

Students

Use of Crisis Teams and Peace Officers to Remove Students with Individualized Education Programs (IEPs) from School Grounds

I. Purpose

This policy describes the appropriate use of crisis teams and peace officers to remove from school grounds, if necessary, a student with an individualized education program (IEP).

II. 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 those with IEPs, are subject to the terms of the 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 district's discipline policy.

If a student with an IEP engages in conduct which, in the judgment of district 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. "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 will serve as the leader of the crisis team.
- B. "Emergency" means a situation where immediate intervention is needed to protect a student or other individual from physical injury.

- C. "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.
- D. "Physical holding" means physical intervention intended to hold a student immobile or limit a student's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a student in order to protect a student or other individual from physical injury.
- E. The phrase "remove the student from school grounds" is the act of securing the 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. "School Resource Officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the school district.
- G. "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).
- H. All other terms and phrases used in this policy will 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 positive behavior support 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 school resource officer or a peace officer.

B. Removal by School Resource 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 school resource 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 will 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 district reports a crime committed by a student with an IEP, district personnel will 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 district's policy.

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

1. In removing a student with an IEP from school grounds, a building administrator, other crisis team members, or the school resource officer or other agents of the 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 imminent bodily harm or death to the student or to another person.
2. In removing a student with an IEP from school grounds, school resource officers and district personnel are further prohibited from engaging in the following conduct:
 - a. Corporal punishment prohibited by state law and district policy;

- b. Requiring a student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
 - c. Totally or partially restricting a student's senses as punishment;
 - d. Denying or restricting a student's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the student's functioning except when temporarily removing the equipment or device is needed to prevent injury to the student or others or serious damage to the equipment or device, in which case the equipment or device will be returned to the student as soon as possible;
 - e. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under state law;
 - f. Physical holding (as defined above and by state law) that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso;
 - g. Withholding regularly scheduled meals or water; and/or
 - h. Denying a student access to toilet facilities.
3. Any reasonable force used under state law which intends to hold a child student immobile or limit a student's movement where body contact is the only source of physical restraint or confines a student alone in a room from which egress is barred will 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.

D. Parent/Guardian Notification

The building administrator or designee will 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 will be reviewed in the development of the individual student's IEP or IIIP.

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

If the district seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitute an emergency, the crisis team may employ 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, and are acting in compliance with, state law.

G. 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, the district will report in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, the district will report summary data. The summary data will 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 district personnel that is consistent with the definition of physical holding or seclusion of a student with a disability.

Legal References:

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.58 (Corporal Punishment; Prone Restraint; and Certain Physical Holds)
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 (Removal by Peace Officer)
Minn. Stat. § 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
Minn. Stat. §§ 260E.01, *et seq.* (Minnesota Maltreatment of Minors Act)
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) (Education of Individuals with Disabilities: Procedural Safeguards)
34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

Cross References:

Policy 506 (Student Conduct and Discipline)
Policy 507 (Corporal Punishment & Prone Restraint)
Policy 507.5 (School Resource Officers)
Policy 515 (Protection and Privacy of Student Records)

Policy 806 (Emergency Management)

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