



# 5621 A

## Procedures for Use of Peace Officers and Crisis Teams to Remove Students

**Regulation 5621 A**

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Revision Dates:

Review Dates: 05/28/2014

### **I. PURPOSE**

The purpose of these regulations is to implement School Board Policy regarding the use of peace officers and crisis teams to physically remove students from school property.

### **II. GENERAL STATEMENT OF REGULATION**

These regulations provide the direction needed to assure that in contacting peace officers and or crisis teams individual Minneapolis Public Schools (MPS) sites and the district as a whole are in compliance with federal and state laws including those laws that address authorized use of force, student discipline, data privacy and protection, and those that apply specifically to students with disabilities.

### **III. DEFINITIONS**

- A. “crisis team” means persons employed by the City of Minneapolis, County of Hennepin or other external entity who are trained to respond to calls for emergency assistance. It does not include district employees.
- B. “emergency” means a situation where immediate intervention is needed to protect a child or other individual from physical injury or to prevent serious property damage.
- C. “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. Peace officers also include off-duty police officers hired by school sites to monitor specific school time periods, functions or activities for behavior that could endanger the health, safety, or property of students or staff or otherwise constitute illegal criminal behavior.
- D. “school resource officer” is a peace officer who, pursuant to an agreement between the District and a political subdivision or law enforcement agency, is assigned to a school building for all or a portion of the school day to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.



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- E. “remove the student from school property” means the act of securing the person of a student and escorting that student from the school building, school bus, or school activity at which the student is located.
  - F. “student with an IEP” means a student who is eligible for and receiving special education and related services pursuant to the terms of an individual education program (IEP) or an individual interagency intervention plan (IIP).
  - G. “student with an IAP Plan” means a student with a disability who has in place a school-approved Individual Accommodation Plan (IAP) under Section 504 of the Federal Rehabilitation Act of 1973.
  - H. All other terms and phrases used in these regulations shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

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

- A. **Recommended Removal by Crisis Team.** If a student engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, the school site administrator or the administrator’s designee, may request that the crisis team be summoned to the school. A responding crisis team may recommend the removal of the student from school property. Nothing in these regulations is intended to dictate appropriate interventions or to limit the discretion of the crisis team members in the fulfillment of their emergency response duties.
- B. **Removal from School Property by School Resource Officer or Peace Officer**
  - 1. If a student engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, members of the crisis team, the school site administrator or the administrator’s designee, may request that the school resource officer or a peace officer remove the student from school property. Nothing in these regulations is intended to dictate appropriate interventions or to limit the discretion of school resource officers or peace officers in the fulfillment of their law enforcement duties.
  - 2. If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the student’s IEP team must meet to determine if the student’s IEP is adequate or if additional evaluation is needed.
- C. **Reporting suspected criminal activity by a student at a school function.**
  - 1. School personnel may report suspected criminal activity committed by a student on school property or at a school function to appropriate authorities, whether or not the student’s conduct endangers the health, safety, or property of the student, other students, staff members, or school property. This includes suspected criminal activity by students with IEPs or IAPs. The fact that a student with an IEP or IAP is covered by special education law or Section 504 of the federal Rehabilitation Act of



1973 does not prevent law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to suspected criminal activity by students with IEPs or IAPs.

2. If school personnel report suspected criminal activity on school property or at a school function by a student with an IEP to a school resource officer or peace officer and a police report is issued, school personnel are required by law to ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the district reports the crime.
  - (a) This transmission is to be done only to the extent that the transmission is permitted by the Family Education Rights and Privacy Act (FERPA) and the Minnesota Government Data Practices Act (MGDPA).
  - (b) To meet this requirement school personnel shall notify the District General Counsel's Office.
  - (c) The notification to the General Counsel's Office shall include the following information:
    - (1) date of the suspected criminal activity,
    - (2) the name of the peace officer to whom the crime was reported,
    - (3) the police report case number,
    - (4) the title of the alleged offense, and
    - (5) the name and phone number of a contact person at the school.
3. The General Counsel's Office will in turn see that the IEP is sent to the appropriate juvenile justice authority to the extent that this is permitted under FERPA and MGDPA.
4. Other parts of the student's special education or discipline record may also be transmitted if requested by the prosecuting authority to the extent permitted by FERPA and MGDPA.

**D. Parental Notification and Required Reporting**

1. The school site administrator or the administrator's designee shall make reasonable efforts to notify the student's parent or guardian of the student's physical removal from school property or any removal from school grounds as soon as possible following the removal.
2. In addition, the school site administrator or the administrator's designee shall prepare a written incident report describing the incident that led to the student's removal and the removal itself.

***Legal References:***

20 U.S.C. § 1415(k)(6)(B) [IDEIA of 2004]

20 U.S.C. § 1232g, *et seq.* (FERPA)



34 C.F.R. § 99.31(a)(5)(i)(A) (FERPA regulation)

34 C.F.R. § 300.535(b)(1) (IDEIA regulation of 2006 regarding involvement of law enforcement)

Minn. Stat. § 13.01, *et seq.* (Minnesota Government Data Practices Act)

Minn. Stat. § 121A.40-.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.55(c) (Policy required regarding removal of students with IEPs by peace officers and crisis teams)

Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)

***Cross References:***

MPS Policy 5000 (Equal Education Opportunity)

MPS Policy 5200 (Behavior Standards)

MPS Policy 5201 (Bullying and Hazing Prohibition)

MPS Policy 5620 (Release of Pupils to Police)

MPS Policy 5635 (Reporting Maltreatment of Minors and Vulnerable Adults)

MPS Policy 5680 (Search of Students/Lockers/Desks/ Motor Vehicles)

MPS Policy 5700 (Special Education)

MPS Policy 5750 (Disability Nondiscrimination)