

Adopted: September 10, 2007
Reviewed: October 23, 2017 (Routine Review / MSBA Model Policy Modified)
Contact Person: Executive Director of Special Education

POLICY 529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

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

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(s) 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. HISTORY OF VIOLENT BEHAVIOR

- A. A student will be considered to have a history of violent behavior if incident(s) of violence, as defined below, have occurred within the previous two (2) school years.
- B. If a student has an incident of violence within these time frames, that incident and all other past related or similar incidents of violence will be reported.

IV. INCIDENT (S) OF VIOLENCE

Incidents of Violence are defined as any of the following examples of unacceptable behavior that results in a recommendation to expel and/or the filing of criminal charges, such as:

- A. 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 school district property, regardless of whether related to a disability or whether discipline was imposed.

- B. Acts against persons, including but not limited to physical assault or threatened assault; fighting; harassment; hazing; sexual assault; sexual harassment; or inappropriate sexual conduct or indecent exposure, which causes or could cause injury or which otherwise endangers the health, safety or welfare of teachers, students, other school district personnel, or other persons;
- C. Acts against property, including but not limited to damage or destruction of school property or the personal property of school personnel.
- D. Violation of Independent School District 271 Weapon Free School Policy;
- E. Possession, use or distribution of weapons or other dangerous objects;
- F. Possession of ammunition, including but not limited to bullets or other projectiles designed to be used in, or as, a weapon;
- G. Possession, use or distribution of explosives or any explosive compound or mixture;
- H. Possession, use or distribution of fireworks or any article, substance or combination of substances prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation;
- I. Inappropriate, abusive, threatening or demeaning actions based upon race; color; creed; religion; sex; and marital status; status with regard to public assistance; disability; national origin or sexual orientation.

V. SCHOOL STAFF MEMBER

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

- A. Administration – the superintendent, building principal or other designee.
- B. Classroom Teacher – 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. 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.

D. 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.

School Staff Member may include:

- School Social Worker
- School Psychologist
- Bus drivers and aides
- Counselors and other licensed support staff
- Extra/co-curricular advisors
- Health Services Associates
- Office staff
- Paraprofessionals
- Police Liaison Officers
- Security staff

VI. NOTIFICATION PROCESS

- A. Any employee of ISD 271 receiving information on a student with a history of violent behavior or receiving a disposition order from the court system and /or law enforcement shall immediately inform the building/program administrator.
- B. The building/program administrator or designee shall immediately verify the background information prior to notification of staff.
- C. 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. The written notice given to school staff members shall include the following:
- Name of the student;
 - Date of notice;
 - The history of violent behavior; and
 - Reminder of the private nature of the data provided.

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

- Explanation of what occurred in each incident of violent behavior, if known, specifically including any mitigating factors;
- Type of situations that might trigger violent behavior by the student, if known;
- Successful strategies or interventions, if known; and
- Other documents that may be helpful (e.g. IEP, Functional Behavioral Assessment, Behavior Intervention Plan or § 504 plan)

Refer to the sample notice attached.

- E. The building/program administrator must notify immediately appropriate school staff members who have a “legitimate educational interest.” This would include staff members who require the information in order to directly supervise or report on the behavior or progress of the student, to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. Notification of appropriate school staff will occur prior to the placement of a student into a classroom if the student is in the process of enrolling in a school.
- F. The building/program administrator shall inform the parents of a student with a history of violent behavior that the District will be giving written notice to the student’s classroom teacher and other school district employees who have a legitimate education interest, in compliance with federal and state data practices laws.
- G. A copy of the Notice or other documentation should be filed in the student’s PRF to provide a record of those school staff members notified under this section. A copy of the Notice will also be forwarded to the Executive Director of Special Education.
- H. At the end of each school year, the Executive Director of Special Education will inform building/program administrators of students with a history of violent behavior transitioning to their building/program.
- I. 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.

VII. 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.

PARENTAL NOTICE

- A. The administration will notify parents annually that the school district gives classroom teachers and other school staff member's 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 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.

VIII. TRAINING NEEDS

Pursuant to Minn. Stat. §121A.64, representatives of the School Board and representatives of the Bloomington Federation of Teachers will meet and confer to discuss and develop a plan to meet the training needs of staff pertaining to this policy. The plan may include training on conflict resolution, positive behavior interventions and other pre-referral interventions.



Confidential

STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

Date:

To: Classroom teacher or other staff member

From: Principal/Program Supervisor

This notice is sent to inform you that the following student has been identified as a student with a history of violent behavior according to School District guidelines. The notice is sent to assist you in helping this student to be successful and ensuring the safety of students and staff.

You can use what you have learned about the student's history of violent behavior only to the extent allowed by school District policy. The data on this form are private data under state and federal law and the student's privacy rights must be protected:

Student's name:

Incident(s) of violence:

If relevant and staff have a legitimate educational interest, provide the following information:

Description/explanation of incident(s), if known, (specifically include any mitigating factors, e.g., self-defense, defense of others, medication issues):

The types of situations that might trigger violent behavior by this student, if known (e.g. triggers for frustration or anger.)

Strategies or interventions that have been successful with this student, if known:

The following documents may be available for you to review regarding this student:

- ☐ IEP
- ☐ 504 Plan
- ☐ Functional Behavioral Assessment
- ☐ Reports or statements by school staff
- ☐ Information provided by the parent or guardian

Additional information may be available to you based upon your legitimate educational interest

Cc Student File Director of Student Services