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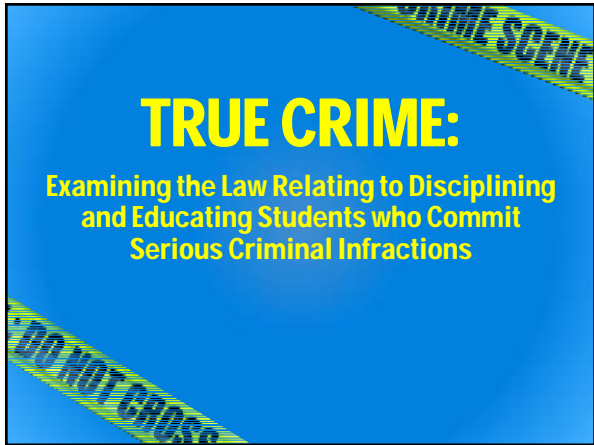
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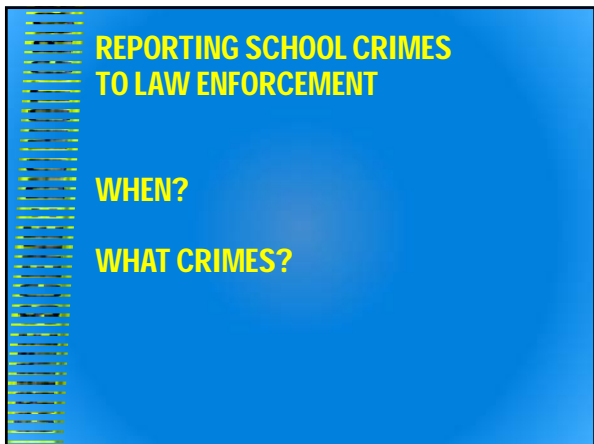
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## NOTIFICATION OF LAW ENFORCEMENT

Must report the following crimes :

First Degree Murder	Second Degree Murder
Kidnapping	First Degree Assault
Second Degree Assault	First Degree Rape
Second Degree Rape	First Degree Sodomy
Second Degree Sodomy	Robbery in the First Degree
Distribution of Drugs	Distribution of Drugs to Minors
Arson in the First Degree	Voluntary and Involuntary Manslaughter
First Degree Burglary	Second Degree Burglary
First Degree Property Damage	Possession of a Weapon
First Degree Child Molestation	Felonious Restraint
Sexual Misconduct Involving a Child	First Degree Sexual Abuse
Harassment	Stalking
Third Degree Assault	Sexual Assault
Deviant Sexual Assault	Possession of a Controlled Substance

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## ON CAMPUS MISCONDUCT: NOTIFICATION OF LAW ENFORCEMENT (THIRD DEGREE ASSAULT)

- Section 167.117 allows for an exception to the strict reporting requirements if an act committed is believed to be third degree assault AND a written agreement as to the procedure for reporting such incidents of third degree assault has been executed between the superintendent and law enforcement agency. In those schools, principals shall report these incidents to law enforcement in accordance with the agreement.

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## REPORTING – SPECIAL EDUCATION STUDENTS

- Missouri State Plan – Reporting Crimes Committed by Students with Disabilities, Reg. V, p. 84
- “Nothing in this part shall be construed to prohibit a school district from reporting crimes, to appropriate law enforcement... An agency reporting a crime shall ensure copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime. Transmittal of records must be made in accordance with [FERPA].”

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## INTERVIEWS AT SCHOOL?

Follow your Board Policy

MCE Board Policy 2160

“When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school principal or designee will be present and the interview will be conducted in private....The principal ordinarily will make reasonable efforts to notify the student's parents/guardians.”

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## SUSPENSIONS WHEN CHARGED OR CONVICTED OF A CRIME IN JUVENILE COURT

- Students cannot be readmitted or enrolled into the regular education program (they may be enrolled in an alternative school at the district's discretion) if they have been charged, convicted or a petition has been filed in juvenile court for the following offenses:

*(Remember – just these 11 crimes!)*

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## OFFENSES:

First degree murder	Second degree murder
First degree assault	Rape in the first degree
Sodomy in the first degree	Statutory rape
Statutory sodomy	Robbery in the first degree
Distribution of drugs to a minor	Arson in the first degree
Kidnapping, when a class A felony	

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## SUSPENSIONS WHEN CHARGED OR CONVICTED OF A FELONY

- If a student is:
  1. charged, convicted, or pleads guilty to a
  2. felony
  3. in a court of general jurisdiction (not a juvenile court),
  4. the school board **may** suspend the student after notice to the parents or others with custody and a hearing.

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## SUSPENSIONS WHEN WEAPON IS BROUGHT TO SCHOOL

- Per statute 160.261, a student who brings a weapon to school shall be suspended for not less than one year or expelled, except:
  - The superintendent may modify this requirement on a case by case basis,
  - May allow student to attend alternative school,
  - "Weapon" will be defined by Board policy.

