

<b>SPECIAL EDUCATION PROCEDURE</b>	
<b>District Name</b>	Warren Woods Public Schools
<b>Subject/Topic of This Procedure</b>	<p><b>Disciplining Students with Disabilities: Interim Alternative Educational Settings</b></p> <p>See separate but related procedures for more specific guidance and detailed information relative to <b><i>Discipline: General Provisions, Analysis of the Pattern of Removals/Determining Change of Placement, Manifestation Determination Review, Provision of FAPE after Removal, and Protections for Students Not Yet Eligible for Special Education.</i></b></p>
<b>Date Procedure was Adopted or Revised</b>	06/19/2023

<b>Legal Requirement with Citation</b>	<p><b>§300.530 of the Individuals with Disabilities Education Act (IDEA)</b> describes the discipline procedures for students with IEPs. In general, school personnel may remove a child with a disability from school for up to 10 consecutive school days if the student violates a code of student conduct (to the extent that the same discipline would apply to students without disabilities.) School personnel also may implement additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536.</p> <p><b>§300.530(g)</b> describes special circumstances under which school personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is a manifestation of the child’s disability. This removal to an interim alternative educational setting may occur if the student carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function ; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function: or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.</p>
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<p><b>Under what circumstances will this procedure be used?</b></p>	<p>This procedure will be used by administrators and other school personnel when disciplining students with disabilities and taking resulting required actions.</p>
<p><b>Who will implement this procedure?</b></p>	<p>Building administrators and other school personnel involved in disciplinary removals</p>
<p><b>Describe the steps in this procedure.</b></p>	<p>The district may unilaterally remove the student to an Interim Alternative Educational Setting for not more than 45 school days, without regard to whether the behavior is a manifestation of the student’s disability if the student does one of the following:</p> <ol style="list-style-type: none"> <li>1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district. <ul style="list-style-type: none"> <li>• Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.</li> </ul> </li> <li>2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the school district. <ul style="list-style-type: none"> <li>• An illegal drug means a controlled substance. It does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any provision of Federal law.</li> <li>• A controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).</li> </ul> </li> <li>3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district. <ul style="list-style-type: none"> <li>• Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.</li> </ul> </li> </ol> <p>When a student with a disability violates the school code of conduct and that violation includes one of the special circumstances described above, all of the following steps apply:</p>

1. On the date on which the decision is made to make a removal to an Interim Alternative Educational Setting, the district must notify the parents of that decision and provide the parents the procedural safeguards notice.
2. The school district must conduct a Manifestation Determination Review and provide prior written notice to the parent regarding the outcome of the MDR.
3. Regardless of the outcome of the Manifestation Determination Review, the district may unilaterally decide to remove the student for up to 45 school days. The individuals who have the authority to unilaterally make the decision to implement an IAES include the Special Education Administrator, Building Administrator and Superintendent.
4. The Interim Alternative Educational Setting, including the services to be provided and the location, must be determined and documented by the IEP Team, including all required members. The individual responsible for assuring that the IEP Team convenes to determine services during the IAES is the Special Education Administrator
5. Services provided during the IAES must meet the same requirements as FAPE after any other disciplinary change of placement, including all the following:
  - FAPE must be determined by the IEP Team. This determination must be documented.
  - Services provided during the IAES must enable the student to continue to participate in the general education curriculum, although in another setting.
  - Services provided during the IAES must enable the student to progress toward meeting the goals set out in the student's IEP.
  - FAPE must address not just core academics, but also non-academic classes and related services.
  - The provision of FAPE must be documented.
  - Services during the IAES must include, 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.

	<p>6. The parent must be provided with prior written notice regarding the services that are determined by the IEP team to be appropriate during the IAES.</p> <p>7. Provision of services delivered within the IAES must be documented.</p>
<p><b>What forms are necessary to implement this procedure?</b></p>	<ul style="list-style-type: none"> <li>• Prior written notice of change of placement (letter or form)</li> <li>• Procedural safeguards available to parents</li> <li>• Form for documenting the determination of FAPE during the Interim Alternative Educational Setting, including prior written notice to parents</li> <li>• Form for documenting the provision of FAPE while in the IAES</li> </ul>
<p><b>How, when and by whom will this procedure be consistently documented?</b></p>	<p>The decision to make a disciplinary removal to an IAES will be documented by the Special Education Administrator.</p> <p>The provision of prior written notice of disciplinary Change of Placement and procedural safeguards to the parent <u>on the date the decision is made</u> will be documented by the Special Education Administrator.</p> <p>The IAES should be documented using the IAES form in PowerSchool Special Education.</p> <p>The development/review, as appropriate, of the FBA/BIP will be documented by the student’s special education case manager, using the forms in PowerSchool SE.</p>
<p><b>How, when and by whom will this procedure be routinely supervised?</b></p>	<p>Documentation of the requirements around Interim Alternative Educational Settings will be supervised by the Special education administrator via monthly review of a random sample of disciplinary records for students with IEPs who have been removed to an IAES during the preceding month.</p>
<p><b>How, when and by whom will changes to this procedure be communicated?</b></p>	<p>Changes to this procedure will be communicated by the Special education administrator.</p> <p>Changes to this procedure will be communicated annually using the district website, hard copies to staff and during scheduled professional development.</p>