

POLICY 31

SPECIAL EDUCATION DISCIPLINE

Adopted by Superintendents' Council 12/1/08

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SONOMA COUNTY
SPECIAL EDUCATION DISCIPLINE

All LEAs within the SELPA will follow all applicable federal and state laws and regulations governing the discipline of special education students who violate a code of student conduct. Particular attention will be given to the following provisions:

1. When a student with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal, the LEA will continue to provide services to enable the student to participate in the general education curriculum and to progress toward meeting his/her IEP goals.
2. For disciplinary changes in placement that exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.
3. On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice.
4. Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the LEA, the parent and relevant members of the IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or if the conduct in question was the direct result of the LEA's failure to implement the IEP.
5. If the LEA, the parents, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, the IEP Team must either (1) conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan; or (2) if a behavioral intervention plan already has been developed, review the plan and modify it, as necessary, to address the behavior.

6. If a determination is made that the conduct was a manifestation of the student's disability, the student will return to the placement from which he or she was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.
7. In making the manifestation determination, the IEP Team will consider all required elements and review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability or was the direct result of the LEA's failure to implement the IEP.
8. The student's IEP Team will determine the interim alternative educational setting for services when there is a change in placement.
9. A functional analysis assessment, if necessary, will include a review of the history of the behavior to include the effectiveness of previously used behavioral interventions.
10. The LEA will implement appropriate policies and procedures to ensure parent participation in the process.
11. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the LEA will use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
12. If a placement decision was made by a group without the involvement of a parent, the LEA must have a record of its attempts to ensure their involvement.
13. Parents will be informed that they have a right to pursue a due process hearing if they disagree with the decisions of the IEP Team regarding expulsion.
14. The expulsion hearing will be conducted only after the pre-expulsion assessment is completed and the IEP Team convenes and makes the required findings.
15. The relevant disciplinary procedures applicable to all students will be carried out only when it has been determined that the placement was appropriate and that the behavior was not a manifestation of the disability.