

Section 6

DISCIPLINE PROCEDURES



Area: DISCIPLINE - STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

Introduction: A student who has not yet been determined to be eligible for special education and related services, and who has engaged in behavior that violated any rule or code of conduct, may assert any of the protections and rights of a special education student. A school must be deemed to have knowledge that a student is a special education student if:

- a. The parent of the student expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement).
- b. The behavior or performance of the student demonstrates the need for these services.
- c. The parent of the student has requested an evaluation of the student.
- d. The teacher or other personnel have expressed concern about the behavior or performance of the student.

PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
<p>1. Follow all special education disciplinary procedures.</p> <p>2. If insufficient information exists to make a determination of whether or not a relationship exists between the violation and the student's disabling condition, an evaluation must be expedited to determine this relationship.</p> <p>3. The student is placed back in school until this determination is made. The team may decide to develop an accommodation plan based on available information.</p> <p>4. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.</p> <p>5. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.</p> <p>6. If the student is determined to be eligible for special education services, taking into consideration information from the evaluation and information provided by the parents, the district must provide special education and related services.</p>	<p>Manifestation Determination, PWN, Procedural Safeguards</p>	<p>IEP Team, including Parent/Guardian</p>	<p>As soon as possible</p>	<p>WAC 392-172A-05170</p>

Area: DISCIPLINE—NO CHANGE IN PLACEMENT (LESS THAN 10 CUMULATIVE DAYS)

Introduction: All students, including students with disabilities, are subject to discipline for violations of student conduct rules. A special education student may be removed from his or her current placement up to ten consecutive days, or up to ten cumulative days in the same school year if the same removal would apply to a student without disabilities.

<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
When a student is removed from an educational placement ten consecutive days or less, follow traditional disciplinary procedures consistent with district policies and procedures.	Short-term Suspension Form	Principal	Parent should be notified on the same day	WAC 392-172A-05145(2)(a)

Area: DISCIPLINE - REMOVAL FOR MORE THAN 10 CUMULATIVE DAYS, BUT NOT A CHANGE IN PLACEMENT

Introduction: Special education students may be removed from their educational placement for periods of up to ten consecutive days if the removals do not constitute a pattern of exclusion which would result in a change of placement. A change in placement occurs any time the removal is for more than ten consecutive days in a school year, or when the student has a series of removals that cumulate to more than ten school days in a school year, and the removals constitute a pattern of exclusion.

Factors that are considered in determining a pattern of exclusion include the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. The determination of whether there is a change in placement when a student is removed beyond ten cumulative days will be fact and student specific.

PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
<ul style="list-style-type: none"> ● Removal of student. ● Determine if the removal constitutes a pattern of exclusion. Factors that are considered in determining a pattern of exclusion include: <ol style="list-style-type: none"> (1) the length of each removal, (2) the removal is more than 10 consecutive school days or a series of removals of more than 10 days, (3) the student's behavior is substantially similar to the behavior in previous incidents. If there is a pattern, go to the next section, "Discipline—Removal Which Constitutes a Change in Placement." ● The IEP team must develop or review and revise a functional behavior assessment and behavior intervention plan. ● Educational services are required after the tenth school day of removal in a school year. The services must allow the student to make appropriate progress in both the general curriculum and in the goals of the student's IEP. The school and the special education staff may make a decision of appropriate services. ● As soon as possible after conducting the assessments, the IEP team must meet to develop and implement appropriate behavior interventions and include them in the IEP. 	<p>Long-term Suspension Form, Procedural Safeguards</p> <p>FBA BIP</p> <p>IEP</p> <p>BIP</p>	<p>Principal</p> <p>IEP Team</p> <p>Principal, IEP team</p> <p>IEP Team</p>	<p>As soon as possible</p> <p>Within ten business days</p>	<p>WAC 392-172A-05145 WAC 392-172A-05150 WAC 392-172A-05155</p>

Note: Principals may request the Assistant Director of Special Services assigned to the school be in attendance at the meeting.

