applications submitted to the
9 State Board or a local school board to establish a charter
10 school in a city having a population exceeding 500,000,
11 operation of the charter school shall be limited to one campus.
12 The changes made to this Section by this amendatory Act of the
13 93rd General Assembly do not apply to charter schools existing
14 or approved on or before the effective date of this amendatory
15 Act.

16 (c) A charter school shall be administered and governed by
17 its board of directors or other governing body in the manner
18 provided in its charter. The governing body of a charter school
19 shall be subject to the Freedom of Information Act and the Open
20 Meetings Act.

21 (d) A charter school shall comply with all applicable
22 health and safety requirements applicable to public schools
23 under the laws of the State of Illinois.

24 (e) Except as otherwise provided in the School Code, a
25 charter school shall not charge tuition; provided that a
26 charter school may charge reasonable fees for textbooks,

1 instructional materials, and student activities.

2 (f) A charter school shall be responsible for the
3 management and operation of its fiscal affairs including, but
4 not limited to, the preparation of its budget. An audit of each
5 charter school's finances shall be conducted annually by an
6 outside, independent contractor retained by the charter
7 school.

8 (g) A charter school shall comply with all provisions of
9 this Article and its charter. A charter school is exempt from
10 all other State laws and regulations in the School Code
11 governing public schools and local school board policies,
12 except the following:

13 (1) Sections 10-21.9 and 34-18.5 of the School Code
14 regarding criminal history records checks and checks of the
15 Statewide Sex Offender Database of applicants for
16 employment;

17 (2) Sections 24-24 and 34-84A of the School Code
18 regarding discipline of students;

19 (3) The Local Governmental and Governmental Employees
20 Tort Immunity Act;

21 (4) Section 108.75 of the General Not For Profit
22 Corporation Act of 1986 regarding indemnification of
23 officers, directors, employees, and agents;

24 (5) The Abused and Neglected Child Reporting Act;

25 (6) The Illinois School Student Records Act; ~~and~~

26 (7) Section 10-17a of the School Code regarding school

1 report cards; and-

2 (8) The P-20 Longitudinal Education Data System Act.

3 (h) A charter school may negotiate and contract with a
4 school district, the governing body of a State college or
5 university or public community college, or any other public or
6 for-profit or nonprofit private entity for: (i) the use of a
7 school building and grounds or any other real property or
8 facilities that the charter school desires to use or convert
9 for use as a charter school site, (ii) the operation and
10 maintenance thereof, and (iii) the provision of any service,
11 activity, or undertaking that the charter school is required to
12 perform in order to carry out the terms of its charter.
13 However, a charter school that is established on or after the
14 effective date of this amendatory Act of the 93rd General
15 Assembly and that operates in a city having a population
16 exceeding 500,000 may not contract with a for-profit entity to
17 manage or operate the school during the period that commences
18 on the effective date of this amendatory Act of the 93rd
19 General Assembly and concludes at the end of the 2004-2005
20 school year. Except as provided in subsection (i) of this
21 Section, a school district may charge a charter school
22 reasonable rent for the use of the district's buildings,
23 grounds, and facilities. Any services for which a charter
24 school contracts with a school district shall be provided by
25 the district at cost. Any services for which a charter school
26 contracts with a local school board or with the governing body

1 of a State college or university or public community college
2 shall be provided by the public entity at cost.

3 (i) In no event shall a charter school that is established
4 by converting an existing school or attendance center to
5 charter school status be required to pay rent for space that is
6 deemed available, as negotiated and provided in the charter
7 agreement, in school district facilities. However, all other
8 costs for the operation and maintenance of school district
9 facilities that are used by the charter school shall be subject
10 to negotiation between the charter school and the local school
11 board and shall be set forth in the charter.

12 (j) A charter school may limit student enrollment by age or
13 grade level.

14 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,
15 eff. 7-14-05.)

