OK as is

Students

Administrative Procedure - Managing Agency and Law Enforcement Requests [1]

The District responds to all requests from various government agencies and law enforcement authorities regarding access to school property, records, students, and staff. The Board Attorney should be consulted, as needed, regarding the legal requirements presented by this administrative procedure.

The Ill. Council of School Attorneys, with participation from the DuPage County State's Attorney's Office and Regional Superintendent of Schools, developed *Guidelines for Interviews of Students at School by Law Enforcement Authorities (ICSA Guidelines)* to assist law enforcement authorities and school officials in determining when it is appropriate for law enforcement authorities or the Ill. Dept. of Children and Family Services to interview students at school or while participating in school-related activities. The document is available at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/guidelines-for-interviews-of-students/.

Use this procedure to implement 105 ILCS 5/22-10~~6~~5(c)(4), added by P.A. 104-288~~, eff. 1-1-26~~, for reviewing and authorizing requests from government agencies and/or law enforcement authorities attempting to enter a school or school facility, in particular requests relating to citizenship or immigration status. Use the *ICSA Guidelines* and this procedure in consultation with the Board Attorney to customize the District's response to any agency or law enforcement requests.

The topics outlined in this procedure include: Glossary of Terms; Procedures, Roles, and Responsibilities; and Training.

Glossary of Terms [2]

Citizenship or immigration status – means all matters regarding citizenship of the United States or any other country or the authority or lack thereof to reside in or otherwise to be present in the United States, including an individual's nationality and country of citizenship.

Law enforcement agent – means an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals or manage the custody of detained individuals for a law enforcement purpose, including civil immigration enforcement. Law enforcement agent does not include a school resource officer as defined in 105 ILCS 5/10-20.68.

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The footnotes should be deleted before the material is used.

[1] 105 ILCS 5/22-10~~6~~5(c)(4), added by P.A. 104-288 and renumbered as 5/22-106 throughout by P.A. 104-852~~, eff. 1-1-26~~, requires implementation of procedures ~~by 7-1-26~~. This area of law is complex, unsettled, and involves the interaction of federal and State laws. For example, 8 U.S.C. §1373 and §1644 present disclosure requirements for the district to follow. **Consult the board attorney as soon as possible regarding any requests by law enforcement agents for access to individuals within a school or school facility.** See the discussion in sample ~~board~~ policy 7:150, *Agency and Law Enforcement Requests*, at f/n 8. See also discussion of cooperation vs. non-cooperation with law enforcement authorities, specifically regarding immigration enforcement in the *ICSA Guidelines for Interviews of Students at School by Law Enforcement Authorities (ICSA Guidelines)*, available at: www.iasb.com/policy-services-and-school-law/guidance-and-resources/guidelines-for-interviews-of-students/ .

[2] Unless otherwise noted, all defined terms are based on definitions in 105 ILCS 5/22-10~~6~~5, added by P.A. 104-288~~, eff. 1-1-26~~. *School resource officer* means a law enforcement officer who has been primarily assigned to a school or school district under a memorandum of understanding between a local law enforcement agency and a school district. 105 ILCS 5/10-20.68, amended by P.A. 104-430.

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Nonjudicial warrant – means a warrant issued by a federal, State, or local agency authorized with the power to arrest or detain individuals or manage the custody of detained individuals for any law enforcement purpose, including civil immigration enforcement. *Nonjudicial warrant* includes an immigration detainer or civil immigration warrant as defined in the Illinois TRUST Act. *Nonjudicial warrant* does not include a criminal warrant issued upon a judicial determination of probable cause, in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Section 6 of Article I of the Ill. Constitution.

School – means every public school, school district, and governing body, including a special charter district or charter school, organized under the School Code, and its agents, including a contracted party.

Procedures, Roles, and Responsibilities [3]

Actor	Action
Superintendent	Ensures the District does not use procedures or engage in practices that, due to the actual or perceived citizenship or immigration of a student or a student's parent/guardian, have the effect of: 1. Excluding a student from participation in, or denying the benefits of, any District program or activity; or 2. Excluding participation of the student's parent/guardian from parental engagement activities or programs. Examples of prohibited practices include, but are not limited to: requesting or collecting information or documentation from a student or the student's parent/guardian about citizenship or immigration status unless required by State or federal law; and designating immigration status, citizenship, place of birth, nationality, or national origin as directory information. Ensures the District does not: 1. Threaten to disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person or entity or an immigration or law enforcement agency; 2. Disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any other person or entity or an immigration or law enforcement agency if the school does not have direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to applicable State and federal requirements governing the disclosure of such records or information; 3. Disclose anything related to the actual citizenship or immigration status of a student or a person associated with the

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[3] Unless otherwise noted, all procedures are required in order to comply with the requirements of 105 ILCS 5/22-10~~65~~, added by P.A. 104-288~~, eff. 1-1-26~~.

