

5022 POLICY ON STAFF NOTIFICATION OF VIOLENT STUDENTS

I. PURPOSE

This policy addresses staff notification of violent behavior by students. The purpose of this policy is to address the circumstances in which data should be provided to classroom teachers and other school staff members about students with a history of violent behavior in order to serve the student and protect students and staff members. The policy incorporates a written notice to assure that appropriate data are made available to school staff members and to guarantee an accurate record of the data provided.

Development of this policy was required by the 2003 Legislature (See 2003 Session Laws, Special Session Chapter 9, Article 2, §53) and helps districts comply with Minn. Stat. §§121A.64 and 121A.75.

Both state and federal law, Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. §1232G (Family Educational Rights and Privacy Act or FERPA) govern student data. More detailed information on school district practice and policy regarding student records and data can be found in the school district's Data Practices Policy (Protection and Privacy of Pupil Records Policy) and approved Records Retention Schedule.

II. DEFINITIONS

For purposes of this Policy on Staff Notification of Violent Behavior by Students (Policy) and the model notification form, terms have the meaning given them.

A. **Administration-** Administration means the person or persons responsible for performing the school district's obligations under this Policy and who shall be the Superintendent or other designee.

B. **Classroom Teacher-** Classroom Teacher means the instructional personnel responsible for the course or room to which a student is assigned.

C. **History of Violent Behavior-**

1. A student will be considered to have a history of violent behavior if incident (s) of violence have occurred as follows:

a. Violent behavior that occurs during a given school year will be considered to give rise to notice requirements under this Policy for that school year and the following school year.

b. If a student has an incident of violence within these time frames, that incident and all other related or similar incidents of violence will be reported.

D. **Incident (s) of Violence-** Incident (s) of violence means a pattern of willful conduct in which a student has caused physical injury to person (s) as set fourth in the school district's Student Policy Handbook under Violations Against Persons in paragraphs A through F, or significant damage to property, regardless of whether related to a student's disability. This does not include injury or damage which is accidental or the result of negligence. An incident of violence includes an incident described in notices received from either law enforcement or the juvenile courts.

E. **Legitimate Educational Interest-** For purposes of federal and state law, a school staff member is determined to have a legitimate educational interest in data related to a history of violent behavior if the data requested are:

1. Necessary for that school staff member to perform appropriate tasks specified in his or her position description or by a contract agreement;
2. Used solely within the context of school business and not for purposes extraneous to either the school or the school staff member's areas of responsibility;
3. Relevant to the accomplishment of a job-related task or to a determination about the student; and
4. Consistent with the purposes for which the data are maintained.

F. **School Staff Member - School Staff Member includes:**

1. A person licensed by the State and appointed by the school board to an administrative, supervisory, instructional or other professional position such as a principal, teacher, counselor, or school psychologist;
2. A person employed by or under contract to the school board to perform a special task such as paraprofessional, school bus driver, secretary, clerk, occupational therapist, or the school board attorney for the period of his or her performance as an employee or contractor; and
3. A substitute for persons listed above for the period of his or her performance as substitute.

III. **STAFF NOTIFICATION**

A. **Determination of Who Receives Notice-** Determination of which school staff members have a legitimate educational interest will be made by (1) the school district's Responsible Authority appointed by the school board under the Minnesota Government Data Practices Act or (2) the administration. In the event the administration makes this determination, the Responsible Authority will provide guidance to the administrator (s) who determines what data will be shared. A school staff member who receives notice under this policy may provide notice to someone substituting for him or her for another staff member who has received notice.

B. **Recipients of Notice-** Each classroom teacher of a student with a history of violent behavior (see Section II. C., above), will receive notification from the administration prior to placement of the student in the teacher's classroom. In addition, notice will be given by the administration to other school staff members who have a legitimate educational interest in the data, as defined in this policy.

C. **Record of Notice-** The administration must keep a written copy of the notice or other documentation to provide a record of those school staff members notified under this section. The district's Records Retention Schedule governs retention of the written notice.

D. **Law Enforcement Reports-** The administration must immediately forward to appropriate school staff members those notices related to an incident of violent behavior received from law enforcement pursuant to Minn. Stat. §121A.75. The law enforcement notice must be followed by the notice set forth above within a reasonable time, not to exceed ten business days. All other notices received from law enforcement pursuant to Minn. Stat. §121A.75 must be disseminated as required by that section. Retention of the law enforcement notice is governed by Minn. Stat. §121A.75, subd. 2(e).

IV. NOTICE TO OTHER SCHOOL DISTRICTS- When transferring records of a student with a history of violent behavior, administration must send to an enrolling school district, charter school or alternative education program all student records, including all data about the student's history of violent behavior, consistent with this Policy. Transferring the records is not a violation of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g or the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, provided the annual FERPA parental notice requirements are met. These written records within the student's file are educational records and are to be transmitted to an enrolling school district, as set forth in Minn. Stat. § 120A.22, sub. 7.

V. PARENTAL NOTICE

The administration will notify parents that is gives classroom teachers and other school staff members notice about students' history of violent behavior. This will be included as part of the Annual Notice of Rights required by FERPA and shall be provided to a parent/guardian at that time a Notice about the student's violent behavior under this Policy is first provided or if it is changed. In addition, the administration will notify parents that this Notice is an educational record and will be transferred to an enrolling school district.

VI. TRAINING NEEDS

Pursuant to Minn. Stat. § 121A.64, representatives of the school board and representative of the teachers will discuss the needs of students and staff. The parties may discuss necessary training that may include training on conflict resolution and positive behavior interventions and may discuss necessary intervention services such as student behavioral assessments.

Legal References:

Minn. Stat. § 120A.22, subd. 7 (Educational Records)
Minn. Stat. § 121A.64 (Notification of Students with Violent Behavior)
Minn. Stat. § 121A.75 (Law Enforcement Notice to Schools)
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1-99.67 (Rules implementing FERPA)
Minn. Stat. § 13.04, subd.4 (Process for challenging data under state law)
34 C.F.R. §§99.20-99.22 (Process for challenging data under federal law)

Adopted 06-15-2004 ISD 709

NOTICE

NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

Date:

To:

From:

This notice is to inform you that the following student has a history of violent behavior. The notice is intended to assist you in helping the student to be successful and ensuring the safety of students and staff.

You can use what you have learned about the student's history of violent behavior only to the extent allowed by school district policy. The data on this form are private data under state and federal law; the student's privacy rights must be protected.

Student's Name: _____

INCIDENT (S) OF VIOLENCE:

- 1.
- 2.
- 3.
- 4.
- 5.

TYPES OF SITUATIONS THAT MIGHT TRIGGER VIOLENT BEHAVIOR, IF KNOWN:
STRATEGIES OR INTERVENTIONS THAT HELP WITH THIS STUDENT, IF KNOWN:
THE FOLLOWING DOCUMENTS MAY BE AVAILABLE FOR YOU TO REVIEW
REGARDING THIS STUDENT:

- _____ IEP
- _____ Functional Behavioral Assessment
- _____ 504 Plan
- _____ Reports or statements by school staff
- _____ Information provided by the parent or guardian

ADDITIONAL INFORMATION MAY BE AVAILABLE BASED ON YOUR LEGITIMATE
EDUCATIONAL INTERESTS