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| TOPEKA PUBLIC SCHOOLS | REGULATION NUMBER: 2360-01 |
| SUBJECT: SAFE SCHOOLS | DATE OF ISSUE: 07/07/95 <hr/> REVISIONS: 10/16/98; 10/21/05; 05/05/06 ; 06/17/10; 08/03/15 <hr/> PREPARING OFFICE: SUPERINTENDENT |

I. PURPOSE:

To establish procedures for administering the provisions of Board of Education Policy No. 2360, the Kansas School Safety and Security Act, as amended, (K.S.A. 72-89b01, et seq.)

II. PERSONS AFFECTED:

All school district personnel, students, and parents.

III. PROCEDURE:

- A. Any school district employee who knows or has reason to believe that an act which constitutes the commission of a felony or a misdemeanor or which involves the possession, use, or disposal of explosives, firearms or other weapons, has been committed or will be committed at a school, on any school district property or at any school-supervised activity shall make an immediate verbal and/or written report of such act to the TPS School Police department. All such reports shall be reduced to writing as soon as possible, but not less than 72 hours after the occurrence of the event, and shall be forwarded through the employee's supervisory chain to the superintendent. TPS police officers may forward any such report to the appropriate state or local law enforcement agency for handling or for assistance and shall forward a copy of any such report to the Shawnee County District Attorney's office.**
- B. The superintendent (or director of school safety) shall maintain records of all such reports and shall make an annual report to the Board of Education containing the types and frequency of criminal acts disaggregated by location of the occurrence (at school, school district property, or at a school activity) and by criminal classification (person or nonperson, misdemeanor or felony). A copy of the annual report shall be sent to the Kansas State Board of Education by the deadline for filing the report.**
- C. Upon written request, pupils, parent(s), person(s) acting as parent(s) or Guardian(s), or school district employees, and other persons may obtain copies of the annual criminal activity reports and of Board policies and administrative regulations concerning school safety and security.**
- D. Nothing in this regulation should be construed to prevent any school district employee from reporting criminal acts to school district administrators and/or to appropriate state and local law enforcement agencies.**

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E. As required by K.S.A. 72-89b03, as amended, any certified or paraprofessional staff having knowledge that any student has met any of the following criteria, shall promptly report the identity of such student to their administrator:

- 1. The student has been expelled for conduct which endangers the safety of others;**
- 2. The student has been expelled for the commission of a felony;**
- 3. The student has been expelled for the unlawful possession of weapons;**
- 4. The student has been adjudged to be a juvenile offender whose offense, if committed by an adult, would constitute a felony (except a felony theft offense involving no direct threat to human life); or**
- 5. The student has been tried and convicted as an adult for the commission of any felony (except a felony theft offense involving no direct threat to human life).**

Any administrator having knowledge that any student has met the above described criteria shall inform any certified and paraprofessional staff who has exposure to said student, of the student's identity.

The attached form (Safe Schools Notice) should be used to provide the notice required by this regulation.

F. In addition to any other reports required by this regulation, all building and program administrators shall complete, sign, and submit to the Deputy Superintendent a "Physical Assault on Staff Member Report" whenever a staff member under their supervision is physically assaulted by a student, another staff member or other person.

IV. LEGAL PENALTIES AND PROTECTIONS:

A. The Kansas School Safety and Security Act (K.S.A.72-89b04) contains penalties and protections for school district employees as follows:

"(a) Willful and knowing failure of a school employee to make a report required by subsection (a)(1) of K.S.A. 72-89b03, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the making of a report required by subsection (a)(1) of K.S.A. 72-89b03, and any amendment thereto is a class B nonperson misdemeanor.

"(b) Willful and knowing failure of any employee designated by a board of education to transmit reports made by school employees to the appropriate state or local law enforcement agency as required by subsection (a)(1) of K.S.A. 72-89b03, and amendments thereto, is a class B nonperson misdemeanor. Preventing or interfering with, with the intent to prevent, the transmission of reports required by subsection (a)(1) of K.S.A. 72-89b03, and any amendment thereto is a class B nonperson misdemeanor.

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"(c) No board of education shall terminate the employment of, or prevent or impair the profession of, or impose any other sanction on any school employee because the employee made an oral or written report to, or cooperated with an investigation by, a law enforcement agency relating to any criminal act that the employee knows has been committed or reasonably believes will be committed at school, on school property, or at a school-supervised activity.

"(d) Any board of education, and any member or employee thereof, participating without malice in the making of an oral or written report to a law enforcement agency relating to any criminal act that is known to have been committed or reasonably is believed will be committed at school, on school property, or at a school supervised activity shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from the report."

- B. K.S.A. 72-89b03(h), as amended, provides immunity for making reports required by Section III E of this regulation as follows:**

No board of education and no member of any such board shall be liable for damages in a civil action for the actions or omissions of any administrator pursuant to the requirements and provisions of the Kansas school safety and security act and to this end such board and members thereof shall have immunity from civil liability related thereto. No administrator or school employee shall be liable for damages in a civil action for the actions or omissions of such administrator or school employee pursuant to the requirements and provisions of the Kansas school safety and security act and to this end such administrator or school employee shall have immunity from civil liability related thereto.

