



Book	Policy Manual
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5500 - **STUDENT CONDUCT/DISCIPLINE**

The School Board acknowledges that conduct is closely related to learning - an effective instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board and community hold the highest expectations for the conduct of all students in order to create a caring and safe environment that prepares learners for success in school and society. Violence in the schools will not be tolerated and students who engage in violent or criminal acts on school property, on a school bus or other school-sponsored transportation, at a school bus stop or during school-sponsored activities will receive the most severe consequences provided for by this policy.

I. EXPECTATIONS, STUDENT CONDUCT, AND BEHAVIOR

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Board has zero tolerance of violent, disruptive, or inappropriate behavior by its students.

- A. The Superintendent will inform the Board at least annually of the incidence of student misconduct within the District.
- B. The Superintendent will publish to all students and their parent(s)/guardian(s) the rules of this District regarding student conduct and the sanctions that may be imposed for breach of those rules (Student Code of Conduct/Student Discipline Code). The Superintendent, Principals, and other administrators have the authority to assign discipline to students, subject to the Student Code of Conduct/Student Discipline Code and, where required by law, to the student's due process right to notice, hearing, and appeal.
- C. The Board requires each student of this District to adhere to the Student Code of Conduct/Student Discipline Code adopted by the Board and to submit to such disciplinary measures as are appropriately assigned for infractions of those rules. Such rules require that students:
 1. conform to reasonable standards of socially acceptable behavior;
 2. respect the person and property of others;
 3. preserve the degree of order necessary to the educational program in which they are engaged;
 4. respect the rights of others;
 5. obey constituted authority and respond to those who hold that authority;
 6. be in school and learning every day;
 7. demonstrate quality and pride in their academic work and co-curricular activities;
 8. refrain from any conduct that interferes with another student's opportunity to learn; and,
 9. contribute to a safe and orderly learning environment by respecting themselves and others, their property and school rules and regulations.
- D. Schools and their staff members are expected to provide a supportive learning environment with a fair and equitable application of rules and procedures without regard to real or perceived race, religion, color, gender, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.
- E. Parents/Guardians and the community are expected to support student learning and the maintenance of a positive, safe and orderly learning environment and are encouraged to be involved in planning programs for the school or their individual student.

- F. Each student while waiting at a school bus stop, during the time s/he is being transported to or from school, during the time s/he is attending school, participating in school activities on or off school campus, or is presumed by law to be attending school, and during any time s/he is on the school premises are under the control of the Principal in charge of the school, and subject to these provisions.
- G. Failure to meet the above expectations, in-school misconduct, or other inappropriate behavior on the part of the students requires interventions and, when necessary, informal or formal consequences.
- H. The Student Code of Conduct/Student Discipline Code designates sanctions for the infractions of rules, excluding corporal punishment, which:
 - 1. relate in kind and degree to the infraction;
 - 2. help the student learn to take responsibility for his/her actions; and,
 - 3. be directed, where possible, to reduce the effects of any harm which may have been caused by the student s misconduct.

II. TEACHER'S AUTHORITY REGARDING DISCIPLINE

A. Authority Generally

- 1. Teachers and other instructional personnel have the authority to undertake any of the following actions in managing student behavior thereby providing for the safety of all students.
 - a. establish classroom rules of conduct designed to improve classroom management.
 - b. establish and implement consequences, designed to change behavior, for infractions of classroom rules.
 - c. have violent, abusive, uncontrollable, or disruptive students temporarily removed from the classroom for behavior management intervention.
 - d. assist in enforcing school rules on school property, on school-sponsored transportation, and during school-sponsored activities.
 - e. request and receive information as to the disposition of any referrals to the administrator for a violation of classroom or school rules.
 - f. request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
 - g. request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
 - h. press charges if a crime has been committed against the teacher or other instructional personnel on school property, on school-sponsored transportation, or during school-sponsored activities.
 - i. use reasonable force, according to standards recommended by the Education Standards Commission and the Education Practices Commission and adopted by the State Board of Education, to protect himself/herself or others from injury.
- 2. Corporal punishment is not permitted by Board policy. (See Policy 5630 - Corporal Punishment and Use of Reasonable Force and Restraint)
- 3. Schools will promote the utilization of nonviolent dispute resolution through the development of curriculum, programs, mediation, arbitration, or other dispute resolution systems at designated schools.
- 4. When knowledgeable of the likely risk of physical violence in the schools, the School District will take reasonable steps so that teachers, other school staff, and students are not at undue risk of violence or harm.

B. Informal Teacher Interventions

The basic responsibility for the maintenance of appropriate conduct and discipline in the classroom rests with the teacher. Teachers are expected to utilize positive classroom management procedures in their efforts to maintain appropriate classroom conduct.

- 1. Teachers will consider the following alternatives with regard to students who are disciplinary problems:
 - a. work with the student on a one-to-one basis to attempt to determine the source of the problem and recommend alternative solutions;
 - b. change the curriculum or instruction if such procedures appear warranted;
 - c. contact the parent(s), guardian(s), relative(s), or emergency contact person if necessary;
 - d. refer the student to Student Services;
 - e. contact outside social agencies;
 - f. refer the student to a dispute resolution program, if available.
- 2. Teachers must maintain objective and accurate records of all attempts to deal with serious student misconduct.
- 3. For students with disabilities, teachers or other members of the IEP team will review the annual goals and objectives if provided of the student's IEP and revise instructional, behavioral and other strategies as needed.

4. Teachers must submit written referrals to the Principal on the appropriate discipline referral form. Such referrals must indicate the failure of less formal interventions on the part of the teacher, or a serious breach of conduct requiring an immediate administrative response. The discipline referral file is open only to authorized individuals (see Policy 8330 - Student Records). At the end of the school year, the teacher's referral files will be returned to the Principal for appropriate disposition.
5. A teacher may send a student to the Principal office to maintain effective discipline in the classroom. The Principal will respond by employing appropriate discipline management techniques consistent with the *Student Code of Conduct* and State law and may contact Student Services or outside social service agencies, as appropriate.
6. A teacher may elect to:
 - a. have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students temporarily removed from the classroom for behavior management intervention; or
 - b. have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or District personnel.
7. A teacher may have removed from a class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

If a teacher has a student removed from class under this section, the Principal may place the student in another appropriate classroom, in an Opportunity for Improvement room, in an alternative education program, or the Principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may also be prohibited from attending or participating in school-sponsored or school-related activities.

- a. The Principal may not return the student to that teacher's class without the teacher's consent unless the committee established under F.S. 1003.32 determines that such placement is the best or only available alternative.
 - b. The teacher must give consent or the placement review committee must review all relevant documentation, including previous student infractions and teacher interventions and render a decision within five (5) days of the removal of the student from the classroom.
8. Each school will establish a placement review committee to determine the appropriate and available placement of a student when a teacher withholds consent to the return of a student to the teacher's class.
 - a. Committee membership must include at least the following:
 1. two (2) teachers selected by the school's faculty and an alternate; and
 2. one (1) member from the school's staff who is selected by the Principal.
 - b. For students with disabilities, the required members of IEP team must be a part of the committee.
 - c. The teacher who withheld consent to readmitting the student may not serve on the committee.
9. Any teacher who requests twenty-five percent (25%) or more of his/her students to be removed from a class is required to complete professional development to improve classroom management skills that include a plan to improve discipline in his/her classroom.

III. TYPES OF CONSEQUENCES

A. Generally

1. Consequences may be informal, formal, or severe (zero tolerance), depending on the misconduct. In any case, appropriate documentation must be maintained by the teacher and the Principal. This documentation is not part of the student's permanent record.
2. Corporal punishment is prohibited as a consequence under any and all conditions in the District (See Policy 5630-Corporal Punishment and Use of Reasonable Force and Restraint).
3. The Principal will consider the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline. Discipline for students with a disability will follow the process set forth in Section V, Discipline Procedures for Student with Disabilities, below.

