

IDEA Student: Violates Code of Conduct

IDEA 2004 and AAC 290-8-9-.09(2)

Removal is a Change of Placement

(Applies to any removals of more than 10 consecutive school days or when there is a pattern of removals that constitute a change of placement.)

No later than the date the decision was made to take action, provide parents notice of disciplinary action and a copy of *Special Education Rights*.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change of placement for a student who violates a Code of Conduct.

The LEA, the parent, and relevant members of the IEP Team (as determined by the parent and LEA) must meet within 10 school days of a decision to change the placement to review all relevant information in the student's file to determine:

- (1) If the conduct was caused by or had a direct and substantial relationship to the student's disability; or
- (2) If the conduct was the direct result of the LEA's failure to implement the IEP. (The LEA must remedy those deficiencies.) If either(1) or (2) is true, the conduct is a manifestation of the disability.

If the behavior IS a manifestation of the disability, the IEP Team shall:

- (1) Conduct a functional behavioral assessment (unless one was conducted in the previous 18 months prior to the behavior resulting in this change of placement) and implement a behavioral intervention plan.
- (2) If a behavioral intervention plan has been developed, it shall be reviewed and modified as necessary to address the behavior.
- (3) If the IEP Team decides that the behavior is a manifestation, the student is returned to the placement from which the student was removed [if the student was removed], unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan, or the student is removed due to a violation regarding Special Circumstances: weapons, drugs or inflicting serious bodily injury. (See Discipline Chart 4.)

If the behavior IS NOT a manifestation of the student's disability, relevant disciplinary procedures for students without disabilities may be applied in the same manner and for the same duration, except that the student shall continue to receive educational services to enable the student to participate in the general curriculum, though in another setting, and to progress toward meeting the goals in the IEP. (The IEP Team determines appropriate services and the interim alternative educational setting for the student.) The student must receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.