

Kenai Peninsula Borough School District

Policy Review Committee
1:15 – 2:15 pm, February 1, 2010

Conference Room A

AGENDA

Approval of notes from Policy Meetings of January 11, 2010

Review of Policies for Updating

- *AR 5111 Student Criteria for Early Entrance* – Clarification in criteria for early entrance. Process deleted from here and moved to new form *E 5111(d) Early Entrance Approval Checklist*.
- *E 5111 Early Entrance Screening* – Corrected birthdate for early entrance from September 1 to September 2.
- *E 5111(d) Early Entrance Approval Checklist* – Comprehensive form detailing steps for Early Entrance Approval. – NEW FORM
- *AR 5144.1 Suspension and Expulsion* – Edited for clarity.
- *E 5144.1(a) Long-Term Suspension Process* – Edited for consistency and clarity.
- *E 5144.1(b) Order of Hearings* – NEW form summarizing order, content and time-frame of disciplinary hearings.
- *AR 5144.2 Suspension and Expulsion (Students with Disabilities)* – Rewritten to agree with revised AASB policy.
- *E 5144.2 Special Education Discipline* – Rewritten for clarification.

Attachments

EARLY ENTRANCE

Student Criteria for Early Entrance:

1. To be considered for early entrance students must turn 5 years old between September ~~1~~2 and October 1 for Kindergarten or turn 6 years old between September ~~1~~2 and October 1 for first grade.
2. Requests for early entrance screening will not be accepted after October 1.
3. Students under school age were previously enrolled in programs outside of the District (i.e. home schooling, a private correspondence program or a private school) must meet the early entrance criteria before they will be enrolled.
4. To be admitted through early entrance procedures as itemized in E 5111(d) Early Entrance Approval Checklist the child must pass an early entry screening and demonstrate intelligence falling within the superior range.
5. If the child meets the criteria for early entrance and is enrolled in kindergarten, it is important that parents and staff recognize that it is still a provisional placement. The parent and staff should re-evaluate within two weeks and again in a month to see if the child is making the transition smoothly.

Process for Early Entrance:

- ~~1. Parents must contact the building administrator for information concerning early entrance.~~
- ~~2. The building administrator will explain the state law, Board policy and regulation, the requirements for consideration for early entrance and the criteria for early entrance placement.~~
- ~~3. The parent should fill out the parent questionnaire.~~
- ~~4. The child should be given the screening tool. An initial screening will be conducted and the results explained to the parent by the building administrator.~~
- ~~5. If the child passes the initial screening, the school psychologist will be contacted and additional testing administered as soon as possible.~~
- ~~6. The school psychologist should write a report explaining the results.~~

EARLY ENTRANCE

AR 5111(a)

- ~~7. The school Principal will meet with the parent, explain the results, and inform the parent if the child will or will not be granted provisional placement.~~
- ~~8. If the child meets the criteria for early entrance and is enrolled in kindergarten or first grade, it is important that parents and staff recognize that it is still a provisional placement. The parent and the staff should re-evaluate within two weeks and again in a month to see if the child is making the transition smoothly.~~
- ~~9. If the school staff or parents believe that the child is having difficulty, a referral should be made to the intervention team. The intervention team will examine the issues and determine if the child will or will not remain in school.~~
- ~~10. The Superintendent must be informed of all early entrance placements and any intervention team decisions.~~

EARLY ENTRANCE SCREENING

Child's Name _____ Age _____ Birthdate _____

Date of Screening _____

Parent/guardian's Name _____

Address _____

Telephone number (day time) _____

The purpose of this screening tool is to provide information in helping to determine the most appropriate placement for a child being considered for early entrance into kindergarten.

If a parent inquires about screening for early entrance:

1. The request for testing must be made no later than the first two weeks after school starts. Children will not be accepted for screening after October 1 [September 15], whichever comes later. The child's birthdate must fall between September 2 [August 15] and October 1 [September 15] as stated in School Board policy.
2. The building administrator should explain state law, Board policy, **School District guidelines**, and the procedures to be followed. Also, included in this discussion should be the research that is available on early entrance and its effects on children.
3. Parent should fill out the parent questionnaire.
4. The screening should be completed by the building administrator. Screening results should be explained to the parent by the building administrator. The test itself should be retained in school file.
5. If the child passes the screening, the school psychologist should be contacted and **a norm-referenced intellectual assessment** should be completed as soon as possible. **A full-scale IQ score on a norm-referenced instrument falling within the superior range (plus or minus one standard error of measurement for the selected instrument) must be obtained. Ex. WPPSI-R 120 (+/- 3) Wechsler Preschool and Primary Scale of Intelligence - Revised**
6. If the child meets the criteria for early entrance and is enrolled in kindergarten, it is important that parents and staff recognize that it is still a provisional placement. The parent and the staff should re-evaluate within two weeks and again in a month to see if the child is making the transition smoothly.

EARLY ENTRANCE APPROVAL CHECKLIST

Child's Name _____ Age _____ Birthdate _____

Parent/Guardian's Name _____

Address _____

Telephone Number (day time) _____

Early Entrance Checklist:

- Initial meeting with school principal and parent/guardian requesting early entrance (Oct. 1)
Principal Responsibilities:
- Explain the State Law (AS 14.03.080 Right to Attend School).
 - Explain the Board policy and regulation (*BP 5111 Admission & AR 5111 Early Entrance*).
 - Requirements for consideration/criteria for early entrance placement.
- Parent Questionnaire: *E5111(b & c) Early Entry Parent Questionnaire* completed and returned to school principal
Principal Responsibilities:
- Explain screening results to parents.
 - Contact school psychologist if screening results are passing.
- Initial screening by school level principal: *E5111(a) Early Entrance Screening, E5111(b & c)* and screening test.
- School psychological screening which includes a **norm-referenced intellectual assessment** should be completed as soon as possible. **A full-scale IQ score on a norm-referenced instrument falling within the superior range (plus or minus one standard error of measurement for the selected instrument) must be obtained.** (Ex. WPPSI-R 120 (+/-3) Wechsler Preschool and Primary Scale of Intelligence – Revised.) A psychological evaluation of the student and written report are prepared, presented to school principal and parent/guardian.
- Principal to meet with parent, explain results, and inform the parent if the child will or will not be recommended to the superintendent for provisional placement.
- All documentation to be forwarded to the Director of Elementary Education whether the child is recommended for early entrance or not.
- Director of Elementary Education submits a copy of all paperwork and, as appropriate, a letter requesting early entrance to Assistant Superintendent of Instruction for approval by the Superintendent.
- Assistant Superintendent of Instruction submits entire early entrance request file to Department of Education and Early Development.
- Director of Elementary Education contacts school principal following Board approval.

Approved by:

Director of Elementary Education_____
Date_____
Superintendent_____
Date

SUSPENSION AND EXPULSION**Notice of Regulations**

At the beginning of each school year, the Principal of each school shall notify all students and parents/guardians in writing of all school rules related to discipline, suspension and expulsion. Staff, students, and parents/guardians shall be notified about District policies and regulations. Transfer students and their parents/guardians shall be notified at the time of enrollment.

Grounds for Suspension and Expulsion

A student may be suspended or expelled for the following causes:

1. Continued willful disobedience or open and persistent defiance of reasonable school authority;
2. Behavior which is in some way harmful to the welfare, safety or morals of other students;
3. Conviction of a felony which the Board determines will cause the attendance of the child to be in some way harmful to the welfare or education of other students.

(cf. 5112.2 - Exclusions from Attendance)

A student may be suspended or expelled for behavior occurring at any time, including but not limited to the following circumstances:

1. While on school grounds;
2. While going to or coming from school or a school-sponsored activity; and
3. During the lunch period, whether on or off the school campus.

Authority to Suspend

A *Superintendent or Principal* may suspend a student from school for any of the acts listed under "Grounds for Suspension and Expulsion" for not more than forty-five (45) consecutive days.

Suspension may be imposed upon a first offense if the Principal determines the student's behavior to be in some way harmful to the welfare of other students or the student's presence represents a danger to persons or property or threatens to disrupt the instructional process.

SUSPENSION AND EXPULSION (continued)

If the expulsion of a suspended student is being considered by the Board, the Superintendent may, in writing, extend the suspension until such time as the Board has made a decision.

(cf. 5144.2 - Suspension and Expulsion/Due Process - Individuals with Exceptional Needs)

Suspension

Suspension is defined as the temporary prohibition of a student from physically attending school activities on the school grounds or from participation in school-related or supervised activities on or off the school grounds.

Suspensions shall not exceed three (3) days for first offenses or ten (10) days for second offenses except in instances where it has been determined by hearing procedures that a violation of drug use or alcohol use policy and regulation has occurred, or in the event of chronic truancy, repeated violent behavior, or actions threatening to person, property, or the academic program.

Action imposing suspensions of ten (10) days or less or eleven (11) to forty-five (45) days shall follow hearing procedures defined in ~~this manual~~. [E 5144.1\(a\) and 5144.1\(b\)](#).

Notice to Parents

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever the student is suspended, the parent/guardian shall be notified in writing of the suspension.

This notice shall state the reasons for suspension and the date and time when the student may return to school, and may request that the parent/guardian confer with school authorities regarding matters pertinent to the suspension.

Record Keeping

The Principal shall keep a dated, confidential record of each student whose behavior is considered detrimental to the health, safety and welfare of him/herself or others. The record shall specify in detail the behavior, all courses of action taken to remediate the behavior, a log of student and parent contacts made, the names of persons involved, and the punishment imposed. Any report of formal or informal hearings shall be included in the record.

The Superintendent shall be informed of all relevant information and actions.

SUSPENSION AND EXPULSION (continued)**Denial of Admission**

A student of school age may be denied admission to District schools upon recommendation from administration and approval by the Board when such action complies with law.

Excused Admission

A student may be excused from attendance in District schools upon recommendation from administration and approval by the Board when such action complies with law.

Expulsion

Expulsion is defined as the denial of admission to any and all District schools to a student whose behavior is found in hearing [of the Board](#) to constitute a serious, continuing threat to the welfare of him/herself, others, property, or the academic program. Students recommended to the Board for expulsion shall have displayed a pattern of repeated disruptive behavior or have committed an individual act of significant misconduct that warrants denial of admission as the most appropriate action.

A student may be expelled from the District schools following a hearing and approval by the Board in regular or special meeting after affording the student, parent, and legal counsel the right to be heard.

Terms of expulsion may be for a specified period or the balance of the school year, or may be permanent. Readmission to school shall be considered when the student has served the term of the expulsion and there is cause to believe that the behavior leading to the expulsion shall not be repeated.

(cf. 6164.3 Student Mental Health – Medication and Services)

Expulsions of identified special education students may not be made for behavior that is a condition of the handicap for which their special program has been designed. Any action expelling a special education student is a modification of the individual educational program (IEP) and requires confirmation by the director - special services.