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Actor	Action
	student to any other person or nongovernmental entity if the District has direct knowledge of the student's or associated person's actual citizenship or immigration status, subject to applicable State and federal requirements governing the disclosure of such records or information. Develops a documentation[4] process for all law enforcement authority interactions, with designated staff monitoring or accompanying the agent during the process. Reviews current Board policies and administrative procedures to ensure that no discriminatory practices are in place regarding citizenship or immigration status. Ensures that no questions related to citizenship or immigration status are asked during enrollment,[5] unless explicitly required by federal or State law. Prohibits requesting or collecting information or documentation from a student or the student's parent/guardian about citizenship or immigration status, unless required by State or federal law. Determines changes as needed to the District's designation of *directory information* to prevent collection of information relating to immigration status, citizenship, place of birth, nationality, or national origin. [6] Develops a list to be posted in every school or administrative office identifying designated personnel who are authorized to consult the Board Attorney to review requests from agencies and/or law enforcement authorities to enter a school or school grounds. Develops a list to be posted in every school or administrative office identifying administrators designated as authorized to review and approve requests from government agencies and/or law enforcement authorities attempting to enter a school or school grounds. Authorized personnel may include the Superintendent, other District administrators, and Building Principals. The list should:

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[4] Required by 105 ILCS 5/22-1065(c)(4)(B), added by P.A. 104-288~~, eff. 1-1-26~~. See sample ~~board~~ exhibit 7:150-AP, E, *Record of Agency and Law Enforcement Requests*, for a sample form to support compliance with this documentation requirement.

[5] See sample policy 7:150, *Agency and Law Enforcement Requests*, f/n 1 and the Ill. State Board of Education (ISBE)'s *Non-Regulatory Guidance on Registration: Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers* (September 2025) available at: www.isbe.net/Documents/guidance_reg.pdf.

[6] Place of birth is excluded from *directory information* in sample administrative procedure 7:340-AP1, *School Student Records* and sample exhibit 7:340-AP1, E1, *Notice to Parents/Guardians and Students of Their Rights Concerning a Student's School Records* due to 105 ILCS 5/22-1065(c)(4)(B), added by P.A. 104-288~~, eff. 1-1-26~~, which prohibits districts from designating place of birth as directory information. The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g(a)(5)(A), its regulations at 34 CFR § 99.3, and 23 Ill.Admin. Code §375.80 continue to permit districts to designate place of birth as directory information. Differences in federal and State laws and regulations may present conflicts when law enforcement agents request student records information. Consult the board attorney for guidance regarding this issue and any such requests.

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Actor	Action
	1. Prioritize each type of request; 2. Provide an alternative designee if the first authorized administrator is not available; and 3. Be kept in the front office of each District building in case there is a substitute front office staff member. Develops a standardized form for documenting law enforcement requests for access to students, school grounds, or records. See sample exhibit 7:150-AP, E, *Record of Agency and Law Enforcement Requests*. Ensures all such documentation is reviewed by the Board Attorney or designated personnel and appropriately maintained.
Superintendent, Building Principal or designee	<u>Initial Request from a Law Enforcement Agent</u> Arrives quickly and responds courteously in assisting the law enforcement agent. Assesses the situation by verifying the law enforcement agent's purpose and authority to visit the school. Checks the documentation obtained by the front office staff and verifies the information directly with the law enforcement agent. See sample exhibit 7:150-AP, E, *Record of Agency and Law Enforcement Requests*. Monitors/accompanies the law enforcement agent while on District premises and documents the interaction, including details on the nature and purpose of the request. Calls the Board Attorney for guidance throughout the process. Communicates to the law enforcement agent that the District is consulting with the Board Attorney and will respond as soon as possible or with an estimated amount of time if available. Consults the Board Attorney if a warrant is presented. The Board Attorney will determine whether the warrant is a judicial warrant, an Immigration and Customs Enforcement (ICE) administrative warrant, or another administrative agency warrant. Consults the Board Attorney if a subpoena is presented. If the subpoena seeks student records, the Board Attorney may direct, depending on the circumstances, that the student's parent/guardian be informed immediately. Consults the Board Attorney regarding contacting the parent/guardian of a minor student if a minor student is involved with the law enforcement action. Notifies and seeks consent from a student's parent/guardian, or from the student if the student is 18 years old or older or emancipated, if a law enforcement agent requests access to a student for immigration enforcement purposes, unless such access is in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the student's parent/guardian.

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	Requests for the District to Comply under Exigent Circumstances If the law enforcement agent claims exigent circumstances: 1. Explains to the law enforcement agent the District's need to take caution and contact the Board Attorney as well as to notify the student's parent/guardian. If the agent insists on exigent circumstances, then complies with the agent's request while providing an escort to monitor and accompany the agent. 2. Consults the Board Attorney immediately. 3. Immediately contacts the student's parent/guardian. 4. Documents the agent's claim of exigent circumstances. See sample exhibit 7:150-AP, E, *Record of Agency and Law Enforcement Requests*. Requests to Take a Student into Custody **Consults the Board Attorney immediately.** **Note:** A judicial warrant authorizes the agent to enter the school and go directly to the person who is the subject of the warrant. To minimize disruption, consider offering to have the individual student or employee escorted to the office by a staff member instead. If the law enforcement agent claims exigent circumstances, follow exigent circumstances process, above. Requests to Question a Student **Consults the Board Attorney immediately if a warrant, court order, or subpoena is presented.** Absent exigent circumstances being claimed by the agent, school personnel should not consent to questioning or searches on a minor's behalf. If questioning is going to take place during school hours, arranges to make a private office location available. Alternatively, asks the agent to wait and arranges a meeting time after school or away from school. Consults with the student's parent/guardian. The response to the request for questioning the student will depend on parent/guardian permission being granted. Documents all permissions granted. Requests for Student Records Informs the law enforcement agent that the school does not collect immigration documentation. Explains to the law enforcement agent that most student records are confidential under federal and State student records laws and cannot be immediately released. **Note:** Parents/guardians have the right to be informed of all directory information and to opt out of directory information

