



**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

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**Jim Ryan**  
ATTORNEY GENERAL

FILE NO. 96-040

PUBLIC RECORDS AND INFORMATION:  
Reciprocal Reporting Between School  
Districts and Local Law Enforcement Agencies

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Gentlemen:

You have inquired regarding the scope and application of section 10-20.14 of the School Code (105 ILCS 5/10-20.14 (West 1994)) as it relates to the reciprocal reporting of information between school districts and local law enforcement agencies. Specifically, you have asked whether a reporting agreement must be limited to occurrences for which a minor has been adjudicated delinquent. For the reasons hereinafter stated, it is my opinion that a reciprocal reporting agreement may include the sharing of information regarding acts of students who have not been adjudicated delinquent.

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Section 10-20.14 of the School Code provides:

"Parent-teacher advisory committee. [Each school board shall] establish and maintain a parent-teacher advisory committee to develop with the school board policy guidelines on pupil discipline, to furnish a copy of the policy to the parents or guardian of each pupil within 15 days after the beginning of the school year, or within 15 days after starting classes for a pupil who transfers into the district during the school year and to require that each school informs its pupils of the contents of its policy. In addition, the 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." (Emphasis added.)

Subsection 1-7(A) (8) of the Juvenile Court Act, as amended by Public Act 89-362, effective August 18, 1995 (705 ILCS 405/1-7(A) (8) (West 1995 Supp.)) provides:

"Confidentiality of law enforcement records.

(A) Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following:

\* \* \*

(8) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained be-

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tween 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) unlawful use of weapons under Section 24-1 of the Criminal Code of 1961;

(ii) a violation of the Illinois Controlled Substances Act;

(iii) a violation of the Cannabis Control Act; or

(iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961.

\* \* \*

"

Lastly, section 2-8 of the Criminal Code (720 ILCS 5/2-8 (West 1995 Supp.)) provides:

"'Forcible felony'. 'Forcible felony' means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual."

Resolution of this inquiry requires the construction of the term "criminal offenses committed by students" in section 10-20.14 of the School Code. It is unclear, from the language of

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the section alone, whether it is intended that information be exchanged only upon the adjudication of a student for an offense.

The goal of statutory construction is to ascertain and give effect to legislative intent; in doing so, one should consider not only the language of the statute but also the reason and necessity for the law, the evils to be remedied, and the objects and purposes to be obtained. (People v. Haywood (1987), 118 Ill. 2d 263.) When statutory language is ambiguous, it is appropriate to examine the legislative history of a statute. (People v. Boykin (1983), 94 Ill. 2d 138.) Applying these principles, it is my opinion that section 10-20.14 contemplates the exchange of information concerning allegations of criminal offenses by students, and not merely those incidents which result in an adjudication of delinquency.

The last sentence of section 10-20.14 was enacted by Public Act 88-376, effective January 1, 1994. At that time, and for a number of years prior thereto, the Juvenile Court Act had required, upon any adjudication of delinquency for a felony, that the State's Attorney provide a copy of the dispositional order to the principal of the school in which the minor is enrolled (see now 705 ILCS 405/1-8(F) (West 1995 Supp.)). In view of this provision, a reciprocal reporting system which is limited only to minors who have been adjudicated delinquent would be largely

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redundant. A review of the legislative debates resulting in the enactment of Public Act 88-376 indicates a broader objective.

The General Assembly debates on House Bill 532, which became Public Act 88-376, indicate that the language in question was incorporated from another bill, House Bill 2010, which passed the House but was not considered in the Senate. (Remarks of Sen. Watson, May 17, 1993, Senate Debate on House Bill No. 532, at 17.) House Bill 2010 was entitled as "AN ACT to reduce crime in schools, by requiring the reporting of offenses to police". The following colloquy sets out the intent of the sponsor:

" \* \* \*

Cross: It is up to each school district how they want to implement the policy. There is no, according to the Bill, at this point or the Bill does not provide who reports or who does not report. That's up to each local school district and law enforcement. They can develop any policy that they wish.

Davis: So, are you stating that school children should have police records?

Cross: It is not of matter of even charging people, it is just a matter of communicating between law enforcement and schools, crimes that are committed either at the school or outside the school, either when law enforcement knows, they need to share that information with the schools involved and vice a versa [sic] and the school might share information with law enforcement. That doesn't mean the law enforcement will neces-

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sarily charge them. It's just a reporting mechanism.

\* \* \*

(Remarks of Rep. Cross and Rep. Davis, April 23, 1993, House Debate on House Bill 2010, at 145-146.)

As explained by its sponsor, the apparent intent of the legislation was to encourage the sharing of information between school officials and the police about offenses allegedly committed by students, without regard to whether the student had been arrested or detained or whether any charge or petition had been filed in court.

A more difficult issue is determining what information may be shared, particularly in light of the various statutes mandating the confidentiality of both law enforcement records concerning juveniles and school student records. Subsection 1-7(A)(8) of the Juvenile Court Act, which permits an appropriate school official to inspect and copy specified law enforcement records pursuant to a reciprocal agreement, was enacted more than a year and a half after the effective date of Public Act 88-376. The Illinois School Student Records Act (105 ILCS 10/1 et seq. (West 1994)) mandates the confidentiality of both school student records and other writings or recorded information maintained by a school employee, and contains no exception permitting disclosure to law enforcement authorities absent consent of the student's parent or guardian. There is no indication that any

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reciprocal reporting agreement developed pursuant to section 10-20.14 of the School Code was intended to operate as an exception to the provisions of either the Juvenile Court Act or the Illinois School Student Records Act. Indeed, the subsequent enactment of the specific exception in subsection 1-7(A)(8) of the Juvenile Court Act tends to negate any such presumption.

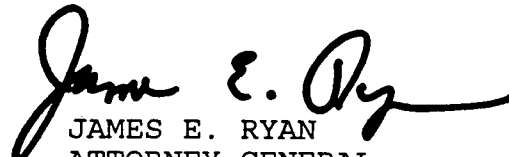
Section 2 of the Illinois Student Records Act (105 ILCS 10/2 (West 1994)) defines student temporary and permanent records, giving examples of information included therein, such as identifying information, grade and attendance records, background information, intelligence and aptitude test scores, personality and psychological test results, teacher evaluations, and other "information of clear relevance to the education of the student". Disciplinary information, while it may be of relevance in some instances, is not specifically mentioned. The focus of the Act is on information relating to educational progress of students; it does not purport to limit school officials in reporting criminal activity to the police.

For these reasons, it is my opinion, with respect to reporting by law enforcement agencies, that a reciprocal reporting agreement must necessarily be limited to the specific offenses referred to in subsection 1-7(A)(8) of the Juvenile Court Act. Because suspected criminal activity is not information falling within the scope of the Student Records Act merely because it may

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be recorded by school officials, however, it is also my opinion that school officials may, in accordance with any agreement developed, report any alleged or suspected criminal acts to the police.

Sincerely,

  
JAMES E. RYAN  
ATTORNEY GENERAL