

Students

Administrative Procedure - Guidelines for Reciprocal Reporting of Criminal Offenses Committed by Students ¹

1. The Building Principal and/or the Police Department School Liaison Officer will arrange meetings as needed between school officials and individuals representing law enforcement to share information. ²
2. The Building Principal and the Police Department School Liaison Officer will share information regarding the arrest of a student who is less than 17 years of age and is enrolled in the Building Principal's school when the arrest was for any offense classified as a felony or a Class A or B misdemeanor. ³
 - a. The reporter should identify the student by name and describe the circumstances of the alleged criminal activity. Local law enforcement officials must certify in writing that the information received from the school will not be disclosed to any other party except as provided by State law without the prior written consent of the student's parent/guardian. ⁴
 - b. The report should be made as soon as possible after the Liaison Officer or Building Principal reasonably suspects that a student is involved in such activity. ⁵
 - c. The Building Principal's duty to report such activity arises only when the activity occurs on school property or off school grounds at a school-related function. ⁶
3. The State's Attorney shall provide to the Building Principal 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 Section 24-1, 24-3, 24-3.1, or 24.5 of the Criminal Code (weapon offenses). ⁷
4. 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 school

¹ State or federal law requires this subject matter be covered by procedure. State or federal law controls this procedure's content. This procedure concerns an area in which the law is unsettled in that a school's ability to share student records is restricted by State and federal law (see footnotes 3 and 4). The district's parent-teacher advisory committee must, in cooperation with local law enforcement agencies, develop guidelines for reciprocal reporting of criminal offenses committed by students (105 ILCS 5/10-20.14). The parent-teacher advisory committee is a school board committee and, thus, is subject to the Open Meetings Act (105 ILCS 120/1.02).

² This paragraph is optional. While not required by State law, meetings may enhance a cooperative relationship between the school and local law enforcement. The following people should be invited to these meetings: dean, building principal, guidance counselor, State's Attorney, juvenile probation officer, and police department school liaison officer.

³ State law requires a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students (105 ILCS 5/10-20.14). School officials should be sensitive to federal and State laws regarding 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/). Law enforcement records relating to a minor who has been arrested before his or her 17th birthday may be transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system between the school district and the local law enforcement agency (705 ILCS 405/5-905(1)(h)). Section 405/1-7 of the Juvenile Court Act contains a specific list of offenses whereas Section 405/5-905 refers to offenses classified generally as a felony or Class A or B misdemeanor. The sample procedure uses the latter enacted, broader standard, i.e., the standard in Section 405/5-905.

⁴ School officials should be sensitive to State and federal laws regarding 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/). The "written certification" requirement comes from 20 U.S.C. §1232g(b)(1)(E).

⁵ A report's timing is not specified in State law.

⁶ This limitation is implicit in State law.

⁷ Required by 705 ILCS 405/1-8(F).

officials if the presiding judge of the juvenile court approves the disclosure to prevent foreseeable violence. **8**

5. 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 Building Principal if the record involves a student who is arrested or taken into custody *after* his or her 17th birthday. **9**
6. 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. **10**

LEGAL REF.: 105 ILCS 5/10-20.14.
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)

8 705 ILCS 405/5-905(2.5), amended by P.A. 96-1414, eff. 1-1-11.

9 This duty is not imposed by State law, but may be part of the reciprocal reporting guidelines.

10 Permitted by 705 ILCS 405/1-8(G).