

INDEPENDENT SCHOOL DISTRICT 719
PRIOR LAKE - SAVAGE AREA SCHOOLS**506.2 USE OF POLICE RESOURCE/LIAISON OFFICERS AND BUILDING CRISIS RESPONSE TEAMS (BCRT) TO REMOVE STUDENTS WITH IEP'S FROM SCHOOL GROUNDS****I. PURPOSE**

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

II. 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.
- 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, is charged with the prevention and detection of crime and the enforcement of general criminal laws of the state, and has the full power of arrest. The term "peace officer" includes, but is not limited to, a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- C. "Police resource/liaison officer", also known as "School Resource Officer (SRO)" 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. "Building crisis response team (BCRT)" 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 building team.
- E. "Emergency" means a situation in which immediate intervention is necessary to protect a student or other individual from physical injury.
- F. 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.
- 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.

III. GENERAL STATEMENT OF POLICY

The school district 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.

All students, including one with an 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.

IV. REMOVAL OF STUDENTS WITH IEPs FROM SCHOOL GROUNDS

A. Removal by the Building Crisis Response Team (BCRT)

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's BCRT may be summoned. The BCRT 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 BCRT 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 BCRT 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 Resource/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, then the school's BCRT, 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, a 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 thirty-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 BCRT team member, police resource/liaison officer, or other agent of the school district 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 resource/liaison officers and school district personnel are prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by MN Statute Section 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 MN Statute section 260E.03.
6. Physical holding as defined in MN Statute Section 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. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

E. Parental Notification

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

F. 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.

G. 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, authorizes the use of one or more restrictive procedures, the BCRT 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 BCRT members who are implementing the restrictive procedures have received the training required by MN Statute Section 125A.0942, subdivision 5, and comply with the other requirements of Section 125A.0942.

H. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, district must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

Legal References: MN Stat. Ch. 13 (Minnesota Government Data Practices Act)
MN Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
MN Stat. § 121A.58 (Corporal Punishment; Prone Restraint; And Certain Physical Holds)
MN Stat. § 121A.582 (Student Discipline; Reasonable Force)
MN Stat. § 121A.61 (Discipline and Removal of Students from Class)
MN Stat. § 121A.67 (Removal by Police Officer)
MN Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
MN Stat. § 609.06 (Authorized Use of Force)
MN 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 Act)
34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

Cross References: [Policy 506 \(Student Discipline\)](#)
[Policy 515 \(Protection and Privacy of Pupil Records\)](#)
[Policy 806 \(Crisis Management Policy\)](#)

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