Readmission

An expulsion order shall remain in effect until the Board may order the readmission of the student. Readmission procedures shall be as follows:

SUSPENSION AND EXPULSION (continued)

1. A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the Superintendent.
2. The Superintendent will hold a conference with the parent/guardian and the student.

At the conference, the conditions for readmission will be reviewed. The Superintendent shall verify that the conditions have been met. School regulations will be reviewed and the student and parent/guardian will be asked to indicate in writing their willingness to comply with these regulations.

3. The Superintendent will transmit the request for readmission to the Board, along with his/her recommendation.
4. The Superintendent will notify the student or parent/guardian, by registered mail, of the Board's decision regarding readmission.

Legal Reference:

ALASKA STATUTES

AS 14.30.45 Grounds for suspension or denial of admission

Students

E 5144.1(a)

LONG-TERM SUSPENSION/~~EXPULSION~~ PROCESS

- I. Be familiar with the following District Policies and Regulations:
 - a. ~~5131.6 Alcohol and Other Drugs 5131.6~~ (if related to substance abuse)
 - b. ~~5145.12 Search and Seizure 5145.12~~ (if related to search and seizure)
 - c. ~~5144.2 Suspension and Expulsion (Students with Exceptional Needs) 5144.2~~ and ~~5144.11 Due Process 5144.11~~ (~~all hearings regardless of whether formal or informal follow due process~~ ~~due process~~)
 - d. ~~5144.1 Suspension and Expulsion 5144.1~~ (if related to expulsion)
- II. Contact the following:
 - a. Parents/guardian by phone and in writing and describe the process to be followed
 - b. Police (if a violation of the law has occurred)
 - c. Assistant Superintendent of Instruction
- III. Ascertain if the student has an IEP and, if yes, follow ~~5144.2 Suspension and Expulsion (Students with Disabilities)~~ ~~the Special Services Student Suspension/Expulsion Guidelines 5144.2~~
- IV. Conduct an informal hearing and provide the following:
 - a. Oral or written notice of charges
 - b. An explanation of the evidence
 - c. An opportunity to present the student's point of view of the incident
 - d. An explanation of the sanctions
 - e. An explanation of the appeal process
 - f. Provide a written summary of hearing to student/parents and Assistant Superintendent
- ~~V. If appealed, conduct a formal hearing following District Policy and Regulations 5144.11~~
- ~~VI.~~ The hearing officer submits a hearing summary ~~regardless of the formal or informal status of the~~ each hearing that must include the following information:
 - a. Student's name (legal and other names the student went by)
 - b. Time and place of the hearing
 - c. A list of those present
 - d. The violation(s) that the student is charged with
 - e. The facts of the case
 - f. The conclusion of guilt or innocence
 - g. The sanctions to be placed upon the student
 - h. Copies of the hearing summary are sent to:
 1. Parent or guardian
 2. Principal
 3. Assistant Superintendent of Instruction

LONG TERM SUSPENSION/~~EXPULSION~~ PROCESS (continued)

VIII. A decision of the hearing officer suspending the student from school for eleven (11) or more school days may be appealed in writing within five (5) days of receipt of the hearing officer's decision letter via certified mail. If appealed, formal hearings are conducted in the following order after each appeal.

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Level I: This hearing is conducted within five (5) school days of the appeal request and according to procedures defined herein. A decision will be rendered by the hearing officer within three (3) school days of the hearing.

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Level II: This hearing is conducted by the Superintendent within five days of receipt of appeal. Decisions are to be rendered within three school days of hearing and sent via certified mail to student and parent.

Level III: This hearing is conducted by the Board at the next available Board meeting. Decision to be announced within three days and mailed to parent and student via certified mail.

~~If the sanction is a recommendation for expulsion, be sure that the hearing summary clearly answers the following questions:~~

- ~~a. For what length of period are you recommending the student be expelled?~~
- ~~b. What are the specific reasons (facts) that have brought you to the conclusion that the student's presence in the school will be inimical to the safety and well-being of students and staff? Why should the action by the student warrant expulsion over suspension?~~
- ~~c. For what reasons do you believe that separation between the student and the school must be for this specific length of time?~~
- ~~d. Are there other conditions that you wish to include in your recommendation? What is your rationale for these specific recommendations?~~

~~IX. If the sanction is a recommendation for expulsion, be sure to submit the following to the Assistant Superintendent for Board packet information prior to the Tuesday before the next Board meeting:~~

- ~~a. A complete hearing summary with all of the above questions answered~~
- ~~b. The chronological age of the student and year in school~~
- ~~c. A copy of the student's transcript~~
- ~~d. A summary of previous disciplinary interactions~~
- ~~e. Other information germane to the hearing~~
- ~~f. A copy of the hearing tape if a formal hearing was conducted~~

Order of Hearings

SUSPENSION HEARINGS

Hearing Type	Description	Appeal
Informal	By Principal or designee when there is cause to believe student has violated law, policy, regulation or school rules. Meeting requires no prior notice.	Suspensions of 10 days for less may not be appealed. Suspensions of 11 days or more may be appealed via Request for Reconsideration form submitted within five school days of informal hearing.
Level I – Formal	Hearing to be conducted by the appointed hearing officer within 5 school days of receipt of appeal. Decision to be rendered within 3 school days of hearing and sent via certified mail.	Appealed in writing within 5 school days of receipt of hearing officer’s letter.
Level II – Formal	Hearing to be conducted by the Superintendent within five days of receipt of appeal. Decisions are to be rendered within 3 school days of hearing and sent via certified mail to student and parent.	Appealed in writing within 10 school days of receipt of Superintendent’s letter.
Level III – Formal	Hearing to be conducted by Board at the next available Board meeting. Decision to be announced within 3 days and mailed to student and parent via certified mail.	No further appeals available.

