



Adopted: May 20, 2015

EMID 6067 Board Policy 532
(required policy)

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532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM INTEGRATION PROGRAMS

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 with an individualized education plan (IEP) from EMID program location

II. GENERAL STATEMENT OF POLICY

EMID is committed to promoting learning environments that are safe for all members of the collaborative. It further believes that students are the first priority and that they should be reasonably protected from physical or emotional harm at all EMID locations and during all EMID activities.

In general, all students, including those with IEPs, are subject to the terms of EMID's discipline policy. Program supervisors 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 EMID discipline policy.

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

III. DEFINITIONS

- 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 a member district and a law enforcement agency, is assigned to a school building to provide law enforcement assistance and support to the building administration and to promote school safety, security, and positive relationships with students.
- D. “Crisis team” means a group of persons selected by the member districts who have received crisis intervention training and are responsible for becoming actively involved with resolving crises.
- E. The phrase “remove the student from EMID program location” is the act of securing the person of a student with an IEP and escorting that student from the program location at which the student with an IEP is located.
- F. “Emergency” means a situation where immediate intervention is needed to protect a student or other individual from physical injury or to prevent serious property damage.
- 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.

IV. **REMOVAL OF STUDENTS WITH IEPs FROM PROGRAM LOCATIONS**

- A. Removal by Member District Crisis Team. If the behavior of a student with an IEP escalates to the point where the student’s behavior endangers the health, safety, or property of the student, other students, staff members, property, the member district’s crisis team or case worker may be summoned. The individuals called 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 individuals called determine 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, EMID personnel may immediately request assistance from the police liaison officer or a peace officer.

- B. Removal by Police Liaison Officer or Peace Officer. Whether or not a student with an IEP engages in conduct which endangers or may endanger the health, safety, or property of the student, others students, staff members, or property, EMID personnel may report a crime committed by a student with an IEP to appropriate authorities. If an EMID employee reports a crime committed by a student with an IEP, they will also communicate with the school so that the district may submit the appropriate copies of the special education and disciplinary records of the student for consideration by appropriate authorities.

The fact that a student with an IEP is covered by special education laws 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 a program location, a program supervisor, crisis team members, or the police liaison officer or other agents of EMID, 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 a program location, police liaison officers, member district and EMID personnel are further prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minn. Stat. § 121A.58;
2. Requiring a student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a student's senses as punishment;
4. Denying or restricting a student's access to equipment and devices such as walkers, wheel chairs, 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 shall be returned to the student as soon as possible;
5. Interacting with a student 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 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, abdomen, or results in straddling a student's torso;
7. Withholding regularly scheduled meals or water; and/or
8. Denying a student access to toilet facilities.

- D. Parental Notification. The EMID program supervisor shall make reasonable efforts to notify the student's parent or guardian of the student's removal from the program location as soon as possible following the removal.

- E. Reporting to the Minnesota Department of Education (MDE)

By June 30 of each year, districts must report summary data on the use of restrictive procedures to MDE in a form and manner determined by the Commissioner. The



summary data must include information about the use of restrictive procedures, including the use of reasonable force by EMID personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

- Legal References:***
- Minn. Stat. § 13.01 (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:***
- EMID Policy 506 (Student Discipline)
 - EMID Policy 507 (Corporal Punishment)
 - EMID Policy 515 (Protection and Privacy of Pupil Records)
 - EMID Policy 525 (Violence Prevention)
 - EMIF Policy 806 (Crisis Management Policy)