

SPP INDICATOR 4 – NDE/DISTRICT REVIEW PROTOCOL

The SEA, and the Secretary of the Interior; must examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among LEAs in the State; or compared to such rates for nondisabled children within such agencies. [20 U.S.C. 1412(a)(22)(A); 34 CFR §§300.170(a) and 300.646(a)(3)]

RELATED REQUIREMENTS	DOCUMENT OF EVIDENCE	ACTIONS REQUIRED
1412(a)(14)(A) and (B); 34 CFR §300.156(a) and (b)]		
<p>If such discrepancies are occurring, the SEA must review and, if appropriate, revise (or require the affected State or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act. [20 U.S.C. 1412(a)(22)(B); 34 CFR §§300.170(b) and 300.646(b)]</p> <p>School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement for a child with a disability who violates a code of student conduct is appropriate. [20 U.S.C. 1415(k)(1)(A); 34 CFR §300.530(a)]</p> <p>School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent such alternatives are applied to children without disabilities). [20 U.S.C. 1415(k)(1)(B); 34 CFR §300.530(b)]</p> <p>If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except as provided in 20 U.S.C. 1412(a)(1), although it may be provided in an interim alternative educational setting. [20 U.S.C. 1415(k)(1)(C); 34 CFR §300.530(c)]</p>	<p>District Policy/Procedure File Review 007.07B3</p> <p>District Policy/Procedure File Review 016.02A</p> <p>District Policy/Procedure File Review 016.02B 016.02B1</p> <p>District Policy/Procedure File Review 016.02C</p>	

RELATED REQUIREMENTS	DOCUMENT OF EVIDENCE	ACTIONS REQUIRED
<p>A child with a disability who is removed from the child's current placement (irrespective of whether the behavior is determined to be a manifestation of the child's disability) shall: continue to receive FAPE, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. [20 U.S.C. 1415(k)(1)(D); 34 CFR §300.530(d)]</p>	<p>District Policy/Procedure File Review 016.02D 016.02D1 016.02D2 016.02D3 016.02D4 016.02D5 016.02D6</p>	
<p>Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the IEP Team (as determined by the parent and the LEA) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine: if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or if the conduct in question was the direct result of the LEA's failure to implement the IEP. If the IEP Team determines that either is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability. [20 U.S.C. 1415(k)(1)(E); 34 CFR §300.530(e)]</p>	<p>District Policy/Procedure File Review 016.02E1 016.02E1a 016.02E1b</p>	
<p>If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall: conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child; or review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and 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, unless special circumstances exist, as provided in 20 U.S.C. 1415(k)(1)(G). [20 U.S.C. 1415(k)(1)(F); 34 CFR §300.530(f)]</p>	<p>District Policy/Procedure File Review 016.02F 016.02F1 016.02F2</p>	
<p>School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child: carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of an SEA or LEA; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on</p>	<p>District Policy/Procedure File Review 016.02G 016.02G1 016.02G2 016.02G3</p>	

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<p>school premises, or at a school function under the jurisdiction of an SEA or LEA; or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or LEA. [20 U.S.C. 1415(k)(1)(G); 34 CFR §300.530(g) and (i)]</p> <p>Not later than the date on which the decision to take disciplinary action is made, the LEA shall notify the parents of that decision, and of all procedural safeguards accorded under 20 U.S.C. 1415. [20 U.S.C. 1415(k)(1)(H); 34 CFR §300.530(h)]</p> <p>The interim alternative educational setting shall be determined by the IEP Team. [20 U.S.C. 1415(k)(2); 34 CFR §300.531]</p> <p>The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under 20 U.S.C. 1415(i), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing. [20 U.S.C. 1415(k)(3)(A); 34 CFR §300.532(a)]</p> <p>When a hearing has been requested by either the parent or the LEA, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for 20 U.S.C. 1415(k)(1)(C), whichever occurs first, unless the parent and the SEA and LEA agree otherwise; and the SEA or LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing. [20 U.S.C. 1415(k)(4); 34 CFR §§300.532(c)(2) and 300.533]</p> <p>Each state that receives assistance under Part B, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are removed to an interim alternative educational setting under 20 U.S.C. 1415 (k)(1); the acts or items precipitating those removals; and the number of children with disabilities who are subject to long-term suspensions or expulsions. [20 U.S.C. 1418(a)(1)(A)(v); 34 CFR §300.640]</p>	<p>District Policy/Procedure File Review 016.02H</p> <p>District Policy/Procedure File Review 016.03</p> <p>District Policy/Procedure File Review 016.04A</p> <p>District Policy/Procedure File Review 016.05A</p> <p>Special Education Discipline Report due June 30 annually</p>	

