

Adopted: 09-20-2018

Revised: _____

ROCHESTER BEACON ACADEMY- RBA
POLICY No. 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 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.

II. POLICY STATEMENT

- A. Any staff member or other employee of RBA who obtains or possesses information concerning a student in the building with a history of violent behavior shall immediately report said information to the Executive Director or the SPED Director.
- 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

- A. "Administration" refers to the Executive Director, SPED Director or other designee.
- B. "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 documents physical assault of a school 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 from the previous two school years will be reported.
- D. “Incidents(s) of Violence” means willful conduct which a student endangers or causes physical injury to the student, other students, a school employee, or surrounding person(s) or endangers or causes significant damage to the school property, regardless of whether related to a disability or whether discipline was imposed.
- E. “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;
 3. perform a service or benefit for the student’s family such as health care, counseling, student job placement, or student financial aid; or
 4. perform a task directly related to responding to a request of data.
- F. “School Staff Member” includes:
1. a person elected to the school board;
 2. a person duly 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 a 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, 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. Reports of Violent Behavior

Any staff member or other employee of the school who becomes aware of any information regarding the violent behavior of an enrolling student or any student enrolled in the school shall immediately report the information to the Executive Director or SPED Director.

B. Recipient of Notice

1. Each classroom teacher of a student with a history of violent behavior 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 by 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 to the school staff member, who has received notice under this policy, that the substitute will be overseeing a student with a history of violent behavior.
2. The administration may provide other school employees or individuals outside of the school with information regarding a student, including information regarding a student's history of violent behavior, in accordance with Policy 701, Protection of Student Rights and Policy 502 Student Educational Data.

C. Determination of who receives notice

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'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

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

- a. Name of the student;
- b. Date of notice;
- c. 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
- d. 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 classroom teachers and school staff members notified under this section.
2. Retention of the written notice or other documentation provided to the classroom teachers 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 reasonable 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 701, Protection of Student Rights and Policy 502 Student Educational Data. Where appropriate, information obtained from disposition orders or law enforcement reports also may be included in a Notification of Violent Behavior.

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 701, Protection of Student Rights and Policy 502 Student Educational Data.

VI. PARENTAL NOTICE

- A. The administration will notify parents annually that the school gives classroom teachers and other school staff members 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.
- D. 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 701, Protection of Student Rights and Policy 502 Student Educational Data.

VII. TRAINING NEEDS

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 (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
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Section 504 of the Rehabilitation Act of 1973, United States Code, Title 29, §794
42 U.S.C. §12101 *et seq.* (Americans with Disabilities Act)
20 U.S.C. §1681 *et seq.* (Title IX of the Education Amendments of 1972)

PARENT NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

Date

Parent of:

Address:

Dear Parents of: _____:

This letter is to inform you that Rochester Beacon Academy has notified your child’s teachers and other school staff members regarding the documented incident(s) of violent behavior. This notification is in compliance with Minnesota Statute 121A.64 and 121A.75, passed into law by the 2003 Legislature, which requires that classroom teachers and other school staff members receive notification about students who have acted out violently against another person or have caused significant damage to property.

It remains a goal of the school to respond effectively to the individual needs of each student. In the past, we could respond more informally to students who act out violently as well as those staff and/or students affected by violent behavior. The 2003 laws, however, define the procedures we must follow.

The documented incident(s) of violent behavior include the following:

Date:

Incident:

You are hereby given notice that you have the right to review and challenge the record or data documenting the history of violent behavior pursuant to the school’s Data Practices Policy. You are also notified that this notice is an educational record and will be transferred to any school district in which your child enrolls during the time which notice is required to be given to the school staff under the terms of this policy.

We continue to want to provide a safe learning and working environment for your child and others. After careful consideration of your child’s privacy rights, only those individuals who need this information in order to work safely and effectively with your child have been informed of the incident(s).

Sincerely,

Executive Director