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TRIO Wolf Creek Distance Learning Charter School #4095

529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

This policy addresses staff notification of violent behavior by students. 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 in order to serve the student and protect students and staff members. The policy incorporates a written notice to assure that appropriate data are made available to school staff members and to guarantee an accurate record of the data provided.

Development of this policy was required by the 2003 Legislature (See 2003 Session Laws, Special Session Chapter 9, Article 2, §53) and helps districts comply with Minn. Stat. §§121A.64 and 121A.75.

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 charter school practice and policy regarding student records and data can be found in the charter school's Data Practices Policy (Protection and Privacy of Pupil Records Policy) and approved Records Retention Schedule.

II. DEFINITIONS

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

A. Administration

"Administration" means the person or persons responsible for performing the charter school's obligations under this Policy and who shall be the charter school director 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 incident(s) of violence, including any documented physical assault of a charter school employee by the student, have occurred as follows:

    a. Violent behavior that occurs prior to January 1 of a given school year will be considered to give rise to notice requirements under this Policy for that school year and the following school year.

b. Violent behavior that occurs on or after January 1 of a given school year will be considered to give rise to notice requirements under this Policy for that school year and the two following school years.

2. 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.

D. Incident(s) of Violence

"Incident(s) of violence" means willful conduct in which a student has threatened or caused 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 or damage which is accidental or is the result of negligence. An incident of violence includes an incident described in notices received from either law enforcement or the juvenile courts.

E. Legitimate Educational Interest

For purposes of federal and state law, a school staff member is 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; and

4. Consistent with the purposes for which the data are maintained.

F. Charter School Staff Member

"Charter School Staff Member" includes:

1. A person licensed by the State and appointed by the charter school board to an administrative, supervisory, instructional or other professional position such as a principal, teacher, counselor or school psychologist;

2. A person employed by or under contract to the charter school board to perform a special task such as a paraprofessional, school bus driver, secretary, clerk,

occupational therapist, or the charter school board attorney for the period of his or her performance as an employee or contractor; and

3. A substitute for persons listed above for the period of his or her performance as a substitute.

III. STAFF NOTIFICATION

A. Recipients of Notice

Each classroom teacher of a student with a history of violent behavior (see Section II.C. above), will receive written notification from the administration prior to placement of the student in the teacher's classroom. In addition, notice will be given by the administration to other school staff members who have a legitimate educational interest, as defined in this Policy, in the data.

For example, the bus driver of the student or a paraprofessional assisting on the student's bus would have a legitimate educational interest in the data while a driver or paraprofessional on a different bus would not. Similarly, a paraprofessional working with the student in the classroom or supervising the student on the playground would have a legitimate educational interest in the data while a paraprofessional who does not interact with this student would not. Different school staff members may have a legitimate educational interest in different amounts of data on a particular student.

B. Determination of Who Receives Notice

Detailed determination of which school staff members have a legitimate educational interest will be made by (1) the charter school's Responsible Authority appointed by the charter school board under the Minnesota Government Data Practices Act or (2) the administration. In the event the administration makes this detailed determination, the Responsible Authority will provide guidance to whomever determines what data will be shared.

Charter school staff members who receive notice under this Policy may provide notice to someone substituting for them or for another staff member who has received notice. For example, if a paraprofessional that is absent has received notice, that paraprofessional, the classroom teacher, or the principal could tell the person temporarily replacing the paraprofessional.

C. Form of Written Notice

The notice given to charter school staff members must be in writing and must include the following:

1. Name of the student;

2. Date of notice;

3. The history of violent behavior as defined in Section II of this Policy; and

4. Reminder of the private nature of the data provided.

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

5. Explanation of what occurred in each incident of violent behavior, if known, specifically including any mitigating factors;

6. Types of situations that might trigger violent behavior by the student, if known;

7. Successful strategies or interventions, if known; and

8. Documents that the staff member may review to assist understanding of the student (e.g. IEP or § 504 plan).

D. Record of Notice

The administration must keep a copy of the notice or other documentation to provide a record of those charter school staff members notified under this section. Retention of the written notice provided to staff members is governed by the approved Records Retention Schedule.

E. Law Enforcement Reports

The administration must immediately forward to appropriate charter 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 written notice set forth above within a reasonable time, not to exceed ten (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).

F. Model Notice

A model form for School Staff Member Notification is attached as Appendix I.

IV. NOTICE TO OTHER CHARTER SCHOOLS

When transferring records of a student with a history of violent behavior, administration must send to an enrolling charter school, charter school or alternative education program all student records, including all data about the student's history of violent behavior, consistent with this

Policy. Transferring the records is not a violation of the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g or the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, provided the annual FERPA parental notice requirements are met. These written records within the student's file are educational records and are to be transmitted to an enrolling charter school, as set forth in Minn. Stat. §120A.22, Subd. 7.

V. PARENTAL NOTICE

The administration will notify parents that it gives classroom teachers and other school staff members notice about students' history of violent behavior. This will be included as part of the Annual Notice of Rights required by FERPA and shall be provided to a parent/guardian at the time a Notice about the student's violent behavior under this Policy is first provided or if it is changed. In addition, the administration will notify parents that this Notice is an educational record and will be transferred to an enrolling charter school.

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), under both state and federal law as set forth in the charter school Data Practices Policy.

VI. TRAINING NEEDS

Representatives of the charter 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. § 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. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)
Minn. Stat. §13.04, Subd. 4 (Process for Challenging Data under State Law)
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: Policy 515 (Protection and Privacy of Pupil Records)

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APPENDIX I

NOTICE: STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

Date of Notice: _____

To: _____(Staff Name)

From: _____(Administrative Official)

This notice is sent to inform you that the following student has a history of violent behavior. 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 charter school policy. The data on this form is private data under state and federal law, and the student's privacy rights must be protected.

Student's name: _____

Incident(s) of violence: _____

_____

_____

If staff has 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)*:

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Strategies or interventions that are 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 on your legitimate educational interest.