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EXPLANATION: DISCIPLINE REPORTING AND RECORDS

MSBA has revised this policy to reflect changes in the criminal code. These changes go into effect on January 1, 2017.

While many of the crimes that districts must report to law enforcement have changed, the most notable one is the change to the definition of third-degree assault. School districts have struggled to report third-degree assaults because the previous definition of the crime encompassed many minor offenses, and school employees, who typically are not trained in law enforcement, frequently classified these incidents as horseplay and did not think to report the offense as a crime under the Safe Schools Act.

As of January 1, third-degree assault will occur when a person "knowingly causes physical injury to another person." Physical injury is defined as a "slight impairment of any function of the body or temporary loss of use of any part of the body." MSBA anticipates that district employees will have an easier time identifying these offenses as third-degree assault.

The law did not change requirements for district reporting of incidents of third-degree assault to law enforcement, nor did it change regarding the ability of districts to enter into agreements with local law enforcement entities regarding the reporting of third-degree assaults. If the district currently has an agreement with law enforcement on the reporting of third-degree assault, the district needs to review that agreement to determine whether it still reflects how the district wants to operate given the change in the definition of third-degree assault.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office	X	Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services		Counselor		Special Education
X	Transportation		Public Info/Communications		Technology

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DISCIPLINE REPORTING AND RECORDS

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.

~~*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.~~

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 juvenile officer or an employee of the Children's Division (CD) of the Department of Social Services, sheriff, chief of police or other appropriate law enforcement **authority entity** in accordance with state law. Such reports shall not be used as the sole basis for denying educational services to a student.

Reporting to Law Enforcement Officials

School administrators are required by law to report certain crimes to law enforcement. In an effort to support timely and accurate reporting, the Board encourages all employees who have information about any criminal act to share that information with their supervisors. The Board expects employees to share information regarding serious criminal acts, and employees must report criminal acts when required by law and Board policy.

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

1. First- or second-degree murder under §§ 565.020, .021, RSMo.
2. Voluntary or involuntary manslaughter under § 565.023, .024, RSMo.
3. **Involuntary manslaughter in the first or second degree under §§ 565.024, .027, RSMo.**
34. **First- or second-degree kidnapping under §§ 565.110, .120, RSMo.**
45. First-, second- or third-degree assault under §§ 565.050, .060, .052, .070, .054, RSMo.*
56. Rape in the first or second degree under §§ 566.030, .031, RSMo.
67. Sodomy in the first or second degree under §§ 566.060, .061, RSMo.
78. Burglary in the first or second degree under §§ 569.160, .170, RSMo.

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- 89. Robbery in the first degree under § 569.020~~570.023~~, RSMo.
- 910. Possession of a weapon under chapter 571, RSMo., 18 U.S.C. § 921
- ~~1011. Distribution of drugs and distribution of drugs to a minor~~ Manufacture of a controlled substance under §§ 195.211, .212 579.055, RSMo.
- 12. Delivery of a controlled substance under § 579.020, RSMo.
- ~~113.~~ Arson in the first degree under § 569.040, RSMo.
- ~~12.~~ Felonious restraint under § 565.120, RSMo.
- ~~1314.~~ Property damage in the first degree under § 569.100, RSMo.
- ~~1415.~~ First-, second- or third-degree cChild molestation in the first degree pursuant to under §§ 566.067, .068, .069, RSMo.
- ~~1516.~~ Sexual misconduct involving a child pursuant to § 566.083, RSMo.
- ~~1617.~~ Sexual abuse in the first degree pursuant to § 566.100, RSMo.
- ~~1718.~~ First-degree hHarassment under § 565.090, RSMo.
- ~~1819.~~ First-degree sStalking under § 565.225, RSMo.

* Immediate reporting of third-degree assault under § 565.070~~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.

All employees shall immediately report to the principal any incident that constitutes a crime, including any incident in which a person is believed to have committed an act that if committed by an adult would be first-, second- or third-degree assault, rape in the second degree or sodomy in the second degree against a student or school employee, while on school property, school transportation or at school activities. Employees shall also inform the principal if a student is discovered to possess a controlled substance or weapon in violation of the district's policy. The principal shall immediately report these listed offenses to the appropriate law enforcement agency~~entity~~ and the superintendent. However, if the district has entered into an agreement with law enforcement regarding the reporting of third-degree assaults, the district will report third-degree assaults to law enforcement in accordance with that agreement.

School districts may report or disclose education records to law enforcement entities and juvenile justice authorities if the disclosure concerns the law enforcement's entity's or juvenile justice authorities' authority's ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in state and federal law.

Reporting Third-Degree Assault

The superintendent and the appropriate local law enforcement agency^{entity} may develop a written agreement outlining the procedure for reporting any incident in which a student is believed to have committed an act that if committed by an adult would be third-degree assault. If such an agreement exists in the district, the principal shall report third-degree assaults to the appropriate local law enforcement agency^{entity} in accordance with the agreement.

Student Discipline Records

The Board of Education directs the superintendent or designee to compile and maintain records of any serious violation of the district's discipline policy for each student enrolled in the district. Such records shall be made available to all district employees with a need to know and shall be provided to any school district in which the student subsequently attempts to enroll within five business days of receiving the request, in accordance with state law. 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 only be released or destroyed in accordance with state and federal law.

Pursuant to Department of Secondary and Elementary Education (DESE) data reporting requirements, the district shall report rates and durations of, and reasons for, student suspensions of ten days or longer and expulsions.

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 to the appropriate supervisor or other person 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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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 09/18/1996

Revised: 09/19/2002; 09/13/2004; 07/10/2006; 09/13/2010; 05/09/2011; 06/09/2014;

Legal Refs: §§ 160.261, .522, 167.020, .115 - .117, .122, 210.865, 211.032, 565.002, RSMo.

Camdenton R-III School District, Camdenton, Missouri

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