

532 Use of Peace Officers and Crisis Teams to Remove Students from School Grounds - MSBA Mandated

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 school grounds.

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.

In general, all students 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 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.

These regulations provide the direction needed to assure that in contacting peace officers and or crisis teams are in compliance with federal and state laws including those laws that address authorized use of force, student discipline, data privacy and protection, and those that apply specifically to students with disabilities.

III. Definitions

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

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.

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 director and to promote school safety, security, and positive relationships with students.

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 director or designee shall serve as the leader of the crisis team.

The phrase “remove the student from school grounds” is the act of securing the person of a and escorting that student from the school building or school activity at which the is located.

Student with an IEP: means a student who is eligible for and receiving special education and related services pursuant to the terms of an individual education program (IEP) or an individual interagency intervention plan (IIIP).

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.

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 from School Grounds

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, or school property, the school building’s crisis team may be summoned. The crisis team may attempt to de-escalate the student’s behavior. 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 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 a 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 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 to appropriate authorities.

If the school district reports a crime committed by a student, school personnel shall transmit copies of the 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.

This includes suspected criminal activity by students with IEPs. The fact that a student with an IEP is covered by special education law or Section 504 of the Federal Rehabilitation Act of 1973 does not prevent law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to suspected criminal activity by students with IEPs.

C. Reasonable Force Permitted

In removing a student from school grounds, a director, 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 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, wheelchairs, 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.

In addition, the school site administrator or the administrator's designee shall prepare a written incident report describing the incident that led to the student's removal and the removal itself.

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

A student 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 from school grounds under this policy due to behaviors that constitute an emergency 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.

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.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)*
- MSBA/MASA Model Policy 806 (Crisis Management Policy)*