

EXPULSION OF SPECIAL EDUCATION STUDENTS

For purposes of this Administrative Regulation, expulsion is defined as action taken by the Board of Education to remove a special education student from the school program for gross violations of district policy.

When a building administrator recommends expulsion of a special education student, the Director of Student & At-Risk Services shall utilize the procedures outlined in Administrative Regulation 504.5-R1. In addition to the procedures set forth in 504.5-R1, the following practices shall apply when special education students are recommended for expulsion:

1. If the Director of Special Education is in agreement with the recommendation for expulsion, he/she shall immediately notify the student's parents and the Director of Student & At-Risk Services. Such notice may be given orally or in writing. If an oral notice is given, the written notice must follow within twenty-four (24) hours.
2. The Director of Special Education shall make a referral to the Individual Education Program (IEP)/staffing team to review the student's educational program and complete a manifestation determination prior to the Director of Student & At-Risk Services making a recommendation to the Board of Education on the expulsion of the special education student.
3. The IEP/staffing team shall meet to consider whether the student is actually guilty of the misconduct, whether the student's misbehavior is caused by the student's disability and/or whether the conduct is a result of inappropriate placement. At this time a re-evaluation by the diagnostic team may be initiated. The IEP/staffing team shall consist of the building administrator, a representative of the agency other than the student's teacher who is qualified to provide or supervise the provision of special education; the student's teacher; members of the diagnostic-educational team; the student's parent, guardian or legal custodian; the student if appropriate; and other individuals as designated by the parents, school district or Director of Special Education.

School officials are required to inform the parent, guardian, or legal custodian that they have a right to request an independent educational evaluation at public expense.

4. The IEP/staffing team shall provide a report to the Director of Special Education, and the Director of Student & At-Risk Services that contains information on the perceived relationship between the student's misbehavior, the student's disability, and the appropriateness of the student's current educational programming. The IEP/staffing team will not address the issue of expulsion.

If the IEP/staffing team determines that the student's misbehavior is related to their disability and/or the student is placed in an inappropriate program, the student may not be expelled. The IEP/staffing team may consider moving the student to a more appropriate placement following due process procedures.

If the IEP/staffing team determines that the student's misbehavior is not related to disability and that the student's current educational program is appropriate, the Director of Special Education may recommend to the Board of Education that the student be expelled. Parents must be informed of their right to file an appeal for an impartial administrative hearing. Stay put provisions shall remain in effect during the administrative hearing process.

5. If the Board of Education decides that the student shall be expelled, the IEP/staffing team shall meet again to determine an appropriate alternative educational program for the expelled student. Expulsion of a special education student does not mean that educational services are terminated.

If the IEP/staffing team determines that a home instruction program is necessary for a special education student who has been removed from the school because of unacceptable school behavior, the IEP/staffing team will review the home instruction program at least every 30 days to determine the appropriateness of the home instruction program.

- * Code of Iowa, Chapter 281 defines these students as special education students. Special education students as defined herein does not apply to gifted students unless there is an accompanying disability.

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