

Public Act 103-0896

Development of Reciprocal Reporting Systems Guidance



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Introduction

This guidance is published pursuant to [Public Act 103-0896](#), effective as of August 9, 2024. Existing language in [105 ILCS 5/10-20.14\(b\)](#) mandates the following:

The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students.

Please note that, although not signed into law at the time of drafting this guidance, the Illinois General Assembly recently passed [Senate Bill 1519](#) which, among other things, provides that reciprocal reporting systems are to pertain to both “...criminal and civil offenses committed by students.” See 105 ILCS 5/10-20.14(b) as amended by SB 1519 (emphasis added).

With the enactment of PA 103-0896, the Illinois State Board of Education (ISBE) is required to, among other things, “... draft and publish guidance for the development of reciprocal reporting systems in accordance with [Section 10-20.14(b)] on or before July 1, 2025.” See PA 103-0896, which amends 105 ILCS 5/10-20.14(b). Such guidance must be drafted and published in consultation with stakeholders. *Id.* ISBE would like to thank the following stakeholders for their involvement in the development of this guidance:

- Aimee Galvin (Stand for Children Illinois, Government Affairs Director);**
- Dr. Charles Johns (Glenbrook High School District 225, Superintendent); and**
- Amanda Klemas (Equip for Equality, Senior Attorney).**

Reciprocal reporting systems are generally governed by reciprocal reporting agreements, which lay out a host of matters regarding reciprocal reporting between school districts and law enforcement on instances involving students, as well as their sharing of information/records regarding students. This guidance serves as a reference for various laws (and other factors) that should be considered in the establishment and/or maintenance of such reciprocal reporting systems governed by reciprocal reporting agreements. Specifically, this guidance lays out best practices/agreement provisions to consider in drafting reciprocal reporting agreements, as well as federal and state statutory provisions and associated administrative rules that may be pertinent to reference in such agreements. Please note that each statutory provision/administrative rule provided herein may have certain language/sections/subsections omitted, and the reader should visit the statute/administrative rule to read it in its entirety. This guidance also includes a link to an example reciprocal reporting agreement, as well as links to a selection of related guidance and resources.

Districts and law enforcement agencies should also be cognizant of ISBE's [Non-Regulatory Guidance on Immigration Enforcement Actions](#), which discusses, among other things, federal immigration enforcement actions and related student records requests. The content of this guidance document should be reviewed to confirm that the parties to a reciprocal reporting agreement (and the agreement itself) comply with the various statutory provisions referenced therein.

Finally, while certain offenses **must** be reported to law enforcement, ISBE takes the position that student misconduct that is **neither** criminal in nature; **nor** threatening to life, health, or safety; **nor** required to be reported by state or federal law should not be referred to law enforcement and instead should be handled directly by the school in accordance with the student code of conduct or related internal code. The aforementioned SB 1519 further requires school districts (beginning with the 2027-28 school year) to annually report "... the number of students in kindergarten through grade 12 who were referred to a law enforcement agency or official and the number of instances of referrals to law enforcement that students in grades kindergarten through 12 received." See SB 1519, creating 105 ILCS 5/2-3.206. For further discussion of this issue, see the Illinois Attorney General's [Findings in District 211 Ticketing Investigation by the Office of the Illinois Attorney General](#) and 105 ILCS 5/10-22.6(i) (also amended by SB 1519).

Best Practices/ Provisions to Consider Incorporating

A reciprocal reporting agreement should be tailored to the specific needs and circumstances of the parties to it, keeping in mind local conditions, as well as all legal obligations and limitations. A selection of best practices and provisions to consider incorporating when drafting a reciprocal reporting agreement is listed below. It is recommended that school districts publish a copy of their reciprocal reporting agreements on their websites and make them available upon request to ensure public accessibility and parent/guardian awareness.

a. Participants in Developing Agreement

Pursuant to [105 ILCS 5/10-20.14\(b\)](#), a district's parent-teacher advisory committee, school board, and local law enforcement must be involved with the development of "... policy guideline procedures to establish and maintain a reciprocal reporting system ..." At minimum, therefore, these parties must be involved in developing the agreement.

Relatedly, the convening of members of a district's parent-teacher advisory committee may be subject to the [Illinois Open Meetings Act](#) (OMA) and should comply with such. For more information regarding the OMA and its application, you may reference these [Frequently Asked Questions](#) and [OMA Webinar Slides](#) published by the Office of the Illinois Attorney General.

b. Proper Parties to the Agreement

The beginning of the reciprocal reporting agreement should clearly identify the parties to it by their full formal/legal name, and by extension, clearly state who can receive information about students. Municipalities, for example, may sign reciprocal reporting agreements on behalf of the local law enforcement agency. In other instances, multiple agencies may sign the agreement. To avoid any confusion in reporting or unintended disclosures of sensitive student information, it is imperative to clearly identify the parties to the reciprocal reporting agreement.

c. Approval Process and Procedure

As applicable, ensure you are aware of, and adhere to, your relevant municipal code, processes, and procedures regarding agreements between local governmental entities prior to entering such agreements. Similarly, any applicable school board policies or procedures for entering into such agreements should be considered and adhered to. Review of both should ensure, among other things, that proper authority is obtained to enter into reciprocal reporting agreements.

Both Article VII of the Illinois Constitution ([Ill. Const. art. VII, sec. 10](#)) and the [Intergovernmental Cooperation Act](#) speak to cooperation by local governmental entities (e.g., entering into agreements) and are sometimes referenced in reciprocal reporting agreements.

d. Designated Representatives

In the interest of maintaining open communication between school districts and local law enforcement, reciprocal reporting agreements should outline how designated representatives from each entity will be chosen and communicated with, including the proper contact information for each.

Regarding sharing records pertaining to students between school districts and local law enforcement, certain laws expressly limit who may handle such records and require the designation of such persons. For example, Section 1-7(A)(8)(A)-(B) of the [Juvenile Court Act of 1987](#) limits the disclosure of "... juvenile law enforcement records maintained by law enforcement agencies or records of municipal ordinance violations ..." to the "... appropriate school official or officials ...". A reciprocal reporting agreement should account for the designation of these "appropriate school official(s)," even if merely providing the relevant employee title and/or outlining how the identity and contact information of the selected officials will be communicated to local law enforcement.

School resource officers (SROs) are not automatically considered "school officials" for the purpose of their access to student education records. Accordingly, SROs should not be given access to student records without informed written consent from a student's parent or guardian (or the student if they are 18 years of age or older) unless permitted by the [Family Educational Rights and Privacy Act](#) (FERPA), the [Illinois School Student Records Act](#) (ISSRA), and their associated administrative rules ([34 CFR 99](#) and [23 Ill. Admin. Code 375](#), respectively). As with the entirety of this guidance, it is recommended that districts consult with their

legal counsel to understand the parameters of when an SRO may be considered a school official for the purpose of their access to student education records in compliance with the aforementioned federal and state statutes. In the interim, the U.S. Department of Education (ED) has issued this [resource](#), which helps to explain such relevant parameters.

e. External Law Enforcement Access to School Security Camera Footage

Another area reciprocal reporting agreements occasionally address is the circumstances in which external law enforcement may have access to school security camera footage.

