

MORRIS AREA SCHOOL DISTRICT POLICY #532

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#532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS

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 program (IEP) 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, including those with 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.

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 shall serve as the leader of the crisis team.

B. "Emergency" means a situation where immediate intervention is needed to protect a child 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 child immobile or limit a child's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury.

E. 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.

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 designated school district or charter school.

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 shall 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 behavior intervention 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 another peace officer.

B. Removal By School Resource Officer or Another 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 another 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 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

1. In removing a student with an IEP from school grounds, a school principal, other crisis team members, or the school resource 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 themselves and/or another person.
2. In removing a student with an IEP from school grounds, school resource officers and school district personnel are further prohibited from engaging in the following conduct:
 - a. Corporal punishment prohibited by Minn. Stat. § 121A.58;
 - b. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
 - c. Totally or partially restricting a child's senses as punishment;
 - d. 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;
 - e. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under Minn. Stat. § 626.556;
 - f. Physical holding (as defined above and in Minnesota Statutes § 125A0941) 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;
 - g. Withholding regularly scheduled meals or water; and/or
 - h. Denying a child access to toilet facilities.
3. 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.

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.

E. 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 or IIP.

F. 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, IIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, 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 Minnesota Statutes, section 125A.0942, subdivision 5, and otherwise comply with the requirements of section 125A.0942.

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, districts must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, districts 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: Minn. Stat. Ch. 13 (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 (Removal by Police Officer)
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)
Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)
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: MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment and Prone Restraint)
MSBA/MASA Model Policy 507.5 (School Resource Officers)
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)

Restrictive Procedures Plan (Policy #532-Addendum A)

I. Morris Area Public Schools intends to use the following restrictive procedures:

- a. Physical holding
 - i. Physical holding means physical intervention intended to hold a child immobile or limit the child's movement and where body contact is the only source of physical restraint.
 - ii. The term physical holding does not mean physical contact that:
 1. Helps a child respond to or complete a task;
 2. Assists a child without restricting the child's movement;
 3. Is needed to administer an authorized health related service or procedure; or
 4. Is needed to physically escort a child when the child does not resist or the child's resistance is minimal.
 - iii. Morris Area Public School intends to use the following types of physical holding:
 1. CPI Team Control Position
 2. CPI Children's Control Position
 3. CPI Transport Position
 4. CPI Interim Control Position
- b. Seclusion
 - i. Seclusion means confining a child, above grade 3, alone in a room from which egress is barred.
 - ii. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.
 - iii. Morris Area Public Schools intends to use the following room as a room for seclusion.
 1. The Quiet Room in Room A 129
 - iv. Attached as Appendix A, is a written notice from local authorities that the rooms and the locking mechanisms comply with applicable building, fire and safety codes for each room Morris Area Public School uses as a room for seclusion. The written notice was received from the State Fire Marshal on 1-4-11.
 - v. All rooms Morris Area Public Schools uses for seclusion have been registered with the Minnesota Department of Education on ----.
 - vi. The Quiet Room in Room A 129
 1. The quiet room in room A129 measures 7 feet by 8 feet 6 inches.
 2. The quiet room in room A129 has an overhead light, is ventilated and heated. Staff that uses the room will ensure cleanliness before and after each use.
 3. The quiet room in room A129 has a window in the door that measures 7 inches by 33 inches. When staff stands at the window they are able to see the entire room.
 4. The quiet room in room A129 has overhead lighting, a secure ceiling tamperproof fixtures, a sprinkler head and the electrical switches are located immediately outside the door.
 5. The door opens out and has a locking mechanism that will immediately release and is connected to the fire and emergency system.