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Actor	Action
	even if the records sought by the law enforcement agent appear to be directory information. Informs the law enforcement agent that the District requires time to cross-check the agent's request with the list of students for whom directory information is not available due to opt out by the student's parent/guardian. Explains to the law enforcement agent that the Board Attorney is reviewing the matter so that the District may respond in compliance with law. Requests to take an Employee into Custody Follows the same procedures as for a student, above. Requests to Question an Employee Follows the same procedures as for a student, above. Requests for Employment Records Consults with the Board Attorney.
Building Principal	If acting in response to an agency or law enforcement request, follows the procedures in the row above. Otherwise, provides assistance to the designated administrator as needed. Immediately notifies the Superintendent or designee of any interaction with law enforcement.
Classroom Teachers	If in a position of responding to a law enforcement agent, e.g., while in the front office, at a door as a door monitor, while acting as a crossing guard, or anywhere on school grounds, follows the procedures for All School Personnel, below.
All School Personnel	Refrain from disclosing or threatening to disclose anything related to the actual or perceived citizenship or immigration status of a student or a person associated with the student to any person, entity, or immigration or law enforcement agency, unless directed by the Superintendent, Building Principal, or designee. Respond promptly and courteously to assist the law enforcement agent by informing the agent that only an authorized administrator may provide responses to law enforcement requests regarding students, employees, or records. **Note:** Public facing staff should not speculate or try to answer any of the officer's questions. Inform the agent that the Superintendent, Building Principal, or designee (as applicable) will be notified.[7]

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[7] See *ICSA Guidelines* at f/n 37 for discussion of federal agent authority within the 100-mile border zone.

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Actor	Action
	Call the Superintendent, Building Principal, or designee (as applicable) using any method available, e.g., telephone, walkie talkie, public announcement system, to request to meet the law enforcement agent in a designated location (front office) and escort the agent to that location, if necessary. If designated by the Superintendent or Building Principal: 1. Document the law enforcement agent's visit by recording in writing the date, time, officer's name, reason for coming to the building, and badge information. See sample exhibit 7:150-AP, E, *Record of Agency and Law Enforcement Requests*. **Note**: Federal law prohibits photocopying or scanning of a federal employee's badge, identification card, or insignia, but notes should be made of the showing of the badge, or giving of a business card, and of any information on the badge without making a scan or copy. 2. After reviewing and recording the information regarding the agent's credentials, scan or copy any additional authorization presented like a subpoena or warrant. 3. Ask the law enforcement agent to please wait in a designated space. **Note:** This is a complicated determination that may be made by the Superintendent, Building Principal or designee. A federal law enforcement agent must have certain authorization to enter an area of a school building that is not open to the public, specifically: A judicial warrant issued by a federal judge or magistrate. Only the Superintendent, Building Principal or designee, in consultation with the Board Attorney, should verify that such a warrant is presented. Consent from the Superintendent, Building Principal or designee. The Superintendent, Building Principal or designee can grant consent to access the building but is not required to grant consent. Even if consent is granted, the law enforcement agent should be escorted by the Superintendent, Building Principal or designee at all times. Exigent circumstances, such as risk to public safety or destruction of evidence. If a law enforcement agent states that exigent circumstances exist, document that the officer relied on this standard and allow the agent to proceed with an escort. Call the Superintendent, Building Principal or designee based on the priority list until the Superintendent, Building Principal or designee is found and confirms ability to promptly respond in person to the office in need or to communicate with the agent over the phone.

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Actor	Action
	Contact the school resource officer, if any, to facilitate communication between the law enforcement agent and the Superintendent, Building Principal or designee.

Training [8]

Actor	Action
Superintendent	Reviews and approves training for all school personnel based on this procedure. Provides training for all District administrative office personnel on implementation of this procedure.
Building Principal	Provides training for all school personnel on implementation of this procedure. Provides resources and guidance for school personnel in responding appropriately to agency and law enforcement requests, including scenarios.

LEGAL REF.: U.S. Constitution, Amend. IV.
8 U.S.C. §§1373 and 1644.
Plyler v. Doe, 457 U.S. 202 (1982).
Ill. Constitution, Art. I, §6.
105 ILCS 5/10-20.64, 5/10-20.68, 5/22-88, 5/22-1065, and 5/24-24.
55 ILCS 80/, Children's Advocacy Center Act.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/, Rights of Crime Victims and Witnesses Act.

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[8] Optional. This section on training is not legally required, however, as a best practice districts may consider implementing regular training on this procedure for identified staff to address overall awareness of requirements and/or to provide scenario-based guidance.

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Students

Exhibit - Record of Agency and Law Enforcement Requests

105 ILCS 5/22-10~~65~~, added by P.A. 104-288, ~~eff. 1-1-26~~ and renumbered as 5/22-106 throughout by P.A. 104-852, places restrictions on government agency and law enforcement authority access to district property, in particular for requests related to citizenship or immigration status. Use this form to document all interactions with law enforcement agents while they are on the District's premises, as required by 105 ILCS 5/22-10~~65~~(c)(4)(B), added by P.A. 104-288, ~~eff. 1-1-26~~. An authorized administrator or the board attorney must review law enforcement requests to enter a school or school facility, including judicial warrants, nonjudicial warrants, and subpoenas. 105 ILCS 5/22-10~~65~~(c)(4)(A), added by P.A. 104-288, ~~eff. 1-1-26~~. This form also documents that review. Consult the board attorney regarding the use and maintenance of this form and marking of any attorney-client privileged information.