This determination generally requires a two-step analysis. First, school districts must determine whether the security camera footage meets the definition of an “education record” under FERPA and/or a “school student record” under ISSRA. See [20 U.S.C. §1232g\(a\)\(4\)\(A\)\(i\)-\(ii\)](#) and [34 CFR 99.3](#). See also [105 ILCS 10/2\(d\)](#) and [23 Ill. Admin. Code 375.10](#). If the school district determines the security camera footage is either, then the security camera footage cannot be shared without parental consent (or student consent if the student is 18 years of age or older) or unless an exception under FERPA or ISSRA applies. For example, both FERPA and ISSRA permit disclosure without prior consent when there is a health or safety emergency. See [20 U.S.C. §1232g\(b\)\(1\)\(I\)](#), [34 CFR 99.31\(a\)\(10\)](#), and [99.36](#). See also [105 ILCS 10/6\(a\)\(7\)](#) and [23 Ill. Admin. Code 375.60](#).

Among other considerations, reciprocal reporting agreements can outline the processes for making the determinations above, as well as detailing *how* the footage is to be shared with external law enforcement. For additional information on this topic, see the ED [FAQs on Photos and Videos under FERPA](#) webpage.

f. Relevant Federal and State Statutes

The reporting of incidents involving students and the sharing of relevant records regarding students is highly regulated by both federal and state law. Certain laws limit the specific circumstances in which incidents involving a student are to be reported or information/records pertaining to a student may be shared. Others generally limit the specific type of information that may be shared. Further, certain laws *mandate* the reporting of incidents involving students and the sharing of relevant records involving students, while others merely *permit* such.

This guidance provides a broad selection of both federal and state statutes (as well as associated administrative rules) generally pertaining to the reporting of incidents involving students, as well as the sharing of records containing student information. Its outline of such statutes/administrative rules is broken down into the following categories, which may serve to account for the relevant instances/situations contemplated by a reciprocal reporting agreement:

Reporting of Student Instances

- School district reporting to law enforcement.
- Law enforcement reporting to a school district.
- General or related reporting provisions.

Disclosure of Records Involving Students

- School district disclosing to law enforcement.
- Law enforcement disclosing to a school district.
- General or related disclosure provisions. Note: The outline referenced above that begins on page 7 is further broken down between relevant state and federal laws.

School districts and local law enforcement agencies (in addition to any other party involved in such reciprocal reporting agreements, such as local municipalities) are advised to consult with their legal counsel to ensure the relevant federal and state statutes and associated administrative rules are accounted for and incorporated in their reciprocal reporting agreements. Such legal consultation should further discuss which, if any, provisions referenced in this guidance to incorporate into any reciprocal reporting agreement to which they are a party. Legal counsel should also ensure that the contemplated actions (e.g., reporting of incidents and disclosing of records) of each party to the reciprocal reporting agreement are in line with such provisions of law.

g. Agreement Review

The Illinois School Code (School Code) requires school boards/governing bodies of charter schools and parent-teacher advisory committees to “... *annually review* their student discipline policies and the implementation of those policies and *any other factors related to the safety of their schools, students, and school personnel.*” See 105 ILCS 5/10-20.14(a) (emphasis added). This provision arguably implicates a district’s reciprocal reporting system, and as such, an annual review of a district’s reciprocal reporting agreement should be undertaken. This review should ensure, among other things, all relevant statutes are accounted for and current, all contact information is accurate, etc. A district’s parent-teacher advisory committee, school board, and local law enforcement must be involved in the development of a reciprocal reporting system pursuant to 105 ILCS 5/10-20.14(b), so it is recommended that the same parties participate in the reciprocal reporting agreement review process.

h. Amendments

Occasionally, reciprocal reporting agreements may have to be amended to account for, among other things, changes in the law, changes in contact information, etc. The process and protocol for incorporating such amendments into the reciprocal reporting agreement should be accounted for, including discussion of how amendments are to have their full force and effect (e.g., required to be reduced to writing, following all school district and law enforcement/municipality processes and procedures, obtaining all necessary approvals, etc.).

i. Notice

If the reciprocal reporting agreement requires notification of certain matters to be reduced to writing (e.g., termination, amendments, etc.), then it is imperative that the reciprocal reporting agreement also clearly identify the requisite method of notification (e.g., email vs. postal mail), the identity of the appropriate person(s) to be provided notice, and that person’s current contact information aligned with the requisite method of notification, to ensure proper delivery.

j. Term of Agreement

The reciprocal reporting agreement should state when it is to become effective and when it is to terminate. Some reciprocal reporting agreements do not have a specific termination date, instead providing that the reciprocal reporting agreement is effective until some triggering event occurs. For example, a reciprocal reporting agreement could be effective until either party provides notice to the other of their intent to terminate such (with this “notice” being the act triggering termination). If this is the desired route, consider stating how many days’ advance notice the terminating party must provide to the non-terminating party of its intent to terminate the reciprocal reporting agreement (e.g., 30 days’ notice, 60 days’ notice, etc.) as well as the acceptable form of such notification (e.g., written, email, etc.).

Selection of Relevant Statutory Provisions

The following section contains various state and federal statutes and their associated administrative rules pertaining to reporting of student instances and disclosure of records involving students between school districts and law enforcement. These provisions are laid out in a high-level overview chart with citations, followed by an outline containing citations and selected statutory/administrative rule language. Though many of the laws referenced in the following outline are from the School Code (indicated by their citation beginning with “105 ILCS 5/...”), most of the other statutes *not* from the School Code contain an explanatory note providing the name of the statute that encompasses that referenced provision.

These provisions are provided as a general reference, and the reader is advised to consult with legal counsel regarding the applicability or inclusion of any of these into a reciprocal reporting agreement.

Reporting of Student Instances – Overview Chart

School District Reporting to Law Enforcement	Law Enforcement Reporting to School Districts	General Reporting Provisions/ Related Provisions
Illinois State Laws		
Firearms (105 ILCS 5/10-27.1A; 105 ILCS 5/34-8.05)	Student Detainment (105 ILCS 5/22-20)	Principal & Assistant Principal Duty to Utilize Law Enforcement (105 ILCS 5/10-21.4a; 105 ILCS 5/34-8.1)
Attacks on School Personnel (105 ILCS 5/10-21.7)	Sexual Abuse at Schools (105 ILCS 5/22-85)	School Officials Requesting Law Enforcement Help for Drug Searches (105 ILCS 5/10-22.10a)
Drugs (105 ILCS 5/10-27.1B; 105 ILCS 127/2)		District Threat Assessment Procedure (105 ILCS 128/45)
Hazing (720 ILCS 5/12C-50.1)		Parental Notification of Law Enforcement Detainment/ Questioning on School Grounds (105 ILCS 5/22-88)
Intimidation (105 ILCS 5/34-84a.1)		Chicago Public Schools Violence Prevention Hotline (105 ILCS 5/34-21.8)
Clear and Present Danger (430 ILCS 66/105; 405 ILCS 5/6-103.3; 20 Ill. Admin. Code 1230.120)		
Missing Children/Child Enrollment Records (325 ILCS 50/5; 325 ILCS 55/5; 20 Ill. Admin. Code 1290.60(a); 23 Ill. Admin. Code 375.75)		
General requirement to report certain instances to local law enforcement, and for them to report to Illinois State Police (50 ILCS 709/5-12(6))		

Federal Laws		
Firearms (20 U.S.C. §7961)		U.S. Department of Education Office of Civil Rights – Civil Rights Data Collection (school-related arrests & law enforcement referral data) (20 U.S.C. § 3413l(1); 20 U.S.C. §6311(h)(1)(C)(viii)(I))

