

DISCIPLINE OF STUDENTS WHO MAKE THREATS OF VIOLENCE OR CAUSE INCIDENTS OF VIOLENCE

Student Threats of Violence and Incidents of Violence

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 level 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 Level 1 transient threat is a threat that is not specific and lacks depth. It can be a statement made in passing, off-the-cuff, or described by the person as saying it is a joke or an unsuccessful attempt at humor. The comment or series of comments are inappropriate to the context of the situation and are sometimes described as reckless talk or a figure of speech gone wrong. The situation involving a transient threat is easily resolved, and the person making the threat demonstrates regret and remorse for making the comment and has a desire to make things right.

Level 2 Defined: A Level 2 threat is serious and substantive in nature. The threat is somewhat specific and has some depth. A serious, substantive threat is a threat to fight, assault, or harm someone or self, physically or otherwise. It is intended to arouse fear in another person, and may or may not involve actual physical contact. It involves the threat of violence or harm towards another person, and includes attempts at intimidation or attention-seeking threats that could center on another person's reputation, identity or good name. The person making the threat has the means to carry out the threat, and communicates little, if any, remorse regarding the threat and potential harm it has caused. The situation is not easily resolved and may require law enforcement consultation to determine if a crime has been committed or if steps are required to ensure the safety of others.

Level 3 Defined: A Level 3 threat is a very serious and substantive threat. The threat signals impending violence and includes words of an aggravated nature that signal severe bodily injury. Words like kill, stab, shoot, blow up, rape, and other such actions that indicate an attack fall into a Level 3 threat. A very serious and substantive threat is sometimes repeated, detailed, and at times may include the recruitment of others. The person(s) making this kind of threat has the means, opportunity, and/or plan to carry out the threat and usually does not express remorse. A Level 3 threat involves immediate law enforcement intervention and emergency protective action for people linked to the threat.

Timeframe for Determining Repeated Incidents

The District will consider all incidents occurring within a student's academic career as sufficiently close in proximity between incidents to establish that a repeated incident has occurred. The rationale for establishing this timeframe is that determining a potential pattern of behavior sometimes takes longer periods of time. 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:

- The student's age and/or grade level.
- The student's ability to exercise good judgment and consistently demonstrate reasonable and acceptable behavior.
- The student's ability to understand cause and effect and the possible results of their decisions and actions.
- The student's ability to self-manage, socialize appropriately, exercise safety for self and others, and appropriately cope in the face of adversity.

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.

Legal Ref.: Iowa Code § 279.79

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