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Corey's Law: Parental Notification of Law Enforcement Detainment and Questioning on School Grounds

On January 11, 2017, [Corey Walgren](#), a Naperville teen, committed suicide after being questioned by a school dean and resource officer about a disciplinary issue. As a result, the Illinois legislature passed [Corey's Law \(105 ILCS 5/22-85\)](#), a statute requiring school districts to notify parents before questioning a student about criminal acts. The law was signed by the Governor and took effect on August 23, 2019. Below are the key elements of the statute:

Basic Requirements

- Before detaining and questioning a student on school grounds who is under 18 and suspected of a committing a criminal act, school security personnel must:
 - Notify or attempt to notify the student's parent or guardian and document the time and manner of notification.
 - Make reasonable efforts to ensure that a parent is present during questioning. If parent cannot be present, include a mental health professional.
 - If practicable, school districts should make reasonable efforts to ensure that a law enforcement officer trained in promoting safe interactions and communications with youth is present during the questioning.
- A student age 18 or older may request the presence of a parent/guardian if the student is questioned or detained, and the student must be notified of this right.

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Applicability

- The law only applies in situations when a student is suspected of committing a criminal act. If the student is a witness to a crime or the victim of a crime, the law technically does not apply.
- The statute applies to questioning that occurs on school property and during regular hours when school is in session and students are present.
- The requirements on the district are only applicable when questioning is done by a “law enforcement officer, school resource officer or other school security personnel.” Unfortunately, the law does not define “other security personnel”. As conservative practice, we recommend districts include not only their deans but principals and assistant principals that are tasked with safety. School districts are encouraged to review (or create) their memoranda of understanding with local law enforcement agencies to clearly define the role of law enforcement in schools, in accordance with 105 ILCS 5/10-20.14(b) of the School Code.

Exceptions








- School resource officers and law enforcement personnel may still question students without providing notification if it can be reasonably concluded that urgent and immediate action is necessary to:
 - Prevent bodily harm or injury to a student or other person
 - Apprehend an armed or fleeing suspect
 - Prevent the destruction of evidence
 - Address an emergency or other dangerous situation
- Corey’s Law does not prevent a law enforcement officer from making an arrest on school grounds.

Contact us!



2 TransAm Plaza Dr., Suite 450
Oakbrook Terrace, IL 60181
(630) 394-3790
krihalaw.com

Kriha Boucek is an education law firm representing boards of education, public school districts, special education cooperatives, charter schools, and private schools. This is attorney advertising and should not be taken as legal advice. Please contact an attorney for advice on specific legal issues.

b		Sara Boucek	sara@krihaboucek.com Direct: (630) 394-3792
g		Kevin Gordon	kevin@krihaboucek.com Direct: (630) 394-3784
j		Stephanie Jones	stephanie@krihaboucek.com Direct: (630) 394-3786
k		Laura Knittle	laura@krihaboucek.com Direct: (630) 394-3783
k		Darcy Kriha	darcy@krihaboucek.com Direct: (630) 394-3782
l		Mohammed Lakhani	mohammed@krihaboucek.com Direct: (630) 394-3785
s		Rob Swain	rob@krihaboucek.com Direct: (630) 394-3788