16 Section 505. The Illinois School Student Records Act is
17 amended by changing Section 6 as follows:

18 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

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

22 (1) To a parent or student or person specifically
23 designated as a representative by a parent, as provided in
24 paragraph (a) of Section 5;

1 (2) To an employee or official of the school or school
2 district or State Board with current demonstrable
3 educational or administrative interest in the student, in
4 furtherance of such interest;

5 (3) To the official records custodian of another school
6 within Illinois or an official with similar
7 responsibilities of a school outside Illinois, in which the
8 student has enrolled, or intends to enroll, upon the
9 request of such official or student;

10 (4) To any person for the purpose of research,
11 statistical reporting, or planning, provided that such
12 research, statistical reporting, or planning is
13 permissible under and undertaken in accordance with the
14 federal Family Educational Rights and Privacy Act (20
15 U.S.C. 1221 et seq.) ~~no student or parent can be identified~~
16 ~~from the information released and the person to whom the~~
17 ~~information is released signs an affidavit agreeing to~~
18 ~~comply with all applicable statutes and rules pertaining to~~
19 ~~school student records;~~

20 (5) Pursuant to a court order, provided that the parent
21 shall be given prompt written notice upon receipt of such
22 order of the terms of the order, the nature and substance
23 of the information proposed to be released in compliance
24 with such order and an opportunity to inspect and copy the
25 school student records and to challenge their contents
26 pursuant to Section 7;

1 (6) To any person as specifically required by State or
2 federal law;

3 (6.5) To juvenile authorities when necessary for the
4 discharge of their official duties who request information
5 prior to adjudication of the student and who certify in
6 writing that the information will not be disclosed to any
7 other party except as provided under law or order of court.

8 For purposes of this Section "juvenile authorities" means:

9 (i) a judge of the circuit court and members of the staff
10 of the court designated by the judge; (ii) parties to the
11 proceedings under the Juvenile Court Act of 1987 and their
12 attorneys; (iii) probation officers and court appointed
13 advocates for the juvenile authorized by the judge hearing
14 the case; (iv) any individual, public or private agency
15 having custody of the child pursuant to court order; (v)
16 any individual, public or private agency providing
17 education, medical or mental health service to the child
18 when the requested information is needed to determine the
19 appropriate service or treatment for the minor; (vi) any
20 potential placement provider when such release is
21 authorized by the court for the limited purpose of
22 determining the appropriateness of the potential
23 placement; (vii) law enforcement officers and prosecutors;
24 (viii) adult and juvenile prisoner review boards; (ix)
25 authorized military personnel; (x) individuals authorized
26 by court;

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

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

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

20 (10) To those SHOCAP committee members who fall within
21 the meaning of "state and local officials and authorities",
22 as those terms are used within the meaning of the federal
23 Family Educational Rights and Privacy Act, for the purposes
24 of identifying serious habitual juvenile offenders and
25 matching those offenders with community resources pursuant
26 to Section 5-145 of the Juvenile Court Act of 1987, but

1 only to the extent that the release, transfer, disclosure,
2 or dissemination is consistent with the Family Educational
3 Rights and Privacy Act; or

4 (11) To the Department of Healthcare and Family
5 Services in furtherance of the requirements of Section
6 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
7 Section 10 of the School Breakfast and Lunch Program Act.

8 (12) To the State Board or another State government
9 agency or between or among State government agencies in
10 order to evaluate or audit federal and State programs or
11 perform research and planning, but only to the extent that
12 the release, transfer, disclosure, or dissemination is
13 consistent with the federal Family Educational Rights and
14 Privacy Act (20 U.S.C. 1221 et seq.).

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

1 (c) A record of any release of information pursuant to this
2 Section must be made and kept as a part of the school student
3 record and subject to the access granted by Section 5. Such
4 record of release shall be maintained for the life of the
5 school student records and shall be available only to the
6 parent and the official records custodian. Each record of
7 release shall also include:

8 (1) The nature and substance of the information
9 released;

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

12 (3) The name of the person requesting such information,
13 the capacity in which such a request has been made, and the
14 purpose of such request;

15 (4) The date of the release; and

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

17 (d) Except for the student and his parents, no person to
18 whom information is released pursuant to this Section and no
19 person specifically designated as a representative by a parent
20 may permit any other person to have access to such information
21 without a prior consent of the parent obtained in accordance
22 with the requirements of subparagraph (8) of paragraph (a) of
23 this Section.

24 (e) Nothing contained in this Act shall prohibit the
25 publication of student directories which list student names,
26 addresses and other identifying information and similar

1 publications which comply with regulations issued by the State
2 Board.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09.)

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.".