

Adopted: 7/25/00
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529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

A classroom teacher has a legitimate educational interest in knowing which students placed in the teacher's classroom have a history of violent behavior (Minnesota Statute 121A.64).

The purpose of this policy is to address the circumstances in which data should be provided and to establish a procedure for notifying staff.

II. GENERAL STATEMENT OF POLICY

- A. Any employee of the school district who obtains or possesses information concerning a student in a MAWSECO program with a history of violent behavior shall immediately report said information to the administrator of the program in which the student attends school. .
- B. The administrator or designee will meet or communicate with the assigned classroom teacher and other appropriate staff members for the purpose of notifying and determining how staff will proactively plan for and support the student.
- C. Only staff members who have a legitimate educational interest in the information will receive notification.

III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them.

A. Administration

“Administration” means the executive director, program administrator or supervisor, or other designee.

B. Classroom Teacher

“Classroom teacher” means the instructional personnel responsible for the course or room to which a student is assigned at any given time, including a substitute hired in place of the classroom teacher.

C. History of Violent Behavior

1. A student will be considered to have a history of violent behavior if incident(s) of violence, including any documented physical assault of a school district employee by the student, have occurred during the current or previous school year.
2. If a student has an incident of violence during the current or previous school year, that incident and all other past related or similar incidents of violence will be reported.

D. Incident(s) of Violence

1. “Incident(s) of Violence” means a physical act of aggression or assault with the infliction of substantial bodily harm upon a person without the person’s consent or substantial harm to school district property, or
2. Committing an act with a weapon with the intent to cause fear in another of immediate bodily harm or death.
3. Violent behavior does not include injury or damage which is accidental or is the result of negligence.
4. Administration is responsible for determining whether certain conduct meets the definition of violent behavior.

E. Substantial Bodily Harm

“Substantial Bodily Harm” means bodily injury that involves a temporary but substantial disfigurement or that causes temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member. See MN Statute §609.02, subd. 7a.

F. Legitimate Educational Interest

“Legitimate educational interest” includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, student health and welfare, and the ability to respond to a request for educational data. It includes a person’s need to know in order to:

1. Perform an administrative task required in the school or the employee’s contract or position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student’s education; or

3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.
4. Perform a task directly related to responding to a request for data.

G. School Staff Member

"School staff member" includes:

1. A person duly elected to the school board;
2. A person employed by the school board in an administrative, supervisory, instructional, or other professional position;
3. A person employed by the school board as a substitute in a professional position for the period of his or her performance as a substitute; and
4. A person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, a public information officer or data practices compliance official, an attorney, or an auditor for the period of his or her performance as an employee or contractor.

IV. PROCEDURE FOR STAFF NOTIFICATION OF STUDENTS WITH VIOLENT BEHAVIOR

A. Reports of Violent Behavior

Any staff member or other employee of the school district who becomes aware of any information regarding the violent behavior of an enrolling student or any student enrolled in the school district shall immediately report the information to the supervisor or designee where the student is enrolled or seeks to enroll.

B. Recipients of Notice

Each classroom teacher of a student with a history of violent behavior (see Section III.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, as defined in this policy, when a student with a history of violent behavior is placed in a teacher's classroom. The administration will provide notice to anyone substituting for the classroom teacher or school staff member, who has received notice under this policy, that the substitute will be overseeing a student with a history of violent behavior.

The administration may provide other school district employees or individuals outside of the school district with information regarding a student, including

information regarding a student's history of violent behavior, in accordance with Policy 515, Protection and Privacy of Pupil Records.

C. Determination of Who Receives Notice

The determination of which classroom teachers and school staff members have a legitimate educational interest in information regarding a student with a history of violent behavior will be made by either: (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 administration as to what data will be shared.

D.

D. Record of Notice

1. The administration will document notice provided to classroom teachers and school staff members notified under this section.
2. Retention of the documentation provided to classroom teachers and school staff members is governed by the approved Records Retention Schedule.

E. Meetings Regarding Students with a History of Violent Behavior

1. If the administration determines, in his or her discretion, that the classroom teacher and/or school staff members with a legitimate educational interest in such data reasonably require access to the details regarding a student's history of violent behavior for purposes of school safety and/or intervention services for the student, the administration also may convene a meeting to share and discuss such data.
2. The persons present at the meeting may have access to the data described in Section IV.D., above.

F. Law Enforcement Reports

Staff members will be provided with notice of disposition orders or law enforcement reports received by the school district in accordance with Policy 515, Protection and Privacy of Pupil Records. Where appropriate, information obtained from disposition orders or law enforcement reports also may be included in a Notification of Violent Behavior.

V. MAINTENANCE AND TRANSFER OF RECORDS

A report, notice, or documentation pertaining to a student with a history of violent behavior are educational records of a student and will be retained, maintained, and

transferred to a school or school district in which a student seeks to enroll in accordance with Policy 515, Protection and Privacy of Pupil Records.

VI. PARENTAL NOTICE

- A. The administration will notify parents annually that the school district gives classroom teachers and other school staff members notice about students' history of violent behavior.

VII.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.22, Subd. 7 (Compulsory Instruction)
Minn. Stat. § 121A.45 (Grounds for Dismissal)
Minn. Stat. § 121A.64 (Notification; Teachers' Legitimate Educational Interest)
Minn. Stat. § 121A.75 (Receipt of Records; Sharing)
Minn. Rules Pts. 1205.0100 - 1205.2000 (Data Practices)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
34 C.F.R. Secs. 99.1 - 99.67 (Rules Implementing FERPA)
Minn. Laws 2003, 1st Sp., Ch. 9, Art. 2, § 53

Cross References: Policy 515 (Protection and Privacy of Pupil Records)