To be completed by District staff member:

Name of District Staff (*Please print*) | Title of District Staff Member

Name of District or School Building

Name of Law Enforcement Agent(s) (*Please print*) | Name of Agency or Law Enforcement Unit

Contact Name | Contact Number

Badge Number or Identification Number (*Handwritten only, no photocopies)* | Title of Law Enforcement Agent

School Visit Location | Date and Time of Visit

Authorization Presented by the Law Enforcement Agent (*Make photocopies and attach to form*):

- ☐ Warrant
- ☐ Subpoena
- ☐ Exigent Circumstances (*Please be specific*):

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☐ Other (*Please be specific*): _____

_____

_____

_____

Describe the Request from the Law Enforcement Agent to access the above-listed school or District office:

Request to access the school or District office for the following reason(s):

☐ To obtain student or employment records.
☐ To question a student or employee.
☐ To take a student or employee into custody.
☐ Other (*Please be specific*):_____

_____

The following is to be completed by the District Superintendent, Building Principal or designee only:

_____

Name of Superintendent, Building Principal or designee (*Please print*)

_____

Name of District Office or School Building

_____

Name of Board Attorney Contacted, if any (*Please print*)

☐ **Permission Granted** ☐ **Permission Denied**

_____ _____

Date Signature (*Superintendent, Building Principal, or designee*)

Access Granted to the following (*Please be specific*)**:**

_____

_____

_____

_____

_____

_____

_____

Visit Supervision *(To be completed by the staff member monitoring or accompanying the law enforcement agent)*

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Supervisor's Name (*Please print*) _____

Visitor Time In _____ Visitor Time Out _____

_____ _____

Date Supervisor's Signature

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Students

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

State law requires a reciprocal reporting system between the School District and local law enforcement agencies regarding criminal and civil offenses committed by students. 105 ILCS 5/10-20.14(b), amended by P.A.s 104-430 and 104-648, eff. 1-1-27. The Juvenile Court Act of 1987 (705 ILCS 405/1-1 et seq.), School Code (105 ILCS 5/1-1 et seq.), and various other laws set requirements for the management and sharing of law enforcement records and other information about students if they have contact with local law enforcement. Local implementation of reciprocal reporting procedures may be modified based upon the District's and local law enforcement's specific implementation needs.

Development and implementation of reciprocal reporting procedures ~~relies~~rely heavily on the District's parent-teacher advisory committee (composed of representatives of the District, parents/guardians, and teachers) and Building Principals, in cooperation with local law enforcement agencies. 105 ILCS 5/10-20.14, amended by P.A. 104-648, eff. 1-1-27. Teachers must be selected in cooperation with the District's teachers or, if applicable, their exclusive bargaining representative. Id. The parent-teacher advisory committee is a School Board committee and, thus, is subject to the Open Meetings Act. 5 ILCS 120/1.02. See Board policy 2:150, *Committees*.

Guidelines for Reporting and Records Disclosure from the District to Local Law Enforcement

Incidents reported from the District to local law enforcement agencies are managed under the School Code (105 ILCS 5/1-1 et seq.), 105 ILCS 127/2, and 720 ILCS 5/12C-50.1.

When sharing information, school officials should be aware of State and federal laws regarding *school student records*. Family Educational Rights and Privacy Act, 20 U.S.C. §1232g; 34 C.F.R. Part 99; Illinois School Student Records Act, 105 ILCS 10/; 23 Ill.Admin.Code Part 375. Information kept by law enforcement professionals working in a school is not considered a *school student record*. 105 ILCS 10/2. Also, law enforcement records maintained by law enforcement agencies are not considered a *school student record*. 105 ILCS 5/22-20. For more detailed information about *school student records* and its definition, see 7:340-AP1, *School Student Records*.

1. The Building Principal and/or the Police Department School Liaison Officer (Liaison Officer) will arrange meetings as needed between school officials and individuals representing law

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[1] State or federal law requires this subject matter be covered by procedure. State or federal law controls this procedure's content. This procedure concerns an area in which the law is unsettled in that a school's ability to share student records is restricted by State and federal law. In addition, circumstances that allow law enforcement's ability to share its records of contacts with students enrolled in their local school districts are governed by State law.

105 ILCS 5/10-20.14(b), as amended by P.A. 103-896, required the Ill. State Board of Education (ISBE), in consultation with stakeholders, to draft and publish *Development of Reciprocal Reporting Systems Guidance*, available at: www.isbe.net/Documents/Reciprocal-Reporting-June-2025.pdf. In the *Guidance*, ISBE recommends that "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." Id. If the district does this, it should list their reciprocal reporting agreements in exhibit 2:250-E2, *Immediately Available District Public Records and Web-Posted Reports and Records*.

