

Sheridan School District 48J

Code: **EEACC-AR**
Revised/Reviewed: 04/16/08; 3/21/12
Orig. Code(s): EEACC-AR

Discipline Procedures for District-Approved Student Transportation

All students eligible for district-approved student transportation shall receive safety instruction and a code of conduct.

Violation of the code of conduct or conduct which jeopardizes the health/safety of self and/or others may result in the loss of district-approved transportation services.

The following procedures address:

1. Safety instructions;
 2. Code of conduct;
 3. Violations;
 4. Suspension;
 5. Expulsion;
 6. Right of appeal;
 7. Reinstatement;
 8. Education;
 9. Special education students.
1. Safety Instructions
 - a. Each September and January the transportation supervisor will direct all bus drivers to conduct a safety review with all students who are regularly transported by the district.
 - (1) Safe school bus riding procedures, including but not limited to loading, unloading, crossing etc;
 - (2) Use of emergency exits; and
 - (3) Planned and orderly evacuation of the school bus in case of emergency, including participation in actual evacuation drills.
 - b. Each September and January the transportation supervisor will direct all bus drivers to conduct a safety review with all other students.
 - (1) The drivers shall review safe bus riding procedures.
 - (2) The drivers shall review use of emergency exits.
 - c. The transportation supervisor will record dates and content of safety instructions by each driver. Such information shall be kept as a part of the district's records.

2. Code of Conduct

- a. Each year the district will include the following transportation rules in the student/parent handbook. The district will provide interpretation to those students/parents whose primary language is not English.

While riding a school bus, students will:

1. Obey the driver at all times;
 2. Not throw objects;
 - *3. Not have in their possession any weapon as defined by Board policy JFCJ - Weapons in the Schools;
 - *4. Not fight, wrestle or scuffle;
 - *5. Not stand up and/or move from seats while the bus is in motion;
 - *6. Not extend hands, head, feet or objects from windows or doors;
 - *7. Not possess matches or other incendiaries and concussion devices;
 - *8. Use emergency exits only as directed by the driver;
 - *9. Not damage school property or the personal property of others;
 - *10. Not threaten or physically harm the driver or other riders;
 - *11. Not do any disruptive activity which might cause the driver to stop in order to reestablish order;
 - *12. Not make disrespectful or obscene statements;
 - *13. Not possess and/or use tobacco, alcohol or illegal drugs;
 14. Not eat or chew gum;
 15. Not carry glass containers or other glass objects;
 16. Not take onto the bus skateboards, musical instruments or other large objects which might pose safety risks or barriers to safe entry and exit from the bus;
 17. Accept assigned seats;
 18. Stay away from the bus when it is moving;
 19. Be at the bus stop five minutes before the scheduled pick up time (schedules will be posted on all buses);
 - **20. Answer to coaches, teachers and chaperons who are responsible for maintaining order on trips.
- * These regulations, if broken, are SEVERE violations with severe consequences because of the threat to the safety of others.
- ** Coaches, teachers and chaperons: (1) must have a copy of the bus regulations and know them before going on a trip; and (2) must position themselves on the bus as to be in control of discipline at all times.

I have read the above rules and have discussed them with my student. We understand the importance of this code of conduct.

Parent

Student

3. Violations

Each year the district will include the following procedures for violations in the student/parent handbook. The district will provide interpretation to those students/parents whose primary language is not English.

DISCIPLINARY PROCEDURES FOR VIOLATIONS

1. First Citation - Warning: The driver verbally restates behavior expectations and issues a warning citation. The driver may assign the student to a particular seat. The principal and the bus driver sign the citation and a copy of the citation is sent home to parents.
2. Second Citation: The student is placed in an assigned seat until a conference, arranged by the principal, has been held with the student, the parent, the principal, and the transportation supervisor. The student may be suspended following the meeting.
3. Third Citation of the year: Student receives a 3 - 10 day suspension and will not be able to ride the bus until a conference, arranged by the Principal, has been held with the student, the parent, the bus driver, and the principal. Principal will call the parent and the student will be suspended from the bus immediately. Further violations of bus regulations will be considered a severe violation. Citation must be signed by the parents, the bus driver, and the principal before the student will be allowed to ride the bus again.
4. Fourth Citation of the Year: Suspension of bus riding privileges for the remainder of the school year.
5. Severe Violation: Any severe violation will result in the immediate suspension of the student for a minimum of 10 days, and up to a 1-year expulsion. There will be a hearing at this time, arranged by principal, involving the student, the bus driver, the transportation supervisor, the parent and the principal.
6. In all instances, the appeal process may be used if the student and/or parent desires.