B. Informal Consequences

1. Infractions

- a. Infractions for which informal consequences are warranted should be dealt with by the classroom or supervising teacher or staff, prior to referral for formal consequences, utilizing appropriate procedures consistently applied to all students.
- b. The student involved has the right to be informed, before consequences are administered, of the exact nature of the infraction and the possible consequences of that misconduct, and the right to offer an explanation in defense or mitigation. Once or more consequences may thereafter be summarily administered if warranted. Examples of infractions for which informal consequences are warranted include, but are not limited to, the following:

1. tardiness (see Policy 5200 - Attendance);
2. failure to return required forms;
3. failure to have the required materials or equipment;
4. possession and/or use of tobacco products (see Policy 5512 - Tobacco-Free Environment);
5. cheating or plagiarism;
6. unauthorized use of school property;
7. failure to report to class or leaving class without permission (see also Policy 5200 - Attendance);
8. theft of less than \$300.00;
9. violation of school parking regulations;
10. minor violation of school bus rules of conduct;
11. display or use of toys, games, audio or video players, or other potentially disruptive items during the school day;
12. use of a wireless communication device during instructional time without approval. Such devices include computers, tablets, electronic readers, smartphones, and/or other web-enabled devices of any type. (See Policy 5136 - Use of Personal Communication Devices and Policy 7542 - Network Access to Technology Resources from Personally-Owned Personal Communication Devices)

c. References to such offenses involve a matter of degree and frequency. Whenever possible, these offenses should be dealt with on an individual basis without invoking formal discipline procedures. If repetition of these offenses occurs, or if they are of a severe nature, formal discipline may be considered necessary.

2. Consequences

Examples of informal consequences include, but are not limited to:

- a. Confiscation of contraband items and/or direct discussion with the student and/or parent(s)/guardian(s), in order to work out a problem.

In cases where it is appropriate, Student Services staff or outside social agencies may be requested to assist with this procedure.

- b. A written warning or reprimand to a student and parent(s)/guardian(s) from the teacher, or Principal.
- c. Class reassignment may be imposed during school hours by the Principal.

The student may be assigned for a period of time, determined by the Principal, to an alternative classroom under the direction of a certified teacher. Regular academic instruction will continue in the reassigned classroom.

- d. School detention may be imposed for a limited period of time with a maximum of one (1) hour a day unless extended at the parent(s)/guardian(s) request.

A period of detention may not begin without one day's notice to the student and parent(s)/guardian(s) and a student will be detained only under the supervision of school personnel.

- e. School privileges may be withdrawn by the Principal.

These may involve field trips, co-curricular activities, school government and school social events as well as other functions.

- f. Referral may be made to a dispute resolution program, if available.

- g. Consequences may be implemented for students with disabilities as described in a student's IEP or Section 504 accommodation plan or a behavior intervention plan including the use of "time out" procedures as described in AP 5600.

For an identified student with a disability, temporary detention or reassignments within the school that does not result in a change of placement does not require an IEP or accommodation plan review.

C. **Formal Consequences**

1. Infractions

- a. Infractions on school property, on a school bus or at a school bus stop, or a school-sponsored activity for which formal consequences are warranted are those where the appropriate punishment may be suspension or expulsion from school as the circumstances warrant. These infractions include, but are not limited to:

1. disruption or obstruction of the orderly educational process;
2. defacement or destruction of school property;

3. disrespect or disobedience of school officials acting pursuant to their official responsibilities, which results in a disruptive effect upon the education of other students;
4. interference with, or intimidation of, school personnel by threat or actual force or violence or creating a hostile environment that includes harassment;
5. interference with or intimidation of other students, by threat or actual force or violence;
6. behavior that is inappropriate or detrimental to the welfare or safety of other students, including fighting on school grounds or on a school bus, at a school bus stop or while participating in a school-sponsored function or activity;
7. interference with, or disruption or obstruction of the operation of a school bus or severe infractions at a school bus stop;
8. failure to correct repeated misconduct as described under Infractions Requiring Informal Consequences;
9. participation in secret societies;
10. illegal possession, distribution, use, sale, or attempted sale of any drug, including any alcoholic beverage or any substance controlled under F.S. Chapter 893;

Self referral or court-ordered referral to a State-licensed drug abuse program, and successful completion thereof; or voluntarily disclosing unlawful possession of controlled substances prior to arrest; or divulging information leading to the arrest and conviction of the person(s) who supplied the controlled substance may constitute sufficient grounds for a waiver of the suspension or expulsion for illegal possession or use only.

