

## DISCIPLINE

### The policy assures that:

- A. If a change in educational placement for disciplinary removal occurs for a child with a disability, the Southgate Academy shall provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP. (34 CFR § 300.121 (d))
- B. When a child with a disability is removed from his or her current educational placement, a change of placement occurs if:
  - a. the removal is for more than 10 consecutive school days; or
  - b. the series of removals constitute a pattern because they cumulate to more than 10 school days in a school year, because of such factors as length of each removal, total amount of time, or proximity of the removal to one another (34 CFR §300.519).
- C. When the removal of a child with a disability constitutes a change of placement, a review of the placement shall be conducted regarding the relationship between the student's disability and the behavior subject to the disciplinary action (manifestation determination) (34 CFR §300.523).
- D. If an IEP team' determines that the behavior of the student with a disability was not a manifestation of the disability, disciplinary action applicable to students without disabilities shall be applied (34 CFR §§300.524-3bO.525) except as provided in 34 CFR §300.121 which requires the provision of FAPE to all students with disabilities who are suspended or expelled (34 CFR §300.524).
- E. A child who has not been determined eligible for special education and who engages in behavior that violates any rules or code of conduct may assert any of the protections of a child with a disability pursuant to (34 CFR §300.527).

### Procedures include, but are not limited to:

#### **FAPE for children suspended or expelled (34 CFR §§300.121 and 300.520)**

- 1. The Southgate Academy may cease services during a removal period to a child with a disability when that child has been removed from his or her current placement for 10 school days or less in a school year, if services are not provided to a child without disabilities who has been similarly removed.
- 2. For a child with a disability whose placement has not been changed, i.e., who has been removed for more than 10 school days during the school year but these days were not 10 consecutive days or whose removal did not constitute a pattern:
  - a. the Southgate Academy will provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals
  - b. School personnel will determine the extent of services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals.(34 CFR §300.121 ).
- 3. For a child with a disability whose placement has been changed for disciplinary reasons, i.e., has been removed from his or her current placement for more than 10 consecutive school days in a school year or whose removals constitute a pattern:
  - a. the Southgate Academy will provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals.

- b. the IEP team will determine the extent of services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals (34 CFR §300.121 ).
- 4. If a disciplinary action of more than 10 cumulative school days is contemplated for a child with a disability who has engaged in behavior that violated any rule or code of conduct of the Southgate Academy and:
  - a. the Southgate Academy did not conduct a functional behavioral assessment and implement a behavior intervention plan for the child before the behavior occurred, within 10 business days the Southgate Academy will convene an IEP meeting to develop an assessment plan;
- B. if the child already has a behavior intervention plan, the IEP team will meet to review the plan and its implementation and modify the plan to address the behavior. (300.520)

**Change of placement for disciplinary removals (34 CFR §§300.519)**

- 5. For a child with a disability, a change in placement occurs if:
  - a. a removal is for more than 10 consecutive school days or
  - b. the child is subject to a series of removals that constitute a pattern because of factors such as length of each removal, total amount of time the child is removed and the proximity of the removals to one another. (34 CFR §300.519).

**Manifestation determination review (34 CFR §300.523)**

- 6. The Southgate Academy will conduct a manifestation determination review when the Southgate Academy is contemplating a change of educational placement for disciplinary reasons.
  - a. When the Southgate Academy is contemplating a change of educational placement for disciplinary reasons, the Southgate Academy will notify the parents of the child no later than the date on which the decision was made to take that action. The Southgate Academy will provide the parents with an appropriate procedural safeguards notice.
  - b. No later than 10 days after the date on which the decision to act is made, the manifestation determination review must be conducted.
  - c. In conducting a manifestation determination, the IEP team will consider: evaluation and diagnostic results, including information provided by the parents; observations of the child; and the child' s IEP and placement.
- 7. The IEP team will only determine the child' s behavior was not a manifestation of the disability, if all relevant information indicates that:
  - a. the child' s IEP was appropriately developed and implemented and behavior intervention strategies were provided consistent with the child' s IEP and placement;
  - b. the child' s disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to the disciplinary action; and
  - c. the child disability did not impair the ability of the child to control the behavior subject to disciplinary action.
- 8. The behavior will be considered a manifestation of the child' s disability if any of the standards in item 7 were not met.
- 9. If the behavior is not a manifestation of the child' s disability, disciplinary procedures applicable to children without disability will apply except as provided in IDEA regulation 34 CFR §300.121(d).

## **Determination of Interim alternative educational setting «IAES) 34 CFR §§ 300.520 through 300.522)**

10. The Southgate Academy may order a child with a disability to an interim alternative educational setting (IAES) for weapons or drug violations for the same amount of time as that of a child without a disability, but not to exceed 45 days. The IAES will be:
  - a. determined by the IEP team
  - b. selected so as to enable the child to continue to participate in the general curriculum, and receive services specified in the IEP (34 CFR §300.520)
  - c. include services and modifications designed to prevent the behavior from recurring.
11. The Southgate Academy may request an expedited due process hearing to request that the child be moved to an appropriate IAES for not more than 45 days if the Southgate Academy has substantial evidence that a child' s current placement is likely to result in injury to the child or to others. (34 CFR §300.521)

## **Parent appeal (34 CFR §§300.525}**

12. If the parent of a child with a disability disagrees with the manifestation determination or any decision regarding the placement, the parents may request a hearing. (34 CFR §300.525).
13. The Southgate Academy will arrange an expedited hearing if the parent requests a hearing.

## **Protections for children who are not yet eligible for special education and related services (34 CFR §300.527)**

14. The parent may assert any of the protections provided to children with disabilities if the public Southgate Academy had knowledge that the child was a child with a disability before the behavior occurred. The Southgate Academy is presumed to have knowledge when:
  - a. the parent had expressed concern in writing;
  - b. the parent expressed concern orally if the parent does not know how to read;
  - c. the behavior of the child demonstrated the need for the services, in accordance with 34 CFR §300.7,
  - d. the teacher of the child or other personnel has expressed concern about the behavior or performance of the child; or
  - e. the parent of the child requested an evaluation
15. The Southgate Academy is presumed not to have knowledge when the Southgate Academy either:
  - a. conducted a full and individual evaluation for special education eligibility and found the child was not a child with a disability; or
  - b. determined that an evaluation was not necessary and provided appropriate notice to the child's, parents of its determination.
16. If a request for an evaluation is made during the time period in which the child is subjected to disciplinary action under 34 CFR §§300.520 or 300.521:
  - a. the evaluation will be conducted in an expedited manner
  - b. the child will remain in the placement determined by the school authorities until completion of the evaluation and eligibility determination.