

532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs 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 with an individualized education program (IEP) from school grounds.

II. GENERAL STATEMENT OF POLICY

The BRIC ISD 998 is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

In general, all students, including those with IEPs, are subject to the terms of the school district's discipline policy. Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. 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 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" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an 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. “Police liaison officer” is a peace officer who, pursuant to an agreement between the school 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.
- D. “Crisis team” means a group of persons, which may include teachers and non-teaching school personnel, selected by the building administrator in each school building who have received crisis intervention training and are responsible for becoming actively involved with resolving crises. The building administrator or designee shall serve as the leader of the crisis team.
- E. The phrase “remove the student from school grounds” is the act of securing the person of a student with an IEP and escorting that student from the school building or school activity at which the student with an IEP is located.
- F. “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.
- G. 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 WITH IEPs FROM SCHOOL GROUNDS

A. Removal By Crisis Team

If the behavior of a student with an IEP 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 may 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.

If the student’s behavior cannot be safely managed, school personnel may immediately request assistance from the police liaison officer or a peace officer.

B. Removal By Police Liaison Officer or Peace Officer

If a student with an IEP 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 building’s crisis team, building administrator, or the building

administrator's designee, may request that the police liaison officer or a peace officer remove the student from school grounds.

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 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.

Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, school district personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school district reports a crime committed by 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 a student with an IEP is covered by special education law 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 with an IEP from school grounds, a building administrator, 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.

In removing a student with an IEP from school grounds, police liaison officers and school district personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minn. Stat. § 121A.58;
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheel chairs, hearing aids, and communication boards that facilitate the child's functioning except when temporarily removing the

equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;

5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minn. Stat. § 626.556;
6. Physical holding (as defined in Minn. Stat. § 125A.0941) that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso;
7. Withholding regularly scheduled meals or water; and/or
8. Denying a child access to toilet facilities.

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.

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

A student with an IEP may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If the school district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minn. Stat § 125A.0942, Subd. 5, and otherwise comply with the requirements of § 125A.0942.

RESTRICTIVE PROCEDURES FOR CHILDREN WITH DISABILITIES

The BRIC ISD 998 promotes the use of positive approaches for behavioral interventions for all students. When restrictive procedures are employed in an emergency situation with any student

the School District will adhere to the standards and requirements of Minnesota Statutes 125A.094 and 125A.0942 with respect to Restrictive Procedures for Children with Disabilities.

A. **Definitions**

The following terms have the meanings given them.

1. "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury. Emergency does not mean circumstances such as: a child who does not respond to a task or request and instead places his or her head on a desk or hides under a desk or table; a child who does not respond to a staff person's request unless failing to respond would result in physical injury to the child or other individual; or an emergency incident has already occurred and no threat of physical injury currently exists. Minn. Stat. 125A.0941 (b)
2. "Physical holding" means physical intervention intended to hold a child immobile or limit a child's movement and where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury. Minn. Stat. 125A.0941 (c) The term physical holding does not mean physical contact that:
 - (a) Helps a child respond or complete a task;
 - (b) Assists a child without restricting the child's movement;
 - (c) Is needed to administer an authorized health-related service or procedure; or
 - (d) Is needed to physically escort a child when the child does not resist or the child's resistance is minimal.
3. "Positive behavioral interventions and supports" means interventions and strategies to improve the school environment and teach children the skills to behave appropriately. Minn. Stat. 125A.0941 (d)
4. "Restrictive procedures" means the use of physical holding or seclusion in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child. Minn. Stat. 125A.0941 (f)
5. "Seclusion" means confining a child in a room from which egress is barred. Egress may be barred by an adult locking or closing a door in the room or preventing the child from leaving the room. Minn. Stat. 125A.0941 (g)

B. **Personnel Development Activities**

Personnel development activities will be provided to District staff and contracted personnel who have routine contact with students and who may use restrictive procedures in the following areas:

1. Positive behavioral interventions;
2. Communicative intent of behaviors;
3. Relationship building;
4. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
5. De-escalation methods;
6. Standards for using restrictive procedures;
7. Obtaining emergency medical assistance;
8. Physiological and psychological impact of physical holding and seclusion;
9. Monitoring and responding to a child's physical signs of distress when physical holding is being used; and

10. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;
11. District policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and
12. School wide programs on positive behavior strategies. Minn. Stat. 125A.0942, Subd. 5(a)(11) and (12)

C. Staff Training Requirements

Staff who design and use behavioral interventions will complete training in the use of positive approaches as well as restrictive procedures. Training records will identify the content of training, attendees, and training dates.

D. Restrictive Procedures and Prohibited Procedures

Restrictive procedures that may be used in emergency situations include seclusion and physical holding.

Prohibited procedures include the following:

1. Corporal Punishment which include conduct involving: (1) hitting or spanking a person with or without an object; or (2) unreasonable physical force that causes bodily harm or substantial emotional harm;
2. Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Presenting an intense sound, light or other sensory stimuli using smell, taste, substance, or spray as punishment;
4. Denying or restricting the student's access to equipment and devices such as wheelchairs, hearing aids or communication boards that facilitate the student's functioning except when temporarily removing the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible;
5. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556;
6. Totally or partially restricting a student's senses as punishment;
7. Withholding regularly scheduled meals or water;
8. Denying the student access to bathroom facilities;
9. Physical holding that restricts or impairs a student's ability to breathe; or
10. Use of tasers or threatened use of tasers.

E. Documentation Procedures

The use of restrictive procedures in emergency situations will be documented using **Appendix A & B** and submitted to the Special Education Supervisor and building Principal. The District will monitor and review the use of restrictive procedures, including conducting post-use debriefings and convening an oversight committee.

The use of restrictive procedures in behavioral intervention plans will be documented in the learner's file. Reviews will be conducted in accordance with the plan. In the case of a student with a disability, due process and documentation requirements will be followed. Record retention will be in accordance with administrative policies on student records.

F. Emergency Situations—Use of Restrictive Procedures

The School District shall make reasonable efforts to notify the parent/guardian on the same day by phone when restrictive procedures are used in emergency situations. Records will be reviewed quarterly.

- 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 (Minnesota 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, Subd. 2 (Aversive and Deprivation Procedures)
 - Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
 - Minn. Stat. § 609.06 (Authorized Use of Force)
 - Minn. Stat. § 609.379 (Permitted Actions)
 - 20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy (FERPA))
 - 20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Improvement Act of 2004 (IDEA))
 - 34 C.F.R. § 300.535 (IDEA Regulation Regarding Involvement of Law Enforcement)
- Cross References:**
- MSBA/MASA Model Policy 506 (Student Discipline)
 - MSBA/MASA Model Policy 507 (Corporal Punishment)
 - MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
 - MSBA/MASA Model Policy 525 (Violence Prevention)