11. theft or larceny;
12. burglary;
13. extortion;
14. possession of a self-defense spray (such as mace or pepper gas) or laser pointer that is not displayed in a threatening manner or used as a weapon;
15. indecent exposure;
16. malicious mischief including intentional damage to personal property or vandalism;
17. robbery;
18. trespass;
19. leading or participating in a riot on school grounds;
20. intentionally making false accusations that jeopardize the professional reputation, employment, or professional certification of a teacher or other member of the school staff;
21. creating a hostile environment that includes harassing, physical, verbal, graphic or written conduct that is sufficiently severe, pervasive or persistent as to interfere with an individual's ability to participate in or benefit from school activities, to include all forms of sexual, racial, national origin, disability or other forms of discrimination or harassment prohibited by Board policies; and,
22. formally charged by a proper prosecuting attorney with a felony that allegedly occurred on property other than Board property, or with a delinquent act that would be a felony if committed by an adult. Also, formal consequences apply if that incident is shown in a properly noticed administrative hearing to have an adverse impact on the educational program, discipline or welfare in the school in which the student is enrolled.

b. Each of the aforementioned offenses calls for three (3) immediate responses:

1. reference to the appropriate governmental authorities having jurisdiction for possible criminal penalties;
2. if the offense involves a victim, notice to the victim and victim's parents or legal guardian(s), if the victim is a minor, of the offense and of the victim's right to press charges against the offender; and school personnel will cooperate in any investigation or other proceedings leading to the victim's exercise of rights as provided by law;
3. action to suspend or expel from school pursuant to the suspension and expulsion policies and procedures of the Board.

2. Consequences-Suspension and Expulsion

a. Suspension and expulsion are formal consequences and will be employed:

1. only after parental/guardian assistance and all available school and support services have been unsuccessful in dealing with the student misconduct;
2. when the student's conduct is disruptive to the learning environment, is dangerous to the safety or welfare of other students or staff or infringes on the rights of others; or
3. if the situation is of an emergency nature.

- b. "Out-of-school suspension" is the temporary removal of a student from the school and the school program (which means all classes of instruction on public school grounds and all other school-sponsored activities).
- c. "In-school suspension" is the temporary removal of a student from the school program.
- d. "Expulsion" is the removal of a student from the schools of this District for the number of school days remaining in a semester or term in which the incident that gives rise to the expulsion takes place and up to one (1) additional school year.
- e. Suspension from school, from riding a school bus, and/or co-curricular activities may be authorized by the Principal and extended beyond ten (10) days by the Board as provided by Board Policy 5611, entitled Due Process Rights.
- f. Expulsion, long-term suspension pending expulsion, or rescission of expulsion requires the action of the Board in accordance with the procedure set forth in Policy 5610.06-Expulsion Process.
- g. Except for possession of a firearm or a weapon, or a threat or false report of an explosive device on Board property as specified in F.S. 1006.13(12)(a) and (b), the Principal or site administrator may recommend to the Superintendent, and s/he may in turn recommend to the Board a suspension or a stipulated agreement in lieu of expulsion for any offense, with documentation of mitigating factors. If approved by the Board, the expulsion will be held in abeyance pending the completion of all required conditions in the agreement.
- h. The Board will honor all expulsions from other Florida public schools and may, at its discretion, honor expulsions from out-of-state public schools and from non-public schools or require assignment to an alternative learning center or other appropriate programs.
- i. If the circumstances warrant, a student may receive an informal consequence for a formal infraction.

D. Severe Consequences (Zero Tolerance)

1. Offenses

Offenses on school property, school-sponsored transportation, at a school bus stop, or during a school-sponsored function or activity, that pose a serious threat to the health or safety of students, staff, or others, are offenses in which the appropriate punishment is expulsion, with or without continuing educational services, for a period of not less than one (1) full calendar year, and referral to the criminal justice or juvenile justice system. The appropriate school authority will make a recommendation to the Superintendent for expulsion pursuant to this section, any student who has been found to have committed the following offenses (in no particular order):

- a. homicide (murder or manslaughter)
- b. sexual battery
- c. armed robbery
- d. aggravated battery
- e. battery or aggravated battery on a teacher or other school personnel
- f. kidnapping or abduction
- g. arson
- h. possession, display, transmission, use or sale of any firearm or weapon, or such object which is utilized as, or is intended to function as a weapon while the student is on school property, in attendance at a school function, in a school vehicle, or at a school bus stop

