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ADAMS WELLS SPECIAL SERVICES COOPERATIVE

REMOVAL FOR STUDENTS FOR WEAPONS, DRUGS AND SERIOUS BODILY INJURY PROCEDURES

1. A principal or principal's designee may remove a student to an interim alternative educational setting (IAES) for not more than 45 instructional days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:
 - a. Carries a weapon to school or possesses a weapon;
 - b. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance; or
 - c. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.
2. The principal immediately removes the student and decides to begin the 45-day interim alternative educational placement.
3. The school notifies the parent and provides them with the notice of Procedural Safeguards.
4. A manifestation determination conference is held. However, if the student's conduct is determined to be a manifestation of the student's disability the student remains in the interim alternative educational setting.
5. The case conference committee convenes to determine the IAES and appropriate services needed to enable the student to:
 - a. Continue to participate in the general education curriculum, although in another setting
 - b. Progress toward meeting the goals set out in the student's IEP
 - c. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

When a parent challenges the interim alternative education placement:

A parent who disagrees with the IAES may request one of the following:

1. Mediation
2. A due process hearing
3. Simultaneously, mediation and a due process hearing.

An expedited hearing will occur to determine appropriate placement. The student remains in the interim alternative education setting:

1. Pending the decision of the hearing officer or
2. Until the time period of the disciplinary action expires,
 - Whichever occurs first, unless the parent and the school agree otherwise.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE

REMOVAL POLICY (SUSPENSION/EXPULSION POLICY)

Students with disabilities receiving special education services may be removed (suspended) or expelled when appropriate due process procedures are followed.

IN THE EVENT OF AN EXPULSION, EDUCATIONAL AND RELATED SERVICES WILL NOT CEASE.

Removal:

A principal or principal's designee may remove a student from the student's current placement for up to ten consecutive days in a single period of removal for any violation of school rules for which a non-disabled student could be removed. During this initial 10-day period, educational services are not required to be provided. A principal or principal's designee may impose additional removals of not more than ten consecutive instructional days at a single time in the same school year for separate incidents of misconduct as long as those removals do not constitute a change in placement.

Change in Placement:

A removal constitutes a change in placement if the period of removal is for more than ten consecutive instructional days, or the student is subjected to a series of removals that constitutes a pattern because they cumulate to more than ten instructional days in a school year, the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals and of such related factors as the length of each removal, the cumulative amount of time the student has been removed and the proximity of the removals to one another.

Expulsion:

An expulsion constitutes a change in placement and the school must follow appropriate change of placement procedures (see Expulsion procedures). The parent will be provided with the notice of procedural safeguards. The parents will be notified on the date the school decides to make a removal that results in a change of placement. A manifestation determination conference will be scheduled within 10 instructional days of the decision to change the placement of the student with a disability for violating a code of student conduct. The case conference committee must meet to determine whether the student's behavior is a manifestation of the student's disability. If there is no manifestation determined, the student may be expelled.

When a student with a disability has been expelled, the school shall provide services to enable the student to continue to participate in the general educational curriculum, although in another setting, progress toward goals set out in the student's IEP and receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violations so that it does not reoccur.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE

REMOVAL PROCEDURES (SUSPENSION PROCEDURES)

1. Removal (suspension) for **less than 10 days** (cumulative during the entire school year):
 - a. Send a written notice of the incident/behavior which warrants the removal (suspension) to the parents. It must be in the parent's native language. *Note: removal (suspension) of a student for any part of a day constitutes a day of removal (suspension).*
 - b. Send a copy to the AWSSC coordinator.
 - c. When a student has experienced one to five days of out of school suspension, best practice dictates that a staffing should be conducted to review the appropriateness of the student's existing behavior plan. If revision is deemed necessary, a case conference must be held to make whatever modifications that are necessary in order to prevent, if possible, any further reoccurrence of those behaviors which have resulted in the student's suspension from school.

2. Removals (suspensions) of **ten or more consecutive days or ten cumulative days**:
 - a. A copy of the removal (suspension) charge is sent to the parents and building/program coordinator
 - b. The building principal in coordination with the AWSSC coordinator determines whether the removals constitute a pattern that results in a "change of placement".
A pattern may exist based on:
 1. The length of each removal.
 2. The cumulative amount of time the student has been removed.
 3. The proximity of the removals to each other.If it is determined that the removals do not constitute a pattern that results in a "change of placement", a conference is held and school personnel, in consultation with at least one (1) of the student's teachers, determine the extent to which services are needed to enable the student to do the following:
 - (a) Continue to participate in the general education curriculum, although in another setting*
 - (b) Progress toward meeting the goals set out in student's IEP.

*The services provided may be provided in an alternative educational setting, i.e. homebound.

If it is determined that the removals constitute a pattern that results in a change of placement, then a manifestation determination conference must be held within 10 instructional days of the decision to change the placement to determine whether the

student's behavior is manifestation of the student's disability (see 10 Day Manifest Conference Procedures).

On the eleventh day of removal (suspension) special education services will be provided, although they may be provided in an alternative educational setting.

In-School Suspension:

1. Not a removal (suspension) if the student has the opportunity to:
 - a. Progress appropriately in the general curriculum
 - b. Receive the special education services specified in the student's IEP
 - c. Participate with non-disabled students to the extent the student would have in the student's current placement.
2. Send a copy of the documentation to the building coordinator.

Note: If transportation is a related service in the student's IEP, the suspension from the bus will count as a removal unless the school provides the student with alternative transportation. If transportation is not a related service in the student's IEP, the suspension from the bus does not count as a removal.

Change in placement =

1. A series of removals/suspensions that constitute a pattern (see 2 b 1-3) or
2. More than 10 consecutive days of suspension.

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REMOVAL POLICY (SUSPENSION/EXPULSION POLICY)

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Removal:

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Change in Placement:

A removal constitutes a change in placement if the period of removal is for more than ten consecutive instructional days, or the student is subjected to a series of removals that constitutes a pattern because they cumulate to more than ten instructional days in a school year, the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals and of such related factors as the length of each removal, the cumulative amount of time the student has been removed and the proximity of the removals to one another.

Expulsion:

An expulsion constitutes a change in placement and the school must follow appropriate change of placement procedures (see Expulsion procedures). The parent will be provided with the notice of procedural safeguards. The parents will be notified on the date the school decides to make a removal that results in a change of placement. A manifestation determination conference will be scheduled within 10 instructional days of the decision to change the placement of the student with a disability for violating a code of student conduct. The case conference committee must meet to determine whether the student's behavior is a manifestation of the student's disability. If there is no manifestation determined, the student may be expelled.

When a student with a disability has been expelled, the school shall provide services to enable the student to continue to participate in the general educational curriculum, although in another setting, progress toward goals set out in the student's IEP and receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violations so that it does not reoccur.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE
MANIFESTATION DETERMINATION PROCEDURES
(when considering expulsion)

If the CCC determines that the conduct was a manifestation of the student's disability:

1. The student may not be removed or expelled.
2. The case conference committee determines if a change in service and/or placement is warranted and conducts a functional behavior assessment and develops a behavioral intervention plan.

If the CCC determines that the conduct was not a manifestation of the student's disability:

1. The school sends notice of the decision to the parents and may proceed with expulsion (refer to expulsion procedures).
2. The principal requests an appointment with the expulsion examiner.
3. Parents are notified of their right to request and appear at an expulsion meeting.
4. If the hearing examiner determines that the student will be expelled, the case conference determines appropriate services needed to enable the student to:
 - a. Continue to participate in the general education curriculum, although in another setting
 - b. Progress toward meeting the goals set out in the student's IEP
 - c. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur
5. The teacher forwards the IEP to AWSSC.
6. If the parent files for mediation or due process to contest the manifestation determination, the student stays
 - a. In another educational placement to which the student's parent has agreed, or
 - b. In the last agreed upon placement in the student's current IEP.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE
TEN-DAY MANIFEST CONFERENCE PROCEDURES

When a student has experienced more than 10 consecutive days or 10 cumulative days of out-of-school suspension and it is determined that the removal constitutes a pattern that results in a change in placement, a ten-day manifestation conference will be held.

1. A manifestation determination conference will be held.
2. The District Coordinator or Director will serve as chairperson for the conference.
3. The number and nature of suspensions will be reviewed to determine whether or not the behaviors for which the student was suspended are related to his/her disability.
4. A behavior plan will be written or revised to address the behavior in question.
5. IEP will be reviewed to determine the appropriateness of the current IEP and make any modification necessary in order to prevent, if possible, any further reoccurrence of those behaviors which have resulted in the student's suspension from school.

ADAMS WELLS SPECIAL SERVICES COOPERATIVE
EXPULSION PROCEDURES

1. Student violates a code of student conduct.
2. Principal decides to request expulsion for a period of more than ten school days.
3. **On the day the decision is made**, the school notifies the parent of the decision and provides notice of procedural safeguards. **It must be in the parent's native language.**
4. Immediately the student is removed for no more than ten consecutive school days.
5. Principal files written charges with the Superintendent and the corporation or AWSSC building coordinator.
6. **Within ten instructional days of the date the school decides to expel the student** the school must conduct a manifestation determination conference to consider all relevant information in the student's file including the student's IEP, teacher observation and relevant information provided by the parent to determine if the conduct in question was:
 - a. Caused by, or had a direct and substantial relationship to the student's disability; **or**
 - b. The direct result of the public agency's failure to implement the student's IEP.

**ADAMS WELLS SPECIAL SERVICES COOPERATIVE
REMOVAL FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION
PROCEDURES**

1. Student violates a code of student conduct and is recommended for expulsion.
2. Parent notifies the school that they believe the student has a disability.
3. If the school has knowledge of the disability prior to the violation then the student may assert any of the protections under Article 7 beginning with the right to evaluation.

The school is deemed to have knowledge if:

- a. The parent of the student has expressed concern in writing to licensed personnel or a teacher of the student that the student is in need of special education and related services.
- b. The parent of the student or the school has requested an evaluation of the student.
- c. The teacher of the student or other personnel have expressed specific concern about a pattern of behavior demonstrated by the student directly to supervisory personnel of the school.

The school shall not be deemed to have knowledge if:

- a. The parent of the student has not allowed an evaluation of the student.
 - b. The parent of the student has refused services after the student has been identified as eligible for special education services.
 - c. The school has evaluated, determined that the student was not a student with a disability and has provided the parent with the notice of such determination.
 - d. Parent has revoked consent for special education and related services.
4. If the school does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the school may proceed with expulsion.
 5. If the referral is made for an initial evaluation during the time in which the student is subjected to suspension or expulsion, the evaluation must be completed in an expedited manner (within 20 instructional days of written parent consent for evaluation). Until the evaluation is completed, the student remains in the educational Placement determined by the school which may include suspension or expulsion without educational services.
 6. The case conference committee meets to discuss eligibility and, if necessary, conducts a manifestation determination.
 7. Continue with expulsion process.

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