EXPULSION HEARINGS

Hearing Type	Description	Appeal
Informal	By Principal or designee when there is cause to believe student has violated law, policy, regulation or school rules. Meeting requires no prior notice. Principal recommends expulsion.	May be appealed via Request for Reconsideration form submitted within five school days of informal hearing.
Formal	Hearing to be conducted by Board at the next available Board meeting. Decision to be announced within 3 days.	No further appeals available.

SUSPENSION AND EXPULSION (STUDENTS WITH DISABILITIES)

A student receiving special education services is expected to follow the same behavior and conduct rules applicable to all students and is subject to discipline as set forth in those rules. The procedural safeguards established by District policies and regulations shall be observed in considering the suspension of special education students. In addition, students receiving special education may have additional rights relating to discipline and continuing services as set forth in the Individuals with Disabilities Education Act (“IDEA”).

School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates behavior and conduct rules.

A student who has not been identified as a student with disabilities pursuant to the IDEA and who has violated the District’s disciplinary procedures may assert the procedural safeguards under this administrative regulation only if the District had a basis of knowledge that the student had a disability before the behavior occurred.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(cf. 5144.1 - Suspension and Expulsion)
(cf. 6164.4 – Child Find)

Removal for Up to 10 Days

District personnel may suspend a special education student for up to ten school days per year without providing educational services. The days need not be consecutive. Removals for up to ten school days may be out of school suspensions, or, alternatively, an interim alternative educational setting or another setting. Parents must be immediately notified of the discipline decision.

Removal for More Than 10 Days or Placement in an Interim Alternative Educational Setting

Students whose suspension constitutes a change in placement must continue to receive a free and appropriate public education. This means that beginning with the change in placement for disciplinary purposes, educational services must continue to be provided and procedural protections are triggered.

SUSPENSION AND EXPULSION (STUDENTS WITH DISABILITIES) (continued)

A change in placement occurs if:

- 1) The removal is for more than 10 consecutive school days; or
- 2) The student has been subjected to a series of removals that constitute a pattern because:
 - a) the series of removals total more than 10 school days in a school year;
 - b) the student's behavior is substantially similar to the behavior in previous incidents that resulted in removal; and
 - c) such additional factors support a pattern such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

The District shall determine whether a pattern of removals constitutes a change in placement.

The parents shall be immediately notified of the discipline decision and provided a notice of procedural safeguards on the day the change in placement decision is made.

Manifestation Determination

When a change in placement is contemplated for disciplinary purposes, the District must conduct a manifestation determination.

A. Timeframe for Making Determination

Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of student conduct rules, a manifestation determination shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

B. How Determination is Made

In making a manifestation determination, the District, the parent, and relevant members of the student's IEP team (as determined by the District and the parent) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

SUSPENSION AND EXPULSION (STUDENTS WITH DISABILITIES) (continued)

2. if the conduct in question was the direct result of the District's failure to implement the IEP.

C. Manifestation is Found

If the District, the parent, and relevant members of the IEP team determine that either of the conditions above is met, the conduct shall be determined to be a manifestation of the student's disability. If the team determines that the student's conduct is a manifestation, then the child's placement cannot be changed except via the IEP team process. If a manifestation is found, the IEP team must either:

1. conduct a functional behavioral assessment, unless the District had already conducted one prior to the behavior leading to the change in placement, and implement a behavioral intervention plan for the student; or
2. if a behavior intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior; and
3. except under special circumstances for drugs, weapons or serious bodily injury as set forth below, return the student to the placement from which the student was removed, unless the parent and the District agree to a change of placement as part of the behavior intervention plan.

D. No Manifestation is Found

If it is determined that the conduct is not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration as applied to students without disabilities, except that a free appropriate public education must continue to be provided. The educational services may be provided in an alternate setting.

Drugs, Weapons, or Serious Bodily Injury

For violations of school policies involving weapons, drugs, or serious bodily injury, school personnel may remove a student to an interim alternative educational setting for up to a maximum of 45 school days without regard to whether the behavior is a manifestation of the student's disability. The interim alternative educational setting shall be determined by the IEP team.

Removal under these special circumstances is available for infractions where a student:

SUSPENSION AND EXPULSION (STUDENTS WITH DISABILITIES) (continued)

1. carries or possesses a weapon to school or at school, on school premises, or to or at a school function; or
2. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. has inflicted serious bodily injury upon another person while at school, or on school premises, or at a school function.

