

ROYAL OAK  
SCHOOLS  
DISCIPLINE  
PROCEDURES  
MANUAL FOR  
STUDENTS  
WITH  
DISABILITIES

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## PREFACE

The purpose of this document is to provide Royal Oak school personnel with a procedural and guidance manual of the laws and regulations pertaining to student discipline in the Individuals with Disabilities Education Act 2004, its implementing regulations at 34 CFR §300 et. seq., August 14, 2006, and Section 504 of the Rehabilitation Act of 1973 (Section 504). Special thanks to Wayne RESA, Kent ISD, Manistee ISD and Oakland Schools ISD who have provided many districts in the State of Michigan with a structure for which to build supportive and compliant discipline procedures.

**All students, regardless of the level of support required to progress within the curriculum, are general education students first.** With this in mind, most discipline cases involve relatively minor incidents handled with routine policy and procedure applicable to all students. Special education regulations and Section 504 provide an “extra measure of due process” to assure a review of possible impacts of a student’s disability in a discipline incident. Application of local general discipline policy should be diligently followed and altered only to the extent indicated by proper consideration of a disability and student’s behavior history as outlined in this document. Regulatory compliance issues are minimized, and student progress is best achieved with the documented use of scientifically based positive behavior support techniques, and procedures that avoid removal of a student from school.

The procedures and guidance outlined on the following pages are not exhaustive, but rather give the general sequence of events and timelines associated with the extra measure of due process when considering a student’s disability in school discipline procedures. Citations are provided to guide staff to further material in the IDEA and Section 504 regulations. Staff may also refer to the MDE Discipline Procedures publication of January 2011 for a more detailed explanation of discipline regulations. That publication is a guidance document only and the procedures set forth in this Manual are controlling.

As state rules, federal regulations and evidence-based best practice are reviewed and revised, so shall the procedures within this manual be reviewed and revised.



## **ROYAL OAK SCHOOLS DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES**

### **SUSPENSION AND EXPULSION OF STUDENTS WITH IEPs**

The Individuals with Disabilities Education Act (IDEA) §300.530 requires local education agencies (LEA's) and public school academies (PSA's) to follow specific procedures when removing a student with a disability from their educational placement for disciplinary reasons in such cases when the removal constitutes a **“change of placement”**.

Additionally, in accordance with IDEA §300.324(a)(2)(i), an IEP team must, in the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior as part of the IEP process.

The following procedures are based upon the requirements of the IDEA, the federal regulations, Michigan rules and interpretations of IDEA and guidance from the MDE Discipline Procedures document dated January 2011. For compliance purposes, Royal Oak Schools will have written district-wide discipline procedures. Additionally, Royal Oak Schools will maintain documentation of the procedures followed and the services provided. The forms included in this document will be used to meet these compliance requirements.

### **DEFINITIONS**

#### **CHANGE IN PLACEMENT**

Per IDEA §300.536, with regard to disciplinary removals, a **“change of placement”** occurs in one of two situations:

1. The removal is for more than 10 consecutive school days; or
2. The student has been subjected to a series of **“removals that constitute a pattern”**.

#### **REMOVAL**

The term **“removal”** refers to the removal of a student with a disability from instruction for disciplinary reasons, without the opportunity to continue to progress in the general education curriculum, continue to receive services specified on the student's IEP, or continue to participate with nondisabled students to the extent they would have in their current placement [See the Comments to the Federal Regulations at Fed. Reg. p. 46715 (2006)].

#### **PATTERN OF REMOVALS**

Per IDEA §300.536 (a) (2), a student has been subjected to a **“pattern of removals”** when all three of the following criteria have been met:

1. A series of removals totals more than 10 school days in a year.
2. A recurrence of substantially similar behavior in a series of removals subject to discipline.
3. Such additional factors as:
  - a. Length of each removal
  - b. Total time removed
  - c. Proximity of removals to each other