Disclosure of Records – Overview Chart

School District Reporting to Law Enforcement	Law Enforcement Reporting to School Districts	General Reporting Provisions/ Related Provisions
Illinois State Laws		
Court Order (105 ILCS 10/6(a)(5); 23 Ill. Admin. Code 375.70(d))	Imminent Threat of Physical Harm (705 ILCS 405/1-7(A)(8); 705 ILCS 405/5-905(1)(h)) <i>[Note: Law enforcement records are limited to arrest or custody for specific offenses.]</i>	Law Enforcement Professionals Working in Schools' Records are not School Student Records (105 ILCS 10/2(d); 23 Ill. Admin. Code 375.10)
Specifically Required by State or Federal Law (105 ILCS 10/6(a)(6); 23 Ill. Admin. Code 375.70(b))	Adjudication of Delinquency in Particular Circumstances (705 ILCS 405/1-8(F))	Reciprocal Reporting System (105 ILCS 5/10-20.14(b)) <i>[Note: Language to be amended if SB 1519 is signed into law.]</i>
Juvenile Authorities Prior to Juvenile Court Adjudication (105 ILCS 10/6(a)(6.5))	Minor's Identity if a Victim of Certain Crimes (705 ILCS 405/5-905(2.5))	
Emergency Release of Information (105 ILCS 10/6(a)(7); 23 Ill. Admin. Code 375.60)		
To Governmental Agency Re. School Attendance (105 ILCS 10/6(a)(9))		
Truancy (65 ILCS 5/11-5-9)		

Federal Laws		
State Statute Re. Juvenile Justice Prior to Juvenile Court Adjudication (20 U.S.C. §1232g(b)(1)(ii); 34 CFR 99.31(a)(5); 34 CFR 99.38)		Law Enforcement Unit Records are not Education Records (20 U.S.C. §1232g(a)(4)(B)(ii); 34 CFR 99.3)

a. **Reporting of Student Instances (Illinois State Laws)** [Note: Certain language/sections/subsections omitted for brevity, and emphasis added in certain provisions. See statute for full language.]

i. **School District Reporting to Law Enforcement**

1. **Firearms**

a. [105 ILCS 5/10-27.1A](#)

- i. (a) **All school officials, including teachers, school counselors, and support staff, shall immediately notify the office of the principal in the event that they observe any person in possession of a firearm on school grounds;** provided that taking such immediate action to notify the office of the principal would not immediately endanger the health, safety, or welfare of students who are under the direct supervision of the school official or the school official. If the health, safety, or welfare of students under the direct supervision of the school official or of the school official is immediately endangered, the school official shall notify the office of the principal as soon as the students under his or her supervision and he or she are no longer under immediate danger. A report is not required by this Section when the school official knows that the person in possession of the firearm is a law enforcement official engaged in the conduct of his or her official duties. Any school official acting in good faith who makes such a report under this Section shall have immunity from any civil or criminal liability that might otherwise be incurred as a result of making the report. The identity of the school official making such report shall not be disclosed except as expressly and specifically authorized by law. Knowingly and willfully failing to comply with this Section is a petty offense. A second or subsequent offense is a Class C misdemeanor.
- ii. (b) **Upon receiving a report from any school official pursuant to this Section, or from any other person, the principal or his or her designee shall immediately notify a local law enforcement agency.** If the person found to be in possession of a firearm on school grounds is a student, the principal or his or her designee shall also immediately notify that student's parent or guardian. Any principal or his or her designee acting in good faith who makes such reports under this Section shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of making the reports. Knowingly and willfully failing to comply with this Section is a petty offense. A second or subsequent offense is a Class C misdemeanor. If the person found to be in possession of the firearm on school grounds is a minor, the law enforcement agency shall detain that minor until such time as the agency makes a determination pursuant to clause (a) of subsection (1) of Section 5-401 of the Juvenile Court Act of 1987, as to whether the agency reasonably believes that the minor is delinquent. If the law enforcement agency determines that probable cause exists to believe that the minor committed a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 2012 while on school grounds, the agency shall detain the minor for processing pursuant to Section 5-407 of the Juvenile Court Act of 1987.

b. [105 ILCS 5/34-8.05](#)

- i. Sec. 34-8.05. Reporting firearms in schools. On or after January 1, 1997, **upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm** in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, **the general superintendent or his or her designee shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities no later than 24 hours** after the occurrence of the incident.

2. Attacks on School Personnela. [105 ILCS 5/10-21.7](#)

- i. (a) In the Section, “school” means any public or private elementary or secondary school.
- ii. (b) Upon receipt of a written complaint from any school personnel, **the school shall report all incidents of battery committed against teachers, teacher personnel, administrative personnel or educational support personnel to the local law enforcement authorities immediately after the occurrence of the attack.** Schools shall also report all of these incidents to the State Board of Education through existing school incident reporting systems as they occur during the year by no later than August 1 for the preceding school year. The State Board of Education shall report data by school district, as collected from school districts, in an annual report of attacks on school personnel and make it available to the public via its website. The **local law enforcement authority shall, by March 1 of each year, report the required data from the previous year to the Illinois State Police’s Illinois Uniform Crime Reporting Program.**

3. Drugsa. [105 ILCS 5/10-27.1B](#)

- i. (a) In this Section:
 1. “Drug” means “cannabis” as defined under subsection (a) of Section 3 of the Cannabis Control Act, “narcotic drug” as defined under subsection (aa) of Section 102 of the Illinois Controlled Substances Act, or “methamphetamine” as defined under Section 10 of the Methamphetamine Control and Community Protection Act.
 2. “School” means any public or private elementary or secondary school.
- ii. (b) **Upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving drugs** in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, **the superintendent or his or her designee, or other appropriate administrative officer for a private school, shall report all such drug-related incidents occurring in a school or on school property to the local law enforcement authorities immediately.**

- b. [105 ILCS 127/2](#) [This provision is within the [School Reporting of Drug Violations Act](#).]
 - i. Sec. 2. Duty of school administrators. **It is the duty of the principal of a public elementary or secondary school, or his or her designee, and the chief administrative officer of a private elementary or secondary school** or a public or private community college, college, or university, or his or her designee, **to report to the municipal police department or office of the county sheriff of the municipality or county where the school is located violations of Section 5.2 of the Cannabis Control Act, violations of Section 401 and subsection (b) of Section 407 of the Illinois Controlled Substances Act, and violations of the Methamphetamine Control and Community Protection Act occurring in a school**, on the real property comprising any school, on a public way within 1,000 feet of a school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity within 48 hours of becoming aware of the incident.

4. Hazing

- a. [720 ILCS 5/12C-50.1](#) [This provision is within the [Criminal Code of 2012](#).]
 - i. (a) For purposes of this Section, “school official” includes any and all paid school administrators, teachers, counselors, support staff, and coaches and any and all volunteer coaches employed by a school, college, university, or other educational institution of this State.
 - ii. (b) **A school official commits failure to report hazing when:**
 - 1. (1) while fulfilling his or her official responsibilities as a school official, he or she personally observes an act which is not sanctioned or authorized by that educational institution;
 - 2. (2) the act results in bodily harm to any person; and
 - 3. (3) **the school official knowingly fails to report the act** to supervising educational authorities or, **in the event of death or great bodily harm, to law enforcement.**

5. Intimidation

- a. [105 ILCS 5/34-84a.1](#)
 - i. (a) Principals shall report incidents of intimidation. **The principal of each attendance center shall promptly notify and report to the local law enforcement authorities** for inclusion in the Department of State Police’s Illinois Uniform Crime Reporting Program **each incident of intimidation of which he or she has knowledge and each alleged incident of intimidation which is reported to him or her**, either orally or in writing, **by any pupil or by any teacher or other certificated or non-certificated personnel employed at the attendance center.** “Intimidation” shall have the meaning ascribed to it by Section 12-6 of the Criminal Code of 2012.