~~**SUSPENSION AND EXPULSION (INDIVIDUALS WITH EXCEPTIONAL NEEDS)**~~

~~**Suspension**~~

~~Special services students may not be suspended or expelled for behaviors that are a function of their handicap or condition. When severe disciplinary action should legitimately be considered, the District has an obligation to consider the effect of proposed disciplinary action on the student's individual educational plan (IEP) required by law. Any disciplinary recommendation that creates a change in an IEP requires the following actions to protect student rights.~~

- ~~1. The Principal conducts an informal meeting to collect data.~~
- ~~2. An IEP meeting is scheduled. The purpose of this meeting is to determine the relationship between the behavior and the identified disability, and the appropriateness of the IEP.~~
- ~~3. If the IEP team determines there is no relationship between the behavior and the disability and that there was an appropriate IEP, the student shall be disciplined as set forth by the District policy.~~

~~(cf. 5144.11 Due Process)~~

~~(cf. 5144.2 Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))~~

- ~~4. Subsequent to a long term suspension or expulsion the IEP team will meet for the purpose of discussing future IEP services.~~

~~Procedures listed above shall not prohibit school officials from taking action to preserve order, the safety and well-being of persons in the school or on school grounds.~~

~~See E 5144.2 for additional procedural information.~~

~~Legal Reference:~~

~~ALASKA STATUTES~~

~~14.30.045 Grounds for suspension or denial of admission~~

~~14.30.047 Admission or readmission, when cause no longer exists~~

~~UNITED STATES CODE~~

~~Title 20, 1415~~

~~CODE OF FEDERAL REGULATIONS~~

~~34, 104.35~~

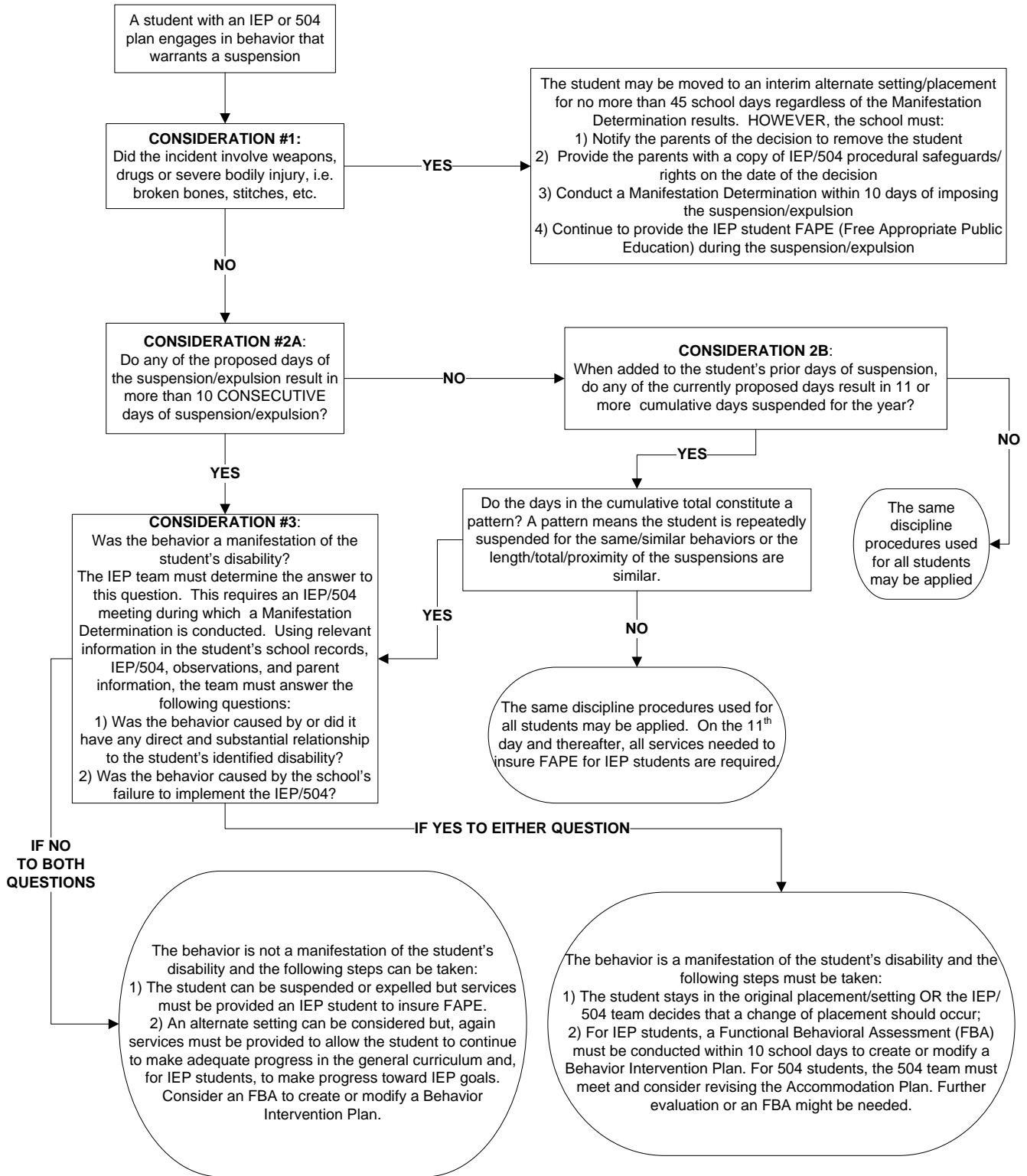
~~HONIG V. DOE, 484 U.S. 305 (1988)~~

~~DOE V. MAHER, 793 F.2d 1470, page 1487 (1986)~~

Special Education Discipline:

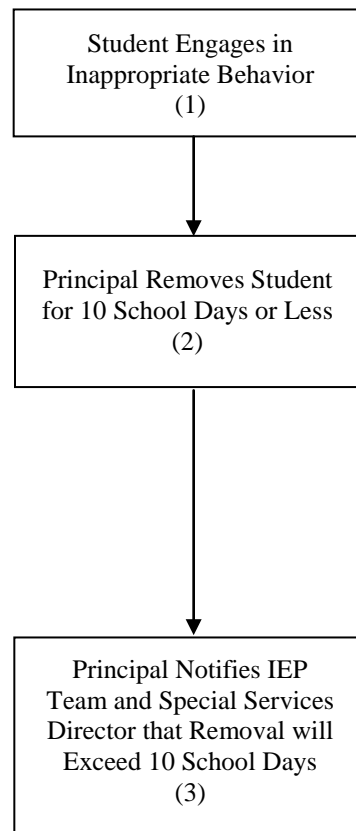
A Step by Step Guide to Suspension/Expulsion

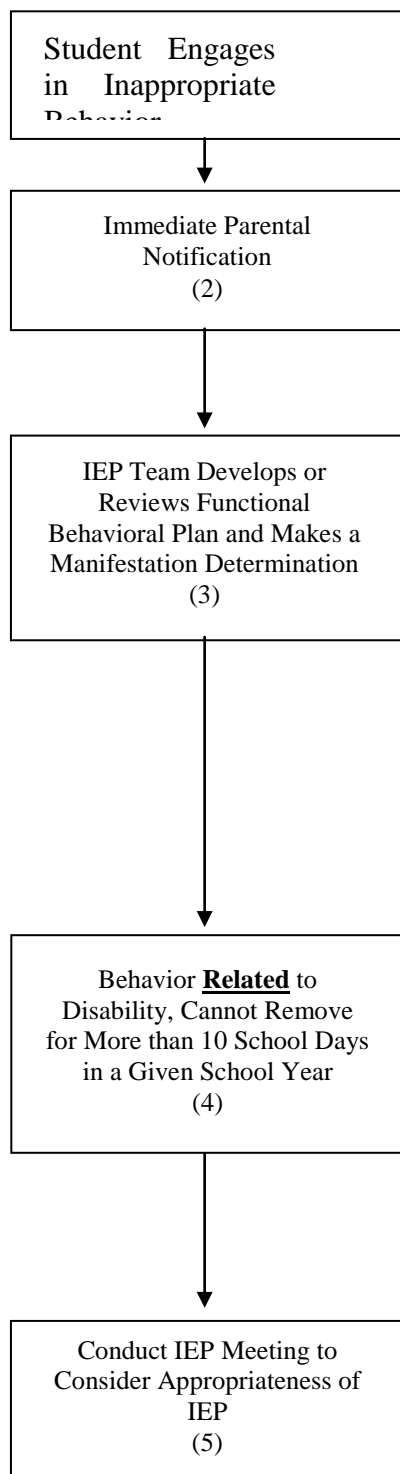
Contact Pupil Services when an IEP/504 student is suspended for more than 10 school days



SPECIAL SERVICES
STUDENT REMOVED FROM CURRENT EDUCATIONAL PROGRAM FOR
Less Than or Equal to Ten School Days
(Does Not Involve Weapons or Drugs/Controlled Substances)

1. ~~The student engages in behavior that is determined by policy or procedure to be inappropriate.~~
2. ~~The Principal meets with the student and makes a decision that the student will be removed from his/her current placement for ten school days or less. This could be one removal or a series of short term removals that total 10 school days or less in a school year. No meeting is needed to determine the relationship between the infraction and the student's disability. Also, no educational services are required to be provided during this short term period unless services are provided to students who are not disabled who are also removed.~~
3. ~~The Principal should keep track of the number of days the student is removed from his current placement and notify the IEP team and the Special Services Director when the total days of removal equals 7 in a given school year. Principals should use short term removals judiciously.~~



SPECIAL SERVICES**Behavior Is Related to Student's Disability****(Does Not Involve Weapons or Drugs/Controlled Substances)**

~~1. The student engages in a behavior that is determined by policy or procedure to be inappropriate and which results in any proposed disciplinary action which exceeds 10 school days of removal.~~

~~2. Case manager sends NOPA, parents copy of procedural safeguards and an invitation to attend an IEP meeting for the purpose of determining if a relationship exists between the behavior and the disability.~~

~~3. IEP team is convened to develop or review a behavioral plan and make a manifestation determination. The team must consider evaluation/diagnostic reports, observations, and IEP placement.~~

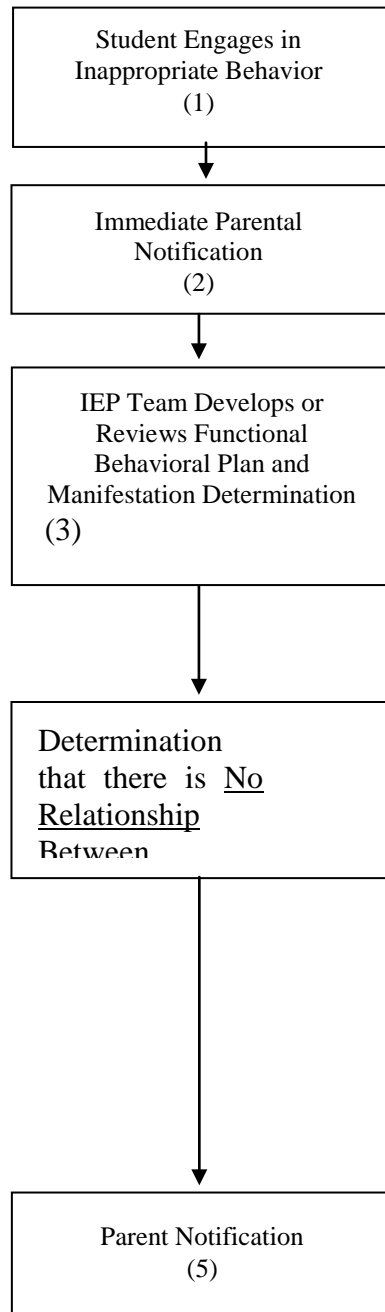
~~NOTE: Nothing precludes having a preplanning meeting with the case manager, other staff, students, etc. for the purpose of reviewing data, fact finding, and data gathering. The important thing to remember, however, is that decisions must be made in an IEP team meeting.~~

