

Adopted: November 10, 2010

Revised: June 24, 2014

BLUESKY CHARTER SCHOOL POLICY No. 5.6.3 REMOVAL OF STUDENTS WITH IEPs

I. PURPOSE

The purpose of this policy is to set forth provisions related to the removal of students with IEPs from school by police officers.

II. POLICY STATEMENT

BlueSky Charter School expects all students to be in school so that learning can occur. However, when the behavior of a student endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school staff may remove the student from school grounds or may request that police remove the student from school grounds.

III. PARTICULAR PROVISIONS

- A. If a student with an IEP is restrained or removed by police at the request of a school administrator or 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.
- B. School personnel may report a crime committed by a student with an IEP to appropriate authorities in the same manner that school personnel would report a crime committed by a student without an IEP.

Legal References: 20 U.S.C. §1415(k)(6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))
34 C.F.R. §300.535 (Referral to Law Enforcement and Judicial Authorities)
Minn. Stat. §121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. §121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. §121A.67 (Removal of Student with IEP by Peace Officer)
Minn. Stat. §609.06 (Authorized Use of Force)
Minn. Stat. §609.379 (Permitted Actions)
Minn. Stat. §125A.091-092 (Restrictive Procedures for Children with Disabilities)
Minn. Stat. §124D.10 subd. 8(i); subd. 12

This policy does not constitute legal advice; any questions regarding this policy should be directed to your attorney.