

**DISCIPLINE REPORTING AND RECORDS**  
*(Agreement with Law Enforcement for Reporting Incidents of Alleged Third-Degree Assault on School Property, School Transportation or during School Activities and Other Reporting Requirements)*

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, Superintendent of Clinton School District #124 (the "District"), and \_\_\_\_\_, (the "Law Enforcement Entity"), pursuant to § 167.117, RSMo., for the purpose of establishing guidelines for school principals in reporting incidents that may constitute third-degree assault occurring on school property, school transportation or during school activities for investigation by law enforcement.

**Definition of Third-Degree Assault**

For the purposes of this agreement, a person commits assault in the third degree if that person:

1. Attempts to cause or recklessly causes physical injury to another person.
2. With gross negligence, causes physical injury to another person by means of a deadly weapon.
3. Purposely places another person in apprehension of immediate physical injury.
4. Recklessly engages in conduct that creates a grave risk of death, serious disfigurement or protracted impairment of the function of the body of another person.
5. Knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

**Factors To Be Considered by School Principals**

When an incident of third-degree assault has occurred on school property, school transportation or during a school activity, the principal shall report such incident to the Law Enforcement Entity. Recognizing that school principals are not trained in criminal law and cannot reasonably be expected to make a legal determination of whether specific conduct amounts to the crime of third-degree assault, or whether such defenses as justification, consent or self-defense prevent a finding of third-degree assault, the following guidelines may be considered by principals in determining whether to report a particular incident:

FILE: JGF-AF  
Critical

1. The age and maturity of the students involved may be considered in evaluating whether conduct is reckless, grossly negligent, knowing or intentional. The younger the student and the less mature, the less likely that the incident should be reported unless it involves the use of a weapon or an intentional act resulting in physical injury requiring medical treatment by the school nurse or a physician, or a high risk of such physical injury.
2. The use or threatened use of a weapon against another person should be reported if the use of such a weapon could reasonably be expected to result in serious injury. The use or possession of certain weapons must be reported as provided by law, even in the absence of any factors suggesting assault.
3. Any intentional act, including grossly negligent conduct, that results in a physical injury to another person requiring medical treatment by a school nurse or a physician or a high risk of such physical injury should be reported.
4. Incidents between students in which each student believed that his or her actions were necessary for self-defense against another student or students and in which no injury requiring treatment by a school nurse or a physician resulted would normally not be reported.
5. Any allegation of actual or threatened use of force, touching or physical intimidation of a sexual nature should be reported.
6. For purposes of these guidelines, a physical injury requiring medical treatment should be presumed if a person bears outward signs of injury, such as bruising or bleeding, or if the person has received a substantial blow to the head or body or was rendered disoriented or unconscious for any period, regardless of whether or not medical treatment was actually received.

These guidelines are for the purpose of assisting principals in exercising their discretion in determining whether to report an incident and should not be interpreted to discourage principals from reporting to law enforcement any conduct that may be first-, second- or third-degree assault or any other crime.

### **Procedure for Reporting Third-Degree Assaults**

1. The principal will determine whether he or she believes a third-degree assault has occurred on school property, school transportation or during a school activity based on the factors stated in this agreement.

2. Reports of third-degree assaults based upon incidents involving a weapon or threatened use of a weapon, threat of serious bodily harm, incidents in which medical treatment by a school nurse or physician was required or that are based upon allegations of sexual conduct or intimidation based upon sex should be made orally, in person or by telephone, by the principal or designee as soon as possible after the determination by the principal that such an assault has occurred, followed by such written documentation as may be requested.
3. In any other case in which the principal determines that a third-degree assault has occurred, the principal may make the report either orally or in writing together with such written documentation as may be requested within a reasonable time period after receiving the information that is the basis for the report, but no later than five (5) working days.

### **Other Reports Required by Law**

#### ***Reporting to School District***

Pursuant to § 167.115, RSMo., the Law Enforcement Entity will notify the District if a student enrolled in the District has been charged with one (1) of the following crimes:

1. First or second degree murder (§§ 565.020, .021, RSMo.)
2. Kidnapping (§ 565.110, RSMo.)
3. First or second degree assault (§§ 565.050, .060, RSMo.)
4. Forcible rape (§ 566.030, RSMo.)
5. Forcible sodomy (§ 566.060, RSMo.)
6. First degree burglary (§§ 569.160, .170, RSMo.)
7. First degree robbery (§ 569.020, RSMo.)
8. Distribution of drugs (§ 195.211, RSMo.)
9. Distribution of drugs to a minor (§ 195.212, RSMo.)
10. First degree arson (§ 569.040, RSMo.)
11. Voluntary and involuntary manslaughter (§§ 565.012, .024 RSMo.)
12. Sexual assault (§ 566.040, RSMo.)
13. Felonious restraint (§ 565.120, RSMo.)
14. First degree property damage (§ 569.100, RSMo.)
15. Possession of a weapon (Chapter 571, RSMo., 18 U.S.C. § 921)
16. First degree child molestation (§ 566.067, RSMo.)
17. Deviate sexual assault (§ 566.070, RSMo.)
18. Sexual misconduct involving a child (§ 566.083, RSMo.)
19. Sexual abuse (§ 566.100, RSMo.)

FILE: JGF-AF  
Critical

The District will be notified in a timely manner, no later than five (5) days following the filing of the petition. The notification will include a complete description of the conduct the student is alleged to have committed and the dates the conduct occurred, but shall not include the name of any victim. If the report is made orally, written notice will follow in a timely manner. Upon the disposition of the case, the Law Enforcement Entity will send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five (5) days following the disposition of the case.

### ***Reporting to Law Enforcement***

In addition to reporting third-degree assaults, in accordance with § 160.261, RSMo., administrators of the District will report to the Law Enforcement Entity or another appropriate law enforcement agency as soon as reasonably practical when they believe a student has committed one (1) or more of the following offenses on school property, on school transportation or at a school activity:

1. First or second degree murder (§§ 565.020, .021, RSMo.)
2. Kidnapping (§ 565.110, RSMo.)
3. First, second or third degree assault (§§ 565.050, .060, .070, RSMo.)
4. Forcible rape (§ 566.030, RSMo.)
5. Forcible sodomy (§ 566.060, RSMo.)
6. First and second degree burglary (§§ 569.160, .170, RSMo.)
7. First degree robbery (§ 569.020, RSMo.)
8. Possession of a controlled substance (§ 195.010, RSMo.)
9. Distribution of drugs (§ 195.211, RSMo.)
10. Distribution of drugs to a minor (§ 195.212, RSMo.)
11. First degree arson (§ 569.040, RSMo.)
12. Voluntary and involuntary manslaughter (§§ 565.012, .024 RSMo.)
13. Sexual assault (§ 566.040, RSMo.)
14. Felonious restraint (§ 565.120, RSMo.)
15. First degree property damage (§ 569.100, RSMo.)
16. Possession of a weapon (Chapter 571, RSMo., 18 U.S.C. § 921)
17. First degree child molestation (§ 566.067, RSMo.)
18. Deviate sexual assault (§ 566.070, RSMo.)
19. Sexual misconduct involving a child (§ 566.083, RSMo.)
20. Sexual abuse (§ 566.100, RSMo.)

\_\_\_\_\_  
Signature of Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Law Enforcement Entity Representative

\_\_\_\_\_  
Date

\* \* \* \* \*

*Note: The reader is encouraged to review policies and/or procedures for related information in this administrative area.*

Implemented: 03/10/2003

Last Revised: 11/19/2004

Clinton School District #124, Clinton, Missouri