



Adopted: November 17, 2004

EMID 6067 Board Policy 529

Revised: January 18, 2006; January 21, 2015; December 16, 2015; October 19, 2016

529 STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS

I. PURPOSE

In an effort to provide a safe school environment, EMID staff members should know whether a student has a history of violent behavior. Additionally, decisions should be made regarding how to manage such a student and to establish a procedure for notifying staff regarding the placement of students with a documented history of violent behavior.

II. GENERAL STATEMENT OF POLICY

- A. Any staff member or other employee of EMID who obtains or possesses information concerning a student with a history of violent behavior shall immediately report said information to the EMID program supervisor.
- B. The program supervisor will meet with the 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

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

A. Administration

“Administration” means the EMID program supervisor or designee.

B. EMID Program Staff

“EMID Program staff” means the personnel responsible for the program to which a student is assigned at any given time including a substitute hired in place of the regular employee.

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 district 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.
3. If information has been provided by the student's home district documenting violent behavior.

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, a district employee, 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

E. Legitimate Educational Interest

“Legitimate educational interest” includes interest directly related to program participation, 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 EMID employee's contract or position description approved by the EMID board;
2. Perform a supervisory or instructional task directly related to the student's education; or
3. Perform a task directly related to responding to a request for data.

F. EMID Staff Member

“EMID Staff Member” includes:

1. A person duly appointed as an EMID Board member;
2. A person employed by the Board in an administrative, supervisory, instructional, or other professional position;



3. A person employed by the 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 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 EMID staff member or other employee who becomes aware of any information regarding the violent behavior of any student seeking to participate or participating in EMID programming shall immediately report the information to the EMID program supervisor where the student is participating or seeking to participate.

B. Recipients of Notice

Each EMID program staff member of a student with a history of violent behavior (see section III. C above) will receive notification from the program supervisor prior to placement. In addition, written notice will be given by the administration to other 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 an EMID program. The administration will provide notice to anyone substituting for the staff member, who has received notice under this policy, that the substitute will be overseeing a student with a history of violent behavior.

The administration may provide other EMID employees or individuals outside of EMID 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 EMID staff members have a legitimate educational interest in information regarding a student with a history of violent behavior will be made by the Executive Director.

D. Form of Written Notice



The notice given to EMID 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; 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 staff members notified under this section.
2. Retention of the written notice or other documentation provided to 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 that the staff member 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 program safety and/or accommodations 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 district 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

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

VI. PARENTAL NOTICE



- A. The administration will notify parents annually that EMID gives staff members notice about students' history of violent behavior.
- B. Prior to providing the written notice of a student's violent behavior to 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 515, Protection and Privacy of Pupil Records.

VII. TRAINING NEEDS

In implementing this policy, EMID administration and staff representatives may discuss necessary training or conflict resolution strategies, 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

Cross References: EMID Policy 515 (Protection and Privacy of Pupil Records)