

Use of Peace Officers and Crisis Teams to Remove Students with IEPs from School Grounds

Adopted: 6/7/2005

Revised: April 2009, February 2014, January 2016

1 *[Note: School districts are required by statute to have a policy addressing these issues.]*

2 **Purpose**

3 The purpose of this policy is to describe the appropriate use of peace officers and crisis teams to remove,
4 if necessary, a student with an individualized education program (IEP) from school grounds.

5 **Policy**

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

10 All students, including those with IEPs, are subject to the terms of the school district’s discipline policy.
11 Building level administrators have the leadership responsibility to maintain a safe, secure, and orderly
12 educational environment within which learning can occur. Corrective action to discipline a student
13 and/or modify a student’s behavior will be taken by staff when a student’s behavior violates the school
14 district’s discipline policy.

15 If a student with an IEP engages in conduct which, in the judgment of school personnel, endangers or
16 may endanger the health, safety, or property of the student, other students, staff members, or school
17 property, that student may be removed from school grounds in accordance with this policy.

18 **Definitions**

19 For purposes of this policy, the following terms have the meaning given them in this section:

20 A. “Student with an IEP” or “the student” means a student who is eligible to receive special
21 education and related services pursuant to the terms of an IEP or an individual interagency intervention
22 plan (IIP).

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25 B. “Peace officer” means an employee or an elected or appointed official of a political subdivision or
26 law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged
27 with the prevention and detection of crime and the enforcement of general criminal laws of the state and
28 who has the full power of arrest. The term “peace officer” includes a person who serves as a sheriff, a
29 deputy sheriff, a police officer, or a state patrol trooper.

30 C. “Police liaison officer” is a peace officer who, pursuant to an agreement between the school
31 district and a political subdivision or law enforcement agency, is assigned to a school building for all or a
32 portion of the school day to provide law enforcement assistance and support to the building
33 administration and to promote school safety, security, and positive relationships with students.

34 D. “Crisis team” means a group of persons, which may include teachers and non-teaching school
35 personnel, selected by the building administrator in each school building who have received crisis
36 intervention training and are responsible for becoming actively involved with resolving crises. The
37 building administrator or designee shall serve as the leader of the crisis team.

38 E. The phrase “remove the student from school grounds” is the act of securing the person of a
39 student with an IEP and escorting that student from the school building or school activity at which the
40 student with an IEP is located.

41 F. “Emergency” means a situation in which immediate intervention is necessary to protect a student
42 or other individual from physical injury, emotional abuse due to verbal and nonverbal gestures, or to
43 prevent severe property damage.

44 G. All other terms and phrases used in this policy shall be defined in accordance with applicable
45 state and federal law or ordinary and customary usage.

46 **Removal of Students with IEPs from School Grounds**

47 A. Removal By Crisis Team

48 If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers or
49 may endanger the health, safety, or property of the student, other students, staff members, or school
50 property, the school building’s crisis team may be summoned. The crisis team may attempt to de-
51 escalate the student’s behavior by means including, but not limited to, those described in the student’s
52 IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that
53 the student’s behavior continues to endanger or may endanger the health, safety, or property of the
54 student, other students, staff members, or school property, the crisis team may remove the student from
55 school grounds.

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

58 B. Removal By Police Liaison Officer or Peace Officer

59 If a student with an IEP engages in conduct which endangers or may endanger the health, safety, or
60 property of the student, other students, staff members, or school property, the school building's crisis
61 team, building administrator, or the building administrator's designee, may request that the police liaison
62 officer or a peace officer remove the student from school grounds.

63 If a student with an IEP is restrained or removed from a classroom, school building, or school grounds by
64 a peace officer at the request of a school administrator or school staff person during the school day twice
65 in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if
66 additional evaluation is needed.