6. Clear and Present Danger

- a. [430 ILCS 66/105](#) [This provision is within the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law (Sections 100 through 110), contained within the

Firearm Concealed Carry Act.]

- i. Sec. 105. Duty of school administrator. **It is the duty of the principal of a public elementary or secondary school, or his or her designee**, and the chief administrative officer of a private elementary or secondary school or a public or private community college, college, or university, or his or her designee, **to report to the Illinois State Police when a student is determined to pose a clear and present danger to himself, herself, or to others, within 24 hours of the determination** as provided in Section 6-103.3 of the Mental Health and Developmental Disabilities Code. "Clear and present danger" has the meaning as provided in paragraph (2) of the definition of "clear and present danger" in Section 1.1 of the Firearm Owners Identification Card Act.
- b. 405 ILCS 5/6-103.3 [This provision is within the Mental Health and Development Disabilities Code.]
 - i. Sec. 6-103.3. Clear and present danger; notice. **If a person is determined to pose a clear and present danger to himself, herself, or to others by a physician, clinical psychologist, or qualified examiner, whether employed by the State, by any public or private mental health facility or part thereof, or by a law enforcement official or a school administrator, then the physician, clinical psychologist, qualified examiner shall notify the Department of Human Services and a law enforcement official or school administrator shall notify the Illinois State Police, within 24 hours of making the determination that the person poses a clear and present danger.** The Department of Human Services shall immediately update its records and information relating to mental health and developmental disabilities, and if appropriate, shall notify the Illinois State Police in a form and manner prescribed by the Illinois State Police. Information disclosed under this Section shall remain privileged and confidential, and shall not be redisclosed, except as required under subsection (e) of Section 3.1 of the Firearm Owners Identification Card Act, nor used for any other purpose. The method of providing this information shall guarantee that the information is not released beyond that which is necessary for the purpose of this Section and shall be provided by rule by the Department of Human Services. The identity of the person reporting under this Section shall not be disclosed to the subject of the report. The physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator making the determination and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the notification required under this Section, except for willful or wanton misconduct. This Section does not apply to a law enforcement official, if making the notification under this Section will interfere with an ongoing or pending criminal investigation.
 1. For the purposes of this Section:
 - a. "Clear and present danger" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.
 - b. "Determined to pose a clear and present danger to himself, herself, or to others by a physician, clinical psychologist, or qualified examiner" means in the professional opinion of the physician, clinical psychologist, or qualified examiner, a person poses a clear and present danger.

- c. “School administrator” means the person required to report under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law.

c. [20 Ill. Admin. Code 1230.120\(b\)](#)

- i. **Law enforcement officials and school administrators shall report determinations of a clear and present danger directly to the [Illinois State Police].** The [Illinois State Police] shall make a form and instruction for the reporting available to law enforcement officials and school administrators on its website. Such reports shall be maintained in accordance with subsections (e) and (f).
 - 1. Clear and present danger reports shall be reviewed by the [Illinois State Police] to deny a [Firearm Owner’s Identification or “FOID”] card application or revoke a FOID card under Section 8(f) or 8.1(d) of this Act.
 - 2. **Clear and present danger reporting shall be made consistent with the Family Educational Rights and Privacy Act (20 USC 1232g)** to assist the [Illinois State Police] with protecting the health and safety of the public by denying persons who present a clear and present danger from having lawful access to weapons.

7. Missing Children/Child Enrollment Records

a. [325 ILCS 50/5](#) [This provision is within the [Missing Children Records Act](#).]

- i. (a) **Upon notification by the Illinois State Police of a person’s disappearance, a school, preschool educational program, child care facility, or day care home or group day care home in which the person is currently or was previously enrolled shall flag the record of that person in such a manner that whenever a copy of or information regarding the record is requested, the school or other entity shall be alerted to the fact that the record is that of a missing person. The school or other entity shall immediately report to the Illinois State Police any request concerning flagged records or knowledge as to the whereabouts of any missing person.** Upon notification by the Illinois State Police that the missing person has been recovered, the school or other entity shall remove the flag from the person’s record.
- ii. (b)(1) For every child enrolled in a particular elementary or secondary school, public or private preschool educational program, public or private child care facility licensed under the Child Care Act of 1969, or day care home or group day care home licensed under the Child Care Act of 1969, that school or other entity shall notify in writing the person enrolling the child that within 30 days he must provide either (i) a certified copy of the child’s birth certificate or (ii) other reliable proof, as determined by the Illinois State Police, of the child’s identity and age and an affidavit explaining the inability to produce a copy of the birth certificate. Other reliable proof of the child’s identity and age shall include a passport, visa or other governmental documentation of the child’s identity. When the person enrolling the child provides the school or other entity with a certified copy of the child’s birth certificate, the school or other entity shall promptly make a copy of the certified copy for its records and return the original certified copy to the person enrolling the child. Once a school or other entity has been provided with a certified copy of a child’s birth certificate as required under item (i) of this subdivision (b)(1), the school or other entity need not request another

such certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity.

- iii. (2) **Upon the failure of a person enrolling a child to comply with subsection (b)(1), the school or other entity shall immediately notify the Illinois State Police or local law enforcement agency of such failure**, and shall notify the person enrolling the child in writing that he has 10 additional days to comply.
- iv. (3) **The school or other entity shall immediately report to the Illinois State Police any affidavit received pursuant to this subsection which appears inaccurate or suspicious in form or content.**
- v. (c) Within 14 days after enrolling a transfer student, the elementary or secondary school shall request directly from the student's previous school a certified copy of his record. The requesting school shall exercise due diligence in obtaining the copy of the record requested. **Any elementary or secondary school requested to forward a copy of a transferring student's record to the new school shall comply within 10 days of receipt of the request unless the record has been flagged pursuant to subsection (a), in which case the copy shall not be forwarded and the requested school shall notify the Illinois State Police or local law enforcement authority of the request.**
- b. [325 ILCS 55/5](#) [This provision is within the [Missing Children Registration Law](#).]
 - i. (a) **Upon notification by the Illinois State Police of a child's disappearance, a school in which the child is currently or was previously enrolled shall flag the record of that child in such a manner that whenever a copy of or information regarding the record is requested, the school shall be alerted to the fact that the record is that of a missing child. The school shall immediately report to the local law enforcement authority any request concerning flagged records or knowledge as to the whereabouts of any missing child.** Upon notification by the Illinois State Police that the missing child has been recovered, the school shall remove the flag from the person's record.
 - ii. (b) Upon enrollment of a student for the first time in a particular elementary or secondary school, that school shall notify in writing the person enrolling the student that within 30 days he must provide either (1) a certified copy of the student's birth certificate or (2) other reliable proof, as determined by the Illinois State Police, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.
 - iii. **Upon the failure of a person enrolling a student to comply with this subsection, the school shall immediately notify the local law enforcement agency** and shall also notify the person enrolling the student in writing that, unless he complies within 10 days, the case shall be referred to the local law enforcement authority for investigation. **If compliance is not obtained within that 10 day period, the school shall so refer the case.**
 - iv. **The school shall immediately report to the local law enforcement authority any affidavit received pursuant to this subsection which appears inaccurate or suspicious in form or content.**

- v. (c) Within 14 days after enrolling a transfer student, the elementary or secondary school shall request directly from the student's previous school a certified copy of his record. The requesting school shall exercise due diligence in obtaining the copy of the record requested. **Any elementary or secondary school requested to forward a copy of a transferring student's record to the new school shall comply within 10 days of receipt of such request unless the record has been flagged pursuant to subsection (a), in which case the copy shall not be forwarded and the requested school shall notify the local law enforcement authority of the request.**

c. [23 Ill. Admin. Code 375.75](#) [Omitted for brevity.]

d. [20 Ill. Admin. Code 1290.60\(a\)](#) [Omitted for brevity.]