# ROYAL OAK SCHOOLS

## DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES

### STUDENTS WITH IEPs

#### TRACKING THE NUMBER OF DAYS OF REMOVALS

1. **BUILDING ADMINISTRATOR RENDERING DISCIPLINARY ACTION:** Take immediate steps to ascertain whether the pupil is a student with a disability.
2. **BUILDING ADMINISTRATOR RENDERING DISCIPLINARY ACTION: Immediately notify the special education CASE MANAGER** for student with an IEP of any suspension issued to a student with a disability.
3. **BUILDING ADMINISTRATOR RENDERING DISCIPLINARY ACTION:** Document all days of suspension<sup>1</sup> on the **Worksheet for Determining Patterns of Removal**. Maintain worksheet in student's discipline file, AND provide a copy of the worksheet to the **CASE MANAGER**.
4. **CASE MANAGER:** Maintain the **Discipline Tracking Record (DTR)** to track the number of days of suspensionsuspension<sup>1</sup> issued to the student in order to implement the procedures of this section. The DTR will include a specific description of the problematic behavior. If the length of a suspension is not immediately known, the date that the suspension length is determined will be documented in column 3 of the DTR. See the **Directions for Completing Discipline Tracking Record** for additional details on tracking the number of days of suspension.
5. **BUILDING ADMINISTRATOR RENDERING DISCIPLINARY ACTION and CASE MANAGER:** Monitor to immediately determine when a suspension has been issued that will result in the student having accumulated more than 10 days of suspension in the current school year.

#### DETERMINING A PATTERN OF REMOVAL

**BUILDING ADMINISTRATOR RENDERING DISCIPLINARY ACTION, CASE MANAGER and SCHOOL SOCIAL WORKER (Designated Building Team – see Page 6 ):** When a student has a series of removals that total 11 or more school days (total suspensions >10 nonconsecutive school days in a school year), determine the

following on a case-by-case basis:

- a. Is the recurrence of removals due to substantially similar behaviors?
- b. One or more of the following factors:
  1. Length of each removal
  2. Total time removed
  3. Proximity of removals to each other

#### **Designated Building Team Guidance:**

- Multiple removals over a year may or may not be a pattern. However, multiple removals within a three-month period would warrant careful consideration of a pattern.
- The ratio of the number of days of suspension to the total number of school days may reveal a significant pattern of “out of school” time. Districts could establish their own “proximity” ratio based on that calculation.
- Removals of one or two days per incident may not be a pattern. However, if each incident is serious enough to result in a four- or five-day removal for each infraction, the building team needs to be actively looking to determine whether a pattern of exclusion has occurred or will occur.
- Time of day and location of incident may factor in to a pattern (e.g. cafeteria, recess, PE class, etc.).
- Consider any unique circumstances on a **case-by-case basis**, such as: Student's disciplinary history; ability to understand consequences; expression of remorse; supports provided to a student with a disability prior to the violation.

Fed. Reg. p. 46714 (2006)

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**REMOVAL: 11<sup>TH</sup> DAY AND AFTER – NOT A CHANGE IN PLACEMENT**

1. **BUILDING ADMINISTRATOR RENDERING DISCIPLINARY ACTION:** **If a student with an IEP is removed for more than 10 school days in the school year (consecutively or cumulatively), the Building Administrator must provide/send to parent(s) a copy of the Procedural Safeguards for each subsequent removal after the 10<sup>th</sup> day of removal.** . Document provision of Procedural Safeguards on **Parent Assurance of Provision of Procedural Safeguards** form. If parent is provided with the procedural safeguards in person, *have parent sign the assurance statement to indicate the receipt of the procedural safeguards.*
2. **Immediately notify the special education CASE MANAGER** of any suspension issued to a student with a disability.
3. **CASE MANAGER:** In situations where there is not a change in placement, review the student’s class schedule, IEP goals, and the services listed in the IEP; Confer with the student’s other teachers/service provider(s) and the school administrator to determine the extent of services to be provided during the additional day(s) of suspension; Document these services on the **Discipline Services Record**; Provide/Send to parent(s) a copy of the **11<sup>th</sup> Day and After Service Offer** letter; Provide service provider with **Provision of FAPE Planning Form**. Maintain a copy of all three documents.

**NOTIFICATION OF A CHANGE OF PLACEMENT AS A RESULT OF A DISCIPLINARY REMOVAL**

1. Written notification must be sent to the student’s parents in both of the following situations;
  - The length of the suspension is for more than 10 consecutive school days; and
  - If the student has been subjected to a “**series of removals that constitute a pattern**”, therefore resulting in “change in placement”.
2. **BUILDING ADMINISTRATOR RENDERING DISCIPLINARY ACTION:** Provide/Send to parent(s) a copy of the **Procedural Safeguards for each subsequent removal after the 10<sup>th</sup> day of removal.** . Document provision of Procedural Safeguards on **Parent Assurance of Provision of Procedural Safeguards** form. If parent is provided with the procedural safeguards in person, *have parent sign the assurance statement to indicate the receipt of the procedural safeguards.*
3. **Immediately notify the SPECIAL EDUCATION DIRECTOR AND THE CASE MANAGER** of the suspension issued to a student with a disability.
4. **CASE MANAGER:** Provide/Send to parent(s) a copy of the **Notice of a Change in Placement as a Result of Disciplinary Removal** letter and procedural safeguards on the date the decision is made to make removal that constitutes a change in placement (date noted in column 3 of the *student’s DTR*). CASE MANAGER will maintain a copy of the notice. The notification will inform the parent(s) that a change of placement has occurred and that a Manifestation Determination Review (MDR) meeting will be scheduled *within 10 school days of the decision made to change the student’s placement.* Invite Director of Special Education to MDR meeting.