II. Morris Area Public Schools will monitor and review the use of restrictive procedures in the following manner:

- a. Documentation
 - i. Each time physical holding or seclusion is used, the staff person who implements or oversees the holding or seclusion shall document, as soon as possible after the incident concludes, the following information:
 1. A description of the incident that lead to the physical holding or seclusion;
 2. Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
 3. The time the physical holding began and the time the child was released; and

4. A brief record of the child's behavioral and physical status
- ii. Attached as Appendix B, is Morris Area Public School's forms used to document the use of physical holding or seclusion.
- b. Post-use debriefings:
 - i. Each time physical holding or seclusion is used, the staff person who implemented or oversaw the physical holding or restraint shall conduct a post-use briefing with the building administrator, the director of special education or the assistant director of special education, within 2 school days after the incident concludes to ensure the following:
 - ii. The post-use debriefing will review the following requirements documented on the restrictive procedures forms to ensure the physical holding or seclusion was used appropriately:
 1. Whether the physical holding or seclusion was used in response to an emergency.
 2. Description of the incident that led to the physical holding or seclusion.
 3. Description of the physical holding or seclusion and the student's physical and behavioral status.
 4. Was the physical holding or seclusion the least intrusive intervention to effectively respond to the emergency?
 5. Whether the physical holding or seclusion ended when the threat of harm ended and staff determined that the student could safely return to the classroom or activity?
 6. Did staff directly observe the student during physical restraint or seclusion?
 7. Length of time of the physical holding or seclusion.
 8. Were parents notified?
 9. Were correct forms filled out?
 10. Was appropriate staff used during physical holding or seclusion?
 - iii. If the post-use debriefing reveals that physical holding or seclusion was not used appropriately Morris Area Public School will ensure immediate corrective action is taken, such as the retraining of staff, other???
 - c. Oversight Committee
 - i. Morris Area Public School's oversight committee consists of the following individuals:
 1. The director of special education
 2. The assistant director of special education
 3. At least one school psychologist
 - ii. The Morris Area Public Schools oversight committee will meet in October, December, February, and April.
 - iii. Morris Area Public Schools oversight committee will monitor the following:
 1. Review all post briefing documentation.
 2. Ensure training is provided to staff.
 3. Ensure needed IEP meeting(s) were held in a timely manner.
 4. Provide needed feedback to schools.

III. **Morris Area Public School Staff participating in the use of restrictive procedures received training in the following skill and knowledge areas:**

- a. Positive behavioral interventions
 - i. Annual CPI and restrictive procedures training
- b. Communicative intent of behaviors
 - i. Annual CPI and restrictive procedures training
- c. Relationship building
 - i. Annual CPI and restrictive procedures training
- d. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior.
 - i. Annual CPI and restrictive procedures training
- e. De-escalation methods

- i. Annual CPI and restrictive procedures training
- f. Standards for using restrictive procedures
 - i. Annual CPI and restrictive procedures training
- g. Obtaining emergency medical assistance
 - i. Annual CPI and restrictive procedures training
- h. The physiological and psychological impact of physical holding and seclusion
 - i. Annual CPI and restrictive procedures training
- i. Monitoring and responding to a child's physical signs of distress when physical holding is being used
 - i. Annual CPI and restrictive procedures training
- j. Recognizing the symptoms of interventions that may cause positional asphyxia when physical holding is used
 - i. Annual CPI and restrictive procedures training

IV. Morris Area Public School is committed to using positive behavioral interventions and supports.

Positive behavioral interventions and supports:

- i. Positive behavioral interventions and supports means interventions and strategies to improve the school environment and teach children the skills they need to behave appropriately.
- ii. Morris Area Schools strive to create an environment that supports students and their positive behavior and where all students can feel safe and successful.

V. Morris Area Public School will never use the following prohibited procedures on a child:

- a. Engaging in conduct prohibited under section 121AA.58 (corporal punishment);
- b. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- c. Totally or partially restricting a child's senses as punishment;
- d. Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- e. 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 as soon as possible;
- f. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting of the maltreatment of minors);
- g. Withholding regularly scheduled meals or water;
- h. Denying access to bathroom facilities; and
- i. Physical holding that restricts or impairs a child's ability to breathe.