Area: DISCIPLINE - REMOVAL WHICH CONSTITUTES A CHANGE IN PLACEMENT

Introduction: A change in placement occurs any time the removal is for more than ten consecutive days in a school year, or when the student has a series of removals that cumulate to ten or more school days in a school year, and the removals constitute a pattern of exclusion. Factors that are considered in determining a pattern of exclusion include the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another. The determination of whether there is a change in placement when a student is removed beyond ten cumulative days will be fact and student specific.

PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
<ul style="list-style-type: none"> • The principal must provide notice with procedural safeguards attached to the parents on the same day as the decision to remove. The principal also notifies the psychologist and the special education teacher. • Immediately, if possible, but no later than ten school days after the decision to change the student’s placement, the IEP team must conduct a manifestation determination meeting to discuss the relationship between the student’s disability and the behavior subject to disciplinary action. The team must consider all relevant information including all evaluations and diagnostic results and other information supplied by the parents, observations of the student, and the IEP and placement. • The IEP team must determine, in light of the behavior subject to discipline, if the IEP and placement were appropriate, and if the special education and supplementary aids and services and behavior strategies were provided consistent with the student’s IEP and placement. • If the team determines the program placement or IEP is inappropriate, they must take immediate action to remedy the deficiencies. The IEP is amended, and the student continues in school. 	Notice of Procedural Safeguards	Principal	Same day as removal	WAC 392-172A-05145 WAC 392-172A-05150 WAC 392-172A-05155
	Manifestation Determination	IEP Team	Within ten school days	
	IEP or IEP Revision	IEP team		

<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
<ul style="list-style-type: none"> The IEP team must determine if the student's disability impaired the ability of the student to understand the impact and consequences of the behavior and whether the student's disability impaired the ability of the student to control the behavior. If the team determines that any of the standards were not met, then the behavior must be considered a manifestation of the student's disability. The removal may not exceed ten school days. If the team decides the behavior is not a manifestation of the disability, then the student may be disciplined consistent with discipline of students without disabilities. 		IEP Team		
<ul style="list-style-type: none"> The IEP team must develop a plan for, or review a functional behavior assessment (FBA), and develop or revise a behavior intervention plan (BIP). 	FBA BIP	IEP Team	Ten school days	
<ul style="list-style-type: none"> Within ten school days of the decision, the school district must provide Prior Written Notice to the parents indicating any actions or changes made by the district. 	Prior Written Notice	IEP case manager or Psychologist	Ten school days	
<ul style="list-style-type: none"> The school must send the Prior Written Notice with accompanying IEP meeting notes, and IEP or amendments to Special Services. 		IEP Case Manager		
<p>Note: Principals may request the Assistant Director of Special Services assigned to the school be in attendance at the meeting.</p>				

Area: DISCIPLINE - REMOVAL FOR SCHOOL VIOLATION OF WEAPONS, DRUG RULES, or INFLICTED SERIOUS BODILY INJURY

Introduction: School personnel may remove students from their current educational placements, and place them in an interim educational environment for up to 45 school days, if the student possesses or carries a weapon to school or school function, or the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance at the school or school function, or inflicts serious bodily injury on another.

Effective January 27, 2014, discipline in the Highline Public Schools for the use or possession of drugs or alcohol is as follows: K-12 first offense: 1-day suspension. K-12 subsequent offense: up to 5 days of suspension. Student must show proof of a drug/alcohol assessment appointment at a certificated drug/alcohol treatment facility and agree to follow a treatment plan, if any. Re-admittance to school is not predicated on having actually had the assessment and undergone treatment. See Students Rights and Responsibilities Handbook.

