

MOUNT VERNON CITY SCHOOL DISTRICT

SUSPENSION PROCEDURES AND PROVISION OF HOME INSTRUCTION AND RELATED SERVICES FOR STUDENTS WITH A DISABILITY AND STUDENTS PRESUMED TO HAVE A DISABILITY

1. When a Principal intends to suspend a SWD¹ (“student with a disability”) or a student presumed to have a disability for disciplinary reasons which are outlined in the Code of Conduct, the Principal shall notify the parent and/or guardian, in writing, of the proposed suspension and of the students procedural rights, including notice of the charged misconduct, the right to an informal conference with principal and the right to confront complaining witnesses. Such notice shall occur prior to the suspension, unless the Principal determines that the student’s presence is a continuing danger to person or property or an ongoing threat of disruption to the academic process, in which case the written notice must be sent to the parents within 24 hours of the suspension. The Principal shall also provide the parent with a copy of the New York State Procedural Safeguards notice.
2. The Principal shall submit the suspension notice to the Director of Pupil Personnel, Director of Special Education and the Supervisor of Special Education assigned to the building no later than the end of school on the date the student is suspended. The Supervisor of Special Education shall immediately review the suspension record on the student to monitor the number of suspensions and to determine whether there is a pattern of behavior which requires a Functional Behavioral Assessment (“FBA”) or a Behavioral Intervention Plan (“BIP”) and/or Manifestation Determination Review (“MDR”). The Director of Special Education shall ensure that the suspension is entered into IEPDirect.
3. If a suspension in excess of 5 school days is requested, the Principal shall submit a request for a Superintendent Hearing to the Director of Pupil Personnel no later than the date in which the student was suspended. The Principal shall submit a copy of the request for a Superintendent Hearing to the Director of Special Education and the

¹ The term student in this document shall be construed to mean a student with a disability as defined under the IDEA and a student presumed to have a disability. A student is presumed to have a disability under the IDEA if, at the time of the misconduct, the parent had expressed a concern, in writing, to supervisory or administrative personnel that the student was in need of special education; the parent had requested an evaluation of the student; or the student’s teacher, or other school personnel, expressed concerns about a pattern of behavior to the director of special education or other supervisory personnel.

Supervisor of Special Education. The Director of Pupil Personnel shall review all Requests for a Superintendent Hearing and will approve or deny the request within 24 hours.

4. Upon receipt of a Notice of Suspension and/or Request for a Superintendent's Hearing, the Director of Pupil Personnel shall immediately contact the Supervisor of Special Education who, in consultation with the student's teacher, shall determine the recommended services for the Student. The Director of Pupil Personnel shall arrange for home instruction for the student by:
 - a. Identifying home instructor(s).
 - b. Providing home instructor(s) and related services providers with contact information for classroom teachers and school clinicians in order to coordinate work assignments, differentiate instruction, discuss goals, measure progress and discuss other issues related to the student's IEP.
 - c. Arranging for clinicians to provide related services.
 - d. Maintain proof of delivery of instruction and related services including: name of provider, date of initial contact with parent, dates and methods of all attempts to contact the parent, dates and times of delivery of services, description of services rendered, dates of cancellations of services and reasons for cancellations, dates of completion of services.
5. If the Superintendent Hearing Request is approved, the Director of Pupil Personnel shall schedule a Superintendent Hearing and notify the parent, Director of Special Education and Special Education Supervisor.
6. The Supervisor shall advise the Director of Pupil Personnel if a manifestation determination is required. If a manifestation determination is required, and to the extent practicable, the Director of Pupil Personnel and the Supervisor shall schedule the hearing and the MDR on the same date, within 5 days of the initial suspension, unless an adjournment is requested by the Parent. The Supervisor of Special Education shall provide the parent with notice of the manifestation determination.
7. The hearing process shall be a bifurcated hearing in accordance with the procedures set forth in 8 NYCRR 201.9. When a student is found guilty of a violation of the Code of Conduct, the hearing officer shall notify the Director of Special Education and Supervisor of this determination in order that a manifestation determination meeting will be held, if applicable, to determine if the conduct was caused by or had a direct and substantial relationship to the disability, or if the conduct in question was the direct result of the District's failure to implement the IEP. To the extent the District does not schedule the manifestation determination within the applicable 10

day time period, the student shall be returned to school until the manifestation determination is conducted.

- a. If the conduct at issue does not involve drugs, weapons or serious physical injury and the conduct is determined to be a manifestation of the student's disability the student shall not be further suspended from school. The CSE shall conduct a Functional Behavioral Assessment of the student and implement or modify a Behavioral Intervention Plan for the student.
 - b. If the conduct at issue is determined not to be a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student.
 - c. If the conduct at issue is determined to be a manifestation of the student's disability, and the conduct involves drugs, weapons or serious physical injury, the Superintendent may direct that the student be placed in an interim alternative educational setting, to be determined by the CSE, for a period not to exceed 45 days, or the amount of time a non-disabled student would be suspended for the same misconduct, whichever is less.
8. The Supervisor of Special Education will submit the results of the manifestation determination to the hearing officer and/or Director of Pupil Personnel no later than the date in which these meetings were held to complete the Superintendent Hearing, if necessary. The Supervisor shall also provide the parent with the results of the manifestation determination, in writing.
9. Upon completion of the Superintendent's hearing, the Director of Pupil Personnel's designee shall immediately notify the parent and/or guardian and the Director of Special Education in writing of the Superintendent's decision. The Director of Special Education shall ensure the additional suspension, if any, is entered into IEPDirect. If the Superintendent imposes a suspension in excess of 10 school days, the CSE shall meet to recommend the level of instruction and related services. The Supervisor shall inform the Director of Pupil Personnel of the recommended services and the Director of Pupil Personnel shall arrange for the delivery of services as set forth in Paragraph 4.
10. The Director of Special Education shall consult with the Director of Pupil Personnel and the Supervisor, as needed, to ensure compliance with the timeliness of manifestation determination as it pertains to suspensions and Superintendent Hearings and the recommendations for educational services.

11. To the extent any changes to the IEP are discussed and recommended, the Supervisor of Special Education will send the revised IEP to parent and/or guardian together with a prior written notice, if necessary.
12. The Principal's designee will contact parent and/or guardian to facilitate the student's return to school following suspension.