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**MANIFESTATION DETERMINATION REVIEW (MDR)**

***A MANIFESTATION DETERMINATION MUST BE MADE BY A GROUP OF PERSONS KNOWLEDGABLE ABOUT THE STUDENTS AND THE EVALUATION DATA.***

1. **CASE MANAGER:** Following notification pursuant to the above section, take the necessary steps to schedule a MDR. It is Royal Oak Schools' policy that the meeting that will involve the student's IEP Team. Invite the Director of Special Education to MDR meeting.
2. **CASE MANAGER:** Schedule the MDR meeting using the **Meeting Invitation** form. Additionally, since the outcome of the MDR may result in the need for an interim alternative educational setting (IAES) for the student, include the IAES meeting on the meeting invitation as well.
3. **CASE MANAGER:** Convene the MDR meeting to review the problem behavior *no later than 10 school days from the date recorded in column 3 of the DTR*. Complete documentation of the MDR on the **Manifestation Determination Review Form**.
4. *If subsequent suspensions occur after the initial MDR meeting*, the suspensions will be reviewed with respect to their relationship to all other suspensions on the student's tracking record. If the **DESIGNATED BUILDING TEAM** determines the suspensions constitute a **pattern of removal** as defined by IDEA regulations, or if the student is being issued a single suspension that will exceed 10 consecutive school days, the student's parents will be notified as described above and a new MDR meeting will be convened within 10 school days.
5. **CASE MANAGER:** Maintain documentation of pattern of removal determinations in the DTR.
6. If an MDR results in the determination of the behavior to be a manifestation of the student's disability<sup>2</sup>, then the student with an IEP will be immediately returned to the placement the student was in before the removal occurred. The staff must also conduct a review of the student's existing behavior plan to address the behavior or, if the student does not have a behavior plan, the Team should conduct a functional behavioral assessment and implement a behavior intervention plan for the student to address the behavior. If any adjustments to the placement are deemed necessary, the **CASE MANAGER** must convene an IEPT meeting.
7. If the MDR results in the determination of the behavior to not be a manifestation of the student's disability, the student with an IEP may be disciplined under general discipline procedures, AND the District must do the following:
  1. Provide services on the 11th day of accumulated removal in the current school year to participate in the general curriculum and progress toward the goals in the IEP;
  2. Determine the setting and services through the IEP team;
  3. Immediately initiate, if appropriate, a FBA and BIP, or review an existing FBA/BIP to address the problem behavior.
8. Exceptions to the student's reinstatement described in #6 are as follows: 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, if special circumstances exist--
  - **Special Circumstances** -
    - i. The behavior involved possession of a dangerous weapon<sup>3</sup>;
    - ii. The behavior involved possession, use, sale, or soliciting of illegal drugs<sup>4</sup>;
    - iii. The behavior involved serious bodily injury<sup>5</sup> upon another person; or

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9. If the Team and the Parents agree that a student's placement should be changed to another placement that will also offer a free appropriate public education in the least restrictive environment, the Team may change the student's placement using the IEP process to do so.
10. The district reserves the right to remove or to deny the reinstatement of the student when it believes that such reinstatement will result in a substantial likelihood of injury to the student or other individuals. In such a circumstance, if the Parents do not agree to address the dangerous situation in partnership with the District, the District has the right to initiate a special education due process hearing request or to pursue judicial relief as appropriate. In such a circumstance, staff must confer with the Director of Special Education before making such a determination.
11. If parent/guardian disagrees with the outcome of the MDR, the District MUST provide the parent/guardian with a copy of the **Procedural Safeguards**.

**NOTE:** See the **Directions for Completing Manifestation Determination Review (MDR)** for more details on the MDR process.

