

To: Board of Education

From: Anna Stubblefield, assistant superintendent, educational support, ext. 1760
David Cunningham, executive director, human resources & legal counsel, ext. 4937

Re: Board Policy Committee Recommendation – Final Action

Date: November 10, 2016

Background:

The board's policy committee met and recommended three policies be amended. There were no suggested modifications; therefore, the committee is submitting the final language for adoption.

Policies Recommended for final adoption:

EBC Security and Safety

The committee is recommending grammatical changes and the addition of language that ensures the reporting requirements do not violate the terms of the memorandum of understanding with local law enforcement (that the district will enter into effective July 1, 2017) in compliance with Kansas law. The policy is also being modified to allow the superintendent to designate a person to receive building reports.

JCDBB Weapons

The committee has modified this policy by broadening the definition of the term "weapon" to include a "destructive device." There are technical changes regarding agencies to whom reports are filed. Finally, there is recommended language implementing the new legal requirements allowing air guns on school property.

JDDB Reporting to Law Enforcement

This policy is being amended to include the provision that any necessary reporting shall not violate the terms of the memorandum of understanding with local law enforcement that the district will enter into effective July 1, 2017 in compliance with Kansas law.

Recommendation:

The Board Policy Committee recommends the final adoption of the recommended changes to the referenced policies.

Motion:

"I move the Board of Education adopt the recommended changes to the referenced policies effective November 14, 2016."

1 Security devices may be installed at district attendance centers. Other
2 measures may be taken to prevent trespassing on school grounds and intrusions
3 or disturbances from occurring in school buildings. The district shall cooperate
4 with law enforcement in security matters and shall, as required by law and by
5 this policy, report felonies and misdemeanors committed at school, on school
6 property or at school-sponsored activities.

7 Reporting Crimes at School to Law Enforcement

8 Unless reporting would violate the terms of any memorandum of
9 understanding between the district and local law enforcement, any district
10 employee who knows or has reason to believe any of the following has occurred
11 at school; on school property; or at a school-sponsored activity, program or
12 event shall immediately report this information to local law enforcement.

13 Reportable acts shall include:

- 14 • any act which may constitute the commission of a felony or a misdemeanor;
- 15 • any act which involves the possession, use, or disposal of explosives,
16 firearms, or other weapons as defined in current law.

17 It is recommended that the building administrator also be notified.

18 Reporting Certain Students to Administrators and Staff

19 Administrative, professional, or paraprofessional employees of a school who
20 have information that any of the following has occurred shall report the
21 information and the identity of the student responsible to the superintendent.
22 For purposes of this policy, the superintendent may appoint a designee.

23 Reportable events include:

- 1 • A student being expelled for conduct which endangers the safety of other; A
- 2 student being expelled for commission of a felony type offenses;
- 3 • A student being expelled for possession of a weapon;
- 4 • A student being adjudged to be a juvenile offender for an offense, which, if
- 5 committed by an adult, would constitute a felony, except a felony theft
- 6 offense involving no direct threat to human life;
- 7 • A student being tried and convicted as an adult for any felony, except theft
- 8 involving no direct threat to human life.
- 9 (See K.S.A. 72-8222)

10 The superintendent shall investigate the matter and, if it is confirmed, the
11 superintendent shall provide appropriate information and the identity of the
12 student responsible to all employees who are involved in or
13 likely to be directly involved in teaching or providing related services to the
14 student.

15 Annual Reports of Suspensions and Expulsions

16 The principal of each building shall prepare all reports required by law.
17 Reports will be presented to the board and the state board of education annually.
18 Reports shall not include any personally identifiable information about students.
19 These reports and this policy may be made available upon request to parents,
20 patrons, students, employees, and others.

21 Staff Immunity

22 No board of education, board member, superintendent of schools or
23 school employee shall be liable for damages in a civil action resulting from a
24

1 person's good faith acts or omission in complying with the requirements or
2 provisions of the Kansas school safety and security act.

Approved: July 1, 2001

Amended: October 27, 2003

Reviewed by Board Policy Committee: October 2, 2006

Amended: December 11, 2006

Reviewed by Board Policy Committee: December 2, 2009

Amended: January 11, 2010

Amended: November 14, 2016

JCDBB Weapons (see JCDBBC, JDD, JDDDB, EBC, KGD and KGE) JCDBB

1 A student shall not possess a weapon and/or destructive device at
2 school, on school property or at a school supervised event.

