

## SUSPENSION OF SPECIAL EDUCATION STUDENTS

For the purpose of this regulation, suspension is defined as the temporary removal of a special education student from school totaling no more than ten days during a school year without consideration of a change in placement by the Individualized Education Program (IEP) team. This procedure shall also apply for in-school suspensions when the special education student, while in in-school suspension, is unable to continue to progress in the general education curriculum and continue to receive those services and modifications that will enable the student to meet the goals set out in the IEP. Students will not be eligible to participate in athletic practices or school sponsored activities or events during the duration of the in-school suspension.

When a building administrator has reason to believe that a student with an IEP may have violated a school district policy or regulation and thus be subject to suspension, the building administrator shall conduct a fair and impartial hearing utilizing the procedures outlined in Administrative Regulation 504.4-R1. In addition to the procedures set forth in 504.4-R1, the following practices shall apply when students with IEPs are involved in alleged violations.

1. Suspensions cannot constitute a change of placement of the student without the involvement and recommendation of the IEP team. For purposes of removals of a student with a disability from the student's current educational placement, a change of placement may occur if:
  - a. the removal is for more than 10 consecutive school days; or
  - b. the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
2. In such instances, the student's IEP team must convene within 10 school days of any decision to change the placement of the student for disciplinary or behavioral reasons and conduct a "**Manifestation Determination**" to determine whether the behavior leading to the proposed change in placement and/or discipline was a manifestation of the student's disability. During a **Manifestation Determination**, the IEP team is charged with reviewing all relevant information, including:
  - a. evaluation and diagnostic results, including information provided by the parents;
  - b. observations of the student; and
  - c. the student's IEP and placement.

After reviewing the above information, the IEP team has to determine:

- a. in relationship to the behavior subject to discipline, whether the IEP and placement were appropriate, and whether the special education services,

and behavior interventions strategies were provided consistent with the student's IEP and placement;

- b. that the student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to the disciplinary action; and
- c. that the student's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

**If all three of these standards were met, then the behavior that is the subject of the disciplinary action is not considered a manifestation of the student's disability.** As another point of interest, if the IEP team finds that there was a deficiency in the student's IEP, then the team must take immediate steps to remedy those deficiencies.

If the behavior that is subject to discipline **is NOT a manifestation** of the student's disability, then school officials may impose the same punishment that they would for any other similarly situated student. However, school officials need to ensure that services are provided to the extent necessary to enable the student to appropriately progress in the general curriculum and toward achieving the goals set out in the student's IEP. If the behavior **is a manifestation** of the student's disability, then the school may not long-term suspend or expel the student, but the IEP team may want to consider whether a change in placement or services is in the best interest of the student.

- 3. School administrative personnel may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 days, if:
  - a. The student carries a weapon to school or to a school function under the jurisdiction of the district; or
  - b. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substance while at school or a school function under the jurisdiction of the district.
  - c. Inflict "serious bodily injury" upon another person. "Serious bodily injury" is defined as resulting in:
    - 1. substantial risk of death;
    - 2. extreme physical pain;
    - 3. protracted and obvious disfigurement; and/or
    - 4. protracted impairment of the functions of a bodily member, organ or mental faculty.

Under such conditions the school official may make a unilateral movement without regard to whether the behavior is determined to be a manifestation of the students' disability. In such cases, the Associate Superintendent for Teaching and Learning and Director of Special Education shall decide upon the temporary change of placement, the IEP team will select the appropriate interim alternative setting. The school's placement in the interim alternative educational setting placement may occur after the school initially suspended or temporarily changed the placement of the student on a short term "up to 10 school days" basis.

4. A student may be moved to an interim alternative education setting based on the agreement of the IEP team, including parent(s) or guardian(s), or based on a hearing officer determination that maintaining the current placement of the student is substantially likely to result in injury to the student or to others if he or she remains in the current placement.
5. The building principal should arrange an IEP meeting when a student reaches 8 days of suspension and Individuals with Disabilities Education Act (IDEA) requires that not later than 10 business days after either first removing the student for more than 10 school days in a school year or commencing a removal that constitutes a change of placement the building Principal must:
  - a. Convene an IEP meeting to develop an assessment plan if the district did not conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP) for the student before the behavior that resulted in this removal. As soon as the assessment is completed the Principal shall convene an IEP meeting to develop behavior interventions to address the behavior and shall implement those interventions; or
  - b. If the student already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior. If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.
6. For students with major behavioral issues, the IEP team is encouraged to develop a Functional Behavioral Assessment (FBA) prior to a student displaying behavior that may be the subject of discipline or a change in placement. However, **the team must develop an FBA no later than 10 business days after first removing a student with a disability from school for more than 10 school days in one school year.** As soon as the IEP team is able to assess the special ed. student under the FBA, the team will then develop a Behavioral Intervention Plan (BIP) to address the student's needs.

505.11 Trespassing

ADOPTED: 6/11/90  
7/23/99  
10/6/99  
12/4/03  
6/5/08

Reviewed: 5/90, 7/23/99, 10/6/99, 5/1/03, 12/4/03, 6/5/08, 5/3/12, 6/1/17, 8/10/23