

School Use of Reportable Offenses

I. Procedures for responding to a Reportable Offense Notification

- A. Upon receipt of information that a student enrolled in a school has been arrested and charged with a reportable offense in the community, a decision must be made to determine whether the in-school presence of the student poses a threat to the student, others, or the educational process. Notice of the Reportable Offense charge alone may not be the basis for suspension or expulsion of the student. An emergency meeting of the school's coordinated student services team (SST) should be called to gain a complete picture of the student, his/her needs, and the best course of action for the student and the school. A team approach is the recommended model to follow in these cases.

A team may include, but is not limited to, the superintendent's designee or school administrator meeting with the coordinated student services team (SST) consisting of a school psychologist, school counselor, student services worker, and health services staff to determine if the student charged with the offense poses a threat to self, others, or the educational process. The use of risk/lethality assessments by school staff for such offenses is not recommended.

Throughout this process, the team should remain cognizant of the student's presumption of innocence and ongoing right to legal counsel. If the student participates in the meeting, the team should not question the student about the alleged offense.

- B. If the team decides that such a threat exists, a plan will be immediately developed that addresses appropriate educational programming and related services for the student. The parents/guardians shall be notified in writing of the educational planning meeting and invited to participate.
- C. If the plan results in a change to the student's educational program, a conference will be promptly scheduled to inform the parent/guardian of the plan. If the student has a disability, the conference should include appropriate staff to convene an IEP/504 meeting simultaneously or subsequently, to determine if the IEP/504 plan needs to be revised to reflect additional services or a change in placement. The plan should be implemented no later than five school days after receipt of the arrest information. Appeals by the student and his/her guardian should be made to

the Superintendent of Schools/Designee within ten (10) days of receipt of the notice of change(s) to the student's educational programming.

The Office of Student Services will be informed of the plan and its contents.

- D. The student will remain in the alternative program until the matter has been resolved or the superintendent/superintendent's designee determines that the threat to the school community has passed. The superintendent or superintendent's designee should review the plan and the student's status at least every 30 days until the matter is resolved and at least quarterly after it is resolved, and make adjustments as appropriate. The parent or guardian shall be informed of all such reviews as well as any adjustments to the plan.
- E. All information concerning a student's reportable offense shall be maintained in a confidential file in the principal's office, shall not be filed in the student's permanent educational record, and shall be destroyed when the student graduates, or permanently leaves school, or turns twenty-two, whichever occurs first.

If the disposition of the reportable offense was a conviction, an adjudication of delinquency, or the criminal charge or delinquency petition is still pending, a local school superintendent may transmit the information obtained under this regulation as a confidential file to the local school superintendent of another public school system in the state in which the student has enrolled or been transferred, to carry out the purpose of this regulation.

A local school superintendent who transmits information about a student under this regulation shall include in the confidential transmittal information on any educational programming and related services provided to the student.

A fee may not be charged to the student or parent or guardian for the alternative educational programming or related services that are developed for the student.