For purposes of this policy, weapons include but are not limited to those defined in F.S. Chapter 790, and the following: air rifle, BB or pellet gun, rifle, shotgun, zip gun, stun gun, pistol, ammunition or explosive device (no matter how limited), incendiary device, ice pick, knife, box cutter, machete, hypodermic needles(s), brass knuckles, club, nunchakus, razor blade, sling shot, spear, sword, or any other object that can reasonably be considered a weapon. Exceptions may be made only in an authorized and supervised school-sponsored activity or program with the prior approval of the Superintendent.
- i. threat or intimidation using any pointed or sharp object or the use of any substance or object as a weapon with the threat or intent to inflict bodily harm
- j. making a threat or deliberate false report of any explosive or destructive device

2. Severe Consequences (Zero Tolerance)

- a. Expulsion, with or without continuing education services, for a period of not less than one (1) full calendar year, and referral to the criminal criminal justice or juvenile justice system, is the appropriate consequence for Zero Tolerance offenses.
- b. The Superintendent may consider less than a one (1) year expulsion requirement on a case-by-case basis and request the Board to modify the requirement if determined to be in the best interest of the student and the school system based on information submitted by the school administration. The following mitigating factors, uniformly applied to all students, must be documented:
 - 1. nature and circumstances of the offense;
 - 2. the age, grade level and the ability of the student to comprehend the policy's intent;
 - 3. the student's past disciplinary and attendance history;

4. the effect upon other students and/or the welfare, safety or discipline of the school.

c. Except for possession of a firearm or a weapon or a threat or false report of an explosive device on Board property as specified in F.S. 1006.13 (12)(a) and (b), the Principal or site administrator may recommend to the Superintendent, and s/he may in turn recommend to the Board, a suspension or a stipulated agreement in lieu of expulsion for any offense, with documentation of the mitigating factors listed above. If approved by the Board, the expulsion will be held in abeyance pending the completion of all required conditions in the agreement.

d. Any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy must be based on the particular circumstance surrounding the student's misconduct.

E. Exceptions for Petty Acts of Misconduct

Zero-tolerance policies are not intended to be applied to petty acts of misconduct and misdemeanors, which are not required to be reported to a law enforcement agency. These include, but are not limited to:

1. disorderly conduct;
2. disrupting a school function;
3. simple assault or battery;
4. affray;
5. theft of less than \$300.00;
6. trespassing; and
7. vandalism of less than \$1,000.00.

IV. OFF CAMPUS OFFENSES

A. Generally

1. When a student is formally charged with a felony (or with a delinquent act that would be a felony if committed by an adult) by a proper prosecuting attorney for an incident that allegedly occurred on property other than public school property, the Principal will determine if there may be an adverse impact on the educational program, discipline or welfare of the school that may warrant a suspension of the student (and assignment to an alternative educational setting) pending disposition of the charges.
2. If the student is found to have committed the felony (or delinquent act that would be a felony if committed by an adult) the student may be recommended for expulsion (and assigned to an alternative educational setting).
3. Information obtained through the criminal history database shall be disseminated only to appropriate school personnel and carry an appropriate warning regarding the reliability, confidentiality and control of further dissemination.
4. No student is to be detained after the close of the regular school day unless the student's parent(s)/guardian(s) have been contacted and informed that the student will be detained. If a parent/guardian cannot be contacted, the student should be detained on another day.
5. Any student suspended in accordance with this section will be alternatively placed in an educational setting that meets the needs of the student and protects the safety and welfare of other students and staff pending disposition of charges.

B. Process

1. Notification to District

The arresting agency, juvenile justice or court authority is required to immediately notify the Superintendent; parent(s)/guardian(s) and adult students are required to inform the school at initial registration if a student has:

- a. been taken into custody for a delinquent act or violation of law that would be a felony if committed by an adult or involves a crime of violence;
- b. been charged with a felony or a delinquent act that would be a felony if committed by an adult;
- c. been adjudicated delinquent for an offense that would be a felony if committed by an adult;
- d. had adjudication withheld for a delinquent act that would be a felony if committed by an adult; or
- e. been found guilty of a felony.

2. Notification to School

- a. Within twenty-four (24) hours after receipt of the notification, the Superintendent will notify the Principal of the student's school.
- b. The Principal will immediately review the charges and make an initial determination. The Principal will notify the teachers of the classes in which the student is currently enrolled; student services personnel, the school resource officer, co-curricular and other school personnel as necessary, and the student's parent(s)/guardian(s) (as set forth below) within twenty-four (24) hours of such

notice from the Superintendent.