~~There is a presumption under the law that the behavior is a manifestation of the student's disability. The IEP Team may determine that it is not a manifestation only if the Team finds that the IEP and placement are appropriate, all special education services were provided as specified in the IEP, and the student's disability did not impair his/her ability to understand the impact and consequences of such behavior and control the behavior. **Parents are entitled to an expedited due process hearing if they challenge the IEP Team's determination decision.**~~

~~4. If the determination of the IEP team is that there is a relationship between the student's disability and the behavior then a removal from the student's current education placement cannot occur.~~

~~5. The IEP team should consider the appropriateness of the current IEP given the student's current behavior. Options which are available include placement in an alternative educational setting (with parent approval), and/or adjustment to the student's IEP/behavioral plan. The IEP team is required to consider, when appropriate, positive behavioral interventions.~~

SPECIAL SERVICES
Behavior is Not Related to Student's Disability
 (Does Not Involve Weapons or Drugs/Controlled Substances)



~~1. The student engages in a behavior that is determined by policy or procedure to be inappropriate and which results in any proposed disciplinary action which exceeds 10 school days of removal.~~

~~2. Case manager sends NOPA, parents copy of procedural safeguards and an invitation to attend an IEP meeting for the purpose of determining if a relationship exists between the behavior and the disability.~~

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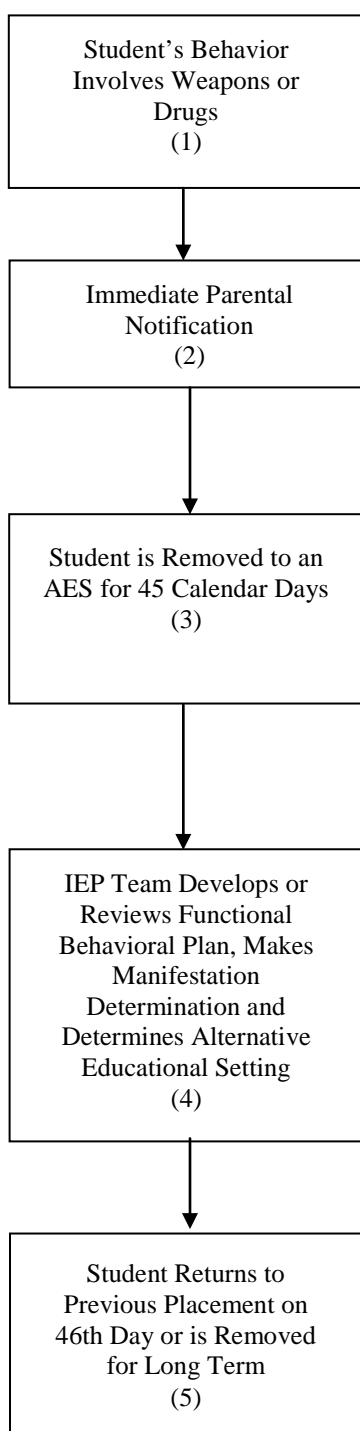
~~NOTE: Nothing precludes having a preplanning meeting with the case manager, other staff, students, etc. for the purpose of reviewing data, fact finding, and data gathering. The important thing to remember, however, is that decisions must be made in an IEP team meeting.~~

~~There is a presumption under the law that the behavior is a manifestation of the student's disability. The IEP Team may determine that it is not a manifestation only if the Team finds that the IEP and placement are appropriate, all special education services were provided as specified in the IEP, and the student's disability did not impair his/her ability to understand the impact and consequences of such behavior and control the behavior. **Parents are entitled to an expedited due process hearing if they challenge the IEP Team's determination decision.**~~

~~4. If there is no relationship, the disciplinary procedures which apply to all students should be followed.~~

~~5. Case manager sends parents copy of procedural safeguards and a NOPA which explains proposed disciplinary action, the right to challenge the manifestation determination, and the right to challenge the change in placement at an expedited hearing.~~

~~If the student is suspended or expelled, the person(s) making the decision must be provided with the student's special education and disciplinary records. The school must continue to provide a free appropriate public education as reflected in the student's IEP. The IEP Team may revise the student's current IEP as needed to meet his/her needs during the suspension or expulsion.~~

SPECIAL SERVICES**Behavior Involving Weapons or Drugs/Controlled Substances**

~~1. The student engages in behavior involving weapons and drugs or controlled substance. Student should be removed for 10 school days by the Principal (as long as no previous removals).~~

~~2. Case manager sends NOPA, parents copy of procedural safeguards and an invitation to attend an IEP meeting for the purpose of determining if a relationship exists between the behavior and the disability.~~

~~NOTE: Nothing precludes having a preplanning meeting with the case manager, other staff, students, etc. for the purpose of reviewing data, fact finding, and data gathering. The important thing to remember, however, is that decisions must be made in an IEP team meeting.~~