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## RESTRICTIONS FOR STUDENTS SUSPENDED FOR VIOLENT OR DRUG-RELATED OFFENSES

- If a student is suspended for an offense listed in:
  1. Section 160.261.2 (crimes required to be reported to law enforcement),
  2. an Act of School Violence, which means the exertion of physical force by a student with the intent to do serious physical injury to another person while on school property, or
  3. Drug-Related Activity defined by district policy as a serious violation of school policy,
- THEN - the suspension shall prohibit the student from coming within 1000 feet of any public school in the district where the student attended UNLESS

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**RESTRICTIONS FOR STUDENTS SUSPENDED FOR VIOLENT OR DRUG-RELATED OFFENSES**

- The Superintendent gives permission and:
  1. Student is under direct supervision of the student's parents/guardian/legal custodian; or
  2. Student is under the direct supervision of another adult designated by the student's parents/legal guardian/custodian, in advance, in writing, to the principal;

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**RESTRICTIONS FOR STUDENTS SUSPENDED FOR VIOLENT OR DRUG-RELATED OFFENSES**

3. Student is in an alternative school that is located within 1000 feet of a the public school; or
4. Student resides within 1000 feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

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**CREATING A SAFE ENVIRONMENT: AFTER SUSPENSION**

- A school district may honor a suspension or expulsion from:
  1. another in-state public school
  2. out-of-state public school
  3. private school
  4. charter school
  5. parochial school, AFTER

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### CREATING A SAFE ENVIRONMENT: AFTER SUSPENSION

1. The superintendent meets with the parents, guardians, or student to determine if the conduct resulting in the suspension or expulsion would have resulted in a suspension or expulsion in the current district;
2. If the conduct would have been similarly disciplined, the district may honor the suspension or expulsion to the extent the student would have received the same punishment in the current district;
3. If the conduct would not have been similarly disciplined, the district must admit the student.

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### READMISSION CONFERENCE

- A student cannot be readmitted, enrolled or otherwise allowed to attend school after being suspended or expelled from a public or private school for more than 10 consecutive school days for an Act of School Violence until a conference is held to review the conduct that resulted in the discipline and any remedial actions necessary to prevent any future occurrences.
- Include at conference:
  - Student
  - Parent or any Agency Having Legal Jurisdiction Over the Student
  - Appropriate School Official / Teacher

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### CREATING A SAFE ENVIRONMENT: ENROLLMENT

- Request records from former district within 2 days
- Former district must respond within 5 days
- Where there is reason to suspect that admission will create an immediate danger to the safety of other pupils and employees of the District, District may convene a hearing within 5 days of the request to register and determine whether or not the pupil may register

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## SPECIAL EDUCATION STUDENTS

- Before discipline is issued, know if Student is an IDEA or Section 504 student
- Include on referral form or train principals to provide you with IDEA/504 information when referring discipline

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## REMOVALS OF MORE THAN 10 DAYS

- FAPE-Free Zone” - Removal of first 10 cumulative school days or less:
  - No obligation to provide alternative services during first 10 cumulative school days of suspension.
- Critical Question: Is it a Change of Placement?
  - Consecutive is easy. If student is removed from current placement in disciplinary context for over 10 days of consecutive school days, it is a change of placement.
  - Cumulative is not so easy. Must determine whether short term suspensions cumulatively equaling more than 10 days constitutes a pattern of exclusion.

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## CHANGE OF PLACEMENT = MANIFESTATION DETERMINATION

- If there is a pattern that constitutes a change of placement;
- OR
- If the suspension is for 11 or more consecutive days, then –
    - Change of Placement has occurred necessitating a manifestation determination be conducted!

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## MANIFESTATION DETERMINATION

- *Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent and relevant members of the IEP Team (as determined by the parent and the local educational agency) shall conduct the manifestation determination.*
- Notification with a copy of the procedural safeguards must be provided to the parent/guardian *on the date on which the decision to remove a student for disciplinary reasons where a change of placement will occur as a result of removal.*

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## 45-DAY EXCEPTION

### 45-Day Removal Exception:

- School Personnel may remove a student to an Interim Alternative Educational Setting (“IAES”) for *not more than 45 school days* without regard to whether the behavior is determined to be a manifestation of the child’s disability, in cases where the child –

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## 45-DAY EXCEPTION

- Weapon:
  - Carries or possesses a weapon to or at school, on school premises, or to or at a school function;
- Drugs:
  - Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, or on school premises, or at a school function...; or
- Serious Bodily Injury:
  - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

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### 45-DAY EXCEPTION

- District can use 45-Day exception without regard to whether behavior was determined to be a manifestation.
- Must still conduct manifestation determination.
- FBA and BIP – necessary for related behavior. As appropriate for unrelated behavior.
- School personnel decision.
- CANNOT be for more than 45 school days.
- Interim setting is determined by IEP Team.

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### SERVING STUDENTS IN JAIL

- Where is the student incarcerated?
  - IDEA makes an exception for serving students who are in Adult Prisons
  - District doesn't have to serve when student is under supervision of DYS, or juvenile correctional facilities
- We DO have to serve sped students in local, city or county jails

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### EXCEPTIONS

- If for security reasons local law enforcement will not allow sped services to be provided
  - document that District located and offered services but were denied access.
- If student refuses to receive services while in jail

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