



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2549

Introduced 1/18/2006, by Sen. Miguel del Valle

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.40 new
105 ILCS 5/34-18.33 new
30 ILCS 805/8.30 new

Amends the School Code. Provides that if a public school or school district collects biometric information from students, it may do so only with, at a minimum, written permission from (i) the individual who legally enrolled the student or (ii) the student, if he or she has reached the age of 18. Prohibits the school or school district from refusing any services otherwise available to the student for withholding permission. Sets forth conditions for collecting and using the information. Amends the State Mandates Act to require implementation without reimbursement by the State. Effective August 1, 2006.

LRB094 18753 MKM 54135 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections
5 10-20.40 and 34-18.33 as follows:

6 (105 ILCS 5/10-20.40 new)

7 Sec. 10-20.40. Student biometric information.

8 (a) For the purposes of this Section, "biometric
9 information" means any information that is collected through an
10 identification process for individuals based on their unique
11 behavioral or physiological characteristics, including
12 fingerprint, hand geometry, voice, or facial recognition or
13 iris or retinal scans.

14 (b) If a public school or school district collects
15 biometric information from students, it may do so only with, at
16 a minimum, written permission from (i) the individual who
17 legally enrolled the student, whether it is the parent or
18 guardian of the student or another individual, or (ii) the
19 student, if he or she has reached the age of 18. The choice of
20 the individual who legally enrolled the student not to approve
21 the collection of the student's biometric information or the
22 choice of a student who has reached the age of 18 not to
23 participate in the collection of his or her biometric
24 information must not be a basis for refusal of any services
25 otherwise available to the student.

26 (c) The school or school district must discontinue the use
27 of a student's biometric information under either of the
28 following conditions:

29 (1) Upon the student's graduation or withdrawal from
30 the school or school district.

31 (2) If, at any time, the discontinuation is requested,
32 in writing, by the individual who legally enrolled the

1 student, whether it is the parent or guardian of the
2 student or another individual, or by any student who has
3 reached the age of 18.

4 Within 30 days after the collection of biometric information is
5 discontinued in accordance with this subsection (b), the school
6 or school district must destroy all of the biometric
7 information it collected from that student.

8 (d) If the school district or a school collects a student's
9 biometric information, then all of the following apply:

10 (1) The school or district may not use the biometric
11 information for any purpose other than identification or
12 fraud prevention.

13 (2) The school or district may not sell, lease, or
14 otherwise disclose the biometric information to another
15 person or entity unless:

16 (A) the individual who legally enrolled the
17 student, whether it is the parent or guardian of the
18 student or another individual, or the student, if the
19 student has reached the age of 18, consents to the
20 disclosure; or

21 (B) the disclosure is required by court order.

22 (3) The school or district must store, transmit, and
23 protect all biometric information from disclosure using
24 reasonable care and in a manner that is the same as or more
25 protective than the manner in which the school or school
26 district stores, transmits, and protects its other
27 confidential information.

28 (105 ILCS 5/34-18.33 new)

29 Sec. 34-18.33. Student biometric information.

30 (a) For the purposes of this Section, "biometric
31 information" means any information that is collected through an
32 identification process for individuals based on their unique
33 behavioral or physiological characteristics, including
34 fingerprint, hand geometry, voice, or facial recognition or
35 iris or retinal scans.

1 (b) If the school district or any public school within the
2 district collects biometric information from students, it may
3 do so only with, at a minimum, written permission from (i) the
4 individual who legally enrolled the student, whether it is the
5 parent or guardian of the student or another individual, or
6 (ii) the student, if he or she has reached the age of 18. The
7 choice of the individual who legally enrolled the student not
8 to approve the collection of the student's biometric
9 information or the choice of a student who has reached the age
10 of 18 not to participate in the collection of his or her
11 biometric information must not be a basis for refusal of any
12 services otherwise available to the student.

13 (c) If the school district or any public school within the
14 district collects a student's biometric information, it must
15 discontinue the use of that student's biometric information
16 under either of the following conditions:

17 (1) Upon the student's graduation or withdrawal from
18 the school or school district.

19 (2) If, at any time, the discontinuation is requested,
20 in writing, by the individual who legally enrolled the
21 student, whether it is the parent or guardian of the
22 student or another individual, or by any student who has
23 reached the age of 18.

24 Within 30 days after the collection of biometric information is
25 discontinued in accordance with this subsection (b), the school
26 or school district must destroy all of the biometric
27 information it collected from that student.

28 (d) If the school district or a school collects a student's
29 biometric information, then all of the following apply:

30 (1) It may not use the biometric information for any
31 purpose other than identification or fraud prevention.

32 (2) It may not sell, lease, or otherwise disclose the
33 biometric information to another person or entity unless:

34 (A) the individual who legally enrolled the
35 student, whether it is the parent or guardian of the
36 student or another individual, or the student, if the

1 student has reached the age of 18, consents to the
2 disclosure; or

3 (B) the disclosure is required by court order.

4 (3) It must store, transmit, and protect all biometric
5 information from disclosure using reasonable care and in a
6 manner that is the same as or more protective than the
7 manner in which the school or school district stores,
8 transmits, and protects its other confidential
9 information.

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.30 as follows:

12 (30 ILCS 805/8.30 new)

13 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 94th General Assembly.

17 Section 99. Effective date. This Act takes effect August 1,
18 2006.