- c. The Principal's notification to the parent(s)/guardian(s) will be in writing and will list the specific charges against the student and of the right to an informal hearing before the Principal, on a date not less than two (2) school days nor more than five (5) school days from postmarked date, or delivery, of the notice.

Pending such informal hearing, the student may be temporarily suspended by the Principal.

3. Informal Hearing

- a. The informal hearing will be conducted by the Principal and may be attended by the student, the parent(s) or guardian(s), the student's representative or counsel, and any witnesses requested by the student, the parent(s) or guardian(s), or the Principal.
- b. The student may speak in his/her own defense, may present any evidence indicating his or her eligibility for waiver of disciplinary action, and may be questioned on his/her testimony. However, the student cannot be threatened with punishment or later punished for refusal to testify.
- c. In conducting the informal hearing, the Principal is not bound by rules of evidence or any other courtroom procedure, and no transcript of testimony is required.
- d. Following the informal hearing, the Principal, within five (5) school days, will provide the student and parent(s)/guardian(s) with a decision, in writing, as to whether or not the student will be suspended pending the disposition of the charges.

V. Discipline Procedures for Students with Disabilities

A. **Generally**

1. In matters relating to the disciplining of students with disabilities, the Board will abide by Federal and State mandates regarding suspensions and expulsions.
2. For all ESE students, except gifted, and other students with a disability, a determination from the student's IEP or accommodation plan regarding the appropriateness of the consequences must be made prior to any formal discipline.

B. **Change of Placement**

1. If a student with a disability is removed from his/her educational placement for more than ten (10) consecutive school days, a change of placement occurs.
2. A change of placement also may occur if the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year.
3. Such additional factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another also may result in a change of placement.
4. School personnel may order a change in the placement of a student with a disability as follows:
 - a. to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) school days (to the extent such alternatives would be applied to students without disabilities); and
 - b. to an appropriate interim alternative educational setting as determined by the IEP team for the same amount of time that a student without a disability would be subject to discipline, but not for more than forty-five (45) days if:
 1. the student carries a weapon to school or to a school function under the jurisdiction of a state or local educational agency; or
 2. the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on a school bus or at a school function under the jurisdiction of a State or local educational agency;
 3. the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state education agenda or a School District.

C. **Manifestation Determination**

1. A manifestation determination to ascertain whether a student's behavior is related to his/her disability must be made within ten (10) days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. In conducting the review, the Superintendent, the parent(s)/guardian(s), and relevant members of the IEP team must:
 - a. review all relevant information in the student's file including any information supplied by the parent(s)/guardian(s) of the student, any teacher observations of the student and the student's current IEP; and
 - b. determine whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability or whether the conduct in question was the direct result of the School District's failure to implement the IEP.
2. If the team determines that the conduct was a manifestation of the student's disability, the IEP team must conduct a functional behavioral assessment, unless the School District had conducted a functional behavioral assessment before the behavior that resulted in the change of

placement occurred and implemented a behavioral intervention plan for the student.

- a. If a behavioral intervention plan already has been developed, the team must review it and modify it as necessary to address the behavior and return the student to the placement from which the student was removed.
 - b. Students with disabilities placed in an interim alternative educational setting (IAES) must continue to receive educational services so as to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
 - c. The student must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so that it does not recur if indeed the behavior was a manifestation of the student's disability.
3. If the result of the Manifest Determination Review is a determination that the behavior of the student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner that they would be applied to a student without disabilities. However, if a change of placement occurs, the student must continue to receive instruction that addresses the goals described in the IEP and, to make progress in the general curriculum.

If disciplinary procedures are initiated, the records of the student with a disability shall be transmitted for consideration by the Principal to the relevant persons making the final determination regarding the disciplinary action by the Superintendent.

4. If the student's parent(s)/guardian(s) disagrees with a determination the student's behavior was not a manifestation of the student's disability or with any decision regarding placement, the parent(s)/guardian(s) may request a due process hearing.
- a. District staff will arrange for an expedited hearing in any case described in this subsection when requested by a parent/guardian.
 - b. When a parent/guardian requests a hearing to challenge the IAES or the manifestation determination, the student shall remain in the IAES pending the decision of the hearing officer or forty-five (45) day time period.
 - c. At the conclusion of the hearing, the hearing officer will determine whether the District has demonstrated that the student's behavior was not a manifestation of such student's disability.

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