Definitions:

“Suspension” means any disciplinary removal, other than expulsion, for up to 10 school days.

“Expulsion” means any disciplinary removal beyond 10 school days up to one calendar year.

APPEAL PROCEDURE

If a student or parent wishes to appeal the application of the discipline policy, the steps outlined below should be used. If the student or parent wishes to complain about a school employee's decision, use policy KL - Public Complaints.

- STEP 1: The student or his/her representative will discuss the issue with the transportation supervisor and principal.
- STEP 2: If the student is not satisfied with the outcome of the discussion, he/she may file a written statement with the principal and transportation supervisor. This is to be done within 10 school days of the act or condition which is the basis of the complaint. The administration will, within three school days, arrange a student, parent, transportation supervisor, principal conference with the goal of resolving the issue.
- STEP 3: Within five school days, the principal is to communicate, in writing, the decision to the student and the student's parents.
- STEP 4: If, after five school days from receipt of the administrator's reply, the issue still remains unresolved, the student may submit the matter in writing to the superintendent. The superintendent will meet with the student within three school days and will respond to the issue, in writing, within five school days after the appeal.
- STEP 5: If the issue is still unresolved, the student may appeal to the Board. The Board will notify persons involved that a hearing will be held within 14 days of receipt of the appeal. The Board shall review correspondence, hear relevant facts and respond to the student within three school days following the hearing.

Please return this signed form to the driver on or before the second day of school.

I have read and understand the transportation contract plan. I understand that transportation is an important service and that the safety of my student is the primary concern.

Student's Name Parent's Signature Date

Bus Route # _____ Phone Numbers: (Home) _____ (Work) _____

School _____

4. Suspension Procedures

Due process procedures used by the district governing student behavior shall be applied. Normally the suspension process shall be in accordance with the following procedures:

- a. Suspension hearings shall be conducted in private, and will be more informal than is the case of an expulsion hearing. The hearing will be conducted by the superintendent or designated representative. The procedure should be more of a conversation between the two parties than a formal hearing;
- b. The student will be informed of the violation(s) and given the opportunity to be heard and present his/her view of the occurrence;
- c. If the suspension is to follow, the student will be given the reason(s) for the action, the duration of the suspension and the tentative procedures for reinstatement;
- d. If possible, parents will be notified immediately by telephone of the suspension and given reasons for the action. The parents will be encouraged to conference with the building administrator. Arrangement should be made for the student's transportation to and from school;
- e. A written communication will be mailed to the student and parents within one workday restating the reasons for the action(s), the duration of the suspension and procedure for arranging a mutually satisfactory time for a conference for possible readmittance;
- f. The written communication shall state that the parent may appeal the reason for suspension and the duration of suspension to the appropriate administrator;
- g. In special or emergency circumstances, a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, incarceration by court action or if there is a serious risk that substantial harm will occur if the suspension is terminated pending an intended expulsion.

SHERIDAN SCHOOL DISTRICT 48J
School Bus Citation

Dear Parents:

This report is to inform you of disciplinary action taken as a result of your student's actions which jeopardized the safety and well-being of all students on the bus. We urge you to support this corrective action by impressing upon your student the need for safety on our school buses.

Date of Incident: _____ Route Number: _____ AM PM

_____ has been cited for an infraction of the rules listed below:

Student's Name

Description of incident:

