



5200 B

Out of School Removals from Instruction

Regulation 5200 B

Original Adoption: 11/26/1974

Effective Date: 08/01/2014

Revision Dates: 09/12/1977; 06/12/1984; 09/13/1994, 09/29/1994, 12/10/2013

Review Dates:

I. PURPOSE

The purpose of this regulation is to establish the minimum requirements for documentation and processing of out of school removals from instruction.

II. RECORDS OF REMOVALS FROM INSTRUCTION

A record of out of school removal from instruction must be maintained on an on-going basis using the forms provided by the Superintendent or Superintendent's designee.

III. INITIAL ADMINISTRATIVE CONFERENCE

- A. If a student is assigned an out of school removal from instruction for conduct which materially disrupts the rights of others to an education, but where the acting student does not present an immediate and substantial danger to self, other students, staff or school property an informal administrative conference must be held with the student unless the student has already left the school grounds.
- B. If a student is assigned an out of school removal from instruction for conduct which reasonably can be believed to cause an immediate and substantial danger to the student, other persons or school property, the student may be removed from the premises without an initial informal administrative conference, however, the student shall be afforded an opportunity to at the earliest possible time to participate in the informal administrative conference.
- C. If the student voluntarily leaves the school grounds before the initial informal administrative conference can be held, the student shall be afforded an opportunity to return to the school at the earliest possible time for the conference to take place.
- D. An informal administrative conference may be held by telephone or at an off-campus site if the student presents and immediate or substantial danger to the school.

IV. REQUIRED NOTIFICATIONS

- A. Every reasonable and prompt effort shall be made to notify the parents of students assigned an out of school removal from instruction.
- B. A written notice containing the grounds for the out of school removal, the known facts, known testimony, a readmission plan and a copy of the *Pupil Fair Dismissal Act* must be personally served upon the student at or before the time of the out of school removal from instruction is to take effect at the informal administrative conference. If the informal administrative conference is delayed because the student left the premises, or because of the reasons in Paragraph II.C. above, the written notice shall be given to student at the informal administrative conference when it is held.



- C. The written notice shall also be served upon the parent, either in person or by certified mail within forty-eight (48) hours of the out of school removal from instruction.

V. READMISSION AFTER REMOVAL

- A. Prior to the return of a student assigned an out of school removal from instruction to the student's regular class attendance, the principal shall require the student's attendance at an informal administrative conference prior to the return to classes. Such conferences shall be noticed to the parent of the student, who are encouraged to attend the conference.
- B. The principal shall prepare a written readmission plan at the time of each out of school removal from instruction. The proposed plan may include:
1. procedures for the student's return to school and classes;
 2. provision for an alternative program, which may include, but is not limited to:
 - a) makeup school work;
 - b) assigned homework;
 - c) changes in assigned courses or classroom;
 - d) changes in student's schedules;
 - e) provision of tutorial service;
 - f) provision of student support services,
 - g) provision of information concerning for mental health or other community supports;
 - h) reassignment to a different educational setting.
- C. The proposed readmission plan may be amended upon agreement between the principal, the student, and the parent.
- D. The term of the out of school removal from instruction shall be served by the student regardless of the timing of the readmission conference.
- E. If a reassignment to a different educational setting is proposed, the principal shall follow district procedures for reassignment, and the due process rights of the student shall be observed.
- F. The informal administrative readmission conference may be held by telephone or at an off-campus site if necessary to meet the needs of the student.

VI. EXTENSIONS OF REMOVALS FROM INSTRUCTION

- A. Out of school removals from instruction may not be imposed consecutively upon the same student for the same course of conduct, or incident of behavior, except where the student poses an immediate and substantial risk of danger to the student or to persons or property around the student. Whether or not an "immediate and substantial risk of danger" exists shall



- be determined by the principal. Notice of the extension shall be given following the same procedure as the initial notice of the removal from instruction.
- B. An out of school removal from instruction may not be extended due to the inability or refusal of a parent to participate in any readmission conference.
 - C. An out of school removal from instruction may be extended for up to five (5) additional days if the principal finds that the student continues to present an immediate and substantial risk of danger to the student, to other persons or to school property. The principal may consider the facts surrounding the original misconduct in evaluating whether or not an immediate and substantial risk of danger persists.
 - D. A further extension of up to five (5) days (second extension) may be imposed if the student continues to present an immediate and substantial risk of danger.
 - E. No out of school removal from instruction shall exceed fifteen (15) days.
 - F. An alternative instruction program such as those identified in Paragraph V.B.2.a, b, or e shall be implemented when a removal from instruction exceeds five (5) days.

Legal References:

Minn. Stat. §121A.40 *et seq.* (Pupil Fair Dismissal Act)

Cross References:

MPS Policy 1304 (Equity and Diversity)
MPS Policy 3548 (Bus Safety)
MPS Policy 4025 (Drug Free and Weapons-Free Schools and Workplace)
MPS Policy 5000 (Equal Education Opportunity)
MPS Policy 5100 (Attendance)
MPS Policy 5200 (Student Behavior and Code of Conduct)
MPS Policy 5201 (Bullying and Hazing Prohibition)
MPS Policy 5210 (Student Electronic Devices)
MPS Policy 5220 (Tobacco Use- Student)
MPS Policy 5620 (Releasing Students to Police)
MPS Policy 5621 (Use of Peace Officers and Crisis Teams to Remove Students from School Property)
MPS Policy 5631 (Drug-Free Schools, Chemical Health, Chemical Use and Abuse)
MPS Policy 5635 (Reporting Maltreatment of Minors and Vulnerable Adults)
MPS Policy 5636 (Notification of Student on Student Sexual Assaults Committed on School Property)
MPS Policy 5680 (Search of Students, Lockers, Desks and Motor Vehicles)
MPS Policy 5700 (Special Education)
MPS Policy 5750 (Student Disability Nondiscrimination – 504)
MPS Policy 6415 (Internet and Educational Network Use)
MPS Policy 6692 (Student Medication)



MPS Regulation 5200 A – Classification of Behaviors and Responses

Publications:

MPS Student Code of Conduct

MPS Levels of Behaviors, Interventions and Responses