

DISTRICT CODE: 451

STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

[Note: School Districts are not required to adopt a policy regarding staff notification of violent behavior by students. State law does, however, require School Districts to provide classroom teachers with notice of the placement of students with a history of violent behavior in their classrooms. Thus, School Districts may decide the manner in which they provide such notice. In 2003, the Minnesota Legislature required a committee, including a representative from the Minnesota School Boards Association (MSBA), to develop a model policy for schools to notify staff about violent behavior by students. That model policy is available on the Minnesota Department of Administration's website. MSBA has modified the committee-developed policy for consistency with its other model policies and to reflect management perspectives. MSBA recommends this policy.]

I. PURPOSE

In an effort to provide a safe school environment, the assigned classroom teacher and certain school staff members should know whether a student being placed in the classroom has a history of violent behavior. This knowledge should also assist in the development of ways to ensure a safe and productive educational environment for all students, classroom teachers, and school staff members.

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

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 the School District's Data Practices Policy (Protection and Privacy of Pupil Records, Policy No. 515)

II. DEFINITIONS

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

HOPKINS PUBLIC SCHOOLS POLICIES

A. Administration

“Administration” means the superintendent, building principal, 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.

C. History of Violent Behavior

1. A student will be considered to have a “History of Violent Behavior” if an incident or incidents of violence occurred:
 - a. Within the previous school year; or
 - b. within the current 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.

D. History of Violent Behavior (“HVB”) Notice

“HVB Notice” means the written notification about a student’s history of violent behavior provided to a classroom teacher or school staff member pursuant to this policy.

E. Incident(s) of Violence

“Incident(s) of Violence” means willful conduct in which a student endangers the student, other students, school staff members, other surrounding persons, or school property. This includes a student threatening or causing substantial physical injury to person(s) or significant damage to property, regardless of whether related to a disability or whether discipline was imposed. This does not include injury of damage which is accidental or is the result of negligence. An incident of violence also includes an incident described in notices received from either law enforcement or the juvenile courts.

[Note: Mitigating factors for any incident of violence (i.e. self-defense, defense of others, emergency, medication issues, etc.) should not alter this definition, but should be included in the written notice.]

F. Legitimate Educational Interest

HOPKINS PUBLIC SCHOOLS POLICIES

“Legitimate educational interest” includes any interest directly related to classroom instruction, teaching, student progress, student achievement, student discipline, student health, and student welfare. Administration, classroom teachers, and school staff members are 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;
4. Necessary to perform a service or benefit for a student such as health care, counseling, job placement, or financial aid; and
5. Necessary to perform a task directly related to maintaining data or responding to a request for data.

G. School Staff Member

“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 including, but not limited to, a secretary, a police liaison officer, 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.

III. STAFF NOTIFICATION PROCEDURES

A. Reports of Violent Behavior

HOPKINS PUBLIC SCHOOLS POLICIES

Any employee of the School District receiving information on a student about past incidents of violence or receiving a disposition order from the court system and/or law enforcement shall immediately inform administration.

Administration shall immediately verify the background information prior to notification of staff.

B. Receipt of Notice

Classroom teachers and School Staff Members. Administration must notify appropriate classroom teacher(s) of students with history of violent behavior prior to placement in the classroom using the HVB Notice. In addition, school staff members determined to have a “legitimate educational interest” in knowing a student’s history of violent behavior will receive a History of Violent Behavior Notice.

The HVB Notice will be given prior to the placement of a student into a classroom teacher’s class and any substantial interaction between a school staff member with a legitimate educational interest and the student with a history of violent behavior.

Substitutes. The administration will inform anyone substituting for the classroom teacher or school staff member, who has received and HVB Notice under this policy, that the substitute will be overseeing a student with a history of violent behavior. A substitute with a legitimate educational interest may review a HVB Notice file with administration for a student with a history of violence the substitute will be overseeing.

C. Determination of Who Receives Notice

A detailed determination of which school staff members have a legitimate educational interest 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.

D. Form of Written HVB Notice

The HVB Notice given to a classroom teacher and school staff members must include the following:

- Name of the student;
- Date of notice;
- The history of violent behavior for the student; and

HOPKINS PUBLIC SCHOOLS POLICIES

- A reminder of the private nature of the data provided.

The HVB Notice may also include any or all of the following when appropriate:

- Explanation of the fact of each incident of violent behavior and any mitigating factors, if known;
- Types of situations that may 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, Behavioral Intervention Plan, or 504 Plan).

E. Record of Notice

A copy of the written HVB Notice and other documentation will be retained by administration to provide a record of classroom teachers and school staff notified under this section.

Retention of the HVB Notice and other documentation will be retained by administration to provide a record of classroom teachers and school staff members notified under this section.

F. Model Form

A model form for the HVB Notice is attached to this policy.

IV. PARENTAL NOTICE

Administration shall annually notify the parents that the School District gives classroom teachers and other school staff members notice about students' history of violent behavior.

Prior to providing the written notice of a student's history of violent behavior to classroom teachers and school staff members, the administration will inform the student's parent or guardian the HVB notice will be provided when the HVB notice is being provided for the first time or if the HVB Notice has changed.

Administration will notify parents that the HVB Notice is an educational record and will be transferred to an enrolling school district in compliance with federal and state data practices.

HOPKINS PUBLIC SCHOOLS POLICIES

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).

V. 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 HVB 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).

VI. NOTICE TO OTHER SCHOOL DISTRICTS

When transferring records of a student with a history of violent behavior, administration 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 and Policy 515 (Protection and Privacy of Pupil Records). All written records within the student's file including data on the student's history of violent behavior are educational records and are to be transmitted to an enrolling school district, as set forth in Minn. Stat. § 120A.22, Subd. 7 in compliance with federal and state data practices.

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)

HOPKINS PUBLIC SCHOOLS POLICIES

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)

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