

Adopted: July 26, 2017

Reviewed: December 15, 2021

BLUESKY CHARTER SCHOOL POLICY NO. 4.6.7
NOTIFICATION TO STAFF OF VIOLENT STUDENT BEHAVIOR

I. PURPOSE

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.

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

III. DEFINITIONS

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

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, 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 have occurred during the current or previous school year, including specifically any documented physical assault of a school employee by the student.

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. 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, 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. It also includes any documented assault of a school employee by the student.

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 Board of BlueSky Charter School;
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 healthcare, counseling, student job placement, or student financial aid; or
4. Perform a task directly related to responding to a request for data.

F. School Staff Member.

“School Staff Member” includes:

1. A person duly elected to the Board of BlueSky Charter School;
2. A person employed by the Board of BlueSky Charter School in an administrative, supervisory, instructional, or other professional position;
3. A person employed by the Board of BlueSky Charter School 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 Board of BlueSky Charter School 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.

5. School Resource Officers.

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. Recipients of Notice

1. Each classroom teacher of a student with a history of violent behavior (see Section III.C., above) will receive written notification from the administration prior to placement of the student in the teacher's classroom.
2. 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.
3. 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.
4. The administration may provide other school 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 Policy 5.3 Student Data & Records.

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 Board of BlueSky Charter School 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.

The notice given to classroom 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 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 classroom teachers and school staff members is governed by the Board's 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.

G. Law Enforcement Reports.

Staff members will be provided with notice of disposition orders or law enforcement reports received by the school in accordance with Policy 5.3.5, Adjudicated Juveniles. 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 5.3.4 Transfer of Educational Records.

VI. PARENTAL NOTICE

- A. The administration will notify parents annually that the school district 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.
- 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 5.3.1 Student Educational Data.

VII. TRAINING NEEDS

Representatives of the Board of BlueSky Charter School 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 2016, Ch. 9, Art. 2, § 30