

SE 46- Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district

GNBVT Procedures:

- During disciplinary exclusions exceeding ten (10) school days in a single school year, the special education student shall have the right to receive services identified as necessary by the Team to provide him/her with a free appropriate public education during the period of exclusion.
- If building administrators, the parent/guardian(s) and relevant members of the student's IEP or 504 TEAM determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students.
- The Team shall review all relevant information in the student's file to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or the direct result of the LEA's failure to implement the IEP. The district shall return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan, if the conduct is a manifestation of the child's disability.
- Where appropriate, the student's IEP or 504 Team will develop a functional behavioral assessment (FBA) plan. If building administrators, the parent/guardian(s), and relevant members of the student's IEP or 504 TEAM determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further removal or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) unless the IEP or 504 Team develops, and the parent/guardian(s) consent to, a new placement, or unless the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement.

- The Student's TEAM shall also review, and modify as appropriate, any existing behavior intervention plan or arrange for a functional behavioral assessment. If a special education student possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the district may place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days. A court or BSEA Hearing Officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days. If the IEP or 504 TEAM determines that an alternative placement may be required, the TEAM will notify the student's school district and invite that district's participation in the placement decision pursuant to 603 C.M.R. 28.06
- The school district is required to notify the parents and provide them the procedural safeguards notice on the date that the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct.