



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Assistant Superintendent

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February 3, 2010

TO: Board of Education

FROM: Dave Jones, Assistant Superintendent

SUBJECT: Proposed Administrative Regulation Revisions

The following administrative regulations were reviewed by the Board Policy Committee on February 1, 2010. They are also scheduled to be reviewed at the Board Worksession on February 15, 2010.

The Board may give approval of administrative regulations with only one read per *Board Bylaw 9313 Administrative Regulations and Exhibits*. The following recommended changes to administrative regulations/exhibits are presented for action by the Board.

AR 5111 Student Criteria for Early Entrance – Clarification in criteria for early entrance. Process section deleted from here and moved to new form *E 5111 (d) Early Entrance Approval Checklist*.

AR 5144.1 Suspension and Expulsion – Minor edits in text for clarification.

AR 5144.2 Suspension and Expulsion (Students with Disabilities) – This rewrite of the administrative regulation was done to comply with the revised AASB policy which also encompasses the revision of 2004 revision of IDEA.

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.~~

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

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)