67 Whether or not a student with an IEP engages in conduct which endangers or may endanger the health,
68 safety, or property of the student, other students, staff members, or school property, school district
69 personnel may report a crime committed by a student with an IEP to appropriate authorities. If the school
70 district reports a crime committed by a student with an IEP, school personnel shall transmit copies of the
71 special education and disciplinary records of the student for consideration by appropriate authorities to
72 whom it reports the crime, to the extent that the transmission is permitted by the Family Education Rights
73 and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and school district's policy,
74 Protection and Privacy of Pupil Records.

75 *[Note: If the school district uses a different reference name for its student records policy, insert that*
76 *name in place of the reference to Protection and Privacy of Pupil Records, which is the title of*
77 *MSBA/MASA Model Policy 515.]*

78 The fact that a student with an IEP is covered by special education law does not prevent state law
79 enforcement and judicial authorities from exercising their responsibilities with regard to the application
80 of federal and state law to crimes committed by a student with an IEP.

81 C. Reasonable Force Permitted

82 In removing a student with an IEP from school grounds, a building administrator, other crisis team
83 members, or the police liaison officer or other agents of the school district, whether or not members of a
84 crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain a
85 student or prevent bodily harm or death to another.

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

- 88 1. Requiring the student to assume and maintain a specified physical position, activity, or
89 posture that induces physical pain as an aversive procedure;
- 90 2. Presenting intense sounds, lights, or other sensory stimuli as an aversive stimulus;
- 91 3. Using noxious smell, taste, substance, or spray as an aversive stimulus;
- 92 4. Denying or restricting the student's access to equipment and devices such as hearing aids
93 and communication boards that facilitate the student's functioning except temporarily
94 when the student is perceived to be destroying or damaging equipment or devices;

- 95 5. Using faradic skin shock;
- 96 6. Restricting, totally or partially, the student’s auditory or visual sense, except that study
97 carrels may be used as an academic intervention;
- 98 7. Withholding regularly scheduled meals or water; and/or
- 99 8. Denying the student access to toilet facilities.

100 D. Parental Notification

101 The building administrator or designee shall make reasonable efforts to notify the student’s parent or
102 guardian of the student’s removal from school grounds as soon as possible following the removal.

103 E. Continued Removals; Review of IEP

104 Continued and repeated use of the removal process described herein must be reviewed in the
105 development of the individual student’s IEP or IIP.

106 F. Effect of Policy in an Emergency; Use of Conditional Procedures

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

109 If the school district seeks to remove a student with an IEP from school grounds under this policy due to
110 behaviors that constitute an emergency and the student’s IEP, IIP, or behavior intervention plan
111 authorizes the use of one or more conditional procedures, the crisis team may employ those conditional
112 procedures, in addition to any reasonable force that may be necessary, to facilitate the student’s removal
113 from school grounds. If the crisis team initiates use of conditional procedures in an emergency, the
114 student’s IEP team shall meet as soon as possible, but no later than five (5) school days after emergency
115 procedures have commenced.

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117 **Legal References:** 20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Improvement Act
118 of 2004 (IDEA))

119 34 C.F.R. § 300.529 (IDEA Regulation Regarding Involvement of Law
120 Enforcement)

121 20 U.S.C. 1232g et seq. (Family Educational Rights and Privacy (FERPA))

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

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

124 Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)

- 125 Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
- 126 Minn. Stat. § 121A.67 (Aversive and Deprivation Procedures)
- 127 Minn. Stat. § 609.06 (Authorized Use of Force)
- 128 Minn. Stat. § 609.379 (Permitted Actions)
- 129 Minn. Rule 3525.0200, Subp. 2c (Definition of “Emergency”)
- 130 Minn. Rule 3525.2900, Subp. 5 (The IEP and Regulated Interventions)
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- 132 **Cross References:** MSBA/MASA Model Policy 506 (Student Discipline)
- 133 MSBA/MASA Model Policy 507 (Corporal Punishment)
- 134 MSBA/MASA Model Policy 525 (Violence Prevention)
- 135 MSBA/MASA Model Policy 806 (Crisis Management Policy)
- 136 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
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