8. General Requirement to Report Certain Instances to Local Law Enforcement, and Them to Report to Illinois State Police

a. [50 ILCS 709/5-12\(6\)](#) [This provision is within the [Uniform Crime Reporting Act](#).]

- i. Sec. 5-12. Monthly reporting. **All law enforcement agencies shall submit to the Illinois State Police on a monthly basis** the following:

- 1. For the purposes of this Section:

- b. (6) **data on offenses and incidents reported by schools to local law enforcement.** The **data shall include offenses defined as an attack against school personnel, intimidation offenses, drug incidents, and incidents involving weapons;**

ii. Law Enforcement Reporting to School Districts

1. Student Detainment

a. [105 ILCS 5/22-20](#)

- i. Sec. 22-20. **All courts and law enforcement agencies** of the State of Illinois and its political subdivisions **shall report to the principal of any public school** in this State **whenever a child enrolled therein is detained for proceedings under the Juvenile Court Act of 1987, as heretofore and hereafter amended, or for any criminal offense, including illegal gang activity, or any violation of a municipal or county ordinance.** The report shall include the basis for detaining the child, circumstances surrounding the events which led to the child's detention, and status of proceedings. **The report shall be updated as appropriate to notify the principal of developments and the disposition of the matter.**
- ii. The information derived thereby shall be kept separate from and shall not become a part of the official school record of such child and shall not be a public record. Such information shall be used solely by the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school.

2. Sexual Abuse at Schools

a. [105 ILCS 5/22-85](#)

- i. (k) The **appropriate law enforcement agency must notify the relevant school when an agency investigation of an alleged incident of sexual abuse is complete or has been suspended.** The notification must include information on the outcome of that investigation.

iii. General Reporting Provisions/ Related Provisions

1. Principal & Assistant Principal Duty to Utilize Law Enforcement

a. [105 ILCS 5/10-21.4a](#)

- i. It shall also be the **responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare** of students and teachers **are threatened by illegal use of drugs and alcohol**, by **illegal use or possession of weapons**, or by **illegal gang activity**.

b. [105 ILCS 5/34-8.1](#)

- i. It shall also be the **responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare** of students and teachers **are threatened by illegal use of drugs and alcohol**, by **illegal use or possession of weapons**, or by **illegal gang activity**.

2. School Officials Requesting Law Enforcement Help for Drug Searches

a. [105 ILCS 5/10-22.10a](#)

- i. Inspection for drugs. **School boards are empowered to adopt a policy to authorize school officials to request the assistance of law enforcement officials for the purpose of conducting reasonable searches of school grounds and lockers for illegal drugs**, including searches conducted through the use of specially trained dogs.

3. District Threat Assessment Procedure

a. [105 ILCS 128/45](#) [This provision is within the [School Safety Drill Act](#).]

- i. (a) **Each school district must implement a threat assessment procedure that may be part of a school board policy on targeted school violence prevention. The procedure must include the creation of a threat assessment team. The team must include at least one law enforcement official** and cross-disciplinary representatives of the district who are most directly familiar with the mental and behavioral health needs of students and staff. Such cross-disciplinary representatives may include the following members:

1. (1) An administrator employed by the school district or a special education cooperative that serves the school district and is available to serve.
2. (2) A teacher employed by the school district or a special education cooperative that serves the school district and is available to serve.
3. (3) A school counselor employed by the school district or a special education cooperative that serves the school district and is available to serve.
4. (4) A school psychologist employed by the school district or a special education cooperative that serves the school district and is available to serve.
5. (5) A school social worker employed by the school district or a special education cooperative that serves the school district and is available to serve.
6. (6) (Blank)

If a school district is unable to establish a threat assessment team with school district staff and resources, it may utilize a regional behavioral threat assessment and intervention team that includes mental health professionals and representatives from the State, county, and local law enforcement agencies.

- ii. (b) A school district shall establish the threat assessment team under this Section no later than 180 days after August 23, 2019 (the effective date of Public Act 101-455) and must implement an initial threat assessment procedure no later than 120 days after August 23, 2019 (the effective date of Public Act 101-455). **Each year prior to the start of the school year, the school board shall file the threat assessment procedure and a list identifying the members of the school district's threat assessment team or regional behavior threat assessment and intervention team with (i) a local law enforcement agency and (ii) the regional office of education or, with respect to a school district organized under Article 34 of the School Code, the State Board of Education.**
- iii. (b-5) A charter school operating under a charter issued by a local board of education may adhere to the local board's threat assessment procedure or may implement its own threat assessment procedure in full compliance with the requirements of this Section. The charter agreement shall specify in detail how threat assessment procedures will be determined for the charter school.
- iv. (b-10) A special education cooperative operating under a joint agreement must implement its own threat assessment procedure in full compliance with the requirements of this Section, including the creation of a threat assessment team, which may consist of individuals employed by the member districts. The procedure must include actions the special education cooperative will take in partnership with its member districts to address a threat.
- v. (c) **Any sharing of student information under this Section must comply with the federal Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act.**
- vi. (d) (Blank).

4. Parental Notification of Law Enforcement Detainment/Questioning on School Grounds

- a. [105 ILCS 5/22-88](#)
 - i. (a) In this Section, "school grounds" means the real property comprising an active and operational elementary or secondary school during the regular hours in which school is in session and when students are present.
 - ii. (b) **Before detaining and questioning a student on school grounds who is under 18 years of age and who is suspected of committing a criminal act, a law enforcement officer, a school resource officer, or other school security personnel must do all of the following:**
 - 1. (1) **Ensure that notification or attempted notification of the student's parent or guardian is made.**
 - 2. (2) **Document the time and manner in which the notification or attempted notification under paragraph (1) occurred.**
 - 3. (3) **Make reasonable efforts to ensure that the student's parent or guardian is present during the questioning or, if the parent or guardian is not present, ensure that school personnel, including, but not limited to, a school social worker, a school psychologist, a school nurse, a school counselor, or any other mental health professional, are present during the questioning.**

4. (4) If **practicable**, make **reasonable efforts to ensure that a law enforcement officer trained in promoting safe interactions and communications with youth is present** during the questioning. An officer who received training in youth investigations approved or certified by his or her law enforcement agency or under Section 10.22 of the Police Training Act or a juvenile police officer, as defined under Section 1-3 of the Juvenile Court Act of 1987, satisfies the requirement under this paragraph.

