

| <b>SPECIAL EDUCATION PROCEDURE</b>           |   |
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| <b>District Name</b>                         | Warren Woods Public Schools   |
| <b>Subject/Topic of This Procedure</b>       | <p><b>Disciplining Students with Disabilities: Students Not Yet Eligible for Special Education</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/Change of Placement, Manifestation Determination Review, Provision of FAPE after Removal, and Interim Alternative Educational Settings.</i></b></p> |
| <b>Date Procedure was Adopted or Revised</b> | 06/19/2023  |

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| <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.</p> <p><b>§300.534</b> describes protections for students who are not yet eligible for special education. Students who do not have an IEP may assert any of the protections provided for students with IEPs if the district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.</p> |
| <b>Under what circumstances will this procedure be used?</b> | This procedure will be used by administrators and other school personnel when disciplining students who may have disabilities and taking resulting required actions.  |
| <b>Who will implement this procedure?</b>                    | Building administrators and other school personnel involved in disciplinary removals  |
| <b>Describe the steps in this procedure.</b>                 | A student who is not yet eligible for special education may assert any of the protections provided for students who have IEPs if the district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. A school district is deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred, one of the following was true:                         |

- The parent expressed concern in writing to supervisory/administrative personnel or to the student's teacher, that the student needs special education and related services.
- The parent requested that the student be evaluated for special education eligibility.
- The student's teacher or other personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education to other supervisory personnel.

A public agency would not be deemed to have knowledge if one of the following is true:

- The student's parent has not allowed the student to be evaluated or has refused special education services.
- The student has been evaluated and determined to not be a student with a disability.

1. In order to determine if a student may assert the protections of IDEA even though the student does not have an IEP, the following information should be reviewed:

- The student's cumulative educational record for the current year and prior years.
- Communications received over time from the parent by teachers and supervisory personnel.
- Communications over time from teachers/staff to supervisory personnel regarding the student's behavior.
- The response to any prior requests for evaluations.
- The results of any prior special education evaluations.
- Other (specify): \_\_\_\_\_

2. The district official(s) who are authorized to determine if the student may assert the protections of IDEA despite not yet being eligible for special education are: building principals, teacher consultants, 504 coordinators, counselors, school psychologist and special education administrators.

3. If an authorized district official determines that a student who is not yet eligible may assert the disciplinary protections of IDEA, all discipline procedures for students with disabilities must be followed immediately. Protections under IDEA may not be delayed in order to conduct an evaluation of the student and/or develop an IEP. The individual(s) making this

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|   | <p>determination must immediately notify the special education administrator of such a decision.</p> <p>If the parent requests an evaluation <u>after</u> a disciplinary situation arises, and the district does not already have knowledge that the student may be a student with a disability, the district must conduct an expedited evaluation of the student. "Expedited" means as quickly as possible and sooner than the usual 30 school days. An expedited evaluation must be conducted even if the student is currently suspended or expelled. All the following apply:</p> <ol style="list-style-type: none"> <li>1. The person to whom the parent makes a request for an expedited evaluation must immediately notify the special education administrator.</li> <li>2. Expedited evaluations must be conducted in accordance with the criteria for an initial evaluation under IDEA.</li> <li>3. Until the expedited evaluation is completed the student remains in the educational placement determined by the school district. This may include suspension or expulsion without educational services.</li> <li>4. Upon completion of the expedited evaluation the district must convene a MET/IEP meeting to determine eligibility.</li> <li>5. If the student is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district and information provided by the parents, the district must provide special education and related services in accordance with IDEA. This includes developing an IEP and offer of FAPE, conducting an Analysis of the Pattern of Removals, providing FAPE after removal, and conducting a Manifestation Determination Review.</li> </ol> |
| <p><b>What forms are necessary to implement this procedure?</b></p> | <ul style="list-style-type: none"> <li>• Discipline report for the student, including records of all disciplinary actions during the school year.</li> <li>• Attendance records for the student</li> <li>• Format to conduct and document the decision regarding Analysis of Pattern of Removals and whether there is a Change of Placement (i.e., Discipline Review Worksheet)</li> <li>• Prior written notice of change of placement (letter or form)</li> <li>• Procedural safeguards available to parents</li> <li>• Manifestation Determination Review form</li> </ul>  |

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|   | <ul style="list-style-type: none"> <li>• The student’s educational record</li> <li>• Information provided by the parent to the MDR team</li> <li>• Format for documenting the determination of FAPE after removal (who participated in the decision and what services will constitute FAPE)</li> <li>• Format for documenting the delivery of FAPE after removal</li> <li>• Format for documenting the determination of an Interim Alternative Educational Setting</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 will be documented by the administrator who is making the removal, using PowerSchool.</p> <p>The decision that the district had a basis for knowing that this is a student with a disability will be documented by the Special Education Administrator.</p>  |
| <p><b>How, when and by whom will this procedure be routinely supervised?</b></p>    | <p>Documentation of protections provided to students who are not yet eligible for special education will be supervised by the Special education administrator via monthly review of a random sample of disciplinary records for students who have been removed 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 and as a result of MDE guidance.</p> <p>Changes will be communicated using the district website, hard copies to staff and during scheduled professional development.</p>   |