Information Sharing: Help is Here

It seems that just when we think all of the facts about Columbine have been uncovered, another news story breaks, sharing information that, had it been disseminated through the proper channels, might have helped prevent the horrible tragedy that occurred that fateful April morning. Even as we sympathize with the families who must wonder what could have been done to stop the massacre, the need for information sharing is underscored.

As previously reported in this newsletter, recent legislation (HB 1119, SB 133) demands that school districts develop policy around the sharing of information concerning troubled students. However, many districts around the state still fail to comply with these laws. This failure is due more to confusion about what the law means and how best to implement it, rather than disregard for the law.

The most effective way to comply with the laws involves setting up an Interagency Agreement and a Social Support Team. The agreement outlines which agencies are required to share information and outlines how such information will be provided. An Interagency Social Support Team, once organized, can meet on a regular basis to discuss referrals and decide how best to respond to students in trouble.

The Center is here to help! We not only provide written materials and sample Interagency agreements upon request, we can set up a training session with local law enforcement agencies as well as school districts to make the information sharing process run smoothly. The most important thing to remember is that this law is designed to help schools communicate more effectively with their local law enforcement and social service agencies, to better provide needed care to youth before trouble spirals out of control.

Liability: How do you protect your students, your district, and yourself?

The Colorado School Districts Self Insurance Pool (CSDSIP) recently hosted four training sessions for school districts detailing how to implement Colorado’s school safety laws and address safety issues within schools. Thanks goes out to the over 350 attendees that made the Safe Communities ~ Safe Schools seminars a success!

CSDSIP is a property and liability insurance carrier for school districts; when you and your district get sued, we are there to defend you. Because we work closely with school districts on a regular basis, we’ve discovered that you must have a basic understanding of liability and negligence to help you make good decisions.

Those usually named in a lawsuit include the district, the administrators and the staff member(s) involved. The plaintiff is claiming all these parties were negligent.

There are FOUR elements of negligence that must all exist at the same time for liability to be found:
1. A Duty - a standard of care to protect students from unreasonable risk
2. A Breach of Duty - the failure to conform to a standard of care
3. Damages – the lack of care resulted in student injury
4. Proximate or legal cause – the breach of duty caused student injury

The lawsuit is usually claiming that you and your district caused the injury and damage by breaching your duty (or breaking your promise).

Because school districts work with our “most precious commodity” you are held to a high standard. You may hold personal liability in both the criminal court and the civil court if you are found to be negligent.

Something has changed in school entity liability regarding “Notice of Misconduct” in cases of violence, bullying, child abuse & assault, discrimination, etc. You can no longer think because you weren’t notified of a situation, that you aren’t responsible. Courts are saying that you Should Have Known in the exercise of reasonable care or diligent inquiry.

How do you protect yourself and your district?
Follow through with the duties that you’ve promised. Look at your school board policies; can you keep the promises that you’ve pledged in those policies?

Follow through with your investigation and reporting procedures. Do this consistently in all cases, even if you suspect a false report. You must prove it to be false. An investigation performed by other agencies does not relieve you of your duty to perform a district investigation.

You can also ensure that your school is using an effective program if you elect to implement alcohol, drug, or bullying prevention programs. The Center for the Study and Prevention of Violence recommends programs that meet stringent criteria and can help you determine which program is best for your discipline needs.

Call CSDSIP for help! 800.332.3556
The following resources were distributed to attendees at the four regional meetings held in October, and are available to you at no charge.

Available from the Colorado Attorney General’s website—www.ago.state.co.us/youthvio.htm

- Juvenile Information Exchange Laws: A Model for Implementation
- SCSS Some Emerging Lessons and Recommendations
- Colorado School Violence Prevention and Student Discipline Manual

CSPV offers fact sheets online at www.colorado.edu/cspv. The SCSS Planning Guide and the SCSS Guide to Effective Program Selection are available at no charge (for Colorado residents) by calling us at 303-492-1032.

If you have any questions, please call CSPV for more information about resources available to you.