

Policy JGF: DISCIPLINE REPORTING AND RECORDS

Status: ADOPTED

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In compliance with state law, the board of education establishes clear channels of communication between teachers, administrators, law enforcement officials, and other schools concerning acts of school violence and other behaviors that endanger the welfare or safety of students, staff, or patrons of the district. The purpose of this policy is to designate specific actions committed by students that must be reported to teachers, administrators, and/or law enforcement officials as well as those actions that must be documented in a student's discipline record.

Definitions

The following definitions and terms apply to this policy:

Act of School Violence/Violent Behavior – The exertion of physical force by a student with the intent to do serious physical injury to another person while on school property, including while on school transportation in service on behalf of the district or while involved in school activities.

Need to Know – Relates to school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties.

School or District Property – Property utilized, supervised, owned, rented, leased, or controlled by the school district including, but not limited to, school playgrounds, parking lots, school transportation, and any property on which any school activity takes place.

Serious Physical Injury – Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of any part of the body.

Serious Violation of District's Discipline Policy – One or more of the following acts if committed by a student enrolled in the district:

1. Any act of school violence/violent behavior.
2. Any offense that occurs on district property, on district transportation, or at any district activity and that is required by law to be reported to law enforcement officials.
3. Any offense that results in an out-of-school suspension for more than ten school days.

Reporting to School Staff

School administrators shall report acts of school violence to all teachers at the attendance areas in which the involved students are educated and to other school district employees with a need to know the information to adequately supervise the students and to protect themselves or others. In

addition, any portion of a student's individualized education program (IEP) that is related to demonstrated or potentially violent behavior shall be provided to any teachers and other district employees with a need to know the information.

The superintendent or designee will inform district employees with a need to know of any criminal act committed or allegedly committed by a student in the district that is reported to the district by a prosecutor, juvenile officer, sheriff, chief of police, other appropriate law enforcement entity, or an employee of the Children's Division (CD) of the Department of Social Services in accordance with state law. Such reports shall not be used as the sole basis for denying education services to a student unless the district requests the Attorney General's Office or the district's attorney to seek a court injunction to exclude the student from education services, as allowed by law. This information may also be used to provide the student education services in an alternative environment.

Reporting to Administrators and Law Enforcement Officials

School administrators are required by law to report certain crimes to law enforcement. All employees and agents of the district who have information about any criminal act, including the ones listed below, committed by a student on school property, are required to immediately notify a principal or other administrator.

Any crime listed in this section, or any act committed by a student that if committed by an adult would be a crime listed in this section, that is committed on school property must be reported immediately by the appropriate school administrator to the appropriate law enforcement entity. The following criminal acts are subject to this reporting requirement:

1. First- or second-degree murder under §§ 565.020, .021, RSMo.
2. Voluntary manslaughter under § 565.023, RSMo.
3. Involuntary manslaughter in the first or second degree under §§ 565.024, .027, RSMo.
4. First- or second-degree kidnapping under §§ 565.110, .120, RSMo.
5. First-, second-, or third-degree assault under §§ 565.050, .052, .054, RSMo.*
6. Rape in the first or second degree under §§ 566.030, .031, RSMo.
7. Sodomy in the first or second degree under §§ 566.060, .061, RSMo.
8. Burglary in the first or second degree under §§ 569.160, .170, RSMo.
9. Robbery in the first degree under § 570.023, RSMo.
10. Possession of a weapon under chapter 571, RSMo., 18 U.S.C. § 921
11. Manufacture of a controlled substance under § 579.055, RSMo.
12. Possession of a controlled substance as defined in § 195.010, RSMo.

13. Delivery of a controlled substance under § 579.020, RSMo.
14. Arson in the first degree under § 569.040, RSMo.
15. Property damage in the first degree under § 569.100, RSMo.
16. First-, second-, or third-degree child molestation under §§ 566.067, .068, .069, RSMo.
17. Sexual misconduct involving a child under § 566.083, RSMo.
18. Sexual abuse in the first degree under § 566.100, RSMo.
19. First-degree harassment under § 565.090, RSMo.
20. First-degree stalking under § 565.225, RSMo.
21. Deviate sexual assault under § 167.117, RSMo.

* Immediate reporting of third-degree assault under § 565.054, RSMo., may not be required if an agreement with law enforcement exists.

If the district is aware that a student who is suspended for more than ten days or expelled is under court jurisdiction, the superintendent shall notify the appropriate division of the juvenile or family court of the suspension or expulsion.

Agreement with Law Enforcement

The superintendent is authorized to enter into a written agreement with the appropriate law enforcement agency on the procedure for reporting student criminal behavior that occurs on school property. The agreement will authorize the district to report the criminal offense to the CD instead of to law enforcement, if the student is under 11 years of age, when allowed by law.

Reporting to DESE

The district will regularly report to the Department of Elementary and Secondary Education (DESE) all school safety incidents and credible school safety threats that occur at each attendance center, as required by law, and will make other reports as required by law.

Student Discipline Records

The board of education directs the superintendent or designee to maintain records of any serious violation of the district's discipline policy for each student enrolled in the district and make such records available to all district employees with a need to know. In accordance with state law, the district shall also provide such records, within five days of receiving a request, to any school district in which the student subsequently attempts to enroll. If a student is placed in another school by the CD, the records will be transferred to the new school within two business days after notification by the CD. Personally identifiable student records will be released or destroyed only in accordance with state and federal law.

Confidentiality

Any information received by a school district employee relating to the conduct of a student shall be received in confidence and used for the limited purpose of assuring that good order and discipline are maintained in the schools.

Liability

Teachers and authorized district personnel, including volunteers selected with reasonable care by the district, shall not be civilly liable when acting in accordance with the board's policies, including the board's discipline policies, or when reporting acts of school violence or threatened acts of school violence to the appropriate supervisor or other person, pursuant to law and district policy.

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
§ 160.261, RSMo.	State Statute
§ 167.020, RSMo.	State Statute
§ 167.115, RSMo.	State Statute
§ 167.117, RSMo.	State Statute
§ 167.122, RSMo.	State Statute
§ 210.865, RSMo.	State Statute
§ 211.032, RSMo.	State Statute
§ 565.002, RSMo.	State Statute