~~3. Student is removed to an Alternative Educational Setting (AES) for up to 45 calendar days. This placement determined by the IEP Team must enable the student to participate in the general curriculum, provide services to enable the student to meet IEP goals and provide services to address the student's behavior.~~

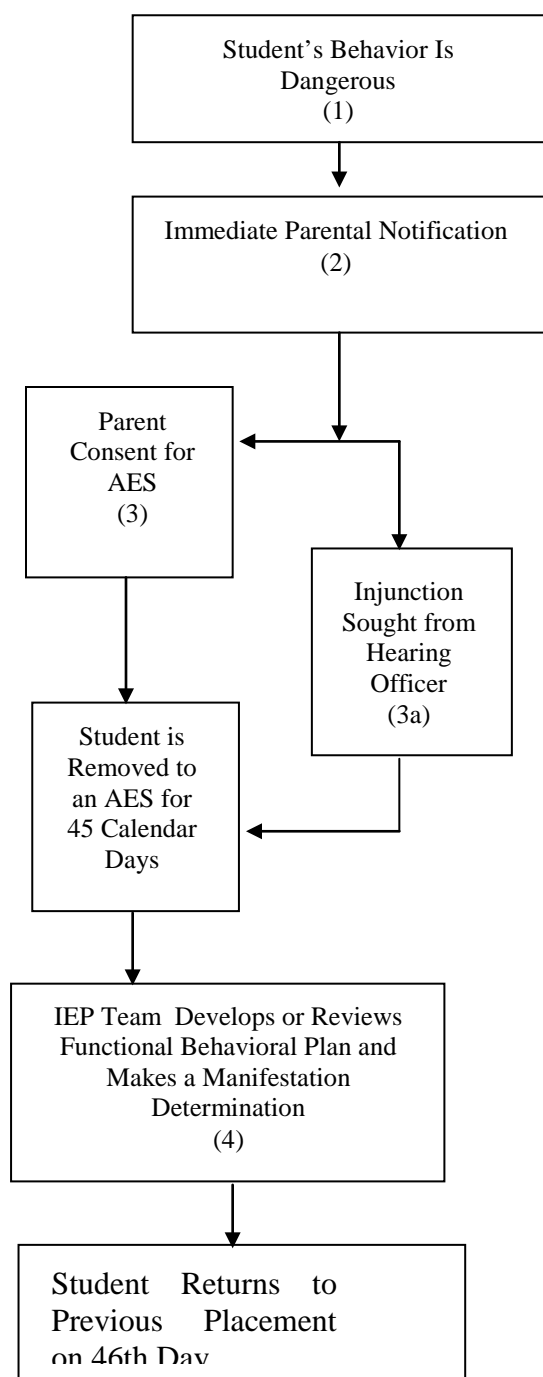
~~4. During the 10 school day removal, the IEP team is convened to review or develop a functional behavior plan, make a manifestation determination and determine an alternative educational setting. The team must consider evaluation/diagnostic reports, observations, and IEP placement.~~

~~There is a presumption under the law that the behavior is a manifestation of the student's disability. The IEP Team may determine that it is not a manifestation only if the Team finds that the IEP and placement are appropriate, all special education services were provided as specified in the IEP, and the student's disability did not impair his/her ability to understand the impact and consequences of such behavior and control the behavior. **Parents are entitled to an expedited due process hearing if they challenge the IEP Team's determination decision.**~~

~~5. If a manifestation exists, student returns to previous placement by the 46th day. If no manifestation exists, the District may apply the same disciplinary procedures which apply to all students. If student is removed for long term, the IEP team must convene to determine how FAPE will be provided during this period.~~

~~SPECIAL SERVICES~~

~~Behavior Which is Dangerous to the Student or Others~~



~~1. The student engages in behavior dangerous to themselves or others. Student should be removed for 10 school days by the Principal (as long as no previous removals).~~

~~2. Case manager sends NOPA, parents copy of procedural safeguards and an invitation to attend an IEP meeting for the purpose of determining if a relationship exists between the behavior and the disability.~~

~~NOTE: Nothing precludes having a preplanning meeting with the case manager, other staff, students, etc. for the purpose of reviewing data, fact finding, and data gathering. The important thing to remember, however, is that decisions must be made in an IEP team meeting.~~

~~3. With parent support, place a student in an Alternative Education Setting (AES) for behavior which is dangerous to the child or others.~~

~~3a. If the parents do not consent, the District can ask a state provided hearing officer to issue an injunction placing the student in an AES. The District must show by more than a preponderance of evidence that the current placement is likely to result in injury to the child or others and the school made reasonable efforts to address the safety issues.~~

~~4. During the 10 school day removal, the IEP team is convened to review or develop a functional behavior plan, and make a manifestation determination. The team must consider evaluation/diagnostic reports, observations, and IEP placement.~~

~~There is a presumption under the law that the behavior is a manifestation of the student's disability. The IEP Team may determine that it is not a manifestation only if the Team finds that the IEP and placement are appropriate, all special education services were provided as specified in the IEP, and the student's disability did not impair his/her ability to understand the impact and consequences of such behavior and control the behavior. **Parents are entitled to an expedited due process hearing if they challenge the IEP Team's determination decision.**~~

~~If no manifestation exists, the District may apply the same disciplinary procedures which apply to all students. If student is removed for long term, the IEP team must convene to determine how FAPE will be provided during this period.~~

~~5. The alternative educational setting must enable the student to continue in the general education curriculum, enable the student to meet IEP goals, and include services designed to address the behavior so that it does not recur.~~