<input type="checkbox"/>	<u>*Failed to obey driver.</u>	_____
<input type="checkbox"/>	<u>*Threw an object(s).</u>	_____
<input type="checkbox"/>	<u>*Possessed a weapon or other dangerous object(s).</u>	_____
<input type="checkbox"/>	<u>*Fought, wrestled, scuffled.</u>	_____
<input type="checkbox"/>	<u>*Stood/Changed seat with bus moving.</u>	_____
<input type="checkbox"/>	<u>*Extended from bus door/window.</u>	_____
<input type="checkbox"/>	<u>*Possessed matches, incendiaries, etc.</u>	_____
<input type="checkbox"/>	<u>*Used emergency exit.</u>	_____
<input type="checkbox"/>	<u>*Vandalism of property.</u>	_____
<input type="checkbox"/>	<u>*Threatened/Harmed driver/rider.</u>	_____
<input type="checkbox"/>	<u>*Disruption: Driver stopped bus.</u>	_____
<input type="checkbox"/>	<u>*Disrespectful and/or obscene statements.</u>	_____
<input type="checkbox"/>	<u>*Possessed alcohol, tobacco, unlawful drugs.</u>	_____
<input type="checkbox"/>	<u>Eating or chewing gum.</u>	_____
<input type="checkbox"/>	<u>Possessed glass container or object.</u>	_____
<input type="checkbox"/>	<u>Impeded movement of bus.</u>	_____

* An asterisk may result in loss of transportation service with no warning citation

- () First Citation: Warning, possible assigned seat and call home.
() Second Citation: Assigned seat. Possible suspension of bus riding privileges.
() Third Citation: 3- 10 days suspension of bus riding privileges.

Parent Signature: _____

- () Fourth Citation: Suspension of bus riding privileges until the end of the year.

Parent Signature: _____

- () SEVERE VIOLATION: 10-day suspension to 1-year expulsion of bus riding privileges.

Driver Signature: _____ Date: _____

Principal Signature: _____ Date: _____

SHERIDAN SCHOOL DISTRICT 48J
School Bus Citation

Dear Parents:

This report is to inform you of disciplinary action taken as a result of your student's actions which jeopardized the safety and well-being of all students on the bus. We urge you to support this corrective action by impressing upon your student the need for safety on our school buses.

Date of Incident: _____ Route Number: _____ AM _____ PM

_____ has been cited for an infraction of the rules listed below:
_____ Student's Name

Description of incident:

	Description of incident:
<input type="checkbox"/>	*Failed to obey driver.
<input type="checkbox"/>	*Threw an object(s).
<input type="checkbox"/>	*Possessed a weapon or other dangerous object(s).
<input type="checkbox"/>	*Fought, wrestled, scuffled.
<input type="checkbox"/>	*Stood/Changed seat with bus moving.
<input type="checkbox"/>	*Extended from bus door/window.
<input type="checkbox"/>	*Possessed matches, incendiaries, etc.
<input type="checkbox"/>	*Used emergency exit.
<input type="checkbox"/>	*Vandalism of property.
<input type="checkbox"/>	*Threatened/Harmed driver/rider.
<input type="checkbox"/>	*Disruption: Driver stopped bus.
<input type="checkbox"/>	*Disrespectful and/or obscene statements.
<input type="checkbox"/>	*Possessed alcohol, tobacco, unlawful drugs.
<input type="checkbox"/>	Eating or chewing gum.
<input type="checkbox"/>	Possessed glass container or object.
<input type="checkbox"/>	Impeded movement of bus.

* An asterisk may result in loss of transportation service with no warning citation

(-) Warning

(-) Second Citation: Assigned seat. Possible suspension of bus riding privileges.

(-) Third Citation: 3-10 days suspension of bus riding privileges.

Parent Signature: _____

(-) Fourth Citation: Suspension of bus riding privileges until the end of the year.

Parent Signature: _____

(-) SEVERE VIOLATION: 10 day suspension to 1 year expulsion of bus riding privileges.

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Driver Signature: _____ Date: _____
Principal Signature: _____ Date: _____

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5. Expulsion Procedures

- a. Students will not be expelled without a hearing unless the student's parents waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

- (1) Notice will be given to the student and the parent by personal service or by certified mail at least five school days prior to the scheduled hearing. Notice will include:
 - (a) The specific charge or charges;
 - (b) The conduct constituting the alleged violation, including the nature of the evidence of the violation;
 - (c) A recommendation for expulsion;
 - (d) The student's right to a hearing;
 - (e) When and where the hearing will take place; and
 - (f) The right to representation.
- (2) The superintendent or designee will act as hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer will conduct the hearing and will not be associated with the initial actions of the building administrators;
- (3) In case the parent or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;
- (4) The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney and/or parent. The school district's attorney may be present;
- (5) The student will be afforded the right to present his/her version of the charge(s) and to introduce evidence by testimony, writings or other exhibits;
- (6) The student will be permitted to be present and to hear the evidence presented by the district;
- (7) The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the Board, along with the officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the Board, the student and the student's parents at the same time;
- (8) The hearings officer or the student may make a record of the hearing;
- (9) The hearings officer's decision is final. However, this decision may be appealed to the Board. At its next regular meeting, the Board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parents or students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the Board reviews the decision;