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

2. The Superintendent, Building Principal, and/or their designee(s) will immediately notify local law enforcement upon receiving a report of a student:
    a. Committing a battery against school personnel. 105 ILCS 5/10-21.7.
    b. In possession of a firearm on school grounds. 105 ILCS 5/10-27.1A.
    c. Being involved in a drug-related incident on school property, including any conveyance used to transport students, or on any public way within 1000 feet of the school. 105 ILCS 5/10-27.1B; 105 ILCS 127/2.
    d. Engaging in hazing resulting in death or great bodily harm. 720 ILCS 5/12C-50.1. [3]

Guidelines for Reporting and Records Disclosure from Local Law Enforcement to the District

The information shared from local law enforcement agencies to the District and the confidentiality of shared juvenile law enforcement records are managed under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 et seq.) and the School Code (105 ILCS 5/1-1 et seq.). These laws require the Building Principal to maintain all information and records that the District receives from local law enforcement separate from a student's official *school student record*. Unless otherwise indicated, the information received from local law enforcement may only be used by school staff having a legitimate educational or safety interest in the information to support (1) the proper rehabilitation of the student, and/or (2) the protection and safety of students and employees in the school.

1. The State's Attorney shall provide the Building Principal a copy of any delinquency dispositional order concerning any student regardless of age where the crime would be a felony if committed by an adult, or 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 (deadly weapon offenses). Access to this information is limited to only the Building Principal, the Superintendent, and any school counselor designated by either administrator. 705 ILCS 405/1-8(F).
2. Local law enforcement may disclose the identity of a victim of aggravated battery, battery, attempted first degree murder, or another non-sexual violent offense to appropriate school officials if the presiding judge of the juvenile court approves the disclosure to prevent foreseeable violence. 705 ILCS 405/5-905(2.5).
3. Local law enforcement may disclose juvenile law enforcement records relating to a minor who is investigated, arrested, or taken into custody before his or her 18th birthday only if law enforcement believes that there is imminent threat of physical harm to students, school personnel, or others. 705 ILCS 405/1-7(A)(8) and 405/5-905(1)(h). For an example of relevancy and implementation of this type of law enforcement information in a school building, see Board policy 4:190, *Targeted School Violence Prevention Program*.

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[2] These meetings are optional.

[3] ISBE's *Development of Reciprocal Reporting Systems Guidance*, available at: www.isbe.net/Documents/Reciprocal-Reporting-June-2025.pdf, states that "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." Id. at p.2.

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a. Local law enforcement may allow the Building Principal or appropriate school official(s) to *inspect and copy* juvenile law enforcement records concerning a minor enrolled in the school who has been arrested or taken into custody for violating any of the following Ill. laws: Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012 (deadly weapons); Ill. Controlled Substances Act; Cannabis Control Act; forcible felonies defined at Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012; Methamphetamine Control and Community Protection Act; Section 1-2 of the Harassing and Obscene Communications Act; Hazing Act; Section 12 of the Criminal Code of 1961 or the Criminal Code of 2012 (bodily harm); or Article 25 of the Criminal Code of 1961 or the Criminal Code of 2012 (mob action and related offenses). 705 ILCS 405/1-7(A)(8)(A) and 405/5-905(1)(h)(A).

b. Local law enforcement may disclose only *oral information* about a minor who is the subject of a current police investigation that is directly related to school safety. 705 ILCS 405/1-7(A)(8)(B) and 405/5-905(1)(h).

4. Local law enforcement agencies and all courts must report to the Building Principal the fact that a student enrolled in the building has been detained for proceedings under the Juvenile Court Act of 1987 or for any criminal offense, including illegal gang activity, or any violation of a municipal or county ordinance. The report must include the basis for detaining the child, circumstances surrounding the events which led to the child's detention, and status of proceedings. The report must be updated as appropriate to notify the Building Principal of developments and the disposition of the matter. 105 ILCS 5/22-20.
5. Local law enforcement must notify the Building Principal when an agency investigation of an alleged incident of sexual abuse is complete or has been suspended, including information on the outcome of the investigation. 105 ILCS 5/22-85(k).
6. Local law enforcement shall provide a copy of all arrest records, and the State's Attorney shall provide a copy of all conviction records, to the Building Principal if the record involves a student who is arrested or taken into custody *after* his or her 18th birthday. [4]
7. Local law enforcement and the State's Attorney may share or disclose information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders. 705 ILCS 405/1-8(G).

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[4] This duty is not imposed by State law, but it may be part of the reciprocal reporting guidelines.

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LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act; 34 C.F.R. Part 99.
105 ILCS 5/10-20.14, 5/22-20, and 5/22-85.
5 ILCS 120/1.02, Open Meetings Act.
105 ILCS 10/, 10/2, 10/6(6.5), Ill. School Student Records Act.
705 ILCS 405/1-7, 1-8(F), 1-8(G), and 5-905, Juvenile Court Act of 1987.
23 Ill. Admin. Code Part 375, Student Records.

CROSS REF.: 2:150 (Committees), 4:190 (Targeted School Violence Prevention Program), 7:150 (Agency and Law Enforcement Requests), 7:340 (Student Records)

ADMIN PROC.: 7:150-AP (Managing Agency and Law Enforcement Requests), 7:340-AP1 (School Student Records)

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~~[illegible]~~ replaced by Policy 7:195

DELETED

~~April 2025~~October 2026 7:190-AP5

Commented [DJ1]: Note to Subscribers: This procedure is deleted because it is now superseded by policy 7:195, *Wireless Communication Devices*.

