

VILLAGE OF DOWNERS GROVE
Report for the Village
9/5/2017

SUBJECT:	SUBMITTED BY:
Approval of School District 58 Intergovernmental Agreement	Kurt Bluder Chief of Police

SYNOPSIS

A resolution is requested authorizing the execution of an Intergovernmental Agreement that establishes a reciprocal reporting system between School District 58 and the Downers Grove Police Department regarding criminal offenses committed by students enrolled in the district.

STRATEGIC PLAN ALIGNMENT

The goals for 2015-2017 include *Exceptional Municipal Organization*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the September 5, 2017 consent agenda.

BACKGROUND

The Illinois School Code mandates that all school districts develop and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. The purpose of this reporting system is to protect employees and students as well as to assist in the rehabilitation of students. This Intergovernmental Agreement provides for ongoing communication and a mutually supportive partnership to ensure this mandate is met.

ATTACHMENTS

Resolution
Intergovernmental Agreement

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE BOARD OF EDUCATION OF
DOWNERS GROVE GRADE SCHOOL DISTRICT 58
AND THE VILLAGE OF DOWNERS GROVE**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Intergovernmental Agreement (the "Agreement"), between the Village of Downers Grove (the "Village") and the Board of Education of Downers Grove Grade School District No. 58, DuPage County, Illinois (the "School District"), for reciprocal reporting of criminal offenses, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

Final August 10, 2017

Intergovernmental Agreement
Reciprocal Reporting of Criminal Offenses Downers Grove Grade School District 58
DuPage County, Illinois

THIS AGREEMENT is by and between the BOARD OF EDUCATION OF DOWNERS GROVE GRADE SCHOOL DISTRICT NO. 58, DuPAGE COUNTY, ILLINOIS (hereinafter referred to as "School District") and the VILLAGE OF DOWNERS GROVE, DuPAGE COUNTY, ILLINOIS.

WITNESSETH:

WHEREAS, the Downers Grove Police Department (hereinafter referred to as "the Police Department") has responsibility for law enforcement within a portion of the boundaries of the School District; and

WHEREAS, the Police Department maintains only records of all arrests made concerning Downers Grove Grade School District 58 if the Police Department was the arresting agency, and

WHEREAS, the parties agree that schools must remain a safe haven if youth are to thrive and learn and that the presence of weapons, gang activity, drugs, and other criminal activities are devastating threats to the secure environment of schools, and

WHEREAS, the School District and the Police Department have mutually determined that it would be in the best interest of the safety and welfare of students and employees of the School District to have a reciprocal reporting system between the School District and the Police Department regarding criminal offenses committed by students enrolled in the School District; and

WHEREAS, this Agreement is authorized by the Illinois Constitution of 1970 and the *Intergovernmental Cooperation Act*, 5 ILCS 220/1 *et seq.*, providing for the execution of agreements and implementation of cooperative ventures between public agencies of the State of Illinois; and

WHEREAS, Section 10-20.14(b) of *The School Code* mandates that the School District's parent-teacher advisory committee develop and maintain, along with the School Board, a reciprocal reporting system between the School District and local law enforcement agencies regarding criminal offenses committed by students.

NOW, THEREFORE, in consideration of the foregoing, as well as the mutual covenants and agreements hereinafter set forth, and in response to the mandate of the *Illinois School Code* that law enforcement officials and school districts develop a system of reciprocal reporting to protect the safety of students and employees and to assist in the rehabilitation of students, the School District and the Police Department agree as follows:

1. The designee of the School District and the designee of the Police Department will act as liaisons between the School District and Police Department for the purpose of the reciprocal reporting of certain criminal offenses committed by students.
2. Whenever the School District receives information that a student may have committed a criminal offense on school grounds, off school grounds, at a school

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sponsored activity, or against School District personnel, the School District liaison may notify the Police Department liaison, subject to any limitations imposed by law. To the extent that such information is contained in a school student record, the School District will provide prior written notice to the student's parents, or the student if applicable, as may be required by law.

Whenever the Police Department receives information that a student may have committed a criminal offense, as limited by Paragraph 3 of this Agreement, if applicable, the Police Department liaison may notify the School District liaison. In addition, the Police Department shall notify the School District liaison if the Police Department or an 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, limiting information given as necessary so as not to impede any pending investigations.

3. In accordance with 705 ILCS 405/5-905(h)(A) and/or such other applicable provisions of Illinois law, the Police Department may provide the School District with law enforcement records concerning a minor enrolled in the School District, who has been arrested or taken into custody before his or her 18th birthday for any of the following offenses, as such list may be revised from time to time by statutory amendment:
 - a. any violation of Article 24 of the *Criminal Code of 1961 or the Criminal Code of 2012* (Deadly Weapons));
 - b. a violation of the *Illinois Controlled Substances Act*;
 - c. a violation of the *Cannabis Control Act*;
 - d. a forcible felony as defined in Section 2-8 of the *Criminal Code of 1961 or the Criminal Code of 2012* (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 kidnapping, kidnapping, 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);
 - e. a violation of the *Methamphetamine Control and Community Protection Act*);
 - f. a violation of Section 1-2 of the *Harassing and Obscene Communications Act*;
 - g. a violation of the *Hazing Act* (recategorized and renumbered as Section 12C-50 of the *Criminal Code of 2012*); or
 - h. a violation of Section 12-1 (assault), 12-2 (aggravated assault), 12-3

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(battery), 12-3.05 (aggravated battery), 12-3.1 (battery of an unborn child; aggravated battery of an unborn child), 12-3.2 (domestic battery), 12-3.4 (violation of an order of protection), 12-3.5 (interfering with the reporting of domestic violence), 12-5 (reckless conduct), 12-7.4 (aggravated stalking), 25-1 (mob action), or 25-5 (unlawful contact with streetgang members) of the Criminal Code of 1961 or the Criminal Code of 2012.

4. In accordance with the *Juvenile Court Act of 1987* 705 ILCS 405/5-901 and/or such other applicable provisions of Illinois law, 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 the School District and, if so, shall provide a copy of the dispositional order to the Principal or the Superintendent. Access to such juvenile records shall be limited to the Principal of the school, the Superintendent and any guidance counselor designated by either the Principal or the Superintendent. The Police Department may assist the School District in accessing this information from the State's Attorney's Office.

The limitations of this paragraph and Paragraph 3 shall be expanded or further restricted in accordance with any subsequent amendments to the *Juvenile Court Act of 1987* (705 ILCS 405/1-7, 5-905) or other laws.

5. Information reported pursuant to this Agreement shall include information pertaining to activity or suspected activity which would jeopardize the safe, orderly and violence-free environment of a school, including any criminal or gang-related activity. Pursuant to State law, the State's Attorney may make available to the school designee(s) notice of all arrests and convictions of school personnel and any other individual who is not a current student of the School District, if arrested or taken into custody after his or her 18th birthday. The Police Department may assist the School District in obtaining this information from the State's Attorney's Office.
6. In accordance with Section 22-20 of the *Illinois School Code*, the Police Department, to the best of its ability, will provide the appropriate School District principals with the following information whenever any student enrolled in the School District is detained for proceedings under the *Juvenile Court Act of 1987* or for any criminal offense or any violation of a municipal or county ordinance: (a) the basis for detaining the student; (b) the circumstances surrounding the events which led to the student's detention and (c) the status of the proceeding. This information shall be updated with subsequent developments in, and the disposition of, such matters. The report shall be updated as appropriate to notify the principals of developments and the disposition of the matter. 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.

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7. In accordance with 705 ILCS 405/5-905, any 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. As well, 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.

In accordance with the *Illinois School Student Records Act* (105 ILCS 10/1 et seq.) and the federal *Family Educational Rights and Privacy Act* (20 U.S.C 1232g), any and all information received by the School District as a result of this Agreement that is considered a student record shall be kept confidential by the School District in accordance with these laws. In accordance with the *Illinois School Student Records Act* and the regulations implementing the federal *Family Educational Rights and Privacy Act of 1974* (34 C.P.R. 99), any and all information received by the Police Department as a result of this Agreement and contained in a student record shall not be disclosed by the Police Department to another party, except as provided under Illinois and federal law, without the prior written consent of the parent or guardian of the student.

8. Pursuant to 105ILCS 405/5-901(1)(b)(v), court files of juvenile delinquency proceedings, redacted to remove any information identifying the victim or alleged victim of any sex offense, will be disclosed to the School District if the District provides educational, medical or mental health services to the juvenile and disclosure is necessary for the discharge of the District's official duties.

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9. Nothing contained in this Agreement is intended to prevent the sharing or disclosure of 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 and such sharing is otherwise allowed by law.
10. This Agreement shall be deemed dated and become effective when the last of the parties signs as set forth below. The Agreement shall remain in effect from year-to-year thereafter and may be terminated by either party with at least thirty (30) days advance written notice to the other party.
11. The agreements, covenants, terms and conditions herein contained may be modified only through the written mutual consent of the parties hereto.
12. Any and all notices required hereunder to be sent to the School District shall be served in writing to the following address:

Office of the Superintendent
Downers Grove School District No. 58
1860 63rd Street
Downers Grove, IL 60516

Service shall be made by the United States certified mail, postage prepaid, return receipt requested, or by personal delivery of any such notice delivered to an employee of the School District at its District administration office during the regular business hours of said office.

Any and all notices required hereunder to be sent to the Department shall be served in writing to the following address:

Chief of Police
Downers Grove Police Department
825 Burlington Ave
Downers Grove, IL 60515

Service shall be made by the United States certified mail, postage prepaid, return receipt requested, or by personal delivery of any such notice delivered to an employee of the Police Department at its administration office during the regular business hours of said office.

[SIGNATURE PAGE TO FOLLOW]

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IN WITNESS WHEREOF, the parties have entered into this Agreement as of the day and year the Agreement is fully executed by both Parties.

**BOARD OF EDUCATION
SCHOOL DISTRICT NO. 58
DUPAGE COUNTY, ILLINOIS**

VILLAGE OF DOWNERS GROVE

By: 
Its: President

By: _____
Its: Village Manager

Date: Aug. 14, 2017

Date: _____

Attest: 
Its: Secretary

Attest: _____

Date: Aug. 14, 2017

Date: _____