

529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

In an effort to provide a safe school environment, the assigned classroom teacher 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 manage such a student.

~~The purpose of 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 and to establish a procedure for notifying staff regarding the placement of 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.~~

~~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 §1232g (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 the school district's Data Practices Policy (Protection and Privacy of Pupil Records Policy) and approved Records Retention Schedule.~~

II. GENERAL STATEMENT OF POLICY

- A. Any staff member or other employee of the school district who obtains or possesses information concerning a student in the building with a history of violent behavior 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 teacher 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 on ~~Staff Notification of Violent Behavior by Students (Policy)~~ and the model notification form, the following terms have the meaning given them.

A. Administration

“Administration” means the superintendent, building principal, ~~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 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, as follows:

a. ~~Violent behavior that occurs prior to January 1 of 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. ~~Violent behavior that occurs on or after January 1 of a given school year will be considered to give rise to notice requirements under this Policy for that school year and the two following school years.~~

2. If a student has an incident of violence during the current or previous school year, within these time frames, 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 ~~has threatened or caused~~ physical injury to the student, other students, a school district employee, or surrounding person(s) or endangers or causes significant damage to school district property, regardless of whether related to a disability or whether discipline was imposed. ~~This does not include injury or damage which is accidental or is 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

“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.

~~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 that are 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 the school staff member's areas of responsibility or to the school;~~
- ~~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 duly elected to the school board.
~~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 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

~~A substitute for persons listed above for the period of his or her performance as a substitute.~~

- 4-2. A person employed by or under contract to the school board to perform a special task such as a ~~paraprofessional, school bus driver,~~ secretary, clerk, a public information officer or data practices compliance official, ~~occupational therapist, or the school board~~ 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 building principal where the student is enrolled or seeks to enroll.

B. A. 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 placement of the student in the teacher's classroom. In addition, written 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. ~~in the data.~~

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.

~~For example, the bus driver of the student or a paraprofessional assisting on the student's bus would have a legitimate educational interest in the data while a driver or paraprofessional on a different bus would not. Similarly, a paraprofessional working with the student in the classroom or supervising the student on the playground would have a legitimate educational interest in the data while a paraprofessional who does not interact with this student would not. Different school staff members may have a legitimate educational interest in different amounts of data on a particular student.~~

C. Determination of Who Receives Notice

~~Detailed~~ 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 (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 ~~detailed~~

determination, the Responsible Authority will provide guidance to **the administration as to** ~~whomever determines~~ what data will be shared.

~~School staff members who receive notice under this Policy may provide notice to someone substituting for them or for another staff member who has received notice. For example, if a paraprofessional that is absent has received notice, that paraprofessional, the classroom teacher, or the principal could tell the person temporarily replacing the paraprofessional.~~

D. Form of Written Notice

The notice given to **classroom teachers** and school staff members ~~must~~ **will** be in writing and must 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** ~~The~~ history of violent behavior as defined in Section III. of this policy and;
4. Reminder of the private nature of the data provided.

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

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

E. Record of Notice

1. The administration ~~must keep~~ **will retain** a copy of the notice or other documentation **provided to classroom teachers and** ~~to provide a record of those~~ school staff members notified under this section.
2. Retention of the written notice **or other documentation** provided to **classroom teacher and** school staff members is governed by the approved Records Retention Schedule.

F. 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.

G. 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.

~~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).~~

F. ~~Model Notice~~

~~A model form for School Staff Member Notification is attached as Appendix I.~~

V. **MAINTENANCE AND TRANSFER OF RECORDS** ~~NOTICE TO OTHER SCHOOL DISTRICTS~~

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.

~~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, Subd. 7.~~

VI. **PARENTAL NOTICE**

- A. The administration will notify parents **annually that the school district** ~~that it 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 the 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.~~

- 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.** ~~under both state and federal law as set forth in the school district Data Practices Policy.~~

VII. TRAINING NEEDS

~~Pursuant to Minn. Stat. § 121A.64,~~ Representatives of the school board 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 (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: Policy 515 (Protection and Privacy of Pupil Records)