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529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

In an effort to provide a safe school environment, the assigned advisory 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 advisory 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. GENERAL STATEMENT OF POLICY

- A. Any staff member or other employee of the charter school who obtains or possesses information concerning a student in the building with a history of violent behavior shall immediately report said information to the Climate and Culture Committee of the building in which the student attends school.
- B. The Climate and Culture Committee will meet with the assigned advisory teacher and other appropriate staff members for the purpose of notifying and determining how staff will manage such students.
- C. Only staff members who have a legitimate educational interest in the information will receive notification.

III. DEFINITIONS

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

A. Advisory Teacher

“Advisory teacher” refers to the instructional personnel responsible for the course or room to which a student is assigned at any given time, including a substitute teacher hired in place of the classroom teacher.

B. 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 charter 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 will be reported.

C. Incident(s) of Violence

“Incident(s) of violence” means willful conduct in which a student endangers or causes physical injury to the student, other students, a charter school employee, or surrounding person(s), or endangers or causes significant damage to charter school property, regardless of whether related to a disability or whether discipline was imposed.

D. 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 charter 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.

E. School Staff Member

“School staff member” includes:

1. A person duly elected to the charter school board;
2. A person employed by the charter school board in an administrative, supervisory, instructional, or other professional position;
3. A person employed by the charter 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 charter 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.

IV. PROCEDURE FOR STAFF NOTIFICATION OF STUDENTS WITH VIOLENT BEHAVIOR

A. Reports of Violent Behavior

Any staff member or other employee of the charter school who becomes aware of any information regarding the violent behavior of an enrolling student or any student enrolled in the charter school shall immediately report the information to the Climate and Culture Committee where the student is enrolled or seeks to enroll.

B. Recipients of Notice

Each advisory teacher of a student with a history of violent behavior (see Section III.C., above) will receive written notification from the Climate and Culture Committee prior to placement of the student in the teacher's classroom. Additionally, written notice will be provided 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 assigned to a teacher's classroom. The Climate and Culture Committee will provide notice to anyone substituting for the advisory 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.

The Climate and Culture Committee may provide other charter school employees or individuals outside of the charter school 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.

C. Determination of Who Receives Notice

The determination of which advisory 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 the charter school district's Responsible Authority, appointed by the charter school board under the Minnesota Government Data Practices Act.

D. Form of Written Notice

The notice given to advisory teachers and school staff members will be in

writing and will 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 history of violent behavior as defined in Section III. of this policy;
and
4. Reminder of the private nature of the data provided.

E. Record of Notice

1. The Climate and Culture Committee will retain a copy of the notice or other documentation provided to advisory teachers and school staff members notified under this section.
2. Retention of the written notice or other documentation provided to advisory 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 Climate and Culture Committee determines, in their discretion, that the advisory 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 Climate and Culture Committee 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 notified of disposition orders or law enforcement reports received by the charter school 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.

V. MAINTENANCE AND TRANSFER OF RECORDS

A report, notice, or documentation pertaining to a student with a history of violent behavior is an educational record of the student and will be retained, maintained, and transferred to a school or charter school in which the student seeks to enroll,

in accordance with Policy 515, Protection and Privacy of Pupil Records.

VI. PARENTAL NOTICE

- A. The Climate and Culture Committee will notify parents annually that the charter school gives advisory 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 advisory teachers and/or school staff members, the Climate and Culture Committee 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.

VII. TRAINING NEEDS

Representatives from the charter school board and staff 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, as well as 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, 1st Sp., Ch. 9, Art. 2, § 53

Cross References: MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)