

# Chicago Public Schools Policy Manual

**Title:** RECIPROCAL RECORDS AGREEMENT BETWEEN CHICAGO PUBLIC SCHOOLS AND CHICAGO POLICE DEPARTMENT

**Section:** 705.1

**Board Report:** 97-1217-PO2

**Date Adopted:** December 17, 1997

## **Policy:**

### **I. Definitions of Terms**

Students.

A "student" under this agreement is defined as a CPS-enrolled juvenile under the age of 17 years.

Enumerated Crimes.

The CPD will notify CPS only of students who have been arrested or charged by the CPD for: (1) unlawful use of weapons (720 ILCS 5/24-1); (2) violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.); (3) violation of the Cannabis Control Act (720 ILCS 550/1 et seq.); or (4), forcible felonies as defined in Section 2-8 of the Illinois Criminal Code (720 ILCS 5/2-8), which are listed as "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 kidnapping, kidnapping, aggravated battery resulting in great bodily and/or permanent disability or disfigurement, and any other felony which involves the use or threat of physical force or violence against any individual."

Chicago Police Department Records.

The following information shall be made available to designated staff of the CPS Bureau of Safety and Security the full name of the student; address; the type of offense charged against the student; if arrested, the date, location, and time of arrest; police disposition of the case; court date, if applicable; and the CPD Record Division number.

Chicago Public Schools' Student Records.

The following information shall be made available to the investigators of the CPD Youth Division designated by the CPD: student's name; address; birthdate; mother's name and maiden name, if known; father's name, if known; other guardian, if applicable; and the school which the student currently attends.

### **II. The CPS Uniform Discipline Code**

The CPS Uniform Discipline Code was amended by 97-0430-EX2 ("Amend Uniform Discipline Code for Chicago Public Schools") to include the provision that students may be subject to discipline for serious acts of misconduct which occur either off-campus or during non-school hours when the misconduct disrupts the orderly educational process in the CPS.

### **III. Confidentiality**

The CPS is obligated to maintain the confidentiality of school records and information under 105 ILCS 10/1 et seq. (the "Illinois School Student Records Act"), and the Chicago Police Department is obligated to maintain the confidentiality of law enforcement records of minors, both except as authorized by law.

The limited information exchanged by CPS and CPD is to be maintained in a confidential manner and is to be released solely to identified staff of the CPS and CPD as authorized by law and for the purposes of this agreement.

### **IV. Procedural Guidelines**

Procedures for CPS use of CPD information are specific in addressing the issue of confidentiality and actions that need to be taken by departments and schools:

A. The Bureau of Safety and Security.

Designated staff from the Bureau of Safety and Security will receive CPD records enumerated above via daily computer transmittal. A copy of this daily report will be filed in a confidential, secure manner in the Bureau of Safety and Security. The CPD information will be hand-carried to designated staff at the Office of Schools and Regions.

## B. The Office of Schools and Regions.

Designated staff from the Office of Schools and Regions will verify the school at which the student is enrolled and will then forward a copy of the CPD information to the principal of each school involved.

The information will be sealed in a special envelope marked "for the principal's viewing only"; is to be signed for by the principal or designee; and is to be sent via the CPS internal mail system.

A copy of each principal's report will be filed in a confidential and secure manner in the Office of Schools and Regions.

## C. The School.

The requirement of confidentiality in the CPS/CPD agreement necessitates that information be shared only with those persons who need to know. As a general rule, the principal of the school will share information only with the Assistant Principal, who is a holder of a Type 75 Administrative Certificate. However, confidentiality must be balanced against the purpose of the reporting system, which is to inform CPS of the enumerated criminal offenses allegedly committed by students so that the safety and security of staff and students can be enhanced. CPS recognizes that principals have detailed and extensive knowledge of their students, their schools, and their communities, and that circumstances may dictate that a limited group of teachers and/or staff members be informed of the allegations. If the Principal believes that there is an urgent need to share information more widely beyond the Principal and/or Assistant Principal, the Principal is directed to contact the designated person at the Law Department, or the designated person at the Office of Schools and Regions, for discussion of the circumstances and approval to enlarge the group with need-to-know. Approval or non-approval will be communicated verbally, with written confirmation of the approval/non-approval and the names of the persons approved, to follow. The Principal will not disclose the nature of the crime to the approved persons, but only that the student had been arrested or charged with a serious offense.

Principals and Assistant Principals will maintain the documentation of these reports separate and apart from the regular student files, as temporary student records, in a confidential and secure manner.

Teachers/staff members who have been informed of the student's name are directed not to disclose information to others and are not to maintain written files regarding the allegations. Any written information is to be given to the Principal.

The Principal or the Assistant Principal (Type 75) as designee is directed to contact the student's parents/guardians for a Parent-Administrator Conference to discuss the student's behavior and its possible consequences.

The Principal is directed to contact the Region Education Officer for determination as to whether to begin the expulsion process against the student, a decision which will be made jointly between the Principal, the Region Education Officer, and the Law Department. If records and/or additional information need to be forwarded to the Region Education Officer, the information is to be sealed in a special envelope marked "for the Region Education Officer's viewing only," sent via the CPS internal mail system or hand-carried, and is to be signed for by the Region Education Officer or designee. The CPS reserves the right to decide on a case-by-case basis whether to begin expulsion proceedings against a student under this policy, pursuant to Board Rule Section 6-8 ("Expulsion of Pupils - Cause") and the CPS Uniform Discipline Code for serious acts of misconduct which occur either off-campus or during non-school hours if the misconduct disrupts the orderly educational process in CPS.

## **V. Consequences of Inappropriate Disclosure of Confidential Information**

Any employee who violates the provisions of this policy will be subject to discipline, up to and including suspension and/or dismissal. "Employees" referred to in this policy include, but are not necessarily limited to, the staffs of the Bureau of Safety and Security, the Office of Schools and Regions, the Law Department, the Region Education Officers, Principals, Assistant Principals, Teachers, and any and/or all others who may receive or have access to the student information.

## **VI. Distribution of Policy; Training**

This policy will be distributed to all Principals, Assistant Principals, Region Education Officers, and the staffs of the Bureau of Safety and Security, the Office of Schools and Regions, and the Law Department.

The Principal of each school is to copy and distribute this policy to Local School Council members. Teachers and staff members at each school will be informed of this policy by the Principal, and the policy is to be conspicuously posted at all schools.

Training on procedures and issues by the Bureau of Safety and Security and the Law Department will be made available to identified staff members of the Office of Schools and Regions and the Region Education Officers, with annual refresher sessions. This same training will be made available to all Principals and Assistant Principals in region-based sessions, also with annual refresher sessions.

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**Amends/Rescinds:**

**Cross References:**

**Legal References:** 105 ILCS 5/34-132.1; 105 ILCS 5/10-20.14; 105 ILCS 10/1; 705 ILCS 405/1-7  
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