

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois School Student Records Act is amended by changing Sections 2 and 6 as follows:

(105 ILCS 10/2) (from Ch. 122, par. 50-2)

(Text of Section before amendment by P.A. 102-466)

Sec. 2. As used in this Act:

(a) "Student" means any person enrolled or previously enrolled in a school.

(b) "School" means any public preschool, day care center, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include a private or non-public school.

(c) "State Board" means the State Board of Education.

(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall

not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

(e) "Student Permanent Record" means the minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level;; parents' or guardians' names and addresses;; attendance records;; a summary of performance for students that received special education services; and such other entries as the State Board may require or authorize. A summary of performance shall be substantially similar to the summary of performance form developed by the State Board. Any summary of performance maintained as part of a Student Permanent Record shall be kept confidential and not be disclosed except as authorized by paragraph (1) or (14) of

subsection (a) of Section 6. A summary of performance may be excluded from a Student Permanent Record if, after being notified in writing that (i) school districts do not keep special education records beyond 5 years and (ii) if a summary of performance record is not kept in a student's permanent file, the student may not have the documentation necessary to qualify for State or federal benefits in the future, the student and parents or guardians consent in writing to the exclusion of a summary of performance.

(f) "Student Temporary Record" means all information contained in a school student record but not contained in the student permanent record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include information provided under Section 8.6 of the Abused and Neglected Child Reporting Act and information contained in service logs maintained by a local education agency under subsection (d) of Section 14-8.02f of the School Code. In addition, the student temporary record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to

another.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

(h) "Department" means the Department of Children and Family Services.

(Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

(Text of Section after amendment by P.A. 102-466)

Sec. 2. As used in this Act:

(a) "Student" means any person enrolled or previously enrolled in a school.

(b) "School" means any public preschool, day care center, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include a private or non-public school.

(c) "State Board" means the State Board of Education.

(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

(e) "Student Permanent Record" means the minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level;; parents' or guardians' names and addresses, attendance records;; a summary of performance for students that received special education services;; and

such other entries as the State Board may require or authorize. A summary of performance shall be substantially similar to the summary of performance form developed by the State Board. Any summary of performance maintained as part of a Student Permanent Record shall be kept confidential and not be disclosed except as authorized by paragraph (1) or (14) of subsection (a) of Section 6. A summary of performance may be excluded from a Student Permanent Record if, after being notified in writing that (i) school districts do not keep special education records beyond 5 years and (ii) if a summary of performance record is not kept in a student's permanent file, the student may not have the documentation necessary to qualify for State or federal benefits in the future, the student and parents or guardians consent in writing to the exclusion of a summary of performance.

(f) "Student Temporary Record" means all information contained in a school student record but not contained in the student permanent record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include all of the following:

- (1) Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act and information

contained in service logs maintained by a local education agency under subsection (d) of Section 14-8.02f of the School Code.

(2) Information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

(3) Information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual violence, as defined in Article 26A of the School Code, including a statement of the student or any other documentation, record, or corroborating evidence and the fact that the student has requested or obtained assistance, support, or services related to that status. Enforcement of this paragraph (3) shall follow the procedures provided in Section 26A-40 of the School Code.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and

privileges may also be exercised by the student at any time with respect to the student's permanent school record.

(h) "Department" means the Department of Children and Family Services.

(Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22; 102-466, eff. 7-1-25; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

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

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

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

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

(4) to any person for the purpose of research, statistical reporting, or planning, provided that such

research, statistical reporting, or planning is permissible under and undertaken in accordance with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g);

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

(6) to any person as specifically required by State or federal law;

(6.5) to juvenile authorities when necessary for the discharge of their official duties who request information prior to adjudication of the student and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section "juvenile authorities" means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to

court order; (v) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court;

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

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

(9) to a governmental agency, or social service agency contracted by a governmental agency, in furtherance of an

investigation of a student's school attendance pursuant to the compulsory student attendance laws of this State, provided that the records are released to the employee or agent designated by the agency;

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

(11) to the Department of Healthcare and Family Services in furtherance of the requirements of Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or Section 10 of the School Breakfast and Lunch Program Act;

(12) to the State Board or another State government agency or between or among State government agencies in order to evaluate or audit federal and State programs or perform research and planning, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g);

(12.5) if the student is in the legal custody of the

Department of Children and Family Services, to the Department's Office of Education and Transition Services;

~~or~~

(13) under an intergovernmental agreement if an elementary school district and a high school district have attendance boundaries that overlap and are parties to an intergovernmental agreement that allows the sharing of student records and information between the districts. However, the sharing of student information is allowed under an intergovernmental agreement only if the intergovernmental agreement meets all of the following requirements:

(A) The sharing of student information must be voluntary and at the discretion of each school district that is a party to the agreement.

(B) The sharing of student information applies only to students who have been enrolled in both districts or would be enrolled in both districts based on district attendance boundaries, and the student's parent or guardian has expressed in writing that the student intends to enroll or has enrolled in the high school district.

(C) The sharing of student information does not exceed the scope of information that is shared among schools in a unit school district. However, the terms of an intergovernmental agreement may place further

limitations on the information that is allowed to be shared; or -

(14) to the Department of Human Services for the sole purpose of assessing or evaluating the student's eligibility for Medicaid waiver benefits consistent with rules adopted by the Department of Human Services.

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

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

(1) the nature and substance of the information

released;

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

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

(4) the date of the release; and

(5) a copy of any consent to such release.

(d) Except for the student and his or her parents or, if applicable, the Department's Office of Education and Transition Services, no person to whom information is released pursuant to this Section and no person specifically designated as a representative by a parent may permit any other person to have access to such information without a prior consent of the parent obtained in accordance with the requirements of subparagraph (8) of paragraph (a) of this Section.

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

(Source: P.A. 102-199, eff. 7-1-22; 102-557, eff. 8-20-21; 102-813, eff. 5-13-22.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text

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that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect July 1, 2026.