

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES
Report of Level I Investigation

Student's name: _____

Student's age: _____ Student's grade: _____

Student's address: _____

Student's school: _____

Name of accused school employee: _____ Building: _____

Name and address of person filing report:

Name and address of student's parent or guardian, if different from person filing report:

Date report of abuse was filed: _____ physical sexual *

Describe the nature, extent and cause of the student's injury, if any and if known: (Attach additional pages if needed).

Describe your investigation: Attach additional pages if needed. (Please do not use student witnesses' full names).

*Were parent(s) or guardian(s) advised of their right to see and hear any interview of their pre-kindergarten through six grade children who are alleged victims of or a witness in a sexual abuse investigation?

Yes No Was the right exercised? Yes No

Were audio tapes made of any interviews? Yes No

Were video tapes made of any interviews? Yes No

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Was any action taken to protect the student during or as a result of the investigation?

Yes No

If yes, describe:

- student excused from school school employee placed on administrative or other leave
 student assigned to different class other (please specify)

Level I investigator's conclusions:

- The complaint is being dismissed for lack of jurisdiction.
- Physical abuse was alleged, but no allegation of injury was made.
- Physical abuse was alleged, but no evidence of physical injury exists and the nature of the alleged incident makes it unlikely an injury, as defined in the rules, occurred.
- Sexual abuse was alleged, but the alleged action of the school employee, even if true, would not meet the definition of sexual abuse in the rules.
- Alleged victim was not a student at the time of the incident.
- Alleged school employee is not currently employed by this school district.
- Alleged incident did not occur on school grounds, on school time, at a school-sponsored activity, nor in a school-related context.
- The complaint has been investigated and concluded at Level 1 as unfounded.
- Complaint was withdrawn.
- Insufficient evidence exists that an incident of abuse, as defined in the rules, took place.
- The complaint has been investigated at Level 1 and is founded.
- The investigation is founded at Level 1 and is being turned over to Level 2 for further investigation.
- Investigation of the complaint was deferred at Level 1 and referred to law enforcement at this time.
- The investigation is concluded at Level 1 because the accused school employee has admitted the violation, has resigned, or has agreed to relinquish any teaching license held.

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Current status of investigation:

- Closed. No further investigation is warranted.
- Closed and referred to school officials for further investigation as a personnel matter.
- Deferred to law enforcement officials.
- Turned over to Level 2 investigator.

Other comments: _____

I have given a copy of the report of abuse and of this investigative report to the employee named in the report, the employee's supervisor, and the student's parent or guardian and informed the person filing the report of the options of contacting law enforcement, private counsel, or the State Board of Educational Examiners, if the accused school employee holds in Iowa teacher's certificate or license.

Name of investigator (please print)

Investigator's place of employment

Signature of investigator

Date

An individual who has knowledge an employee has physically or sexually abused a student may immediately report it to the building principal who is the school district's Level 1 investigator. "Employee" means one who works for pay or as a volunteer under the direction and control of the school district. The report shall be written, signed and witnessed by a person of majority age. The witness may be the Level 1 investigator. The reporter is the individual filing the report. The report shall contain the following:

- The full name, address, and telephone number of the person filing.
- The full name, age, address, and telephone number, and attendance center of the student.
- The name and place of employment of the employee who allegedly committed the abuse.
- A concise statement of the facts surrounding the incident, including date, time, and place of occurrence, if known.
- A list of possible witnesses by name, if known.
- Names and locations of persons who examined, counseled or treated the student for the alleged abuse, including the dates on which those services were provided, if known.

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Upon request, the Level 1 investigation may assist the reporter in completing the report. An incomplete report shall not be rejected unless the missing information would render the investigation futile or impossible. An employee receiving a report of alleged abuse of a student by an employee shall pass the report the investigator and shall keep the report confidential to the maximum extent possible. In performing the investigation, the investigator shall have access to the educational records of the alleged student victim as well as access to the student for interviewing purposes.

In order for the school district to have jurisdiction over the acts and to constitute a violation of the law, acts of the employee must be alleged to have occurred on school grounds, on school time, at a school-sponsored activity, or in a school-related context. However, the student need not be a student in the school district. The student can be from another school district. To be able to investigate, 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 able to be investigated due to lack of jurisdiction, the investigator shall dismiss the complaint and inform the reporter of other option 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.

If the Level 1 investigator believes the student is in imminent danger if continued contact is permitted between the employee and the student, the Level 1 investigator may:

- Temporarily remove the student from contact with the employee;
- Temporarily remove the employee from service; or,
- Take other appropriate action to ensure the student's safety.

The Level 1 investigator shall have access to the educational records of the student and access to the student for purposes of interviewing the student about the report.

Legal Reference: Iowa Code §§ 232.67, .70, .73, .75; 235A; 280.17; 709; 728.12(1) (1999).
281 I.A.C. 12.3(6), 102; 103.
441 I.A.C. 155; 175.
1980 Op. Att'y Gen. 275.

Cross Reference: 402.2 Child Abuse Reporting
402.3 Abuse of Students
403.5 Harassment
503.5 Corporal Punishment

Approved: January 15, 2007

Reviewed: January 11, 2010; December 8, 2014

Revised: