

INDEPENDENT SCHOOL DISTRICT #877 POLICY

Buffalo-Hanover-Montrose

INDEX TITLE Students SERIES NO. 500

POLICY TITLE Staff Notification of Violent Behavior by Students CODE NO. 529

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 about students with a history of violent behavior.

Development of this policy is based on the 2003 Legislature (See 2003 Session Laws, Special Session Chapter 9, Article 2, §53) and helps districts comply with Minn. Stat. §121A.64 (Notification of Students with Violent Behavior), and 121A.75 (Law Enforcement Notice to School).

Data about students are governed by both state and federal law, Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) and 20 U.S.C. §123g (Family Educational Rights and Privacy Act or FERPA). More detailed information on school district practice and policy regarding student records and data can be found in school district policy 515 (Data Privacy) and the approved Records Retention Schedule.

II. DEFINITIONS

For purposes of this policy on Staff Notification of Violent Behavior by Students, terms have the following meaning:

- A. Administration - the administrative person or persons responsible for performing the school district's obligations under this policy.
- B. Classroom Teacher - means the instructional personnel responsible for the course or room to which a student is regularly assigned.
- C. Incident(s) of Violence - means willful conduct resulting in behavior a principal believes presented a threat of bodily harm to another.

An incident of violence that may necessitate notification includes an incident described in notices received from law enforcement, the juvenile courts, or other schools.

- D. 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 necessary for that school staff member to perform appropriate tasks in his or her position, and used solely within the context of school business.

III. STAFF NOTIFICATIONS

A. 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 or within 10 school days of receipt of information from law enforcement, the juvenile courts, or other schools of the student in the teacher's classroom.

B. Determination of Who Receives Notice

Determination of which classroom teachers have a legitimate educational interest will be made by the school administration.

Classroom teachers who receive notice under this policy may provide notice to someone substituting for them.

C. Notification

The notice given to classroom teachers must include the following:

1. name of the student;
2. the history of violent behavior as defined in Section II of this policy; and
3. reminder of the private nature of the data provided.

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

4. explanation of what occurred in each incident of violent behavior, if known, specifically including any mitigating factors;
5. types of situations that might trigger violent behavior by the student, if known;
6. successful strategies or interventions, if known; and
7. documents that the classroom teacher may review to assist understanding of the student (e.g. IEP or 504 plan).

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 formal written notice set forth above within a reasonable time, not to exceed 10 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

Transferring the records is not a violation of the Family Education 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. 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, Subd. 7.

Legal References: Minn. Stat. § 120A.22, Subd. 7 (Education 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)

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