
Rules of
**Department of Elementary and
Secondary Education**
Division 50—Division of School Improvement
Chapter 355—No Child Left Behind

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**Title 5—DEPARTMENT OF
ELEMENTARY AND SECONDARY
EDUCATION**

**Division 50—Division of School
Improvement**

Chapter 355—No Child Left Behind

**5 CSR 50-355.100 Persistently Dangerous
Schools**

PURPOSE: This rule will be used in Missouri to establish state compliance with the federal requirement set forth in the No Child Left Behind Act of 2001, and to determine if any Missouri public elementary and secondary schools are “persistently dangerous.”

(1) The following definition(s) apply to this rule:

(A) Expulsions are defined as removal from school by local board action for an indefinite period of time unless the student is reinstated by the local board of education.

(B) A victim is a student who suffered a personal injury or injury to his or her property as a direct result of a violent criminal offense. The definition of victim does not include bystanders or witnesses to the act or friends or classmates of the victim unless they, too, suffered personal or property injury as a direct result of a violent criminal offense.

(2) A Missouri public elementary or secondary school is persistently dangerous if the following conditions exist:

(A) In each of three (3) consecutive years:

1. The school has a federal and/or state gun-free schools violation; or

2. A violent criminal offense as set forth below is committed on school property which includes but is not limited to school buses or school activities; and

(B) In any two (2) years within the three (3)-year period listed above, the school experienced expulsions by local board action, for drug, alcohol, weapons or violence that exceed one (1) of the following rates:

1. More than five (5) expulsions per year for a school of less than two hundred fifty (250) students;

2. More than ten (10) expulsions per year for a school of more than two hundred fifty (250) students but less than one thousand (1,000) students; or

3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

(3) A student shall be allowed to attend a safe public school within the district, if that student is enrolled in a persistently dangerous

school as defined above or becomes a victim of a violent criminal offense while on school property which includes but is not limited to school buses or school activities.

(4) For the purpose of determining a persistently dangerous school, a “violent criminal offense” shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency pursuant to section 160.261, RSMo. Violent criminal offenses shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data. Violent criminal offenses are as follows:

(A) Murder 1st Degree under section 565.020, RSMo;

(B) Murder 2nd Degree under section 565.021, RSMo;

(C) Kidnapping under section 565.110, RSMo;

(D) Assault 1st Degree under section 565.050, RSMo;

(E) Forcible Rape under section 566.030, RSMo;

(F) Forcible Sodomy under section 566.060, RSMo;

(G) Burglary 1st Degree under section 569.160, RSMo;

(H) Burglary 2nd Degree under section 569.170, RSMo;

(I) Robbery 1st Degree under section 569.020, RSMo;

(J) Distribution of Drugs under section 195.211, RSMo;

(K) Distribution of Drugs to a Minor under section 195.212, RSMo;

(L) Arson 1st Degree under section 569.040, RSMo;

(M) Voluntary Manslaughter under section 565.023, RSMo;

(N) Involuntary Manslaughter under section 565.024, RSMo;

(O) Assault 2nd Degree under section 565.060, RSMo;

(P) Sexual Assault under section 566.040, RSMo;

(Q) Felonious Restraint under section 565.120, RSMo;

(R) Property Damage 1st Degree under section 569.100, RSMo;

(S) Possession of a Weapon under Chapter 571, RSMo;

(T) Child Molestation 1st Degree under section 566.067, RSMo;

(U) Deviate Sexual Assault under section 566.070, RSMo;

(V) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or

(W) Sexual Abuse under section 566.100, RSMo.

(5) For the purpose of determining when a student has been a victim of a violent criminal offense eligible to transfer to a safe school in the district, a violent criminal offense includes:

(A) Kidnapping under section 565.110, RSMo;

(B) Assault 1st Degree under section 565.050, RSMo;

(C) Forcible Rape under section 566.030, RSMo;

(D) Forcible Sodomy under section 566.060, RSMo;

(E) Burglary 1st Degree under section 569.160, RSMo.

(F) Robbery 1st Degree under section 569.020, RSMo;

(G) Arson 1st Degree under section 569.040, RSMo;

(H) Assault 2nd Degree under section 565.060, RSMo;

(I) Sexual Assault under section 566.040, RSMo;

(J) Felonious Restraint under section 565.120, RSMo;

(K) Property Damage 1st Degree under section 569.100, RSMo;

(L) Child Molestation 1st Degree under section 566.067, RSMo;

(M) Deviate Sexual Assault under section 566.070, RSMo;

(N) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or

(O) Sexual Abuse under section 566.100, RSMo.

(6) A Missouri public elementary or secondary school shall receive technical assistance from DESE staff which includes but may not be limited to a site visit to work with building and district staff to prepare and implement a plan to prevent the building from meeting the criteria for a second year if it has:

(A) In any one (1) year:

1. A federal or state gun-free schools violation; or

2. A violent criminal offense, as set forth above, on school property; or

(B) In any one (1) year, expulsions by local board action for drugs, alcohol, weapons or violence that exceed one (1) of the following rates:

1. More than five (5) expulsions for schools of less than two hundred fifty (250) students;

2. More than ten (10) expulsions for schools of more than two hundred fifty (250) students, but less than one thousand (1,000) students; or



3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

AUTHORITY: sections 160.261, RSMo Supp. 2001, 161.092, RSMo Supp. 2002 and 167.171, RSMo 2000. Original rule filed Jan. 14, 2003, effective Aug. 30, 2003.*

**Original authority: 160.261, RSMo 1985, amended 1987, 1995, 1996, 2000, 2001; 161.092, RSMo 1963, amended 1973, 2002; and 167.171, RSMo 1963, amended 1969, 1973, 1977, 1986, 1987, 1995, 1996, 1999, 2000.*