



## **ANTELOPE VALLEY SELPA DISCIPLINE GUIDELINES**

### **GENERAL INFORMATION:**

It is expected that the Member Districts of the Antelope Valley SELPA (AV SELPA) utilize Positive Behavior Supports to address the behavioral needs of all students. At times, disciplinary strategies are considered for special education students. When considering suspension or expulsion for these students, the school Administrator must consult with the site psychologist and IEP Team to ensure all procedural requirements are followed for special education students. For example, considering the number of prior disciplinary removals and/or whether the suspension/expulsion will result in a change of placement and thereby triggering the obligation to conduct a manifestation determination. Depending on the circumstances, a special education student may or may not be subject to the same disciplinary procedures as his/her general education peers. A CRUCIAL COMPONENT OF UTILIZING DISCIPLINARY REMOVALS (i.e., suspension and sometimes expulsion) IS DETERMINING AT WHAT POINT IT CONSTITUTES A CHANGE IN SPECIAL EDUCATION PLACEMENT.

### **DISCIPLINARY REMOVAL THAT DOES NOT CONSTITUTE A CHANGE IN PLACEMENT (BOTH IN-SCHOOL AND OUT-OF-SCHOOL SUSPENSIONS):**

The following two types of removals ***DO NOT*** constitute a change in placement. Overall, if a student is removed from his or her placement for a disciplinary reason for fewer than 10 school days in one school year, it is not a change in placement.

#### **1. REMOVALS OF 10 SCHOOL DAYS OR FEWER:**

A student may be suspended sporadically for fewer than 10 school days during a school year for a violation of school rules.

- For these instances, the student is subject to the same disciplinary procedures as a general education peer.
- There is no requirement to provide educational services during the period of suspension.
- No manifestation determination meeting is required.

#### **2. REMOVALS OF MORE THAN 10 CUMULATIVE DAYS:**

Suspensions of more than 10 cumulative days during a school year for violations of various school rules are not a change of placement if the student's behavior does not constitute a "pattern," as defined below. The lack of a behavioral pattern should be documented in the IEP.

- There is no requirement to provide educational services during the 10 days of suspension time.
- However, after the 10<sup>th</sup> day of removal, school personnel must consult with at least one of the student's teachers, to determine the extent to which services are needed so

as to enable the student to make progress in the general curriculum and to advance toward achieving IEP goals/objectives. These services may be provided in an alternative educational placement.

- The student is subject to the same disciplinary rules as a general education peer.
- A formal manifestation determination review is not required if the behavior does not constitute a “pattern.”

### **CHANGE OF PLACEMENT:**

The following are two types of disciplinary removals that constitute a change of placement:

- Suspension for more than 10 consecutive school days at once (i.e., long-term removal).
- A series of separate suspensions that total more than 10 cumulative school days (i.e., short-term removals with a pattern) in one school year that constitute a “pattern,” as determined by the District on a case-by-case basis, taking into consideration:
  - ❑ Whether the student’s behavior is substantially similar to their behavior in previous incidents that resulted in the series of removals;
  - ❑ The total amount of time the student is removed; and
  - ❑ The proximity of the removals to one another.

If a student is having behavioral difficulties and disciplinary procedures *may* lead to a ‘change of placement,’ the Case Manager is required to schedule an IEP team meeting with appropriate support staff (i.e., the school psychologist, administration, etc.) in attendance.

### **DISCIPLINARY REMOVAL THAT DOES CONSTITUTE A CHANGE IN PLACEMENT (BOTH IN-SCHOOL AND OUT-OF-SCHOOL SUSPENSIONS):**

The following two types of removals **DO** constitute a change in placement:

1. **REMOVALS OF MORE THAN 10 CUMULATIVE DAYS:** A student who exhibits a pattern of behavior that resulted in suspension for more than 10 total school days throughout the school year, may still be subjected to discipline; however:

- The student **must be provided** educational services no later than the 11<sup>th</sup> day to enable the student to make progress in the general curriculum and to advance toward achieving IEP goals/objectives.
- The services may be provided in another educational setting (i.e., interim alternative educational setting (“IAES”); the IEP team must determine the IAES.
- **SCHOOL PERSONNEL MUST CONSULT WITH THE SITE ADMINISTRATION AND SCHOOL PSYCHOLOGIST.**
- An IEP Team meeting is mandated to complete a manifestation determination review, a Functional Behavioral Assessment, and to discuss behavioral interventions as appropriate, to prevent the behavior from recurring.

2. **REMOVALS OF TEN CONSECUTIVE DAYS:**

- The student must be allowed access to his/her educational services no later than the 11<sup>th</sup> day of suspension to enable the student to make progress in the general curriculum and to advance toward achieving IEP goals/objectives.

- School personnel must consult with student's special education teacher and the IEP Team to determine the appropriateness/need of support services.
- SCHOOL PERSONNEL **MUST** CONSULT WITH THE SITE ADMINISTRATION AND SCHOOL PSYCHOLOGIST.
- An IEP Team meeting is mandated to complete a manifestation determination review and to discuss behavioral interventions as appropriate.

**MANIFESTATION DETERMINATION REVIEW:**

A Manifestation Determination (MD) review means the evaluation of the relationship between the student's disability and act of misconduct that must be undertaken when a district proposes to take specified serious disciplinary actions.

- A special education student who is being considered for expulsion and/or disciplinary removal of more than 10 consecutive or 10 cumulative days that exhibits a behavioral pattern (within a given school year) must be provided a manifestation determination review IEP meeting:
- The manifestation determination review requires school personnel to consider and review (34 C.F.R. § 300.530(e)):
  - All relevant information in the student's file
  - Relevant information supplied by the parent
  - Observations of the student by the teacher
- The IEP Team must determine:
  - If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
  - If the conduct in question was the direct results of the local education agency's failure to implement the IEP.
  - If either of the above is met, the IEP team must find that the child's behavior was a manifestation of his or her disability.
- If deficiencies are found in implementing the IEP, it is mandated that immediate steps be taken to remedy any such deficiency (34 C.F.R. § 300.530(e)(3).)
- If the behavior is determined to be a manifestation of the student's disability, a functional behavioral assessment must be conducted and a behavioral intervention plan must be implemented or revised/modified to address the behavior. The student must also immediately return to the last placement as stated in current IEP, unless the parents and the District otherwise agree and the disciplinary process must stop.

**45-DAY SPECIAL CIRCUMSTANCES INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES):**

Regardless of whether a child's behavior was a manifestation of his or her disability, authorized school personnel may place a special education student in an IAES for up to 45 school days if the student:

- Carries a weapon to or possesses a weapon at school, on school premises, or to a school function; or
- Knowingly possesses or uses illegal drugs/sells or solicits the sale of a controlled substance while at school or at a school function (34 C.F.R. § 300.530(g)(2).)
- Has inflicted serious bodily injury to another person at school, on school premises or at a school function. Serious bodily injury requires a showing of substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of function of a bodily member, organ or mental faculty.

School personnel shall immediately suspend and recommend the expulsion of any student (including special education) who has been determined to have committed any of the following acts at school or at a school activity off school grounds:

1. Possessing, selling or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance.
4. Committing or attempting to commit a sexual assault.
5. Possession of an explosive.

(Educ. Code § 48915(c)(1)(2)(3)(4)(5))

- An IEP meeting **must** be held to implement the IAES.
- Services must be provided in the IAES to enable the student to make progress in the general curriculum and to advance toward achieving IEP goals/objectives