- (10) Expulsion hearings will be conducted in private and Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent requests a public hearing. If an executive session is held by the Board or a private hearing by the hearings officer, the following will not be made public:

- (a) The name of the minor student;
- (b) The issues involved;
- (c) The discussion;
- (d) The vote of Board members, which may be taken in executive session.

6. Right of Appeal

- a. At each step of the discipline procedures used in district-approved transportation services, parents, students and/or a representative have a right to appeal.
- b. All appeals must be in writing.
- c. Appeals are to be made to the responsible person at the level of appeal.
- d. Final appeal may be made to the Board.
- e. Board decisions are final.

7. Reinstatement

A conference to discuss reinstatement shall be conducted under the following guidelines:

- a. When deemed necessary, parent(s) and student shall be present at the conference;
- b. The principal shall fully explain matters and permit the parties involved to fully explain their positions;
- c. The principal shall make a decision which provides guidelines for the student to follow when transportation services are reinstated.

8. Education

- a. Disciplinary action for violating the transportation code of conduct and/or transportation health and safety requirements shall be confined to district-approved transportation services.

Therefore, students who have lost district-approved transportation services through a disciplinary action shall be expected to continue with the district's educational requirements.

- b. Students' academic grades will reflect academic achievement. Therefore, misconduct or absenteeism shall not be a sole criterion for grade reduction. Students will be expected to continue to meet the district's attendance and educational requirements.
- c. Makeup work may be provided:

If makeup work is needed, the district's policy and procedures will be followed.

- d. Alternative education may be provided:

If alternative education is needed, the district's policy and procedures will be followed.

9. Special Education Students

Special education students will be disciplined in accordance with the following:

a. Definition

The district applies the following definitions when considering disciplinary action:

- (1) “Behavioral intervention plan” means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.
- (2) “Current educational placement” means the type of educational placement of the student as described in the student’s “annual determination of placement” document at the time of the disciplinary removal. It does not mean the specific location or school but the types of placement on the continuum of placement options.
- (3) “Disciplinary removal” means suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment. It does not include:
 - (a) Removals by other agencies;
 - (b) Removals for public health reasons (e.g. head lice, immunizations, communicable diseases, etc.);
 - (c) In-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student’s IEP, and continues to participate with nondisabled students to the extent they would in their current placement; or
 - (d) Bus suspensions, unless the student’s IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student, and the student does not attend school as a result of the bus suspension.

“Functional behavioral assessment” means an individualized assessment of the student that results in a team hypothesis about the function of a student’s behavior and, as appropriate, recommendations for a behavior intervention plan.

“Suspension” means any disciplinary removal other than expulsion.

b. Disciplinary Change of Placement

- (1) Disciplinary removal of a student with a disability constitutes a change in the student’s educational placement when:
 - (a) The removal is for more than 10 consecutive school days; or
 - (b) The removal is for more than 10 cumulative school days and constitutes a pattern of removals.
- (2) The district may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement.

c. Manifestation Determination

- (1) Within 10 days of any decision to initiate a disciplinary change in placement of a student with a disability, the district convenes a manifestation determination meeting.
- (2) The district follows all required special education procedures for determining whether a student's conduct that led to a disciplinary removal from school was caused by, or had a substantial relationship to, the student's disability or was a direct result of the district's failure to implement the student's IEP.

d. Disciplinary Removals for up to 10 School Days

- (1) The district may remove students with disabilities from their current educational placement, to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, for violation of a code of conduct as for students without disabilities. These removals are not considered a change in placement.
- (2) During disciplinary removals for up to 10 school days:
 - (a) The district is not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time.
 - (b) The district is not required to determine whether the student's behavior resulting in the disciplinary removal is a manifestation of the student's disability.
 - (c) The district counts days of suspension for the purposes of procedural safeguards as follows:
 - i) Suspensions of a half day or less will be counted as a half day; and
 - ii) Suspensions of more than a half day will be counted as a whole day;
 - iii) If a student moves from another district in Oregon, any days of suspension from the former district apply, unless the district does not have knowledge of previous suspensions.

e. Disciplinary Removals of More than 10 Cumulative School Days and Pattern of Removal

- (1) The district may remove students with disabilities from their current educational placement to an appropriate interim alternative educational setting, another setting or suspension for additional periods of up to 10 days in a school year to the same extent, and with the same notice as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
- (2) In determining whether removals of additional periods of up to 10 school days constitute a pattern or removals, school personnel will consider, on a case by case basis:
 - (a) Whether the behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - (b) Additional factors such as the length of each removal, the total number of days of removal, and the proximity of removals to one another.

- (3) During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will provide services that are necessary to enable the student to:
 - (a) Continue to participate in the general education curriculum;
 - (b) Progress toward achieving the goals in the student's IEP; and
 - (c) The services and location for delivery of services in this section will be determined by school personnel, in consultation with at least one of the student's teachers, or by the student's IEP team.
- (4) The determination regarding whether a series of removal constitutes a pattern is subject to review in an expedited due process hearing.
- f. Removal to an Interim Alternative Educational Setting for Not More Than 45 Days by the District under Special Education Circumstances
 - (1) The district may remove a student with disabilities from the student's current educational placement 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 school days in a school year for a drug or weapon violation, or for infliction of serious bodily injury, without regard to whether the behavior is manifestation of the student's disability. This removal is considered a change in placement. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order such a removal.
 - (2) For the purpose of determining a drug or weapon violation or serious bodily injury, the district will apply the following definitions:
 - (a) "Drug" means illegal drug or controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or otherwise legally possessed. It does not include alcohol or tobacco.
 - (b) "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school function.
 - (c) "Infliction of serious bodily injury" means serious bodily injury caused by a student to another person while at school, on school premises or at a school function under the jurisdiction of ODE or a district.
 - (d) "Serious bodily injury" means bodily injury, which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
 - (e) "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 ½ inches in length.
 - (f) "Weapon violation" means carrying a weapon to school or to a school function or acquiring a weapon at school.
 - (3) On the date that the district decides to remove a student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily

- injury, the district notifies that parent(s) of the decision and gives the parent(s) a *Procedural Safeguards Notice*.
- (4) Within 10 school days of any decision to remove the student to an interim alternative educational placement because of a drug or weapon violation or for serious bodily injury, the district:
- (a) Convenes a meeting to determine whether the behavior is a manifestation of the student's disability; and
 - (b) Conducts, as appropriate, a functional behavior assessment, and develops a behavior intervention plan based on the functional behavior assessment that is designed to address the behavior so it does not recur.
- g. Removal to an Interim Alternative Educational Setting for Not More than 45 Days by Administrative Law Judge for Injurious Behavior
- (1) The district may request an expedited due process hearing to obtain an administrative law judge's order to remove a student to an interim alternative educational setting for not more than 45 school days if the student is exhibiting injurious behavior. For the purpose of this request, "injurious behavior" is defined as behavior that is substantially likely to result in injury to the student or to others.
 - (2) The interim alternative educational setting must meet the requirements of the "Interim Alternative Educational Setting" section.
- h. Interim Alternative Educational Setting
- When a student with a disability is placed in an interim alternative educational setting, the setting:
- (1) Is determined by the student's IEP; and
 - (2) Enables the student to:
 - (a) Continue to participate in the general curriculum, although in another setting;
 - (b) Progress toward achieving the goals in the student's IEP; and
 - (c) Receive services and modifications designed to address the misconduct that led to placement in the interim alternative educational setting and to prevent the misconduct from recurring.
- i. Placement Pending Appeal
- If a parent disagrees with the manifestation determination or any decision about placement related to the disciplinary removal and requests a due process hearing, the student will remain in the interim alternative educational setting pending the decision of the administrative law judge, or until the end of the disciplinary removal, whichever is shorter, unless the parent and district agree to another placement pending the hearing.

j. Conduct and Outcome of a Manifestation Determination

- (1) Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the district convenes a manifestation determination meeting.
- (2) The team that determines whether a student's behavior that led to a disciplinary removal from school was caused by, or had a substantial relationship to the student's disability or was a direct result of the district's failure to implement the student's IEP, includes the parent(s), district representatives and other relevant members of the IEP team, as determined by the parent and district.
 - (a) The team reviews all relevant student information, including the student's IEP, teacher observations and information provided by the parent.
 - (b) The team concludes that the conduct in question is a manifestation of the student's disability if it determines the behavior was caused by, or had a substantial relationship to, the child's disability, or if it was the direct result of the district's failure to implement the IEP.
- (3) If the team determines that the district did not implement the student's IEP or identifies other deficiencies in the student's IEP or placement, the district corrects the identified deficiencies immediately.
- (4) Regardless of whether the behavior was a manifestation of the student's disability, the district may remove the student to an interim alternative educational setting for weapons or drug violations or for infliction of serious bodily injury for up to 45 days.
- (5) When behavior is a manifestation of disability.

If the team concludes that the behavior was a manifestation of the student's disability:

- (a) The district will not proceed with a disciplinary removal for more than 10 days.
 - (b) The district conducts a functional behavioral assessment and develops behavior plan to address the behavior that led to the disciplinary action. If the district has already conducted a functional behavioral assessment or, if the student already has a behavior intervention plan regarding that behavior, the district reviews, modifies as necessary and implements the plan to address the behavior.
 - (c) The district may review and revise the student's IEP and placement through normal IEP and placement processes.
 - (d) The district may enter into an agreement with the parent to change the student's placement as part of the modification of the behavioral intervention plan.
 - (e) If the district believes that maintaining the current placement of the child is substantially likely to result in injury to the student or to others, the district appeal the decision of the manifestation determination team by requesting an expedited due process hearing. An administrative law judge who concludes that maintaining the current educational placement is substantially likely to result in injury to the student or to others may order a change in placement to an interim alternative educational setting for no more than 45 days.
- (6) When behavior is not a manifestation of disability.

If the IEP team determines that the student's behavior is not a manifestation of the student's disability the district may proceed with disciplinary removals, in the same manner and for the same duration, as would be applied to students without disabilities. If the district takes such action, applicable to all students, the district:

- (a) Notifies the parent(s) of the decision to remove the student on the date that decision is made and gives the parents a *Procedural Safeguards Notice*;
- (b) Give the parent(s) prior written notice of any proposed change in placement;
- (c) Provides services to the student in an interim alternative educational setting that is determined by the IEP team; and
- (d) Provides, as appropriate, a functional behavioral assessment, develops appropriate behavioral interventions to address the behavior and implements those interventions.

k. Protections for Students not yet Eligible for Special Education

- (1) The district will follow all special education disciplinary procedures for a student who has not yet been identified as a student with a disability if the district had knowledge that the student had a disability and needed special education.
- (2) The district is presumed to have such knowledge if, before the behavior that precipitated the disciplinary action occurred:
 - (a) The student's parent(s) expressed a concern in writing to supervisory or administrative school personnel, or to a teacher of the student, that the student is in need of special education and related services;
 - (b) The student's parent(s) requested a special education evaluation of the student; or
 - (c) The student's teacher or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the district's special education director or other district supervisory personnel.
- (3) The district is not presumed to have knowledge of a disability if:
 - (a) The parent has not allowed an evaluation of the student or has refused the initial provision of special education services to the student; or
 - (b) The student has been evaluated and found not eligible for special education services.
- (4) If the district did not have knowledge before taking disciplinary action against the student, the district may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behaviors. However:
 - (a) If a special education evaluation is requested, or if the district initiates a special education evaluation, the evaluation will be conducted in an expedited manner.
 - (b) Until the evaluation is completed, the student may remain in the educational placement determined by school personnel, which may include suspension, expulsion or placement in alternative education.
 - (c) Upon completion of the evaluation, if the student is determined to be a student with a disability, the district will conduct an IEP meeting to develop an IEP and

determine placement and will provide special education and related services in accordance with the IEP.

- (d) The district will apply the IDEA discipline protections beginning on the date of the eligibility determination.