

529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

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, and to establish a procedure for notifying such staff members. In an effort to provide a safe school environment, the assigned classroom teacher and certain staff members should receive notice of whether a student to be placed in his or her classroom has a history of violent behavior.

II. GENERAL STATEMENT

- A. Any staff member or other employee of the school district who obtains or possesses information showing that a student in the building may have a history of violent behavior as defined below, shall immediately report said information to the principal of the building in which the student attends school.
- B. The administration will meet with the assigned classroom teachers and other appropriate staff members for the purpose of notifying and determining how staff will manage such 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 Superintendent, building principal 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
"Incident(s) of violence" means willful conduct in which a student endangers or causes physical injury to the student, other students, a school district employee, or surrounding person(s) or endangers or causes significant damage to property, regardless of whether related to a disability or whether discipline was imposed.
- E. Legitimate Educational Interest
"Legitimate educational interest" includes an 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.

F. 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 temporary 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. Report of Violent Behavior

Any staff member or other employee of the school district who becomes aware of any information regarding the fact that an enrolling student or any student enrolled in the school district may have engaged in violent behavior shall immediately report the information to the building principal 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 II.C., above), will receive written notification from the administration prior to the 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. The administration will provide notice to anyone substituting for a 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's history of violent behavior only if such notice is in accordance with Policy 515, Protection and Privacy of Pupil Records, as well as applicable privacy laws..

C. Determination of Who Receives Notice

The determination of which 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. Form of Written Notice

The notice given to school staff members will be in writing and will include the following:

1. Name of the student;
2. Date of notice;
3. Notification that the student has been identified as a student with a history of violent behavior as defined in Section III of this Policy; and
4. Reminder of the private nature of the data provided

E. Record of Notice

1. The administration will retain a copy of the notice or other documentation provided to school staff members notified under this section.
2. Retention of the written notice or other documentation provided to school staff members is governed by the approved Records Retention Schedule.

F. Meeting Regarding Students with a History of Violent Behavior

1. If the administration determines, in its sole discretion, that school staff members with a legitimate education 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.

V. MAINTENANCE AND TRANSFER OF RECORDS

Reports, notices, or other 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, as well as applicable privacy laws.

VI. PARENTAL NOTICE

- A. The administration will notify parents annually that the school district notifies school staff members about the violent behavior history of its students.
- B. Prior to providing the written notice of a student's violent behavior to classroom teachers and/or school staff members, the administration will inform the student's parent or guardian that such notice will be provided.
- C. Parents will be given notice that they have the right to review and challenge records or data, including the data documenting the history of violent behavior, in accordance with Policy 515, Protection and Privacy of Pupil Records, as well as applicable privacy laws.

VII. TRAINING NEEDS

Representatives of the school board and representatives of the teachers may discuss the needs of students and staff under this policy, as well as necessary training that may include training on conflict resolution and positive behavior interventions and may also discuss necessary intervention services such as student behavioral assessment.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 120A.22, Subd. 7 (School Attendance-Education Records)
Minn. Stat. § 121A.45 (Grounds for Dismissal)
Minn. Stat. § 121A.64, (Notification of Students with Violent Behavior)
Minn Stat. § 121A.75 (Law Enforcement Notice to Schools)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
20 U.S.C. §1232g (Family Educational Rights and Privacy Act)
34 C.F.R. §§ 99.1-99.67 (Rules Implementing FERPA)
Minn. Laws 2003, 1st Sp., Ch. 9, Art.2, § 53

Cross References: MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)