

Administrative Procedure - Misconduct By Students With Disabilities

Special Education Suspension Procedures

1. All suspension notices and suspension review procedures established by The School Code shall be followed when suspending a special education student. In addition, a special education student who is suspended from school for more than ten (10) cumulative school days in a school year shall receive educational services in accordance with the IDEA, The School Code and their respective rules and regulations.
2. The first time a student is removed for more than ten (10) cumulative days during the school year, the District shall, no later than ten (10) business days after the decision to suspend a student is made, convene an IEP meeting to review and, if appropriate, modify the student's behavior intervention plan, as necessary, to address the student's behavior. If no behavior intervention plan is in place, the IEP team shall develop a plan for a functional behavioral assessment that must be used to develop a behavior intervention plan.
3. For all subsequent removals of the student that do not constitute a change in placement, the IEP team members must review the behavior intervention plan and its implementation. If any IEP team member indicates that the plan may need to be modified, an IEP meeting must be convened to review the plan and revise it, if appropriate.
4. For all removals that exceed ten (10) cumulative days during one school year, the District must provide services to the student. School personnel, in conjunction with at least one of the student's teachers, shall determine the services to be provided. Such services must be designed to enable the student to progress in the general curriculum and advance toward his or her IEP goals.

Special Education Expulsion Procedures

1. The District shall promptly notify the student's parent(s)/guardian(s) of the gross disobedience or misconduct and whether the student shall be recommended for expulsion. All procedural protections pertaining to notice provided under the District's discipline policy shall apply to a notice of recommended expulsion in the case of a special education student. The parent(s)/guardian(s) shall also receive written notification that:
 - States that a manifestation determination meeting shall be convened to determine whether the student's act of gross disobedience or misconduct is a manifestation of his or her disability. The manifestation determination meeting shall take place as soon as possible, but no more than ten (10) school days after the decision to discipline the student is made.
 - Requests that the student's parent(s)/guardian(s) attend the manifestation determination team meeting at the date, time, and location specified in the notice.
 - Encloses a copy of the procedural safeguards.
2. For purposes of such manifestation determination, the meeting shall include the parents, relevant members of the student's IEP team, and any other qualified personnel, such as the authorized administrator familiar with the act of misconduct.

3. In carrying out the manifestation determination all relevant information, in terms of the behavior subject to the disciplinary action, shall be considered, including:
 - Evaluation and diagnostic results, including relevant information supplied by the parents;
 - Teacher observations of the student; and

The student's IEP.

4. The behavior subject to the disciplinary action must be determined to be a manifestation of the student's disability if it is determined that:
 - The conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
 - The conduct in question was the direct result of the District's failure to implement the student's IEP.
5. If, at the manifestation determination meeting, it is determined that the behavior of the student was a manifestation of his or her disability, the authorized administrator shall not continue with his or her recommendation for expulsion. The authorized administrator may request a review of the appropriateness of the educational placement of the student in accordance with the ISBE Special Education rules. During the period necessary to propose a new placement, the student will remain in his or her then-current placement unless:
 - The student has not served a full ten (10) school day suspension imposed for the offense, in which case the student may be required to serve the remaining days of his or her suspension; or
 - The parent(s)/guardian(s) and the District agree on an interim placement; or
 - The District obtains an order from a court of competent jurisdiction or a State of Illinois due process hearing officer changing the then-current placement or providing for other appropriate relief.
6. If, at the manifestation determination meeting, it is determined that the behavior of the student was not a manifestation of his or her disability, the authorized administrator may continue with his or her recommendation that the student be considered for expulsion by the School Board. The parent(s)/guardian(s) shall receive written notice that includes the following:
 - A provision stating that the parent(s)/guardian(s) are entitled to all rights provided under the IDEA, The School Code and their respective rules and regulations, as available to the parent(s)/guardian(s) from the District.
 - A copy of the parent'(s')/guardian'(s') rights.

7. In addition to issues regularly determined at an expulsion hearing, the authorized administrator must present evidence that the manifestation determination review team met and concluded that the student's misconduct was not a manifestation of his or her disability, which shall be duly noted by the School Board.
8. The administration shall ensure that relevant special education and disciplinary records of the student are transmitted for consideration by the School Board.
9. If a special education student is expelled from school in accordance with the procedures set forth above, an IEP meeting shall be convened to develop an educational program to deliver educational services to the student during such period of expulsion.

Weapons, Drug Offenses, and Serious Bodily Injury

In accordance with the above procedures, the District may take one or more of the following steps when a student with a disability carries a weapon to school or to a school-related function, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school-related function, or has inflicted serious bodily injury upon another person while at school or a school-related function:

1. Suspend the student from school for ten (10) school days or less.
2. Conduct a manifestation determination meeting.
3. Convene an IEP conference to: (a) determine placement in an interim alternative educational setting for up to forty-five (45) school days, and (b) review and, if appropriate, modify the student's behavior intervention plan, as necessary, to address the student's behavior (if no behavior intervention plan is in place, the IEP team shall develop a plan for a functional behavioral assessment that must be used to develop a behavior intervention plan). The student may be placed in an interim alternative educational setting even if the behavior is a manifestation of the student's disability.
4. The interim alternative educational setting must:
 - Enable the student to continue to progress in the general curriculum;
 - Enable the student to receive the services and modifications set forth in his or her IEP; and
 - Include services and modifications designed to address the misconduct to prevent it from recurring.
5. If the parent(s)/guardian(s) disagree with the interim alternative educational placement or with the proposed placement and initiate a due process hearing, the student must remain in the interim alternative educational setting during the authorized review proceedings, unless the parent(s)/guardian(s) and the District agree on another placement.

Change of Placement if Maintenance of Current Placement Is Likely to Result in Injury

In the event that maintenance of a student's current placement is substantially likely to result in injury to the student or to others, the District may seek an order from a court of competent jurisdiction or a State of Illinois due process hearing officer to change the student's placement to

an appropriate interim alternative educational setting for one or more forty-five (45) school day periods after:

1. Conducting a manifestation determination and
2. Convening an IEP meeting to determine a proposed interim alternative educational setting.

The length of time a student with a disability is placed in an interim alternative educational setting must not be greater than the amount of time that a student without a disability would be subject to discipline.

APPROVED: