**Endazhi-Nitaawiging
School Board Policies & Procedures Manual
**

|  |
| --- |
|  532 – Use of Peace Officers |

## **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, including a student with an Individualized Education Plan (IEP), from school grounds.

## **II. GENERAL STATEMENT OF POLICY**

Endazhi-Nitaawiging is committed to promoting learning environments that are safe for all members of the school community. Reasonable precautions should be taken to protect students from physical or emotional harm at school and school sponsored events and activities.

In general, all students, including those with IEPs, are subject to the terms of Endazhi-Nitaawiging’s discipline policy, unless the IEP team determines that the discipline policy should not apply. 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 Endazhi-Nitaawiging’s discipline policy.

If any student, including 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, visitors, any other persons 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. A “peace officer” is not an agent or an employee of the District.

D. “Police Liaison Officer” is a peace officer who, pursuant to an agreement between Endazhi-Nitaawiging 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. A “police liaison officer” is not an agent or employee of the District.

E.  The phrase “remove the student from school grounds” refers to the act of securing the person of a student, which may include a student with an IEP, and escorting that student from the school building or school sponsored event or activity.

F. “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).

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 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, visitors, any other persons 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, visitors, any other persons 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, visitors, any other persons or school property, the school building's crisis team, building administrator, or the building administrator's designee, may request that the policy 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 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, visitors, any other persons or school property, Endazhi-Nitaawiging personnel may report a crime committed by a student with an IEP to appropriate authorities. If Endazhi-Nitaawiging 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 Endazhi-Nitaawiging's policy, Protection and Privacy of Pupil Records.

The fact that a student has an IEP and is covered by special education law does not prevent a peace officer or school resource officer 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 from school grounds, including a student with an IEP, a school administrator, crisis team member, teacher, other member of the instructional, support, supervisory staff, or other agents of Endazhi-Nitaawiging may use reasonable force upon the student or toward the student when it is necessary under the circumstances to restrain the student from self-injury or to prevent injury to another person.

In removing a student with an IEP  from school grounds, policy liaison officers and Endazhi-Nitaawiging personnel are prohibited from engaging in the following conduct:

1. Corporal punishment prohibited by Minn. Stat. § 121A.58;

2. Require the student to assume and maintain a specified physical position, activity, or posture that induces physical pain;

3. Restrict, totally or partially, the student’s senses as punishment;

4. Present an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;

5. Deny or restrict the student’s access to equipment and devices such as walkers, wheelchairs, hearing aids and communication boards that facilitate the student’s functioning, except temporarily when necessary to prevent injury to the student or others or serious damage to the equipment or device, in which case the equipment or device must be returned to the student as soon as possible;

6. Interact with the student in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes section 626.556;

7. Withhold regularly scheduled meals or water;

8. Deny the student access to bathroom facilities; or

9. 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. Endazhi-Nitaawiging does not use prone restraints.

D. Parental Notification

The building administrator or designee shall make a reasonable effort 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

If a student with an IEP is repeatedly removed from school, the IEP team must meet to review and determine the appropriateness of the IEP in light of the removals.

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 Endazhi-Nitaawiging seeks to remove a student with an IEP from school grounds under this policy due to behaviors that constitutes 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 procedure have received the training required by Minn. Stat. § 125A.0942, Subd. 5, and otherwise comply with the requirement of § 125A.0942.

G.  Reporting to the Minnesota Department of Education (MDE) annually, stakeholders may recommend, as necessary, to the Commissioner of MDE 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. § 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. §§ 125A.094, 125A.0941 & 125A.0942 (restrictive procedures)
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:***
WBLASB Policy 506 (Student Discipline)
WBLASB Policy 507 (Corporal Punishment)
WBLASB Policy 515 (Protection and Privacy of Pupil Records)
WBLASB Policy 525 (Violence Prevention)
WBLASB Policy 806 (Crisis Management Policy)

***Adopted:* July 27th, 2022**