3 Definition of a Weapon (K.S.A. 72-89a01)

4 As used in this policy, the term “weapon” and/or “destructive
5 device” shall include, but not be limited to:

- 6 • any object which will or is designed to or may readily be converted to expel
7 a projectile by the action of an explosive;
- 8 • the frame or receiver of any object described in the preceding example;
- 9 • any firearm muffler or firearm silencer;
- 10 • any explosive, incendiary or poison gas:
 - 11 o bomb,
 - 12 o grenade,
 - 13 o rocket having a propellant charge of more than four ounces,
 - 14 o missile having an explosive or incendiary charge of more than 1/4
15 ounce,
 - 16 o mine or
 - 17 o similar device;
- 18 • any object which will, or which may be readily converted to, expel a
19 projectile by the action of an explosive or other propellant, and which has
20 any barrel with a bore of more than 1/2 inch in diameter;
- 21 • any combination of parts either designed or intended for use in converting
22 any device into a destructive device described in the two immediately
23 preceding examples, and from which a destructive device may be readily
24 assembled;
- 25 • any bludgeon, sand club, metal knuckles or throwing star;
- 26 • any knife, commonly referred to as a switchblade, which has a blade that
27 opens automatically by hand pressure applied to a button, spring or other
28 device in the handle of the knife, or any knife having a blade that opens or
29 falls or is ejected into position by the force of gravity or by an outward,
30 downward or centrifugal thrust or movement.

JCDBB Weapons (See JCDBBC, JDD, JDDDB, EBC, KGD and KGE) JCDBB-2

- 1 • any electronic device designed to discharge immobilizing levels of
2 electricity, commonly known as a stun gun.

3 As used in this policy, the term “weapon” shall not include:

- 4 • an antique firearm
- 5 • any device which is neither designed nor redesigned for use as a weapon
- 6 • any device, although originally designed for use as a weapon, which is
7 redesigned for use as a signaling, pyrotechnic, line throwing, safety, or
8 similar device,
- 9 • surplus ordinance sold, loaned or given by the secretary of the army
10 pursuant to the provisions of section 4684(2), 4685 or 4686 of title 10 of the
11 United States code [federal law] or
- 12 • class C common fireworks.

13 Penalties for Possession

14 Possession of a weapon and/or destructive device shall result in
15 expulsion from school for a period of not less than one calendar year, except
16 that the superintendent may recommend this expulsion requirement be modified
17 on a case-by-case basis. (see JDC). Expulsion hearings for possession of a
18 weapon and/or destructive device shall be conducted by the superintendent.

19 A student determined to be in possession of a weapon and/or
20 destructive device at school, on school property or at a school supervised
21 activity shall be reported to the appropriate law enforcement agency(ies), and if
22 a juvenile, to the Secretary for DCF or the Secretary of KDOC as appropriate.

23 Possession of an air gun at school, on school property, or at a school
24 supervised activity is prohibited except for the time during which

JCDBB Weapons (See JCDBBC, JDD, JDDDB, EBC, KGD and KGE)JCDBB-3

25 students are participating in an air gun related activity sponsored by an
26 organization held at school or when in transit to or from such activities.

1 “Air gun” means any device which will or is designed to or may be readily
2 converted to, expel a projectile by the release of compressed air or gas, and
3 which is of 0.18 caliber or less and has a muzzle velocity that does not exceed
4 700 feet per second.

5 Any individual desiring to participate in activities conducted by an
6 organization may be required to sign, or have a parent or legal guardian sign, a
7 liability waiver. The liability waiver shall be in such form as prescribed by the
8 chief administrative officer of the school and shall contain the appropriate
9 language so as to relieve the school district, the school and all school personnel
10 from liability for any claims arising out of the acts or omissions of any
11 individual or any school personnel relating to activities conducted by this
12 organization.

Approved: July 1, 2001

Amended: October 22, 2001; February 11, 2002

Reviewed by Board Policy Committee: October 18, 2004

Amended: December 13, 2004

Reviewed by Board Policy Committee: February 27, 2008

Amended: October 28, 2013

Amended: November 14, 2016

JDDB Reporting to Law Enforcement (See EBC and JDD)

JDDB

1 Unless reporting would violate the terms of any memorandum of understanding
2 between the district and local law enforcement, whenever a student engages in conduct
3 which constitutes the commission of any misdemeanor or felony at school, on school
4 property, or at a school supervised activity and/or has been found 1) in possession of
5 a weapon, 2) in possession of a controlled substance or illegal drug, or 3) to have
6 engaged in behavior at school which has resulted in or was substantially likely to have
7 resulted in serious bodily injury to others, the principal shall report such act to the
8 appropriate law enforcement agency.

Approved: March 21, 2016

Reviewed by Board Policy Committee: August 31, 2016

Amended: November 14, 2016