5. Chicago Public Schools Violence Prevention Hotline

a. [105 ILCS 5/34-21.8](#)

- i. (a) **In consultation with the Chicago Police Department, the Board must establish a hotline for the purpose of receiving anonymous phone calls for information that may prevent violence.**
- ii. (b) Calls that are placed to the hotline must be answered by the Chicago Police Department.
- iii. (c) Each call placed to the hotline must be recorded and investigated by the Chicago Police Department.
- iv. (d) Prior to receiving any information, notice must be provided to the caller that the call is being recorded for investigation by the Chicago Police Department. The notice may be provided by a pre-recorded message or otherwise.
- v. (e) The hotline shall be known as the "CPS Violence Prevention Hotline" and its number and anonymous nature must be posted in all Chicago Public Schools.

b. Reporting of Student Instances (Federal Laws) [Note: Certain language/sections/ subsections omitted for brevity, and emphasis added in certain provisions. See statute for full language.]

iv. School District Reporting to Law Enforcement

1. Firearms

a. [20 U.S.C. §7961\(h\)\(1\)](#) [This provision is within the [Gun-Free Schools Act](#).]

- i. (h)(1): **No funds shall be made available** under any subchapter of this chapter **to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school** served by such agency.

v. Law Enforcement Reporting to School Districts

vi. General Reporting Provisions/Related Provisions

1. U.S. Department of Education Office of Civil Rights – Civil Rights Data Collection (school-related arrests & law enforcement referral data)

a. [20 U.S.C. §3413\(c\)\(1\)](#)

- i. (c) Authority of Assistant Secretary

In addition to the authority otherwise provided under this section, **the Assistant Secretary of Civil Rights**, in carrying out the provisions of this section, **is authorized - (1) to collect or coordinate the collection of data** necessary to ensure compliance with civil rights laws within the jurisdiction of the Office of Civil Rights;

b. [20 U.S.C. §6311\(h\)\(1\)\(C\)\(viii\)\(I\)](#)

- i. (h) Reports

1. (1) Annual State Report Card
 - a. (C) Minimum Requirements – **Each State report card** required under this subsection **shall include the following information:**
 1. (vii) **Information submitted by the State educational agency and each local educational agency in the State**, in accordance with data collection conducted pursuant to section 3413(c)(1) of this title, **on-**
 - b. (l) measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, **school-related arrests, referrals to law enforcement**, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment;

c. **Disclosure of Records (Illinois State Laws)** [Note: Certain language/sections/subsections omitted for brevity, and emphasis added in certain provisions. See statute for full language.]

vii. **School District Disclosure of Records/Information to Law Enforcement**

1. **Court Order**

- a. [105 ILCS 10/6\(a\)\(5\)](#) [This provision is within [ISSRA](#).]
 - i. (a) **No school student records or information** contained therein **may be released, transferred, disclosed or otherwise disseminated, except** as follows:
 1. (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;
- b. [23 Ill. Admin. Code 375.70\(d\)](#)
 - i. Pursuant to Section 6(a)(5) of the Act, parents of students who are named in a court order shall be deemed to have received the required written notice. The school shall respond to the order no earlier than five school days after its receipt in order to afford parents the opportunity to review, inspect and challenge the records if the parents choose to do so.

2. **Specifically Required by State or Federal Law**

- a. [105 ILCS 10/6\(a\)\(6\)](#) [This provision is within [ISSRA](#).]
 - i. (a) **No school student records or information** contained therein **may be released, transferred, disclosed or otherwise disseminated, except** as follows:
 1. (6) **to any person** as specifically **required by State or federal law**;
- b. [23 Ill. Admin. Code 375.70\(b\)](#)
 - i. (b) The **school shall grant access to information contained in school student records to persons authorized or required by State or federal law** to gain access, **provided** that:
 1. (1) The **person making the request** shall **provide** the school with **appropriate identification and a copy of the statute authorizing access**; and

2. (2) The **parent receives prior written notice** of the nature and substance of the information to be released **and an opportunity to inspect, copy and/or challenge that information**. If this **release** of information **relates to more than 25 students**, this **prior notice may be given in a local newspaper of general circulation or other publication** directed generally to parents.

3. Juvenile Authorities Prior to Juvenile Court Adjudication

- a. [105 ILCS 10/6\(a\)\(6.5\)](#) [This provision is within [ISSRA](#).]
 - i. (a) **No school student records or information** contained therein **may be released, transferred, disclosed or otherwise disseminated, except** as follows:
 1. (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;

4. Emergency Release of Information

- a. [105 ILCS 10/6\(a\)\(7\)](#) [This provision is within [ISSRA](#).]
 - i. (a) **No school student records or information** contained therein **may be released, transferred, disclosed or otherwise disseminated, except** as follows:
 1. (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;**
- b. [23 Ill. Admin. Code 375.60](#)
 - i. (a) **Information may be released** without parental consent, **in connection with an articulable and significant threat to the health or safety of a student or other individuals, to appropriate persons if the knowledge of the requested information is necessary to protect the health or safety of the student or other individuals, provided that the parents are notified**, no later than the next school day after the date that the information is released, **of the date of the release;** the **person, agency, or organization receiving the information;** and the **purpose of the release.**
 - ii. (b) **Factors to be considered** in determining whether records should be released pursuant to this Section include:

1. (1) The **seriousness of the threat to the health or safety** of the student or other individuals;
 2. (2) The **need for the requested records** to meet the emergency;
 3. (3) **Whether the individuals to whom the requested records are released are in a position to deal with the emergency;**
 4. (4) The **extent to which time is of the essence** in dealing with the emergency.
- iii. (c) **When an emergency release of information is provided** under this Section, the **school or school district shall make a record of the nature of the threat** that formed the basis for the disclosure **and the parties to whom the school or district disclosed the information.**

5. To Governmental Agency Regarding School Attendance

- a. [105 ILCS 10/6\(a\)\(9\)](#) [This provision is within [ISSRA](#).]
- i. (a) **No school student records or information** contained therein **may be released, transferred, disclosed or otherwise disseminated, except** as follows:
 1. (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;**

6. Truancy

- a. [65 ILCS 5/11-5-9](#) [This provision is within the [Illinois Municipal Code](#).]
- i. (a) Truants. The corporate authorities of any municipality may adopt ordinances to regulate truants within its jurisdiction. These ordinances may include a graduated fine schedule for repeat violations, which may not exceed \$100, or community service, or both, for violators 13 years of age or older and may provide for enforcement by citation or through administrative hearings as determined by ordinance. If the violator is under 13 years of age, the parent or custodian of the violator is subject to the fine or community service, or both. As used in this Section, "truants" means persons who are within the definition of "truant" in Section 26-2a of the School Code. Local officials or authorities that enforce, prosecute, or adjudicate municipal ordinances adopted under this Section or that work with school districts to address truancy problems are designated as (i) part of the juvenile justice system, established by the Juvenile Court Act of 1987, and (ii) "juvenile authorities" within the definition set forth in subsection (a)(6.5) of Section 10-6 of the Illinois School Student Record Act. **Because truancy is a gateway to crime and one of the most powerful predictors of juvenile delinquent behavior, a school district may disclose education records relating to attendance to juvenile authorities if the school district determines that the disclosure will enhance the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are released.** Enforcement of a municipal ordinance adopted under this Section is pre-adjudicatory because it helps minors avoid adjudicatory hearings under the Juvenile Court Act of 1987. **A school district may make a disclosure authorized under this Section only if the juvenile authority certifies in writing to the school district that the information will not be disclosed, without prior written consent of the parent or custodian of the student, to any other**

individual or entity, except as otherwise provided under State law. A home rule unit may not regulate truants in a manner inconsistent with the provisions of this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

viii. Law Enforcement Disclosure of Records/Information to School District

1. Imminent Threat of Physical Harm

- a. [705 ILCS 405/1-7\(A\)\(8\)](#) [This provision is within the [Juvenile Court Act of 1987](#).]
 - i. (A) All juvenile law enforcement records which have not been expunged are confidential and may never be disclosed to the general public or otherwise made widely available. Juvenile law enforcement records may be obtained only under this Section and Section 1-8 and Part 9 of Article V of this Act, when their use is needed for good cause and with an order from the juvenile court, as required by those not authorized to retain them. **Inspection, copying, and disclosure of juvenile law enforcement records** maintained by law enforcement agencies **or records of municipal ordinance violations** maintained by any State, local, or municipal agency that relate to a minor who has been investigated, arrested, or taken into custody **before the minor's 18th birthday shall be restricted to the following:**
 1. (8) The **appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm** to students, school personnel, or others.
 - a. (A) **Inspection and copying shall be limited to juvenile law enforcement records transmitted to the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest** by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code **concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:**
 - i. (i) any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012;
 - ii. (ii) a violation of the Illinois Controlled Substances Act;
 - iii. (iii) a violation of the Cannabis Control Act;
 - iv. (iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;
 - v. (v) a violation of the Methamphetamine Control and Community Protection Act;
 - vi. (vi) a violation of Section 1-2 of the Harassing and Obscene Communications Act;
 - vii. (vii) a violation of the Hazing Act; or
 - viii. (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.

The **information derived from the juvenile 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 whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. If the designated law enforcement and school officials deem it to be in the best interest of the minor, the student may be referred to in-school or community-based social services if those services are available. "Rehabilitation services" may include interventions by school support personnel, evaluation for eligibility for special education, referrals to community-based agencies such as youth services, behavioral healthcare service providers, drug and alcohol prevention or treatment programs, and other interventions as deemed appropriate for the student.

- b. (B) Any information provided to appropriate school officials whom the school has determined to have a legitimate educational or safety interest by local law enforcement officials about a minor who is the subject of a current police investigation that is directly related to school safety shall consist of oral information only, and not written juvenile 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 local law enforcement officials 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. This limitation on the use of information about a minor who is the subject of a current police investigation shall in no way limit the use of this information by prosecutors in pursuing criminal charges arising out of the information disclosed during a police investigation of the minor. For purposes of this paragraph, "investigation" means an official systematic inquiry by a law enforcement agency into actual or suspected criminal activity.
- b. [705 ILCS 405/5-905\(1\)\(h\)](#) [This provision is within the [Juvenile Court Act of 1987](#).]
 - i. (1) Law Enforcement Records. **Inspection and copying of law enforcement records** maintained by law enforcement agencies **that relate to a minor who has been investigated, arrested, or taken into custody** before the minor's 18th birthday **shall be restricted to the following and when necessary for the discharge of their official duties:**
 1. (h) The **appropriate school official only if the agency 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.

- a. (A) **Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest** by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code **concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:**
- i. (i) any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012;
 - ii. (ii) a violation of the Illinois Controlled Substances Act;
 - iii. (iii) a violation of the Cannabis Control Act;
 - iv. (iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;
 - v. (v) a violation of the Methamphetamine Control and Community Protection Act;
 - vi. (vi) a violation of Section 1-2 of the Harassing and Obscene Communications Act;
 - vii. (vii) a violation of the Hazing Act; or
 - viii. (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.

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 whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. If the designated law enforcement and school officials deem it to be in the best interest of the minor, the student may be referred to in-school or community based social services if those services are available. "Rehabilitation services" may include interventions by school support personnel, evaluation for eligibility for special education, referrals to community-based agencies such as youth services, behavioral healthcare service providers, drug and alcohol prevention or treatment programs, and other interventions as deemed appropriate for the student.

- b. (B) Any information provided to appropriate school officials whom the school has determined to have a legitimate educational or safety interest by local law enforcement officials about a minor who is the subject of a current police 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 local law enforcement officials 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. This limitation on the use of information about a minor who is the subject of a current police investigation shall in no way limit the use of this information by prosecutors in pursuing criminal charges arising out of the information disclosed during a police investigation of the minor. For purposes of this paragraph, “investigation” means an official systematic inquiry by a law enforcement agency into actual or suspected criminal activity;

2. Adjudication of Delinquency in Particular Circumstances

- a. [705 ILCS 405/1-8\(F\)](#) [This provision is within the [Juvenile Court Act of 1987](#).]
 - i. (F) **Following any adjudication of delinquency for a crime which would be a felony if committed by an adult, or following any adjudication of delinquency for a violation of Section 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code** of 1961 or the Criminal Code of 2012, the **State’s Attorney shall** ascertain whether the minor respondent is enrolled in school and, if so, shall **provide a copy of the dispositional order to the principal or chief administrative officer of the school**. Access to the dispositional order shall be limited to the principal or chief administrative officer of the school and any school counselor designated by the principal or chief administrative officer.

3. Minor’s Identity if a Victim of Certain Crimes

- a. [705 ILCS 405/5-905\(2.5\)](#) [This provision is within the [Juvenile Court Act of 1987](#).]
 - i. (2.5) **If the minor is a victim of aggravated battery, battery, attempted first degree murder, or other non-sexual violent offense, the identity of the victim may be disclosed to appropriate school officials, for the purpose of preventing foreseeable future violence** involving minors, by a local law enforcement agency **pursuant to an agreement established between the school district and a local law enforcement agency subject to the approval by the presiding judge of the juvenile court.**

ix. General Disclosure Provisions/ Related Provisions

1. Law Enforcement Professionals Working in Schools’ Records are not School Student Records

- a. [105 ILCS 10/2\(d\)](#) [This provision is within [ISSRA](#).]
 - i. (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.**

b. [23 Ill. Admin. Code 375.10](#)

- i. “**School Student Record**” has the meaning ascribed to that term in Section 2(d) of the Act, except that **school student records shall not include:**

- 1. **Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes,** provided the information was created at least in part for law enforcement or security or safety reasons or purposes;

2. **Reciprocal Reporting System**a. [105 ILCS 5/10-20.14\(b\)](#)

- i. (b) The **parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students.**

School districts are encouraged to create memoranda of understanding with local law enforcement agencies that clearly define law enforcement’s role in schools, in accordance with Section 10-22.6 of this Code. In consultation with stakeholders deemed appropriate by the State Board of Education, the State Board of Education shall draft and publish guidance for the development of reciprocal reporting systems in accordance with this Section on or before July 1, 2025.

*[Note: Language to be amended by [SB 1519](#) i signed into law.]

- b. **Disclosure of Records (Federal Laws)** [Note: Certain language/sections/subsections omitted for brevity, and emphasis added in certain provisions. See statute for full language.]

x. **School District Disclosure of Records/Information to Law Enforcement**1. **State Statute Re. Juvenile Justice Prior to Juvenile Court Adjudication**a. [20 U.S.C. §1232g\(b\)\(1\)\(E\)\(ii\)](#) [This provision is within [FERPA](#).]

