

MINNETONKA SCHOOL DISTRICT

USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS FROM SCHOOL PROPERTY INCLUDING STUDENTS WITH INDIVIDUAL EDUCATION PLANS Policy #532

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 Minnetonka school property. This would include the removal of a student with an Individualized Education Plan (IEP).

II. GENERAL STATEMENT OF POLICY

The District is committed to promoting a learning environment that is safe for all members of the school community. Students are the first priority and they should be reasonably protected from physical or emotional harm at all school locations and during all school activities.

The Superintendent and 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 District's discipline policy.

A student, including ~~those~~ one with an IEP, who engages in conduct that, 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 property in accordance with this policy.

Nothing in this policy prohibits the District from reporting a crime committed by a student, including a student with an IEP. Nor are law enforcement and judicial authorities limited from exercising their responsibilities with regard to federal/or state laws if a student has an IEP.

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 District and a political subdivision or law enforcement agency, is assigned to a school building within the District for all or a portion of the school day to provide law enforcement assistance and support to the building administration in the promotion of 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 team should include a designated special education teacher. The building administrator, or designee, shall serve as the leader of the Crisis team.
- E. The phrase “remove the student from school property” 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. This would include the removing of a “student with an IEP” as defined in Section A.
- F. “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 severe property damage.
- G. “Restrictive Procedures” means the use of physical holding or seclusion in an emergency.
- H. “Physical Holding” means physical intervention intended to:
 - 1. hold a student immobile; or
 - 2. limit a student’s movement

and where body contact is the only source of physical restraint.

“Physical Holding” does not mean physical contact that:

- 1. helps a student respond or complete a task;
- 2. assists a student without restricting the student’s movement;
- 3. is needed to administer an authorized health-related service or procedure; or
- 4. is needed to physically escort a student when the student does not resist or the student’s resistance is minimal.

- I. 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 A STUDENT FROM SCHOOL PROPERTY

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, visitors, 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, the District's crisis team procedures. If the student(s) involved has an IEP, the team shall consider the student's IEP and/or Behavior Intervention Plan when applicable.

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, visitors, or school property, the crisis team may seek to have the student removed from school property. For students with an IEP, the District will follow applicable state and federal laws and due process procedures.

If the student's behavior cannot be safely managed or if the student has committed a crime, 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 engages in conduct which endangers or may endanger the health, safety or property of the student, other students, staff members, visitors, or school property, the school building administrator, a building administrator designee or the building's crisis team may request that the Police Liaison Officer or a Peace Officer remove the student from school property. Nothing in this policy is intended to dictate appropriate intervention or to limit the discretion of Police Liaison or Peace Officers in the fulfillment of their duties.

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, including 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, visitors, or school property, District personnel may report a crime to appropriate authorities. If the District reports a crime committed by a student, including a student with an IEP, school personnel shall transmit copies of the disciplinary records,

including special education 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 the District's Policy 515; 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 from school property, a school principal, other crisis team members or other designated agents of the District, may use reasonable force when it is necessary under the circumstance to correct or restrain a student or prevent bodily harm or death to other persons. This includes a student with an IEP.

In removing a student, including a student with an IEP, from school grounds, District personnel are further prohibited from engaging in the following conduct:

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 hearing aids and communication boards that facilitate the student's functioning, except temporarily when the student is perceived to be destroying or damaging equipment or devices, in which case the equipment or device shall be returned to the student as soon as possible;
5. Using faradic skin shock;
6. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556;
7. Restricting, totally or partially, the student's auditory or visual sense,
8. Withholding regularly scheduled meals or water;
9. Denying the student access to toilet facilities;

10. Physical holding that restricts or impairs a student's ability to breathe.

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 property as soon as possible following the removal. Parents will be notified the same day as the removal.

If restrictive procedures are used, the District shall make reasonable efforts to notify the parent on the same day. If the District is unable to provide same-day notice, notice will be sent by written or electronic means or as otherwise indicated by the parent.

In addition, the administrator, or designee, shall ensure that a written incident report is prepared, describing the incident.

Continued Removals for Students

Continued and repeated use of the removal process described herein for students with IEPs must be reviewed in the development of the individual student's IEP or IIP.

Continued and repeated use of the removal process for students without IEPs will be referred to the building student study team to determine if the student should be evaluated to determine if the student has a disabling condition.

D. 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, IIP, or behavior intervention plan includes the use of one or more restrictive procedures, the crisis team may employ those more restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds.

If the crisis team uses restrictive procedures in an emergency twice in thirty days, or when a pattern emerges and restrictive procedures are not included in the student's IEP or Behavior Intervention Plan (BIP), the student's IEP team shall meet to conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the IEP plan or BIP as appropriate. At the meeting, the team must review any known medical or psychological limitations that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or BIP.

If the crisis team uses restrictive procedures in an emergency situation with a student without an IEP the building administrator will meet with the student and parent or guardian to address the behavior and determine consequences as outlined in the School Discipline and Code of Conduct Policy.

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 (Aversive and Deprivation Procedures)
Minn. Stat. § 609.06 (Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)
Minn. Rule 3525.0200, Subp. 2c (Definition of “Emergency”)
Minn. Rule 3525.2900, Subp. 5 (The IEP and Regulated Interventions)

Cross References: Policy 506 (Student Discipline and Code of Conduct)
Policy 515 (Protection and Privacy of Pupil Records)

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