

**POLICY COMMITTEE MEETING**  
**MAY 21, 2018**  
**CENTRAL OFFICE - LIBRARY**  
**4:30 PM**

**AGENDA**

**COMMITTEE MEMBERS:**

N. Carlow	J. Moses
R. Deakin	M. Nadeau
A. Dube	

- Attendance
- JFK – Model Policy on Disciplinary Removals of Students with Disabilities
- JFK-R – Model Administrative Procedure for Removal of Students with Disabilities

NEXT MEETING: June 4, 2018

**MSAD 6**

**Model Policy on Disciplinary Removals of Students with Disabilities**

When removing **Special Education** students with disabilities from their regular school programs, whether as a result of a suspension, an expulsion, or any other removal covered by state and federal special education laws, it will be the policy of MSAD 6 to comply fully with all applicable state and federal special education laws that govern such removals.

The Superintendent of Schools, in consultation with the Co-Directors of Special Education and other school administrators, may develop and promulgate procedures for implementing this policy, and may from time to time amend those procedures as necessary.

Legal References: ~~Me. Spec. Ed. Reg. ch. 101, XVII (2009); 34 C.F.R. § 300.101, .530 to .536 (2006)~~  
**Ch. 101, XVII (Me Dept. of Educ. Rules) (2015), 34 C.F.R. § 300.101,530-536 (2006)**

Cross Reference: JKF-R – Model Administrative Procedure for Removal of **Special Education** Students with Disabilities

First Reading: May 7, 1990  
Adopted: May 21, 1990  
Reviewed: June 1993, November 16, 1998, December 2, 2002  
Revised: December 7, 1998, December 16, 2002, May 6, 2013

~~Model Administrative Procedure for~~  
 Disciplinary Removal of **Special Education** Students with Disabilities  
 Administrative Procedure

These procedures will govern disciplinary removals of **Special Education** students with disabilities from their regular school program. These procedures will be interpreted in a manner consistent with state and federal special education laws and regulations.

1. School administrators may suspend **Special Education** students with disabilities for up to 10 cumulative school days in the school year under the same terms and conditions as students without disabilities are suspended, subject to the limitations set forth below.
  - A. In the event that a disabled student's IEP specifically lists a school response other than a suspension that must be followed for a particular type of misconduct, the school administrator will follow the requirements of the IEP in responding to that misbehavior.
  - B. When calculating the 10 cumulative school day total, school administrators will include school days spent in an in-school suspension or removal, unless during that removal the ~~child~~ **student** continued to have access to the general curriculum, to the special education services in his or her IEP, and to participation with non-disabled ~~children~~ **students** to the extent he or she would have in the student's regular program.
2. After a **Special Education** student with a disability has been removed from his/her current placement for 10 cumulative school days in the same school year, during any subsequent days of removal the school administrator will consult with at least one of the ~~child's~~ **student's** teachers and then will arrange for the ~~child~~ **student** to receive a level of educational services during the removal sufficient to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals listed in the student's IEP.
3. Within 10 school days of any decision to "change the placement" of a ~~child~~ **student** with a disability because of a violation of a code of student conduct, school officials will hold an IEP team meeting to undertake the following.
  - A. The Team will review all relevant information in the student's file including the IEP, any teacher observations, and recent evaluations.
  - B. The Team will then undertake a manifestation determination to decide whether the ~~child~~ **student's** misconduct was a manifestation of his/her disability.

- C. If the Team determines that the misbehavior is a manifestation of the disability, the Team must either:
- a. Conduct a functional behavior assessment, unless one had been conducted before the behavior incident, and will implement a positive behavior intervention plan for the ~~ehild~~ student; or
  - b. If a behavior plan has already been developed, review the plan and modify it as necessary to address the behavior.

Except as provided in 4 below, the Team must also return the student to the placement from which he/she was removed, unless the school and parent agree to a change of placement as part of the revision of the behavior plan.

- D. If the Team determines that the misbehavior is not a manifestation of the disability, school personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to ~~children~~ students without disabilities, except that services must be provided to the ~~ehild~~ student during the disciplinary removal consistent with E(c) below.
- E. When a ~~ehild~~ student with a disability has a disciplinary removal that would be a “change of placement,” the IEP Team will order services for the ~~ehild~~ student that will enable the ~~ehild~~ student to:
- a. Continue to participate in the general curriculum although in another setting;
  - b. Progress toward meeting the goals in the IEP; and
  - c. Receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- F. For purposes of this section, a “change of placement” occurs if:
- a. The removal is for more than 10 consecutive school days; or
  - b. The ~~ehild~~ student has been subjected to a series of removals that constitute a pattern and:
    - 1) Because the series of removals totals more than 10 cumulative days in the school year;
    - 2) Because the ~~ehild's~~ student's behavior is substantially similar to the behavior in previous incidents resulting in the series of removals; and

- 3) Because of additional factors such as the length of each removal, the total length, and the proximity of the removals to each other.
4. In those circumstances where a student brings a weapon to school, to a school function, or on school premises (including transportation); where a student knowingly possesses, uses, sells, or attempts to sell illegal drugs at school, a school function, or on school premises (including transportation); or when the student inflicts serious bodily injury upon another person while at school, a school function, or on school premises (including transportation) school officials may place that student in an alternative educational setting for up to 45 school days, will provide educational services for the student consistent with 3(E) above, and will schedule an IEP Team meeting to occur within 10 school days of commencing that removal. At that meeting, the Team will undertake all necessary actions discussed in these procedures for responding to removals that constitute a change of placement for the ~~child~~ **student**. Any further removals in response to the incident will be made consistent with these procedures and state and federal special education rules.

Legal Reference: Ch. 101 § XVII (Me. Dept. of Educ. Rules) (2015)  
34 C.F.R. § 300.101, .530-.536 (2006)

Cross Reference: JKF – Disciplinary Removals of Students with Disabilities

Revised: May 6, 2013