~~Students~~

~~Student Handbook - Electronic Devices~~ [1]

~~Electronic Signaling Devices~~ [2]

~~Students may not use or possess electronic signaling (paging) devices or two-way radios on school property at any time, unless the Building Principal specifically grants permission.~~

~~Cell Phones and Other Electronic Devices~~ [3]

~~The possession and use of cellular phones, including smartphones, and other electronic devices, other than paging devices and two-way radios, are subject to the following rules:~~

1. ~~They must be kept out of sight and in an inconspicuous location, such as a backpack, purse, or locker, unless use is authorized by the teacher or for the reasons in number two, below. 4~~
2. ~~They must be turned **off or silenced** during the regular school day unless: (a) the supervising teacher grants permission for them to be used; (b) use of the device is provided in a student's individualized education program (IEP) or Section 504 plan; (c) the device is used during the student's lunch period; or (d) the device is needed during an emergency.~~
3. ~~They may not be used in any manner that will cause disruption to the educational environment or will otherwise violate student conduct rules.~~
4. ~~They may not be used for *sexting*, as defined in Board policy 7:190, *Student Behavior*. Any cellular phone or electronic device may be searched upon reasonable suspicion of sexting or other violations of policy. All sexting violations will require school administrators to follow~~

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

[1] ~~105 ILCS 5/10-20.28, grants school boards the authority to "establish appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during regular school hours, or at any other time." The statute contains no mandates. School boards that adopted policies prohibiting students from using or possessing any cell phones on school property must amend those policies before using this sample student handbook language about cell phones and electronic devices.~~

~~Some boards may prefer to maintain their ban on cell phone and pager use and possession on school grounds. With the advent of sexting, bans on cell phone and electronic device usage during school hours are viable sexting prevention options. If so, the administration should not change the student handbook's language with the use of this sample language.~~

[2] ~~105 ILCS 5/10-21.10 still prohibits student possession of electronic paging devices unless the school board has expressly authorized use or possession of the device or similar electronic paging device by a student when in a school building or on school property.~~

[3] ~~The School Code does not define *electronic device*, but the Juvenile Court Act provides guidance in its definition of an *electronic communication device*, and the Criminal Code of 2012 provides guidance in its definition of *computer*. Electronic communication device includes, but is not limited to, electronic devices, wireless telephones, personal digital assistants, or portable or mobile computers, that are capable of transmitting images or pictures. 705 ILCS 405/3-40(a). Computer means a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage, including cloud-based networks of remote services hosted on the Internet, and telecommunications devices connected to computers. 720 ILCS 5/17-0.5.~~

~~*Wireless telephone* is synonymous with *cellular telephone* (see www.thesaurus.com, listing cellular and wireless telephones as synonyms). Because the terms are synonyms, an electronic communication device also includes a cellular telephone. While the definition of electronic communication device at 705 ILCS 405/3-40(a) appears to make using *cell phone*, *electronic device*, and *computer* redundant, this sample will continue to use *cell phones* and *electronic devices* for simplicity. Change the subhead to *electronic communication devices* if the district wants to use one term.~~

[4] ~~Delete this sentence if the board has deleted the *out-of-sight* limitation from board policy 7:190, *Student Behavior*. See sample policy 7:190, *Student Behavior*, at f/n 16.~~

~~student discipline policies in addition to contacting the police and reporting suspected child abuse or neglect when appropriate.~~

~~5. Electronic study aids may be used during the school day if:~~

~~6. Use of the device is provided in the student's IEP, or~~

~~7. Permission is received from the student's teacher; e.g., Bring Your Own Technology (BYOT) programs.~~

~~8. Examples of electronic devices that are used as study aids include: devices with audio or video recording, MP3 players, some cellular phones, smartphones, laptop computers, Chromebooks®, and tablet computers or devices, e.g., iPads®.~~

~~9. Examples of electronic devices that are **not** used as study aids include: hand-held electronic games, MP3 players used for a purpose other than a study aid, global positioning systems (GPS), radios, and cellular phones, including smartphones (with or without cameras), used for a purpose other than a study aid.~~

~~10. The use of technology as educational material in a curriculum-based program is not a necessity but a privilege, and a student does not have an absolute right to use his or her electronic device while at school. If applicable, using technology as a study aid must always follow the established rules for the BYOT program. Using technology at all other times must always follow the established rules for cellular and smartphones and other electronic devices at school.~~

~~11.~~1. ~~The School District is not responsible for the loss or theft of any electronic device brought to school.~~

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Students

Administrative Procedure - Student Discipline Guidelines [1]

The intent of these guidelines is to enhance school climate, improve school discipline practices, and ensure that students are disciplined without discrimination on the basis of race, color, national origin, gender, disability, or other protected status. Data collected from Ill. school districts on student discipline is available at ~~www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx~~www.isbe.net/discipline.

Recordkeeping

1. Develop and implement a District-wide uniform discipline referral form that documents each of the following:
   a. Student name
   b. Identity of staff member making referral
   c. Date and time of incident
   d. Location of incident
   e. Description of incident
   f. Description of interventions attempted prior to incident
   g. Description of the incident's effect on other students and/or the learning environment
   h. Parent/guardian contact made (when, how, and by whom)
2. Maintain each of the following data related to student discipline referrals:
   a. Race of the student referred for discipline
   b. Gender of the student referred for discipline
   c. Disability status of the student referred for discipline
   d. Basis for the referral
   e. Identity of the staff member making referral
   f. Race of the staff member making referral
   g. Gender of the staff member making referral
   h. Basis for imposing or not imposing discipline
   i. Description of discipline imposed, if any, and the rationale for its selection

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The footnotes should be removed before the material is used.

[1] This guidance aligns with the 1-8-14 *Dear Colleague Letter* issued jointly by the U.S. Dept. of Education (DOE) and U.S. Dept. of Justice (DOJ), and their comprehensive School Climate and School Discipline Guidance Package (a weblink is provided in the Resources section of this procedure). **Note:** These guidance documents were rescinded by a joint DOE and DOJ *Dear Colleague* letter dated 12-21-18, at: www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-201812.pdf. Since July 30, 2021, the letter and rescinding of the letter have been under review by the DOE and DOJ. Even though this guidance was rescinded, this sample procedure has been maintained in **PRESS** because it reflects best practices related to student discipline as well as various State law requirements. See also:

Christian County Public Schools, Case No. 03-11-5002 (decision letter issued 2-28-14).
Christina School District, Case No. 03-10-5001 (decision letter issued 12-14-13).
Oakland Unified School District, Case No. 09-12-5001 (decision letter issued 9-27-12).
Independent School District #761, Case No. 05-10-1148 (decision letter issued 5-4-11).

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j. Whether the referral was made to the school resource officer[2] (SRO) or law enforcement
k. Basis for making the referral to the SRO or law enforcement (if applicable)
l. Whether there were any criminal charges filed as a result of the student's misconduct
m. If the student received an exclusionary consequence (out-of-school suspension or expulsion) for his/her misconduct, whether the student was offered any academic or behavior support services and, if so, which support services

Periodic Review and Self-Monitoring

Review the following on a periodic basis and at least annually:

1. Discipline-related District policies and procedures
   a. Such policies may include:
      7:20, *Harassment of Students Prohibited*
      7:70, *Attendance and Truancy*
      7:130, *Student Rights and Responsibilities*
      7:140, *Search and Seizure*
      7:150, *Agency and Law Enforcement Requests*
      7:160, *Student Appearance*
      7:165, *School Uniforms*
      7:170, *Vandalism*
      7:180, *Prevention and Response to Bullying, Intimidation, and Harassment*
      7:185, *Teen Dating Violence Prohibited*
      7:190, *Student Behavior*
      7:200, *Suspension Procedures*
      7:210, *Expulsion Procedures*
      7:220, *Bus Conduct*
      7:230, *Misconduct by Students With Disabilities*
      7:240, *Conduct Code For Participants in Extracurricular Activities*
      7:250, *Student Support Services*
      7:310, *Restrictions on Publications; Elementary Schools*
      7:315, *Restrictions on Publications; High Schools*
   b. This review should:
      i. Include input from all members of the school community (administrators, staff, students, parents/guardians, volunteers and community members). Such input may be obtained through school climate surveys, school forums, and the District's parent-teacher advisory committee (established per 105 ILCS 5/10-20.14, amended by P.A.s 103-896, ~~and~~ 104-430, and 104-648, eff. 1-1-27) and the behavior interventions committee for students with disabilities (established per 105 ILCS 5/14-8.05).
      ii. Ensure policies and procedures (e.g., an individual school's conduct code) have clear definitions of prohibited student conduct, especially those entailing the subjective exercise of discretion.
      iii. Attempt to incorporate alternative disciplinary measures into Board policies and procedures.

The footnotes should be removed before the material is used.

[2] *School resource officer* means a law enforcement officer who has been primarily assigned to a school or school district under a memorandum of understanding between a local law enforcement agency and a school district. 105 ILCS 5/10-20.68(a), amended by P.A. 104-430.

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iv. Implement a system of Positive Behavioral Interventions and Support (PBIS) or, if PBIS has been implemented, analyze and monitor its effectiveness and ways to improve it.

2. Discipline data
   a. Data review should analyze each of the following:
      i. Number of referrals by teacher/staff member.
      ii. Race/gender/disability status of referred students by teacher/staff member.
      iii. Overall percentage of student disciplinary referrals by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
      iv. Overall percentage of student disciplinary referrals for a specific offense (i.e., tardy, dress code violation) by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
      v. Overall percentage of student disciplinary referrals resulting in an exclusionary consequence by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
      vi. Overall percentage of student disciplinary referrals resulting in a referral to law enforcement by race, gender, and disability status versus the overall percentage of said student groups in the school and District.
      vii. Comparison of discipline imposed for the same or similar offense for students of different races, gender, and disability statuses.
   b. Compare the District's student discipline data with the data from other school districts.
      i. As required by 105 ILCS 5/2-3.162, amended by P.A. 104-546, by Oct. 31 annually, ISBE prepares a report on student discipline from data collected from all Ill. school districts. The report includes data on the issuance of out-of-school suspensions, expulsions, and removals to alternative settings in lieu of another disciplinary action, disaggregated by race and ethnicity, gender, age, grade level, whether a student is an English learner, incident type, and discipline duration. It is available at ~~www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx~~www.isbe.net/discipline.
      ii. As required by 105 ILCS 5/2-3.206, added by P.A. 104-430, on or before Jan. 31, 2029 and annually thereafter, ISBE prepares a report on law enforcement referral data collected from all Ill. school districts. The report includes data on student referrals to law enforcement, disaggregated by race and ethnicity, sex, grade level, whether a student is an English learner, and disability.
   c. If there are any red flags resulting from the data analysis, the discipline committee should meet to determine if there are comparably effective alternative practices or policies that would meet the school's stated educational goal with less of a burden or adverse impact on the disproportionately affected group.

Training

1. Annually train all District staff and school-based law enforcement on each of the following:
   a. The District's discipline-related policies and procedures, including which behaviors fall into categories of misconduct defined therein so that there is consistency in application.
   b. How to apply school discipline policies, procedures, and practices in a fair and equitable manner so as not to disproportionately impact students of color, students of a particular gender, students with disabilities, or at-risk students.
   c. Effective classroom management strategies, recognizing that the removal of students from the classroom is to be used as a last resort.
   d. How to engage students and support positive behavior, including through any PBIS program implemented in the District.

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e. Classroom management techniques and resources available to staff who are having difficulty with classroom management.
f. The role that school-based law enforcement is expected to play in the discipline process, including when it is or is not appropriate to refer a student to school-based law enforcement.

2. Make reasonable efforts to provide ongoing professional development to all District staff, school board members, and SROs on the requirements of 105 ILCS 5/10-22.6 and 105 ILCS 5/10-20.14, adverse consequences of exclusion and justice system involvement, effective classroom management strategies, culturally responsive discipline, trauma responsive learning environments, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates. [3]

Notice

Annually notify students and parents/guardians of the District's discipline-related policies and procedures.

1. Use varied communication methods, such as student handbooks, District or school websites, posters, classroom instruction, assemblies, etc.
2. Ensure such notice is provided in an age-appropriate, easily understood manner.
3. Ensure such notice is provided in multiple languages.
4. Explain to students:
   a. The District's discipline-related policies and procedures, including which behaviors fall into categories of misconduct.
   b. Their particular school's discipline-related procedures and conduct codes, including which behaviors fall into categories of misconduct.
   c. Behavior expectations.
   d. Resources and support services available to students.

Collaboration with Law Enforcement

1. Annually train SROs on the District's discipline-related policies and procedures (if applicable).
2. Review the District's reciprocal reporting agreement[4] with local law enforcement agencies to determine if revisions are necessary.

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The footnotes should be removed before the material is used.

[3] 105 ILCS 5/10-22.6(c-5), amended by P.A. 103-896. See sample policy 2:120, *Board Member Development*, at f/n 9, for more information regarding 105 ILCS 5/10-22.6, 105 ILCS 5/10-20.14, and relevant sample policies to reference. See 105 ILCS 5/3-11(b), amended by P.A.s 103-413 and 104-612, for the definition of *trauma-responsive learning environments.* The statute does not define *ongoing* or specify whether each group should receive training on all of the topics. As these are important matters, consult the board attorney for guidance.

[4] Pursuant to 105 ILCS 5/10-20.14, amended by P.A.s 104-430 and 104-648, eff. 1-1-27, school districts are to establish and maintain a parent-teacher advisory committee, whose duties include developing policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal and civil offenses committed by students, including attacks on school personnel in accordance with 105 ILCS 5/10-21.7. *Development of Reciprocal Reporting Systems Guidance*, developed by the Ill. State Board of Education (ISBE) in consultation with stakeholders, is available at: www.isbe.net/Documents/Reciprocal-Reporting-June-2025.pdf. See sample administrative procedure 7:190-AP3, *Guidelines for Reciprocal Reporting of Offenses Committed by Students*.

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3. Develop and enter into a memorandum of understanding (MOU) with local law enforcement agencies. The MOU should clearly define law enforcement's role in the District's schools. Follow an existing MOU and suggest modifications as the need arises. [5]

Resources

School Climate and Student Discipline Resources: Know the Law (multiple guidance documents), at: www.ed.gov/teaching-and-administration/safe-learning-environments/school-safety-and-security/school-climate-and-student-discipline/school-climate-and-student-discipline-resources-know-the-law.

Dear Colleague Letter on Nondiscriminatory Administration of School Discipline, issued by the Civil Rights Division of the U.S. Dept. of Justice and the Office for Civil Rights of the U.S. Dept. of Education on 1-8-14 (no longer available on the U.S. Dept. of Education's website).

Note: This guidance document was rescinded by a joint *Dear Colleague* letter dated 12-21-18, at: www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-201812.pdf.

Civil Rights Data Collection at: www2.ed.gov/about/offices/list/ocr/data.html?src=rt .

ISBE Data Analysis of ~~Expulsions, Suspensions, and Truants by District~~Discipline at: ~~www.isbe.net/Pages/Expulsions-Suspensions-and-Truants-by-District.aspx~~www.isbe.net/discipline

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The footnotes should be removed before the material is used.

[5] 105 ILCS 5/10-20.14(b), as amended by P.A. 104-430, encourages school districts to create memoranda of understanding (MOU) with law enforcement agencies. Beginning 7-1-26, an MOU is required for any district that uses a school resource officer. 105 ILCS 5/10-20.68(a-5), added by P.A. 104-430. An MOU defines law enforcement's role in schools and describes the respective duties of a school district and local law enforcement agencies. Its purpose is to prevent confusion, decrease conflict, and promote school safety. MOUs vary by community because they are created through a collaborative process involving local school districts and local law enforcement agencies. For an example, see sample exhibit 7:190-E3, *Memorandum of Understanding*.

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