



## *Education Compliance Group*

### **Invincible Investigations – Student-to-Student Harassment on the School Bus**

#### **Guidelines for School Transportation Professionals**

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1. The investigation should begin as soon as possible after the matter comes to the attention of a transportation department or school staff member. All staff members should take concerns that students bring to them to the next level of administration.
2. The steps that follow take time to complete, but the investigation should move efficiently and expediently toward conclusion.
3. Follow established guidelines to determine who should perform the actual investigation. I recommend that one building administrator be in charge of the investigation. While school transportation officials and staff members will necessarily be involved, typically, the investigation should be done at the building level.
4. The investigator should talk to all potential witnesses. That may involve a large number of students, as well as the driver and an attendant, if any. The investigator should include individuals to whom witnesses spoke or might have spoken — shortly after the incident at issue.
5. Witnesses should be questioned separately and privately.
6. Expect open-ended — not “leading”—questions about the incident (who, what, when, where, how). It is also a good idea to inquire into the nature of any relationship between the witness and the students directly involved in the incident.
7. The investigator should be sure to include necessary questions about the witness’ role in the matter. Questions like, “What did you do?” “Who else was around?” “Did you talk to anyone about this?” may add to an assessment of the witness’ credibility, and provide additional information.
8. The investigator should record each interview comprising the investigation.
9. I discourage the practice of giving the student a blank piece of paper on which to write his/her statement. If that is done, the investigator must be sure to ask follow-up questions about the statement. It is critical that the investigator have the student elaborate upon vague or uncertain points. The witness statement will be far more valuable if it is detailed and covers all matters at issue.
10. Those district administrators involved in drawing conclusions about information gleaned from the investigation must determine the strengths and weaknesses of a particular witness. Does the witness have

direct information? Was the witness an observer, a participant, a recipient of second-hand information? How credible is the witness, and why? Will the witness tell the same story at a later time?

11. All parties must have an equal opportunity to tell their story. Those involved in determining consequences should not make a recommendation for imposition of discipline until completion of a thorough investigation, and fair consideration of the accused student's account of what happened.
12. Admissions of guilt certainly helps, but avoid actions which might lead to a claim that a confession has been "coerced".
13. The involvement of law enforcement does not always mean that district personnel cannot, or should not, investigate. If the police are questioning students, ask if the district's investigator can be present so the student is not subjected to additional questioning. Don't rely too heavily on the results of agency investigation. The district's goals and conclusions may differ from those of police; criminal investigations are subject to entirely different standards from those applicable to investigations performed by school personnel.
14. Determine when parents need to be notified both of an incident, and the fact that their child is being interviewed about the incident. The decision will depend, in part, upon your own district or school policy, but the decision may also reflect the severity of the incident and the involvement of that student, as well as his or her age and maturity level.
15. Finally, as a summary checklist, get the "big picture" by using the "SANITY" analysis:
  - a. What is the Situation involved (what information do you have going into the investigation?)
  - b. Ask the necessary questions: who, what, when, where.
  - c. Determine your Needs: What are the gaps in your knowledge? How can you design an investigation plan that is most likely to fill the gaps?
  - d. Once you've concluded your investigation, Identify your options: Brainstorm how best to respond to what you've learned (Will there be disciplinary consequences? Other interventions?).
  - e. Think about and Test your investigation strategy, and, when you're done, your options for response.
  - f. Say Yes, because no matter what happens next, you've been anything but arbitrary and capricious as a district or school. You've proceeded with a plan, which is a defense to all kinds of claims that can be brought against the entity.