
APPENDIX F¹⁹ - PROCEDURAL GUIDE FOR STUDENTS WITH DISABILITIES

School officials may suspend students with disabilities and cease educational services for a total of up to 10 consecutive or 10 cumulative school days in one school year without providing special education procedural safeguards. Saturday, and before- and after-school detentions do not count toward the 10-day limit. Additionally, if students with disabilities continue to participate in the general education curriculum and receive their IEP services, in-school suspensions do not count towards the 10-day limit. Principals are not required suspend students with disabilities for the mandatory periods set forth in this Code for a single offense. Specifically, the Principal or his or her designee has discretion to suspend students with disabilities fewer days than set forth for a single offense. Federal regulations offer some flexibility in suspending students with disabilities in excess of 10 school days in the school year in certain circumstances. In order to determine whether the circumstances permit a suspension in excess of 10 days per school year, consultation by the school with Dispute Resolution (773/553-1905) is absolutely necessary. **Without such consultation and approval from Dispute Resolution, the 10 school day limit on out of school suspensions will continue to apply.**

When school officials anticipate a referral for expulsion or for emergency alternative placement, the following apply:

1. School must provide written notice to the parent/guardian or surrogate parent of the intervention or consequence being considered and the date of an Individualized Education Program (IEP) Manifestation Determination Review (MDR) meeting, which must be held within 10 school days of the date of the decision to discipline the student. School must also provide parent/guardian/surrogate with a written copy of Notice of Procedural Safeguards.
2. The IEP team must:
 - A. Determine whether the misconduct is related to the student's disability by reviewing all current and relevant information, including evaluation and diagnostic results, information from the parent/guardian, observations of the student, and the student's IEP. The behavior is a manifestation of the student's disability if:
 - 1) the conduct in question was caused by the student's disability or has a direct and substantial relationship to the student's disability: and/or

2) the conduct in question was the direct result of the school's failure to implement the student's IEP.

- B. Review, and revise if necessary, the student's existing behavior intervention plan or develop a functional behavior assessment and behavior intervention plan (FBA/BIP) to address the misconduct. The behavior intervention plan must address the misconduct for which the student is being disciplined.

If the student's behavior is not a manifestation of the disability, school officials may apply the Student Code of Conduct, taking into consideration the student's special education and disciplinary records. In no event, however, may the student be suspended for more than 10 consecutive or cumulative school days in a school year without providing appropriate educational services.

If the student's behavior is a manifestation of the disability, a disciplinary change in placement (expulsion) cannot occur.

Students with disabilities may be placed in an interim alternative educational setting for a maximum of 45 school days, even in instances where the student's misconduct is ultimately determined to be a manifestation of his or her disability.

Students with disabilities may be referred for emergency interim alternative placement when in possession of weapons or large amounts of drugs, or for inflicting serious bodily injury on another person while on school grounds or at a school sponsored event. The parent or legal guardian may request a due process hearing to challenge the emergency interim alternative placement.

For students with disabilities whose misconduct presents a danger to themselves or others in a manner other than those specified above, please consult with Dispute Resolution as the Chief Executive Officer may request that a hearing officer order a 45-day emergency interim alternative placement.

Students with disabilities, even if expelled, must be provided with an appropriate education in an alternative educational setting.

¹⁹ All procedural safeguards contained in the SCC and this Appendix are equally applicable to those students with §504 plans.