

Policy 503.6: Discipline of Students Who Make Threats of Violence or Cause Incidents of Violence

This is the model policy published by the Iowa Department of Education, which all districts are required to adopt as a result of HF 604 passed in 2023.

Discipline Policy

Discipline is designed to promote behavior that will enable students to learn and successfully participate in their educational and social environments. The district discipline policy for students who make a threat of violence or commit an act of violence is developed to help students understand their obligations to others in the school setting, secure the safety of all students, staff and the community, and to correct student behavior if a violation occurs (2023 Iowa Acts, chapter 96 (House File 604), sec 7, new section 279.79, subsection 1).

Students will conduct themselves in a manner fitting their age, grade level, and maturity and with respect and consideration for the rights of others while on school district property or on property within the jurisdiction of the school district; while on school-owned and/or operated school or chartered vehicles, while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Consequences for the misconduct will be fair and tailored to the age, grade level, and maturity of the student.

Discipline and other responses to threats or incidents of violence by a student with a disability, including removal from a class, placement in a therapeutic classroom, suspensions, and expulsions, will comply with the provisions of applicable federal and state laws including, but not limited to, the IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (2023 Iowa Acts, chapter 96 (House File 604), sec 7, new section 279.79, subsection 3).

District Response to a Threat of Incident of Violence by a Student

Reporting a Threat of Violence or Incidence of Violence

In the case of any threat of violence or incident of violence that results in injury, property damage, or assault by a student, the teacher will report to the school principal or lead administrator within 24 hours of the incident. The principal or lead administrator will notify the parent or guardian of the student(s) who threatened or perpetrated an act of violence and the student(s) whom the threatened or perpetrated act of violence was made against within 24 hours after receipt of the teacher's report and complete an investigation of the incident as soon as possible. The classroom teacher may also notify the parent or guardian of the student against whom the threat or incident was directed (2023 Iowa Acts, chapter 96 (House File 604), sec 4).

An investigation will be initiated by the principal or lead administrator upon learning of an incident of violence or threat of violence through any credible means. If the principal or lead administrator finds that an incident of violence or threat of violence did occur, the administrator will determine the level of threat or incident by considering all aspects of the situation, including the student's intent and knowledge of the impact of their actions, their developmental level and context of the incident. The resolution will focus on identifying the cause behind the behavior and appropriate corrective action (2023 Iowa Acts, chapter 96 (House File 604), sec 7, new section 279.79, subsections 1 and 4).

A student who makes a threat of violence, causes an incident of violence that results in injury or property damage, or who commits an assault, will be subject to escalating levels of discipline for each occurrence. When appropriate, referrals will be made to local law enforcement. The district retains the authority to assign the level of disciplinary measures appropriate to the severity of the threat of violence or incident of violence (2023 Iowa Acts, chapter 96 (House File 604), sec. 7, new section 279.79, subsection 5).

Threat of Violence

Threat of violence means a written, verbal, electronic, or behavioral message that either explicitly or implicitly expresses an intention to inflict emotional or physical injury, property damage, or assault.

Incident of Violence

Incident of violence means the intentional use of physical force or power against oneself, another person, a group of community or property resulting in injury, property damage or assault.

Injury

Injury means "physical pain, illness or any impairment of physical condition," State v. McKee, 312 N.W.2d 907, 913 (Iowa 1981).

Property Damage

Property damage means any destruction, damage, impairment or alteration of property to which the individual does not have a right to take such an action. Property means real property, which includes any real estate, building or fixture attached to a building or structure, and personal property, which includes intangible property (Iowa Code section 4.1(2.1)).

Assault

Assault means when, without justification, a student does any of the following:

an act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act; or any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting or offensive, coupled with the apparent ability

to execute the act, or intentionally points any firearm toward another or displays in a threatening manner any dangerous weapon toward another.

The act is not an assault when the person doing any of the above and the other person are voluntary participants in a sport, social or other activity, not in itself criminal, when the act is a reasonably foreseeable incident of such sport or activity and does not create an unreasonable risk of serious injury or breach of the peace (Following Iowa Code section 708.1).

- Effective student discipline policies serve the needs of the District in maintaining the order of the education environment while safeguarding the education interests of all students. For this reason, it is crucial to engage many perspectives in crafting sound policies related to discipline. The board, in conjunction with teachers and administrators in the District, have assigned further meaning to concepts listed in this policy.

Incident Levels Defined

Incident levels must escalate, with Level 1 being less severe than Level 3 incidents. However, the District maintains discretion in applying the level of discipline appropriate for an incident. In making this determination, the administration will consider the following definitions of incident levels. Because no definition could encompass all possible threats or incidents, the administration has discretion in determining which to assign the incident after looking at the nature of the incident as well as the age, grade level, and maturity of the student.

Level 1 Defined: A threat of violence is made, and no prior threats have been made by the student. Requires an investigation into the threat and if found, the parent or guardian notification. The building principal will administer the appropriate punishment.

Level 2 Defined: A threat of violence is made, and prior threats of violence have been made and documented, or the threat of violence or incident of violence results in injury, property damage, or assault by a student. Requires an investigation into the threat or incident and if found, the parent or guardian will be notified. The building administrator in collaboration with the school counselor and social worker will administer the appropriate punishment and support.

Level 3 Defined: A threat of violence is made and more than two prior threats of violence have been made and documented or any incident of violence resulting in injury, property damage, or assault by a student. Requires assistance from law enforcement. Law enforcement will investigate the threat or incident and will take over all control. The building administrator will notify the superintendent about the threat and/or incident.

Timeframe for Determining Repeated Incidents

The District will consider all incidents occurring within one school year (the school year) as sufficiently close in proximity between incidents to establish that a repeated incident has occurred. The rationale for establishing this timeframe is the district believes every school year is a fresh start.

The administration will have discretion to alter this timeframe when appropriate under the circumstances, depending on the nature of the incident as well as the age, grade level and maturity of the student.

Considerations for Determining the Maturity of the Student

The District believes that gauging the maturity of a student is subject to interpretation and best left to the licensed employees who interact most closely with the student on a regular basis. Assessing a student's maturity level is based on individual characteristics unique to each student. Therefore, in making a determination about the maturity of a student, the administration may consult with the student's classroom teacher and other relevant licensed staff. The administration will consider the following factors in determining the maturity of the student:

- Age and grade level of the student.
- Reasonable likelihood of the student's ability to carry out the threat.
- Prior behavior and academic history of the student.

Considerations for Determining Whether the Off-Campus Threat of Violence or Incident of Violence Will Directly Affect the Good Order, Efficient Management and Welfare of the School District

The District recognizes that students maintain First Amendment rights to free expression both within school and outside. However, free speech protections are not absolute and do not extend to true threats of violence toward an individual or a group of individuals. In considering whether a threat or incident of violence will directly affect the good order, efficient management and welfare of the school district necessitating the need for investigation, the administration will consider, among other things, the following factors:

- The specificity of the threat for time, location or individual(s) targeted
- The reasonable likelihood of the student's ability to carry out the threat
- The reasonable likelihood that the threat will interfere with the operation of the educational environment

In addition to the notification requirements in policy, the administration will apprise the parents or guardians of any student who suffered violence or a threat of violence, of the rights to file complaints

under any other relevant board policies including but not limited to anti-bullying/anti-harassment and Title IX.

First Reading: November 20, 2023 Second Reading: December 18, 2023