<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
<ul style="list-style-type: none"> The principal must provide notice, with procedural safeguards attached, to the student's parents on the same day as the decision to remove and must notify the special education teacher or psychologist. 	District Expulsion Notice, Notice of Procedural Safeguards	Principal	Immediately	WAC 392-172A-05145 WAC 392-172A-05150 WAC 392-172A-05155
<ul style="list-style-type: none"> The IEP team chooses a 45-school-day alternative educational setting, which may include off-campus instruction. The placement must allow the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP. 	Request for Tutoring Services form	IEP Team	Within ten school days of removal	
<ul style="list-style-type: none"> Immediately, if possible, but no later than ten school days after the decision to change the student's placement, the IEP team must conduct a manifestation review to discuss the relationship between the student's disability and the behavior subject to disciplinary action. The team must consider all relevant information including all evaluations and diagnostic results, other information supplied by the parents, observations of the student, and the IEP and placement. 	Manifestation Determination	IEP Team	Within ten school days after decision to change placement	
<ul style="list-style-type: none"> The IEP team must determine, in light of the behavior subject to discipline, if the IEP and placement were appropriate, and if the special education and supplementary aids and services and behavior strategies were provided consistent with the student's IEP and placement. 	IEP or IEP Revision	IEP Team		

<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
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<ul style="list-style-type: none"> • If the team finds deficiencies in the IEP, placement, or in the implementation of the services, it must take immediate action to remedy the deficiencies. • The IEP team must conduct a manifestation determination review. If the team determines that any of the standards were not met, then the behavior must be considered a manifestation of the student's disability. The removal may not exceed 45 school days in an alternative educational setting. If the team decides the behavior is not a manifestation of the disability, then the student may be disciplined consistent with discipline of students without disabilities. However, the student is entitled to services as determined by the IEP team. • The IEP team must develop a plan for, or review a functional behavior assessment (FBA), and develop or revise a behavior intervention plan (BIP). • Within ten school days of the decision, the school district must provide Prior Written Notice to the parents indicating any actions or changes made by the district. • The school must send the Prior Written Notice, accompanying IEP meeting notes, off-campus instruction request, and IEP or amendments to Special Services. 	<p>IEP Revision</p> <p>Manifestation Determination Review</p> <p>FBA BIP</p> <p>Prior Written Notice</p>	<p>IEP Team</p> <p>IEP Team</p> <p>IEP Team</p> <p>IEP Case Manager or School Psychologist</p> <p>IEP Case Manager</p>	<p>Ten school days from IEP meeting</p>	
<p>Note: Principals may request the Assistant Director of Special Services assigned to the school be in attendance at the meeting.</p>				

Area: DISCIPLINE - REMOVAL FOR DANGEROUS BEHAVIOR

Introduction: School personnel may remove students from their current educational placements and place them in an interim educational environment for up to 45 school days if the student has inflicted serious bodily injury to others while at school, on school premises, or at school function under the jurisdiction of a school district. In order to do this, the school may ask for an expedited due process hearing to remove the student from his or her current placement for up to 45 school days.

Note: The IEP team could also review evaluations, IEP, placement, and supplementary aids and services and remedy the deficiencies as an alternative to the expedited due process hearing.


PROCEDURES	FORMS	RESPONSIBILITY	TIMELINE	SOURCE
<ul style="list-style-type: none"> ● The principal must provide notice, <i>with procedural safeguards attached</i>, to the parents on the same day as the decision to remove and must notify the special education teacher or psychologist. ● The director requests an expedited due process hearing to remove the student from his or her placement for up to 45 school days. ● Immediately, if possible, but no later than ten school days after the decision to change the student's placement, the IEP team must conduct a manifestation review to discuss the relationship between the student's disability and the behavior subject to disciplinary action. The team must consider all relevant information including all evaluations and diagnostic results, other information supplied by the parents, observations of the student, and the IEP and placement. ● The IEP team must determine, in light of the behavior subject to discipline, if the IEP and placement were appropriate, and if the special education and supplementary aids and services, and behavior strategies were provided consistent with the student's IEP and placement. 	<p>District Expulsion Notice, Notice of Procedural Safeguards</p> <p>Manifestation Determination</p>	<p>Principal</p> <p>Executive Director</p> <p>IEP Team</p> <p>IEP Team</p>	<p>Immediately</p> <p>Within ten business days of removal</p> <p>Within ten school days after decision to change placement</p>	<p>WAC 392-172A-05145 WAC 392-172A-05150 WAC 392-172A-05155</p>

<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
<ul style="list-style-type: none"> • If the team finds deficiencies in the IEP, placement, or in the implementation of the services, they must take immediate action to remedy the deficiencies. Information will be used after the 45-school-day alternative educational setting. • If the team decides the behavior is not a manifestation of the disability, then the student may be disciplined consistent with discipline of students without disabilities. However, the student is entitled to services as determined by the IEP team. 	<p>IEP or IEP Amendment</p> <p>Manifestation Determination</p>	<p>IEP Team</p> <p>IEP Team</p>		
<p>Note: Principals may request the Assistant Director of Special Services assigned to the school be in attendance at the meeting.</p>				

Area: OFF-CAMPUS INSTRUCTION

Introduction: The IEP team must follow least restrictive environment (LRE) and placement procedures when determining if a student will receive his or her special education off campus or in another alternative learning environment.

<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
<p>The IEP team must follow LRE and placement procedures when determining if a student will receive his or her special education off campus or in another alternative learning environment. The IEP and supporting documents must reflect the following:</p> <ul style="list-style-type: none"> ● A full continuum of placement options was available for consideration, including but not limited to schools outside the student’s neighborhood, partial day, and self-contained classroom. ● Information from a variety of sources was considered including testing, teacher recommendations, parental input, physical condition, social and cultural background, and adaptive behavior. ● Off-campus tutoring instruction either through home tutoring or Highline’ s Interim Placement Program has a reasonably high probability of assisting the student to attain his or her annual goals and to enable the student to appropriately progress in the general education curriculum. <p>The Assistant Director of Special Services assigned to each building should be contacted to assist the IEP team with determining appropriate placement for the student when off-campus tutoring instruction at Highline’ s Interim Placement Program is being strongly considered.</p>	IEP	IEP Team	As needed	WAC 392-172A-05140 WAC 392-172A-02050 WAC 392-172A-02060

<p>determine whether or not the IEP can be held on campus. If not, it is the case manager's responsibility to arrange for an alternate meeting site.</p> <p>Off-campus instructor's responsibilities:</p> <ul style="list-style-type: none"> ● Come to the director's office to sign the necessary form before meeting with the family, since this is the contract authorizing teaching the student at an off-campus location. ● Contact the student's family to let them know who their off-campus instructor will be and schedule the tutoring sessions. ● Notify Special Services office of the start and end dates of off-campus instruction. ● This information is vital for a state-mandated monthly report. 		Certificated Tutor	As soon as possible	
<i>PROCEDURES</i>	<i>FORMS</i>	<i>RESPONSIBILITY</i>	<i>TIMELINE</i>	<i>SOURCE</i>
<ul style="list-style-type: none"> ● Arrange with the school's contact person to get instructional materials, the student's IEP, and lesson plans. ● Read the IEP thoroughly. ● If the off-campus instruction program is less than a month, the teacher should work with the off-campus instructor prior to the student exiting the program to determine student progress. Grades are turned in to Special Services. ● If having trouble connecting with the school's contact person, the tutor should notify Special Services. ● Utilize the paid start-up time of ½ hour for calling the family, securing materials, and planning. Notify Special Services of the off-campus instruction start date. ● Complete and submit the Final Tutoring Report to Special Services. <ul style="list-style-type: none"> ◆ Send copies of Final Tutoring Report Form to IEP case manager, counselor, parent/guardian/student 	Final Tutoring Report form	Certificated Tutor 	As soon as possible	

- Document in writing if experiencing any difficulties connecting with the family/student, and inform Special Services (emails are acceptable).
- Notify Special Services of all ending dates.
- Off-campus instruction ends on the last day of the school year and does not automatically resume the fall of the coming year.
- A new Request for Tutoring Services form with required documents must be re-submitted each school year.

IEP Team

