

**RICHFIELD PUBLIC SCHOOLS**

**STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS**

**I. PURPOSE**

In an effort to provide a safe school environment, the assigned classroom teacher(s) and certain staff members should know whether a student to be placed in the classroom has a history of violent behavior. Additionally, decisions should be made regarding how to support and manage such student.

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 and to establish a procedure for notifying staff regarding the placement of students with a history of violent behavior.

In acknowledgement that supports to students and families are a significant part of this policy, Richfield Public Schools administration will ensure that social emotional and family-based supports are offered to students and families where there is a history of violent behavior by the student.

**II. GENERAL STATEMENT OF POLICY**

- A. Any staff member or other employee of the District who obtains or has information concerning a student with a history of violent behavior shall immediately report the information to the principal of the building in which the student attends school or is attempting to enroll.
- B. The building/program administrator or designee will verify the information and consult with the superintendent prior to notification of staff.
- C. The building administrator or designee will consult with the superintendent to determine which staff will receive notice and what data will be shared.
- D. The building/program administrator will notify the parents/guardians that the District will be notifying staff that work with their child that they have been identified as having a history of violent behavior.
- E. The administration will meet with the assigned classroom teacher and other appropriate staff members for the purpose of notifying and determining how staff will support and manage the student.
- F. Only staff members who have a legitimate educational interest in the information will receive notification.

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2 G. Social workers and/or school administration will offer direct  
3 supports to families where there is a history of violent behavior by  
4 the student.  
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6 **III. DEFINITIONS**  
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8 For purposes of this policy and the model notification form, the following  
9 terms have been defined.  
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- 11 A. Administration  
12 "Administration" means the superintendent, building principal or  
13 other administrative designee.  
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- 15 B. Classroom Teacher  
16 "Classroom teacher" means the instructional personnel responsible  
17 for the course or room to which a student is assigned at any given  
18 time, including a substitute hired in place of the classroom teacher.  
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- 20 C. History of Violent Behavior  
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- 22 1. A student will be considered to have a history of violent behavior  
23 if incident(s) of violence, including any documented physical  
24 assault of a school district employee  
25 by the student, have occurred during the current or previous  
26 school year.  
27  
28 2. If the District has knowledge that a student has an incident of  
29 violence during the current or previous school year, that incident  
30 and all other past related or similar incidents of violence will be  
31 reported. Knowledge will be based on reports from law  
32 enforcement or school district investigation of violent incidents.  
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- 34 D. Incident(s) of Violence  
35 "Incident(s) of violence" means willful conduct in which a student  
36 endangers or causes physical injury to person(s) or significant  
37 damage to property, regardless of whether related to a disability or  
38 whether discipline was imposed, if the administration in  
39 collaboration with the superintendent determines that the conduct  
40 rises to the level of an incident of violence. This does not include  
41 injury or damage, which is accidental or is the result of negligence.  
42 In determining if the conduct rises to the level of an incident of  
43 violence, the administrator and superintendent shall consider all  
44 surrounding facts and circumstances, particularly the existence and  
45 extent of injury, the level of threat, the existence of criminal  
46 charges, and the student's disciplinary history.  
47

- 48 E. Legitimate Educational Interest  
49 "Legitimate educational interest" includes interest directly related to  
50 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 District; used solely within the context of school business and not for purposes extraneous to the school staff member's areas of responsibility or to the school;
2. Perform a supervisory or instructional task directly related to the student's education;
3. Perform a service or benefit for the student or the student's family such as health care, counseling, or student job placement;
4. Perform a task directly related to responding to a request for data.

F. School Staff Member  
"School staff member" includes:

1. A person employed by the school board in an administrative, supervisory, instructional or other professional position.
2. A person employed by or under contract to the District to perform a special task such as but not limited to a, paraprofessional, school bus driver, a secretary, clerk, a public information officer, data practices compliance official, or an attorney or auditor for the period of their performance as an employee or contractor; and,
3. A substitute for persons listed above for the period of their performance as a substitute.

**IV. STAFF NOTIFICATION**

A. Recipients of Notice

Each classroom teacher of a student with a history of violent behavior (see Section III.C., above), will meet with and receive written notification from the building administration prior to placement of the student in the teacher's classroom. In addition, notice will be given by the school administration to other school staff members who have a legitimate educational interest, as defined in this Policy.

For example, the bus driver of the student or a paraprofessional assisting on the student's bus would have a legitimate educational

1 interest in the data while a driver or paraprofessional on a different  
2 bus would not. Different school staff members may have a  
3 legitimate educational interest in different amounts of data on a  
4 particular student.

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6 B. Determination of Who Receives Notice

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8 The determination of which classroom teachers and school staff  
9 members have a legitimate educational interest will be made by the  
10 building principal in consultation with the superintendent. The  
11 superintendent will provide guidance to school administration as to  
12 what data will be shared with staff.

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14 C. Form of Written Notice

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16 The notice given to classroom teachers and school staff members  
17 will be provided in writing at a meeting and will include the  
18 following:

- 19  
20 1. Name of the student;  
21  
22 2. Date of notice;  
23  
24 3. Notification that the student has been identified as a student  
25 with a history of violent behavior as defined in Section III, C of  
26 this Policy; and;  
27  
28 4. Reminder of the private nature of the data provided.

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30 If appropriate, the notice will also include any or all of the following:

- 31  
32 5. Explanation of what occurred in each incident of violent  
33 behavior, if known, specifically including any mitigating factors;  
34  
35 6. Types of situations that might trigger violent behavior by the  
36 student, if known;  
37  
38 7. Successful strategies or interventions, if known; and;  
39  
40 8. Documents that the staff member may review to assist  
41 understanding of the student (e.g. IEP or § 504 plan).

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43 D. Record of Notice

- 44  
45 1. The administration will retain a copy of the notice or other  
46 documentation provided to classroom teachers and school staff  
47 members notified under this section.  
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2. Retention of the written notice or other 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, at their 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 will convene a meeting(s) to share and discuss such data.
2. The persons present at the meeting(s) may have access to the data described in Section IIII.C., above.

**F. Law Enforcement Reports**

Staff members will be provided with notice of disposition orders or law enforcement reports received by the District in accordance with Policy 581: 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. Notice will be given to staff within a reasonable time, not to exceed 10 business days.

**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 581: Protection and Privacy of Pupil Records.

**VI. PARENTAL NOTICE**

- A. The administration will notify parents/guardians annually that the District gives classroom teachers and other school staff members with a legitimate educational interest notice about students' history of violent behavior.
- 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/ guardian that such notice will be provided.
- C. Parents/guardians 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 581: Protection and Privacy of Pupil Records.

- D. Supports will be offered to families through the school social worker or administrative designee.

## **VII. TRAINING NEEDS**

Representatives of the school administration and representatives of the teachers will discuss the needs of students and staff. The parties may discuss necessary training which 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. 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 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, 1<sup>st</sup> Sp., Ch. 9, Art. 2, § 53

### ***Cross References:***

Board Policy 581: Protection and Privacy of Pupil Records

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