

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Pursuant to Chapter 102 of the School Rules of Iowa, abuse may fall into either of the two following categories.

1. Physical Abuse- The non-accidental physical injury to a student as a result of the actions of a District employee. Physical abuse may occur as the result of intentional infliction of injury or excessive, unnecessary, or unreasonable use of force in discipline.
2. Sexual Abuse- Sexual offenses or misconduct as defined by Iowa Code Chapter 709. This definition also encompasses acts or omission of the District employee that allow, permit, or encourage the student to engage in prostitution as defined by Iowa law.

To constitute a violation of the Iowa Code, acts or omissions of the employee must have occurred on school grounds, on school time, on a school-sponsored activity, or in a school-related context.

Upon request, the Level I investigator may assist the reporter in completing the report. An incomplete report will not be rejected unless the missing information would render the investigation futile or impossible.

To be investigable, the written report must include basic information showing that the victim of the alleged abuse is or was a student at the time of the incident, that the alleged act of the employee resulted in injury or otherwise meets the definition of abuse in these rules, and that the person responsible for the act is currently an employee. If the report is not investigable due to lack of jurisdiction, the investigator will dismiss the complaint and inform the reporter of other options available. Other options available to the reporter include contacting law enforcement authorities, private counsel, or the Board of Educational Examiners in the case of a licensed employee.

It shall be the responsibility of the superintendent/designee to identify a designated investigator.

Filing a Complaint

An individual who believes that the individual has been a victim of abuse may file a complaint with the superintendent or superintendent's designee. The complaint form is available on our website. If the complainant is a school employee, after filing the complaint with the superintendent or superintendent's designee, the employee may separately notify the parent or guardian of the student alleged to have been harassed or bullied.

An alternate investigator will be designated in the event it is claimed that the superintendent or superintendent's designee committed the alleged abuse or some other conflict of interest exists. Complaints shall be filed within 180 (one-hundred and eighty) days of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will state the nature of the complaint and the remedy requested. The Complainant shall receive assistance as needed.

Investigation

The school district will promptly and reasonably investigate allegations of abuse upon receipt of a written complaint. The superintendent or superintendent's designee (hereinafter "Investigator") will be responsible for handling all complaints alleging abuse of a student by a school district employee.

The investigator's role is not to determine the guilt or innocence of the involved party, but whether it is likely that an incident took place between the student and the District employee. If, in the investigator's opinion, the magnitude of the allegations suggests immediate and professional investigation is necessary, the investigator may waive informal investigation. In such cases, the investigator shall contact appropriate law enforcement officials, the child's parent/guardian, and the person filing the report, and shall document in writing the action taken.

The investigation may include, but is not limited to the following:

- Interviews with the Complainant and the individual named in the complaint (“Respondent”)
- A request for the Complainant to provide a written statement regarding the nature of the complaint;
- A request for the Respondent to provide a written statement;
- Interviews with witnesses identified during the course of the investigation;
- A request for witnesses identified during the course of the investigation to provide a written statement; and
- Review and collection of documentation or information deemed relevant to the investigation.

The Investigator shall consider the totality of circumstances presented in determining whether conduct objectively constitutes abuse as defined in Board policy. Upon completion of the investigation, the Investigator shall issue a report with respect to the findings, and provide a copy of the report to the appropriate building principal or Superintendent if the investigation involves the building principal.

The complaint and identity of the Complainant, Respondent, or witnesses will only be disclosed as reasonably necessary in connection with the investigation or as required by law or policy. Similarly, evidence uncovered in the investigation shall be kept confidential to the extent reasonably possible.

Decision

The investigator, building principal or superintendent, depending on the individuals involved, shall inform the Complainant and the accused about the outcome of the investigation. If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures, which may include termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures, which may include exclusion from school grounds.

Individuals who knowingly file false complaints and any person who gives false statements in an investigation may be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy.

When an employee receives a report of alleged abuse of a student by a District employee, the report shall immediately be given to the designated investigator. The investigator shall then make and provide a copy of the report to the person filing, the student's parent/guardian and the District employee named in the report. Within five school days of receipt of the report, the investigator shall conduct an informal investigation to determine whether the allegations are true. In the course of this investigation, the investigator shall interview the alleged victim, the District employee named in the report, and any collateral sources who may have knowledge of the circumstances contained in the report. The investigator shall exercise prudent discretion to preserve the confidentiality interests of the individuals involved.

Within fifteen (15) calendar days of receipt of the report, the investigator shall complete a written investigative report which shall include those items required by Chapter 102.9 of the Iowa Code. If the report is founded by a preponderance of the evidence, the investigator shall promptly notify law enforcement in case of sexual abuse allegations. The investigator may notify law enforcement authorities in serious cases of physical abuse. In addition, the investigator shall (1) file a copy of the report with the District employee's supervisor, (2) file a complaint with the Board of Educational Examiners in cases involving a licensed District employee, and (3) document all actions taken.

The **Iowa Department of Health and Human Services** is responsible for student abuse investigations for the following types of abuse effective July 1, 2025: physical, sexual or prostitution.

Any record created by an investigation shall be handled subject to formally adopted or bargained policies on the maintenance of personnel records.

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