

**RECIPROCAL REPORTING SYSTEM
AGREEMENT BETWEEN THE SHERIFF OF LAKE COUNTY AND
THE BOARD OF EDUCATION OF MILLBURN SCHOOL DISTRICT #24**

This agreement is entered between the Sheriff of Lake County ("the Sheriff") and the Board of Education of Millburn School District #24 ("the School District").

WHEREAS, the Illinois School Code, 105 ILCS 5/10-20.14(b), requires the School District parent - teacher advisory committee, in cooperation with local law enforcement agencies, to work with the board of education to develop "policy guideline procedures" for the establishment and maintenance of a reciprocal reporting system between the School District and local law enforcement agencies regarding criminal offenses committed by students; and

WHEREAS, under the Illinois School Student Records Act, 105 ILCS 10/6, school student records are considered confidential and no school student records or information contained therein may be released, transferred or disclosed except as permitted by the Student Records Act; and

WHEREAS, under the Juvenile Court Act of 1987, 705 ILCS 405/1-7, law enforcement records are considered confidential and the inspection and copying of such records that relate to a minor who has been investigated, arrested or taken into custody before his or her 18th birthday are restricted to those exceptions in the Juvenile Court Act; and

WHEREAS, the Illinois School Student Records Act, 105 ILCS 10/6(a)(6.5), and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, authorize school districts to release student records and information to juvenile authorities (including law enforcement officers) when necessary for the discharge of their official duties prior to adjudication of the student and upon written certification that the information will not be disclosed to any other party except as provided under law or order of court; and

WHEREAS, the Juvenile Court Act, 705 ILCS 405/1-7(A)(8), authorizes law enforcement agencies to allow appropriate school officials to inspect and copy law enforcement records under a reciprocal reporting system for certain offenses and under certain specified circumstances; and

WHEREAS, the Board of Education of the School District and the Sheriff agree that enhanced communication between these entities under a reciprocal reporting agreement would promote the safety and well-being of students and community residents; and

WHEREAS, the School District and the Sheriff are authorized to enter into this agreement pursuant to the Illinois School Code, 105 ILCS 5/10-20.14, the Illinois Constitution, art. VII, §10(a) et seq., and the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.

NOW THEREFORE, the School District and the Sheriff hereby agree as follows:

1. **ESTABLISHMENT OF A REPORTING SYSTEM.** The School District and the Sheriff hereby enter into this Agreement to establish and maintain a reciprocal reporting system between the School District and the Sheriff regarding juvenile and criminal offenses involving students.
2. **REPORTING AND INFORMATION SHARING.** The School District and the Sheriff acknowledge and agree to act in good faith to comply with the reporting responsibilities and limitations set forth herein, and as required by applicable law.
3. **DESIGNATED REPRESENTATIVES.** The Sheriff will designate an appropriate employee ("the Sheriff's Designee") to be the School District's contact person for purposes of this Agreement. The School District's Superintendent shall provide the Sheriff's Designee with a list of administrators to be contacted, as needed, containing regular and emergency telephone numbers, and identifying the particular types of problems for which particular administrators are to be contacted. The administrators identified in the list shall be considered the "Appropriate School Official" for purposes of subsection 1-7(A)(8) of the Juvenile Court Act, 705 ILCS 405/1-7 as amended, whom the School District has determined to have a legitimate educational or safety interest to protect the safety of students or employees in the school and aid in the proper rehabilitation of the child. The Sheriff's Designee will provide the Superintendent with a primary and two back-up contacts, who shall be considered the "Sheriff's Representatives".
4. **SCHOOL DISTRICT AUTHORITY TO REPORT STUDENT CRIMINAL ACTIVITY.** The Superintendent or School Principal, or their designee(s), may report any alleged or suspected criminal activities committed by a student enrolled in School District (See 1996 Ill. Atty. Gen. Op. 96-040).
5. **SCHOOL DISTRICT DUTY TO REPORT STUDENT CRIMINAL ACTIVITY.** The Superintendent and/or School Principal(s), or their designees, must report certain incidents involving firearms, drugs and attacks on school personnel, as set out below. When a report may be required of both the Superintendent and Principal, a single report from one or the other shall meet the duty to report.
 - a) **School Superintendent.** The School Superintendent (or his/her designee) is to immediately report the following to the Sheriff:
 - i. **Firearms.** Any verified incident involving a firearm in a school or on school owned or leased property and on any transportation, that is owned, leased or used by the school for its students or school personnel. See 105 ILCS 5/10-27.1A, as amended.
 - ii. **Drugs.** Any verified incident involving drugs in a school or on school-owned or leased property or on any transportation that is owned, leased or used by the school for its students or school personnel. "Drugs" means "narcotic drug" as defined under subsection (aa) of Section 102 of the Illinois Controlled Substances Act, as amended [720 ILCS 570/102], "cannabis" as defined under

Section 3 of the Cannabis Control Act, as amended [720 ILCS 550/3], or "methamphetamine" as defined under Section 10 of the Methamphetamine Control and Community Protection Act, as amended [720 ILCS 646/10]. See 105 ILCS 5/10-27.1B

b) **School Principal.** The School Principal (or his/her designee) is to immediately report the following to the Sheriff:

- i. **Firearms.** Upon receiving a report from any school staff, or any other person that they have observed any person in possession of a firearm on school grounds, an immediate report of the incident must be made. If the person in possession of a firearm on school grounds is a student, the principal or his/her designee shall also immediately notify the student's parent or guardian. See 105 ILCS 5/10-27.1A, as amended.
- ii. **Attacks on School Personnel.** Upon receipt of a written complaint from any school personnel, all incidents of battery committed against teachers, teacher personnel, administrative personnel or educational support personnel. See 105 ILCS 5/10-21.7, as amended.
- iii. **Cannabis, illegal Drugs or Controlled Substances on or Near School Grounds.** Within 48 hours of becoming aware, a report of any violation of Section 5.2 of the Cannabis Control Act or the Methamphetamine Control and Community Protection Act or Section 401 and subsection (b) of Section 407 of the Illinois Controlled Substances Act in a school, on school property, or within 1,000 feet of the school, or on any transportation used, owned or leased by the School District to transport students. See 105 ILCS 127/2, as amended.

6. **SCHOOL DISTRICT RELEASE OF SCHOOL STUDENT RECORDS AND RECORD INFORMATION TO SHERIFF.** School officials shall follow state and federal laws regarding school student records, which are considered confidential, and no school student records or information contained therein may be released, transferred or disclosed except with parental consent or as otherwise permitted by the Illinois School Student Records Act, 105 ILCS 10/1 et seq., as amended. The following exceptions permit the release of student records and information to the Sheriff without parental consent:

- a) **Adjudication of Student by Juvenile Court.** School districts can release student records and information to the Sheriff, upon the request of the Sheriff, when necessary for the discharge of their official law enforcement duties, prior to adjudication of the student and upon written certification from the Sheriff that the information or records disclosed by the school will not be disclosed to any other party, except as provided by law or order of court. 105 ILCS 10/6, as amended.
- b) **Emergency Release of Information.** Records and information may be released to the Sheriff if such information is needed by the Sheriff to protect the health or safety of the student or other persons, provided that the parents are notified no later than the

next school day after the date the information is released, the date of release, the fact that the information was shared with the Sheriff, and the purpose of the release. The factors to be considered in determining whether an emergency exists requiring the release of student information include:

- i. **Degree of Threat.** Seriousness of threat to health/safety of student or others;
 - ii. **Need.** Need for records to meet the emergency;
 - iii. **Sheriff Involvement.** Whether the Sheriff's Office is in a position to deal with the emergency; and
 - iv. **Urgency.** Extent to which time is of the essence in dealing with the emergency.
- 105 ILCS 10/6, as amended; 23 Il. Admin. Code §375.60

- c) **Law Enforcement Records Not School Records.** It is recognized that the information maintained by law enforcement officers working in the school are not student records. 105 ILCS 10/2(d), as amended.

7. SHERIFF TO SHARE LAW ENFORCEMENT DATA WITH SCHOOL DISTRICT. The Sheriff will comply with applicable state and federal law in implementing these procedures. In furtherance of the information-sharing hereunder, a Sheriff's Representative may:

- a) **Students Under 18 Years Old.** Provide copies of law enforcement records to, or permit inspection of those records by, the Appropriate School Official or Officials for minors enrolled in the School District if the minor has been arrested or taken into custody before his or her 18th birthday for the offenses listed below, provided that the Sheriff or officer believes that there is an imminent threat of physical harm to students, school personnel or others who are present in the school or on school grounds. Inspection and copying shall be limited to law enforcement records transmitted to the Appropriate School Official or Officials.
 - i. any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, as amended;
 - ii. a violation of the Illinois Controlled Substance Act, as amended;
 - iii. a violation of the Cannabis Control Act, as amended;
 - iv. a violation of the Methamphetamine Control and Community Protection Act; as amended; and
 - v. a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012, as amended;
 - vi. a violation of Section 1-2 of the Harassing and Obscene Communications Act, as amended;
 - vii. a violation of the Hazing Act, as amended; or
 - viii. a violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of 1961 or the Criminal Code of 2012, as amended.

The information derived from the law enforcement records shall be kept separate from and shall not become a part of the official school record of that child and shall not be a public record. The information shall be used solely by the Appropriate School Official or Officials to aid in the proper rehabilitation of the child and to protect the safety of student and employees in the school.

Any information provided to appropriate school officials whom the school has determined to have a legitimate educational or safety interest by the Sheriff about a minor who is the subject of a current sheriff investigation that is directly related to school safety shall consist of oral information only, and not written law enforcement records, and shall be used solely by the Appropriate School Official or Officials to protect the safety of students and employees in the school and aid in the proper rehabilitation of the child. The information derived orally from the Sheriff shall be kept separate from and shall not become a part of the official school record of the child and shall not be a public record (See 705ILCS 405/1-7, as amended).

8. **COOPERATION BETWEEN SCHOOL DISTRICT AND SHERIFF.** Nothing in this policy and procedure is intended to limit or restrict the duty and authority of the School District to request sheriff services for disturbances or other emergencies occurring in or around any of its school buildings, nor is it intended to limit or restrict the duty or ability of any person attending or employed by the School District to provide information or otherwise cooperate in School District and law enforcement investigations, including but not limited to providing witness statements and testimony in juvenile or criminal adjudications, or in school discipline proceedings.

IN WITNESS, WHEREOF, the parties have executed this Agreement on the date set forth below.

COUNTY
Lake County Sheriff

DISTRICT
Milburn School District #24

By: _____
Sheriff

By: _____
President

Date: _____

Date: _____