

Discipline of Students Who Make Threats of Violence or Cause Incidents of Violence

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, suspensions, disciplinary placements, 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).

Publication of Policy

The Board will annually publish this policy. The policy will be publicized by the following means:

- Publish the policy on the district website (2023 Iowa Acts, Chapter 96 [House File 604], Sec. 7, new section 279.79, subsection 1)
- Provide each parent or guardian with a copy of the policy and require the parent or guardian acknowledge the receipt of the policy in writing or electronically (2023 Iowa Acts, Chapter 96 [House File 604], sec. 8).
- Have policy available upon request at the Forum, 2300 Chaney Road.

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

A. Reporting a Threat of Violence or an Incident of Violence (see definitions below)

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 or other staff member will report to the school principal or designee within 24 hours of the incident. The principal or designee will notify the parent or guardian of the student(s) who threatened or perpetrated an act of violence and the student(s) who the threatened or perpetrated act of violence was made against within 24 hours after receipt of the report and complete an investigation of the incident as soon as possible. The classroom teacher or other certified staff member may also notify the parent or guardian of the student who made the threat or caused the incident, and 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 designee upon learning of an incident of violence or threat of violence through any credible means. If the principal or designee finds that an incident of violence or threat of violence did occur, the principal or designee will determine the level of threat of the 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).

B. Escalating Responses to Threats of Violence or an Incident of Violence (see definitions below)

A student who makes a threat of violence, causes an incident of violence that results in injury or property damage, and/or who commits an assault, will be subject to escalating levels of discipline for each occurrence; unusually serious incidents may be escalated to a higher level. The principal or designee 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. 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).

Definitions

For the purposes of this policy, the defined words shall have the following meaning:

- “Threat of violence” means a credible 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” means the intentional use of physical force or power against oneself, another person, a group or community, or property resulting in injury, property damage, or assault.
- “Injury” means “physical pain, illness, or any impairment of physical condition.” State v. McKee, 312 N.W.2d 907, 913 (Iowa 1981).

- “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(21)).
- “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).

Level	PreK – 2: Escalating Response for Offender
1	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Requires an IEP meeting to determine if the behavior of concern was caused by or has a direct and substantial relationship to the student’s disability. If required, the team will assure the student’s Individualized Education Program (IEP) includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Parent or guardian conference that includes the student, when appropriate; ○ When appropriate and with written parent or guardian consent, counseling, and/or mental health counseling subject to available resources of the district; ○ Behavior intervention student agreement coupled with another response(s); ○ Restitution or opportunities to repair relationships coupled with another response(s); ○ Detention; and/or ○ Temporary removal from class. • Unless the first offense is unusually serious, the principal or designee will avoid permanent removal from a class.
2	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Review of response to prior offense, if applicable, to inform increased level of response. • Requires an IEP meeting for any student who does not have a current Individualized Education Program (IEP) that includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Responses listed in Level 1 above; ○ Temporary or permanent removal from extracurricular activities; ○ Temporary or permanent removal from class; ○ In-school suspension; ○ Suspension of transportation privileges, if misconduct occurred in a school vehicle; and/or ○ Placement in an alternative learning environment, when appropriate.
3	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Review of response to prior offense, if applicable, to inform increased level of response. • Requires an IEP meeting for any student who does not have a current Individualized Education Program (IEP) that includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Responses listed in Levels 1 & 2 above; ○ Out-of-school suspension; and/or ○ Recommendation for expulsion.

