

**Adopted:** February 1, 2005  
**Amended:** January 1, 2016  
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## 540 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS FROM SCHOOL GROUNDS

### I. PURPOSE

The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student from school grounds.

### II. GENERAL STATEMENT OF POLICY

Kato Public Charter School is committed to promoting learning environments that are safe for all members of the school community. All students, including those with IEPs, are subject to the terms of the school district's discipline policy. Staff members have the leadership responsibility to maintain a safe, secure, and orderly educational environment. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the school district's discipline policy.

If a student, including a student with an IEP, engages in conduct, which in the judgment of school personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

### III. DEFINITIONS

For purposes of this policy, the following terms have the meaning given them in this section:

- A. "Student with an IEP" means a student who is eligible to receive special education and/or related services pursuant to the terms of the IEP or an individual interagency intervention plan (IIIP)
- B. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- C. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the staff that have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The Director or designee shall serve as the leader of the crisis team.
- D. The phrase "remove the student from school grounds" is the act of securing the person of a student and escorting that student from the school building or school activity at which the student is located.

- E. “Emergency” means a situation in which immediate intervention is necessary to protect a student or other individual from physical injury, emotional abuse due to verbal and nonverbal gestures, or to prevent property damage.
- F. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

#### IV. REMOVAL OF STUDENTS FROM SCHOOL GROUNDS

- A. **Removal by Crisis Team.** If the behavior of a student escalates to the point where the student’s behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team may be summoned. The crisis team will, when possible, attempt to de-escalate the student’s behavior by means including, but not limited to, those described in the student’s IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student’s behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds. For students with an IEP, the school staff will follow federal and state special education due process requirements.

If the student’s behavior cannot be safely managed or if the school district has reason to believe the student has committed a crime, school personnel may immediately request assistance from a peace officer.

- B. **Removal by Police Liaison Officer or Peace Officer.** If a student engages in conduct that endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school building’s crisis team, Director, or designee, may request that a peace officer remove the student from school grounds. This policy does not dictate or limit the discretion of the peace officer.

If the school district reports a crime committed by a student, including a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district’s policy - Protection and Privacy of Pupil Records.

The fact that special education law covers a student with an IEP, does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with an IEP.

- C. **Reasonable Force Permitted.** In removing a student from school grounds, the school Director, other crisis team members, or the police liaison officer or other agents of the school district, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.
- D. **Parental Notification.** The building administrator or designee shall make reasonable efforts to notify the student’s parent or guardian of the student’s removal from school grounds as soon as possible following the removal.

- E. Continued Removals; Review of IEP. Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIIP.

**(Legal and Cross References are constantly changing; these items shall remain under review)**

**Legal References:**

20 U.S.C. 1415(k)(9) (Individuals with Disabilities Education Act (IDEA))  
34 C.F.R. 300.529 (IDEA Regulation Regarding Involvement of Law Enforcement)  
20. U.S.C. 1232g et seq. (Family Educational Rights and Privacy (FERPA))  
Minn. Stat. § 13.01 et seq. (Minnesota Government Data Practices Act)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)  
Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)  
Minn. Stat. § 609.06 (Authorized Use of Force)  
Minn. Stat. § 609.379 (Permitted Actions)  
Minn. Rule 3525.0200, Subp. 2c (Definitions of "Emergency")  
Minn. Rule 3525.2900, Subp. 5 (The IEP and Regulated Interventions)

**Cross References:**