

RESOLUTION

VILLAGE OF GILBERTS

A Resolution authorizing an Intergovernmental Agreement between the Village of Gilberts Police Department and Community District 300 to provide for reciprocal reporting

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the Village President and Village Clerk to execute an intergovernmental agreement between the Village of Gilberts and Community District 300 to provide for a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. The agreement is attached hereto and made part hereof as Exhibit A as approved.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this 20th day of June, 2017 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	✓	_____	_____	_____
Trustee Dan Corbett	_____	_____	✓	_____
Trustee Lou Hacker	✓	_____	_____	_____
Trustee Nancy Farrell	✓	_____	_____	_____
Trustee Elissa Kojzarek	✓	_____	_____	_____
Trustee Guy Zambetti	✓	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS 20th DAY OF June, 2017



[Signature] Village President, Rick Zirk

ATTEST: [Signature] Village Clerk, Debra Meadows

Published: 6/21/2017

**Reciprocal Reporting Agreement  
Between  
Law Enforcement and Community School District 300**

This Agreement is by and between the Gilberts Police Department ("Police Department") and, Community Unit School District #300 ("School District"), together the "Parties."

WHEREAS, Section 10-20.14 of the Illinois School Code (105 ILCS 5/10-20.14(b)), authorizes a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students; and

WHEREAS, sections 1-7(A)(8) and 5-905(h) of the Juvenile Court Act (705 ILCS 405/1-7(A)(8) and 405/5-905(1)(h)) of the Juvenile Court Act govern juvenile law enforcement records and Section 6(a) of the Illinois School Student Records Act (105 ILCS 10/6(a)) governs the release of student records; and

WHEREAS, the Parties have determined they must foster cooperation and improve the flow of information between the Police Department and the School District in order to provide a safe, healthy, and violence-free school environment; and

WHEREAS, the Police Department and School District recognize the need for educators and law enforcement to share information if there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds; and

NOW THEREFORE, in consideration of the foregoing, as well as the mutual covenants and agreements herein set forth, the Parties, by their execution of this Agreement, hereby agree as follows:

**A. Information Shared by the Police Department with the School District:**

1. The Police Department will provide, maintain, and update as needed, a list of Police Officers responsible for the receipt, dissemination, and coordination of law enforcement records and student information, including the Police Officers' contact information.

2. Pursuant to 705 ILCS 405/1-7(A)(8) and 705 ILCS 405/5-905(1)(h), the Police Department will copy and/or allow for the inspection of law enforcement records by School Officials concerning a minor enrolled in a school within the School District who has been arrested or taken into custody before his or her eighteenth (18) birthday for one of the following offenses, only if the Police Department 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. Any violation of Article 24 of the Criminal Code (720 ILCS 5/24 *et seq.*) (weapons);
  - b. A violation of the Illinois Controlled Substances Act (720 ILCS 570/100 *et seq.*);
  - c. A violation of the Cannabis Control Act (720 ILCS 550/1 *et seq.*);
  - d. A forcible felony as defined in Section 2-8 of the Criminal Code (720 ILCS 5/2-8);
  - e. A violation of the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 *et seq.*);
  - f. A violation of Section 1-2 of the Harassing and Obscene Communications Act (720 ILCS 5/26.5);
  - g. A violation of the Hazing Act (720 ILCS 5/12C-50); or
  - h. 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 (720 ILCS 5/1-1 *et seq.*) (bodily harm and mob action).
3. Information will be provided to School Officials by the Police Department about a minor who is the subject of a current police investigation that is directly related to school safety. This shall consist of oral information only and not written law enforcement records. For purposes of this paragraph, "investigation" means an official systematic inquiry by a law enforcement agency into actual or suspected criminal activity.
4. Pursuant to 105 ILCS 5/22-20, the Police Department will report to the principal of a minor's school if the minor is detained for proceedings for any criminal offense or a violation of a municipal or county ordinance by providing information as to the basis of the detention, the circumstances surrounding the events which led to the child's detention, and status of the proceedings, and updates as appropriate to notify the principal of developments and the disposition of the matter.

5. While the provisions of the Juvenile Court Act do not apply to students aged 18 or older, Police Officers will provide School Officials with arrest information and criminal history records for such students, as authorized under the Freedom of Information Act (5 ILCS 140/2.15).
  
6. The information derived from the law enforcement records and provided orally from Police Officers' shall be kept separate from and shall not become a part of the official school records of that child and shall not be a public record. The information shall be used solely by the appropriate School 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 Police Officers 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. Information Shared by the School District with the Police Department:**

1. The School District will provide, maintain, and update as needed, a list of School Officials responsible for the receipt, dissemination, and coordination of law enforcement records and student information, including contact information.
  
2. School Officials will provide Police Officers information pertaining to student activity that poses an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds, verbally or in writing. 105 ILCS 10/6(a)(7).
  
3. The Principal or designated School Official will report any verified incident involving drugs in schools, on school property, within 1000 feet of school property, or on school transportation. 105 ILCS 5/10-27.1B; 105 ILCS 127/2.


4. The Superintendent or designated School Official will report to Police Officers all written complaints of incidents of battery committed against teachers, administrative personnel, or educational support personnel. 105 ILCS 5/10-21.7.
5. The Principal or designated School Official will immediately report to Police Officers any report that a person in possession of a firearm has been observed on school grounds. 105 ILCS 5/10-27.1A.
6. In accordance with Section 10/6(a)(6.5) of the Illinois School Student Records Act, School Officials will release school student records or information to juvenile authorities when necessary for the discharge of their official duties upon a request for information prior to adjudication of the student. This Agreement constitutes written certification that the information will not be disclosed to any other party except as provided under law or order of court. "Juvenile authorities" includes probation officers, law enforcement officers, prosecutors, and others as defined in 105 ILCS 10/6(a)(6.5).

**C. General Terms:**

1. Any Party receiving records or other information pursuant to this Agreement from any other Party shall indemnify and hold harmless the sending Party, its employees, agents, officers, and officials from any and all liability or claims, including reasonable attorneys' fees arising from the improper release of such records or information.
2. Nothing contained in this Agreement constitutes a waiver of the defenses available to the School District or the Police Department under the Illinois Local Governmental and Governmental Employees Tort Immunity Act, with respect to claims by third parties.
3. No other person or party shall be or be deemed to be a third party beneficiary to this Agreement.
4. Any and all information received by any Party as a result of this Agreement shall be kept confidential by the Parties in accordance with any and all applicable laws, and shall not be disclosed to another party except as provided by law.

5. The term of this agreement shall begin August 1, 2017, and continue until terminated as provided for in Section C.7.
6. Any modifications to this Agreement may be made only through written mutual consent of the Parties.
7. A Party may terminate their involvement in this Agreement by providing thirty (30) days prior written notice to the other Party.
8. This Agreement shall be governed by the laws of the State of Illinois.
9. Any notices pursuant to this Agreement shall be sent from the School District to the Gilberts Police Department, Attention: Chief Louis Rossi, 86 Railroad Street Gilberts, IL 60136..
10. Any notices pursuant to this Agreement shall be sent to the School District from the Gilberts Police Department to the School District, Attention Todd Rohlwing, 2550 Harnish Drive Algonquin, IL 60102.

IN WITNESS THEREOF, the undersigned has entered into this Agreement.

  
\_\_\_\_\_  
NAME Rick Zirk  
TITLE Village President

\_\_\_\_\_  
Mr. Fred Heid, Superintendent  
Community Unit School District #300

\_\_\_\_\_  
Date 9/20/2017

\_\_\_\_\_  
Date