

Reporting Student Crimes and Protecting Student Privacy Rights:

The Kansas Legislature sometimes passes or enacts laws that confuse issues for school personnel. The most recent requirement that students be reported to law enforcement if they are “suspended for an extended term or expelled” is a good example. The law requires release of information that is part of the student’s record; parents, however, must sign a release to allow student records to be viewed by others before a school can release this information. Since the acts mentioned in the law that may get the student suspended or expelled are crimes, the administration must report the crimes. The problem comes when reporting the student discipline record (suspension/expulsion), which requires parental permission.

The simplest way to summarize:

School staff member: If you see a crime at school, or on school property, file the necessary report as soon as you can. School administrator: Report all crimes to law enforcement, but if you take disciplinary action against a student who commits a crime, the paperwork is private and requires parental permission before it can be released to law enforcement or any other third party.

The overriding concern is the **Kansas School Safety and Security Act (72-89b01.)** KASB policy EBC provides guidance on this matter. Simply put, any school employee “...who knows or has reason to believe a crime has been committed at school, or at a school event, shall immediately report this information to local law enforcement.” The age of the child is not the issue. If a young student commits an act that would be considered a crime if they were old enough to be charged, the report still must be made to law enforcement. School employees are granted some immunity if they make these required reports in good faith, and may be subject to criminal penalties if they choose to ignore policy EBC.

The Family Educational Rights and Privacy Act (FERPA) does not prohibit release of information gained through observation of student behaviors (crimes). Always report student behavior that constitutes a crime to law enforcement.

If a student is subsequently suspended or expelled for the behavior, information about the suspension or expulsion is protected by FERPA. If a parent signs a new FERPA waiver and allows for the release of the student’s record (the suspension or expulsion), law enforcement can be informed of the suspension or expulsion. If the parent will not consent to release the information, FERPA prohibits further reporting to law enforcement; however, school officials still must report the crime that led to the suspension or expulsion.