

Students

Administrative Procedure - Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students

State law requires a reciprocal reporting system between the Cooperative and local law enforcement agencies regarding criminal offenses committed by students (105 ILCS 5/10-20.14). The Juvenile Court Act of 1987 and the School Code set requirements for the management and sharing of law enforcement records and other information about students if they have contact with local law enforcement. Implementation of reciprocal reporting procedures relies heavily on Cooperative Principals/Coordinators, in cooperation with local law enforcement agencies (105 ILCS 5/10-20.14). Local implementation of reciprocal reporting procedures may be modified based upon the Cooperative's and local law enforcement's specific implementation needs.

Guidelines for Reports from the Cooperative to Local Law Enforcement

When sharing information, school officials should be aware of State and federal laws regarding *school student records* (Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99; Illinois School Student Records Act, 105 ILCS 10/). Information kept by law enforcement professionals working in a school is not considered a *school student record* (105 ILCS 10/2). Also, law enforcement records maintained by law enforcement agencies are not considered a *school student record* (105 ILCS 5/22-20, amended by P.A. 97-1104, eff. 1-1-2013). For more detailed information about *school student records* and its definition, see 7:340-AP1, *School Student Records*.

1. The Cooperative Principal/Coordinator and the local Police Department will arrange meetings as needed between school officials and individuals representing law enforcement to share information. While not required by State law, meetings may enhance a cooperative relationship between the Cooperative and local law enforcement agencies. The following people should be invited to these meetings: Cooperative Principal/Coordinator, social worker/behavior interventionist, State's Attorney, and juvenile probation officer.
2. The Cooperative Principal/Coordinator and the Police Department School Liaison Officer will share information with the appropriate law enforcement agencies regarding the arrest of a student who is less than 17 years of age and is enrolled in the Cooperative Principal's/Coordinator's school when the arrest was for any offense listed in the Juvenile Court Act of 1987. 105 ILCS 5/10-20.14.
 - a. The reporter should identify the student by name and describe the circumstances of the alleged criminal activity. If the information is a *school student record*, local law enforcement officials must certify in writing that they will not disclose it to any other party except as provided by State law without the prior written consent of the student's parent/guardian. See administrative procedure 7:340-AP1, *School Student Records*, Section H. The *written certification requirement* is at 105 ILCS 10/6(6.5) and 20 U.S.C. §1232g(b)(1)(E)(ii)(II).
 - b. The report should be made as soon as possible after the local Police Department or Cooperative Principal/Coordinator reasonably suspects that a student is involved in such activity.
 - c. The Cooperative Principal's/Coordinator's duty to report such activity arises only when the activity occurs on school property or off school grounds at a school-related function.

Guidelines for Reporting from Local Law Enforcement to the Cooperative

The information shared with the Cooperative from law enforcement agencies and the confidentiality of shared law enforcement records are managed under 105 ILCS 5/22-20 and 705 ILCS 405/1-7, amended by P.A. 97-1104, eff. 1-1-2013. These laws require the Cooperative Principal/Coordinator to maintain all information and records that the Cooperative receives from local law enforcement separate from a student's official *school student record*. Unless otherwise indicated, the information received from local law enforcement may only be used by Cooperative staff having a legitimate educational or safety interest in the information to support (1) the proper rehabilitation of the student, and/or (2) the protection and safety of students and employees in the Cooperative.

1. The State's Attorney shall provide to the Cooperative Principal/Coordinator a copy of any delinquency dispositional order concerning any student regardless of age where the crime would be a felony if committed by an adult, or was a Class A misdemeanor in violation of Article 24-1, 24-3, 24-3.1, or 24.5 of the Criminal Code (weapon offenses). Access to this information is limited to only the Cooperative Principal/Coordinator, the Executive Director, and any guidance counselor designated by these administrators. 705 ILCS 405/1-8(F).
2. Local law enforcement may disclose the identity of a victim of aggravated battery, battery, attempted first degree murder, or another non-sexual violent offense to appropriate Cooperative officials if the presiding judge of the juvenile court approves the disclosure to prevent foreseeable violence. 705 ILCS 405/5-905(2.5).
3. Local law enforcement may transmit records relating to a minor who is arrested or taken into custody before his or her 17th birthday only if law enforcement believes that there is imminent threat of physical harm to students, Cooperative personnel, or others who are present in the program or on Cooperative grounds. 705 ILCS 405/1-7(A)(8) and 405/5-905(h), amended by P.A. 97-1104. For an example of relevancy and implementation of this type of law enforcement information in a school building, see 4:170-AP7, *Targeted School Violence Prevention Program*.
4. Local law enforcement agencies and all courts must report to the Cooperative Principal/Coordinator the fact that a student enrolled in the building has been detained for proceedings under the Juvenile Court Act of 1987 or for any crime or violation of a municipal or county ordinance. 105 ILCS 5/22-20, amended by P.A. 97-1104.
5. Local law enforcement may allow the Cooperative Principal/Coordinator or appropriate school official(s) to inspect and copy law enforcement records concerning a minor enrolled in the program who has been arrested or taken into custody for violating the following Ill. laws: Article 24 of the Criminal Code of 1961 (dangerous weapons); Ill. Controlled Substances Act; Cannabis Control Act; forcible felonies defined at Section 2-8 of the Criminal Code of 1961; Methamphetamine Control and Community Protection Act; Section 1-2 of the Harassing and Obscene Communications Act; Hazing Act; or Article 12 of the Criminal Code of 1961 (bodily harm); or Article 25 of the Criminal Code of 1961 (mob action and related offenses). 705 ILCS 405/1-7(A)(8)(A) and 405/5-905(h)(A), amended by P.A. 97-1104.
6. Local law enforcement shall provide a copy of all arrest records, and the State's Attorney shall provide a copy of all conviction records, to the Cooperative Principal/Coordinator if the record involves a student who is arrested or taken into custody *after* his or her 17th birthday.
7. Local law enforcement may disclose only *oral information* about a minor who is the subject of a current police investigation that is directly related to school safety. 705 ILCS 405/5-905(h), amended by P.A. 97-1104. For an example of relevancy and

implementation of this type of law enforcement information in a school building, see 4:170-AP7, *Targeted School Violence Prevention Program*.

8. Local law enforcement and the State's Attorney may share or disclose information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders. 705 ILCS 405/1-8(G).

LEGAL REF.: 105 ILCS 5/10-20.14 and 5/22-20.
705 ILCS 405/1-7, 1-8(F), 1-8(G), and 5-905.

CROSS REF.: 2:150 (Committees), 7:150 (Agency and Police Interviews), 7:340-API
(School Student Records)

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