

457 Student Assault Policy for Independent School District #162 (Bagley)

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It is the policy of Independent School District #162 (Bagley) and Independent School District #2311 (Clearbrook-Gonvick) to treat assaults which occur on district property or at school-related events in a consistent and swift manner, and to pursue juvenile justice intervention and criminal prosecution where appropriate.

The following goals are established in this policy:

1. To protect students, teachers, and staff from assaultive behavior.
2. To hold students who assault responsible for their acts.
3. To respond swiftly and consistently to acts of assaults committed by students occurring on district property or at school-related events.
4. To involve the juvenile justice system and the criminal justice system where appropriate.
5. To educate students, parents and the public that assaults on district property or at school-related events will not be tolerated and that the school setting should be a safe learning environment.

DEFINITIONS

Assault means an act done or words said with intent to cause fear in another of immediate bodily harm or death, or the intentional infliction of or attempt to inflict bodily harm upon another. Assault also means the intentional and nonconsensual touching of another's intimate parts or of the clothing covering the immediate area of the intimate parts.

Criminal Prosecution means employing the use of the criminal justice system.

Diversion means employing an informal procedure whereby a student is referred to the county probation department for disciplinary action.

Immediately means in all cases within 24 hours, and if at all possible, during the same school day the Clearwater County Sheriff's Department receives a report.

Juvenile Justice Intervention means employing the use of the juvenile court system, including diversion, delinquency proceedings, and child in need of protection or services proceedings.

Local Law Enforcement Agency means the law enforcement agency for the jurisdiction where the school district property is located.

Report means any report received by the Clearwater County Sheriff's Department which alleges an assault committed by a student on district property.

School District property means: (1) any property owned, leased or controlled by the school district where an elementary school, secondary school, secondary vocational center or other school providing educational services in grade pre-kindergarten through grade 12 is located, or used for educational purposes, or where extracurricular or co-curricular activities are regularly provided; (2) the area within a school bus when that bus is being used to transport one or more elementary or secondary students; and (3) a setting where elementary or secondary students are under the school's jurisdiction of "time" and activity.

Student means a person enrolled in the district's school system.

Threat means a statement or action of intent to commit any crime of violence that is made with the purpose to terrorize another or made in a reckless disregard of the risk causing such terror.

POLICY

Duty to Report. An employee of the school district who knows or has reason to believe a student has assaulted or threatened another on school district property may immediately report the information by telephone or otherwise to the Clearwater County Sheriff's Department dispatcher or the school's liaison officer. The decision to report will take into account several factors including, but not limited to, the following: age of the student; severity of the injury, whether the act was intentional or unintentional, and whether the student has been the subject of prior disciplinary measures. On the contrary, the decision to report will not depend on the victim's or victim's parent's willingness to press charges. The duty to report is the reporter's responsibility alone and cannot be delegated to anyone else.

Duties of the Clearwater County Sheriff's Department, Bagley Police Department, Clearbrook-Gonvick Police Department upon receipt of a report. Upon receipt of a report, the Clearwater County Sheriff's Department dispatcher shall refer the report to the appropriate local law enforcement agency for action. If the local law enforcement agency has no one on duty, the report shall be referred to the sheriff's department for action. When a local law enforcement agency or the sheriff's department receives a report, the responding agency shall immediately conduct an investigation.

Removal of the Perpetrator. Upon receipt of a report and/or during its investigation, the local law enforcement agency or sheriff's department may take a student perpetrator into custody. The decision to take a student perpetrator into custody will take into account the laws relating to arrest, whether the student perpetrator is a danger to himself/herself or others, and whether the student perpetrator has violated any terms of probation.

Notification of Parents. When a student perpetrator is taken into custody, the local law enforcement agency or sheriff's department shall notify the students parents or guardians.

Duties of the School District upon making a report. The school district and employees of the school district shall cooperate with the local law enforcement agency or sheriff's department in its investigation. This cooperation shall include: the preservation of evidence and the crime scene until law enforcement arrives, the documentation of necessary facts, and the allowance of law enforcement to conduct necessary interviews.

Investigation. The local law enforcement agency or sheriff's department shall develop all relevant evidence in the investigation, including formal statements from the victim and perpetrator, medical records, evidence of prior conduct, photographs of injuries on the victim or damage to property, photographs and/or audio/video recordings of the perpetrator if there is a possible claim of self-defense, and statements from other witnesses.

Priority. It is the intent of the local law enforcement agency and the sheriff's department to give priority to these reports and to expedite investigations whenever possible. The results of the investigation, including reports, statements and other evidence, shall be turned over to the county attorney's office for review within 72 hours of the receipt of the report unless extraordinary circumstances dictate otherwise.

Review. The county attorney's office shall immediately review the results of the investigation and take appropriate action, including, but not limited to, the following: referral for further investigation, recommendation to issue a citation, preparation and processing of a criminal complaint, preparation and processing of a juvenile delinquency petition, preparation and processing of a Child-in-Need-of-Protection-or Services petition, referral for diversion, or letter declining action.