RELATED REQUIREMENTS	DOCUMENT OF EVIDENCE	ACTIONS REQUIRED
<p style="text-align: center;"><u>IEP Provisions</u></p> <p>The IEP must include a statement of the child’s present levels of achievement and functional performance, including how the child’s disability affects the child’s involvement and progress in the general curriculum; and a statement of measurable annual goals, including academic and functional goals designed to: meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child’s other educational needs that result from the child’s disability. [20 U.S.C. 1414(d)(1)(A)(i)(I)(II); 34 CFR §300.320(a)(1)(i) and (a)(2)(i)(A) and (B)]</p> <p>The IEP must include a description of how the child’s progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports) will be provided. [20 U.S.C. 1414(d)(1)(A)(i)(III); 34 CFR §300.320(a)(3)]</p> <p>The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child: to advance appropriately toward attaining the annual goals; to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(1)(A)(i)(IV); 34 CFR §300.520(a)(4)]</p> <p>The IEP must include the projected date for the beginning of the services and modifications described and the anticipated frequency, location, and duration of those services and modifications. [20 U.S.C. 1414(d)(1)(A)(i)(VII); 34 CFR §300.320(a)(7)]</p>	<p>District Policy/Procedure File Review 007.07A1 007.07A1a 007.07A1b 007.07A2 007.07A2a 007.07A2b</p> <p>District Policy/Procedure File Review 007.07A4</p> <p>District Policy/Procedure File Review 007.07A5 007.07A5a 007.07A5b 007.07A5c</p> <p>District Policy/Procedure File Review 007.07A8</p>	

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<p>The IEP, beginning not later than the first IEP to be in effect when the child is 16 and updated annually thereafter, must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; the transition services (including courses of study) needed to assist the child in reaching those goals; and beginning not later than one year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under 20 U.S.C. 1415(m). [20 U.S.C. 1414(d)(1)(A)(i)(VIII); 34 CFR §300.320(b) and (c)]</p>	<p>District Policy/Procedure File Review 007.07A9 007.07A9a 007.07A9b 007.07A9c 007.07A9c(i)</p>	
<p>The IEP Team must be a group of individuals composed of: the parents of a child with a disability; not less than one regular education teacher of such child; not less than one special education teacher or provider of such child; a representative of the LEA; an individual who can interpret the instructional implications of evaluation results (who may be the child's regular or special education teacher), at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability. [20 U.S.C. 1414(d)(1)(B); 34 CFR §300.321(a)]</p>	<p>District Policy/Procedure File Review 007.07B</p>	
<p>In developing each child's IEP, the IEP Team must also consider the strengths of the child, concerns of the parents, results of recent evaluations and needs of the child. [20 U.S.C. 1414(d)(3)(B); 34 CFR §300.324(a)(2)]</p>	<p>District Policy/Procedure File Review 007.07B1 007.07B2</p>	
<p>In developing each child's IEP, the IEP Team must also consider the special factors included at 20 U.S.C. 1414(d)(3)(B) including positive behavioral intervention and supports, language, Braille, communication and assistive technology needs. [20 U.S.C. 1414(d)(3)(B); 34 CFR §300.324(a)(1)]</p>	<p>District Policy/Procedure File Review 007.07B3 007.07B4 007.07B5 007.07B6 007.07B7</p>	
<p>The IEP Team must review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved and revise the IEP as appropriate. [20 U.S.C. 1414(d)(4); 34 CFR §300.324(b)(1)]</p>	<p>District Policy/Procedure File Review 007.09C</p>	