- i. (1) **No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records** (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, **other than to the following—**
 - 1. (E) **State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted—**
 - a. (i) before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve the student whose records are released, or
 - b. (ii) **after November 19, 1974, if –**
 - i. (I) **the allowed reporting or disclosure concerns the juvenile justice system and such system’s ability to effectively serve, prior to adjudication,** the student whose records are released; and

- ii. (II) the **officials and authorities to whom such information is disclosed certify in writing** to the educational agency or institution that the **information will not be disclosed to any other party** except as provided under State law without the prior written consent of the parent of the student.
- b. [34 CFR 99.31\(a\)\(5\)](#)
 - i. (a) **An educational agency or institution may disclose personally identifiable information** from an education record of a student without the consent required by § 99.30 **if the disclosure meets one or more of the following conditions:**
 - 1. (5)(i) The **disclosure is to State and local officials or authorities to whom this information is specifically –**
 - a. (A) Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system’s ability to effectively serve the student whose records are released; or
 - b. (B) **Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of § 99.38.**
- c. [34 CFR 99.38](#)
 - i. (a) If **reporting or disclosure allowed by State statute concerns the juvenile justice system and the system’s ability to effectively serve, prior to adjudication**, the student whose records are released, an educational agency or institution may disclose education records under § 99.31(a)(5)(i)(B).
 - ii. (b) The **officials and authorities to whom the records are disclosed shall certify in writing** to the educational agency or institution **that the information will not be disclosed to any other party**, except as provided under State law, without the prior written consent of the parent of the student.

2. Emergency Release of Information

- a. [20 U.S.C. §1232g\(b\)\(1\)\(I\)](#) [This provision is within [FERPA](#).]
 - i. (1) **No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records** (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, **other than to the following –**
 - 1. (I) subject to regulations of the Secretary, **in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons;**
- b. [34 CFR 99.31\(a\)\(10\)](#)
 - i. (a) **An educational agency or institution may disclose personally identifiable information** from an education record of a student without the consent required by § 99.30 **if the disclosure meets one or more of the following conditions:**
 - 1. (10) The **disclosure is in connection with a health or safety emergency, under the conditions described in § 99.36.**

c. [34 CFR 99.36](#)

- i. (a) An **educational agency or institution may disclose personally identifiable information** from an education record to appropriate parties, including parents of an eligible student, **in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.**
- ii. (b) Nothing in this Act or this part shall prevent an educational agency or institution from —
 - 1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;
 - 2. Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or
 - 3. Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.
- iii. (c) **In making a determination under paragraph (a) of this section, an educational agency or institution may take into account the totality of the circumstances** pertaining to a threat to the health or safety of a student or other individuals. **If the educational agency or institution determines that there is an articulable and significant threat** to the health or safety of a student or other individuals, it **may disclose information** from education records **to any person whose knowledge of the information is necessary to protect the health or safety** of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the Department will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination.

3. Subpoena or Judicial Order

- a. [20 U.S.C. §1232g\(b\)\(1\)\(J\)\(i\)-\(ii\)](#) [This provision is within [FERPA](#).]
 - i. (1) **No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records** (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, **other than to the following —**
 - 1. (J)(i) **the entity or persons designated in a Federal grand jury subpoena**, in which case the court shall order, for good cause shown, **the educational agency or institution** (and any officer, director, employee, agent, or attorney for such agency or institution) **on which the subpoena is served**, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

2. (J)(ii) **the entity or persons designated in any other subpoena issued for a law enforcement purpose**, in which case the court or other issuing agency may order, for good cause shown, **the educational agency or institution** (and any officer, director, employee, agent, or attorney for such agency or institution) **on which the subpoena is served**, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena;
- b. [20 U.S.C. §1232g\(b\)\(2\)\(B\)](#) [This provision is within [FERPA](#).]
 - i. (2) **No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records** other than directory information, or as is permitted under paragraph (1) of this subsection, **unless** –
 1. (A) there is written consent from the student’s parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student’s parents and the student if desired by the parents, or
 2. (B) **except as provided in paragraph (1)(J), such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified** of all such orders or subpoenas **in advance of the compliance** therewith by the educational institution or agency, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required.
- c. [34 CFR 99.31\(a\)\(9\)](#)
 - i. (a) **An educational agency or institution may disclose personally identifiable information from an education record** of a student without the consent required by § 99.30 **if the disclosure meets one or more of the following** conditions:
 1. (9)(i) The **disclosure is to comply with a judicial order or lawfully issued subpoena**.
 2. (ii) The educational agency or institution **may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student** of the order or subpoena **in advance of compliance**, so that the parent or eligible student may seek protective action, **unless the disclosure is in compliance with**–
 - a. (A) **A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed**;
 - b. (B) If a parent or eligible student initiates legal action against an educational agency or institution, the educational agency or institution may disclose to the court, without a court order or subpoena, the student’s education records that are relevant for the educational agency or institution to defend itself.

xi. Law Enforcement Disclosure of Records/Information to School District

xii. General Disclosure Provisions/ Related Provisions

1. Law Enforcement Unit Records are not Education Records

- a. [20 U.S.C. §1232g\(a\)\(4\)\(B\)\(ii\)](#) [This provision is within [FERPA](#).]
 - i. (B) The term “**education records**” **does not include** —
 1. (ii) **records maintained by a law enforcement unit of the educational agency or institution that were created by the law enforcement unit for the purpose of law enforcement.**
- b. [34 CFR 99.3](#)
 - i. *Education records*
 - ii. (b) The **term does not include**
 1. (2) **Records of the law enforcement unit of an educational agency or institution,** subject to the provisions of [§99.8](#).

IV: Example Reciprocal Reporting Agreement

For reference, a link is provided herein to the [Intergovernmental Agreement between the Village of Northbrook and the Board of Education of Glenbrook High School District 225 Providing for Reciprocal Reporting between Glenbrook North High School and the Northbrook Police Department](#).

Note: ISBE does not endorse this example as a model reciprocal reporting agreement. It is merely provided as a resource for your general review. It is recommended you work with your own legal counsel to draft an agreement appropriate for your needs.

V: Selection of Related Guidance and Resources References

- a. Family Educational Rights and Privacy Act: [20 U.S.C. §1232g](#)
 - a. FERPA administrative rules: [34 CFR 99](#)
- b. Illinois School Student Records Act: [105 ILCS 10](#)
 - a. ISSRA administrative rules: [23 Ill. Admin. Code 375](#)
- c. ISBE, [Student Data Privacy Overview](#)
- d. U.S. Department of Education, [FERPA FAQ](#) (full listing of FERPA FAQs, including, among other topics, discussion on education records and law enforcement)
- e. U.S. Department of Education – Privacy Technical Assistance Center, [School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act \(FERPA\)](#) (last updated February 2019)
- f. U.S. Department of Education, [Family Educational Rights and Privacy Act \[-\] A Guide for First Responders and Law Enforcement](#)
- g. U.S. Department of Education, [FAQs on Photos and Videos under FERPA](#)
- h. U.S. Department of Justice – Community Oriented Policing Services (COPS), [Fact Sheet \[-\] School Resource Officer Memorandum of Understanding](#) (May 2025)
- i. National Center on Safe Supportive Learning Environments, [Illinois School Discipline Laws & Regulations: Referrals to Law Enforcement](#)
- j. Readiness and Emergency Management for Schools (REMS) Technical Assistance Center, [K-12 Emergency Management Planning \[-\] Information Sharing](#) (last updated October 8, 2024)
- k. [Illinois School and Campus Safety Resource Center](#)
- l. Illinois Emergency Management Agency, [Schools/Campus – Resources](#)

* The links listed above are provided as a resource and do not constitute legal advice or an endorsement of any entity/ resource/information/etc. provided therein.