Level	Grades 3 to 5: Escalating Response for Offender
1	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Requires an IEP meeting to determine if the behavior of concern was caused by or has a direct and substantial relationship to the student's disability. If required, the team will assure the student's Individualized Education Program (IEP) includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Parent or guardian conference that includes the student, when appropriate; ○ When appropriate and with written parent or guardian consent, counseling, and/or mental health counseling subject to available resources of the district; ○ Behavior intervention student agreement coupled with another response(s); ○ Restitution or opportunities to repair relationships coupled with another response(s); ○ Detention; and/or ○ Temporary removal from class. • Unless the first offense is unusually serious, the principal or designee will avoid permanent removal from a class.
2	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Review of response to prior offense, if applicable, to inform increased level of response. • Requires an IEP meeting for any student who does not have a current Individualized Education Program (IEP) that includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Responses listed in Level 1 above; ○ Temporary or permanent removal from extracurricular activities; ○ Temporary or permanent removal from class; ○ In-school suspension; ○ Suspension of transportation privileges, if misconduct occurred in a school vehicle; and/or ○ Placement in an alternative learning environment, when appropriate.
3	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Review of response to prior offense, if applicable, to inform increased level of response. • Requires an IEP meeting for any student who does not have a current Individualized Education Program (IEP) that includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Responses listed in Levels 1 & 2 above; ○ Out-of-school suspension; and/or ○ Recommendation for expulsion.

Level	<h2 style="text-align: center;">Grades 6 to 8: Escalating Response for Offender</h2>
1	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Requires an IEP meeting to determine if the behavior of concern was caused by or has a direct and substantial relationship to the student's disability. If required, the team will assure the student's Individualized Education Program (IEP) includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Parent or guardian conference that includes the student, when appropriate; ○ When appropriate and with written parent or guardian consent, counseling, and/or mental health counseling subject to available resources of the district; ○ Behavior intervention student agreement coupled with another response(s); ○ Restitution or opportunities to repair relationships coupled with another response(s); ○ Detention; and/or ○ Temporary removal from class.
2	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Review of response to prior offense, if applicable, to inform increased level of response. • Requires an IEP meeting for any student who does not have a current Individualized Education Program (IEP) that includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Responses listed in Level 1 above; ○ Temporary or permanent removal from extracurricular activities; ○ Temporary or permanent removal from class; ○ In-school suspension; ○ Out-of-school suspension; ○ Suspension of transportation privileges, if misconduct occurred in a school vehicle; and/or ○ Placement in an alternative learning environment, including online school, when appropriate.
3	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Review of response to prior offense, if applicable, to inform increased level of response. • Requires an IEP meeting for any student who does not have a current Individualized Education Program (IEP) that includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Responses listed in Levels 1 & 2 above; and/or ○ Recommendation for expulsion.

Level	Grades 9 to 12: Escalating Response for Offender
1	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Requires an IEP meeting to determine if the behavior of concern was caused by or has a direct and substantial relationship to the student's disability. If required, the team will assure the student's Individualized Education Program (IEP) includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Parent or guardian conference that includes the student, when appropriate; ○ When appropriate and with written parent or guardian consent, counseling, and/or mental health counseling subject to available resources of the district; ○ Behavior intervention student agreement coupled with another response(s); ○ Restitution or opportunities to repair relationships coupled with another response(s); ○ Detention; ○ Temporary removal from extra-curricular activities; ○ Temporary removal from class; ○ In-school suspension; and/or ○ Suspension of transportation, if misconduct occurred in school vehicle.
2	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Review of response to prior offense, if applicable, to inform increased level of response. • Requires an IEP meeting for any student who does not have a current Individualized Education Program (IEP) that includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Responses listed in Level 1 above; ○ Temporary or permanent removal from extra-curricular activities; ○ Temporary or permanent removal from class; ○ Out-of-school suspension; and/or ○ Placement in an alternative learning environment, including online school, when appropriate.
3	<ul style="list-style-type: none"> • Requires parent or guardian notification. • Review of response to prior offense, if applicable, to inform increased level of response. • Requires an IEP meeting for any student who does not have a current Individualized Education Program (IEP) that includes a specific plan to address the behavior of concern. • Responses to an incident may include, but are not limited to, the following: <ul style="list-style-type: none"> ○ Responses listed in Levels 1 & 2 above; and/or ○ Recommendation for expulsion.