### PROVISION OF FAPE AND INTERIM ALTERNATIVE EDUCATIONAL PLACEMENTS (IAES)

1. **CASE MANAGER:** Once a student with a disability has reached more than 10 days of suspension in a school year, coordinate services to be provided during any additional days of suspension/removal (i.e., beginning with the 11<sup>th</sup> day) so as to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP. Documentation of these services MUST be created by the Building Team and maintained by the case manager.
2. **THE IEP TEAM:** In situations where the removal constitutes a change in placement and the student continues to be removed from school following the conclusion of a MDR (*because the student's behavior was not a manifestation of his disability, because the behavior involved a weapon, illegal drugs, or serious bodily injury, or because there is a substantial likelihood of injury if the student was to be returned and the District is pursuing a hearing or judicial relief*), the IEP Team makes the determination regarding services during the on-going removal.
  1. **CASE MANAGER:** Document the IEP Teams determination of on-going services on the **Interim Alternative Educational Setting (IAES)** form. See number 2 under the MDR section above for meeting notice requirement. See the **Interim Alternative Educational Setting (IAES) Instructions** form for more details on the IAES process.
  2. **CASE MANAGER:** Following the IAES determination, complete the **Notice for Provision of Programs and Services** and provide to the parent(s) of the student with a disability.
  3. **CASE MANAGER:** For compliance purposes, document and maintain how and when a Free and Appropriate Public Education (FAPE) is provided to the student. In each of the circumstances above (#1 and #2), the **Provision of FAPE Planning Form-Day 11 and After** form and the **Discipline Service Record** will be used for this purpose.

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### STUDENTS WITH IEPs

## FUNCTIONAL BEHAVIOR ANALYSIS (FBA) AND BEHAVIOR INTERVENTION PLAN (BIP)

1. **CASE MANAGER:** Facilitate the IEP Team in the development of an FBA/BIP in all cases where a MDR determines that the student's behavior is a manifestation of his/her disability. If the student already has a FBA/BIP, then the student's IEP Team will review the BIP and make any necessary revisions.
2. **CASE MANAGER and OTHER RELEVANT IEP TEAM MEMBERS:** The student's BIP may need to be reviewed/revised in the event subsequent suspensions are issued to the student. Staff involved in implementing the BIP will decide whether it is appropriate and necessary to do so.
3. **IEP TEAM:** In situations where a MDR determines that the behavior is not a manifestation of the disability, a FBA/BIP will be developed if it is determined appropriate to do so by the IEP Team.
4. **IEP TEAM:** The respective IEP Teams for students with disabilities will also review each student's need for behavioral strategies, including positive behavioral supports, as part of the on-going IEP planning process.
5. **CASE MANAGER:** At the point in which a student reaches the 7<sup>th</sup> day of suspension<sup>1</sup>, immediately facilitate the completion of an FBA/BIP with relevant members of the IEP Team. If behavior is not already identified as an *area of need* in the student's PLAAFP, complete an addendum or hold a new IEP to do so. Reference the behavior as an *area of need* by referencing the BIP in IEP Supplemental Aids and Service section of the amendment or New IEP.

## ADDITIONAL INFORMATION

For more detailed information, see the following:

Michigan Department of Education's (MDE) Discipline Procedures document (January 2011), [http://www.michigan.gov/documents/mde/Discipline\\_Procedures\\_Manual\\_301369\\_7.pdf](http://www.michigan.gov/documents/mde/Discipline_Procedures_Manual_301369_7.pdf)

## FOOTNOTES

<sup>1</sup> **Days of Suspension:** *In the context of recording disciplinary removals issued to students with disabilities;*

- *A partial day counts as a full day of removal/suspension and will be recorded as such on the student's on-going tracking record.*
- *If the district imposes restrictions or conditions upon the student's return to school, each day, until the conditions are met, is considered a day of removal/suspension (e.g., parent meeting, psychiatric evaluation).*

*The term does **not** include;*

- *Bus suspensions, unless this service is on the student's IEP and the student is unable to make it to school as a result of the suspension*
- *Situations where the student is appropriately sent home for the remainder of the day in accordance with his/her BIP, provided the BIP is included as part of the student's IEP. For more detailed information, see the guidance in MDE's Discipline Procedures document (January 2011).*
- *In-school suspensions that are continually supervised by a certified teacher or a paraprofessional who is supervised by a certified teacher, and that afford the student the opportunity to progress in the general curriculum, to participate with students without disabilities to the extent that they normally do, and to receive the services specified in the student's IEP*

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- *Class removals for no longer than one (1) class period. However, consideration should be given when looking at repeat behaviors/removals as part of a “pattern”*
- *Necessary delays in admitting the student due to a lack of required documentation, e.g., immunization records*

<sup>2</sup> **Manifestation of the student’s disability:** *A manifestation is found: a) if the behavior in question is directly and substantially related to/caused by the student’s disability, or b) if it is the direct result of the school’s failure to implement the student’s IEP. If **either** factor is affirmed, then the behavior is a manifestation of the student’s disability.*

<sup>3</sup> **Dangerous Weapon:** *This means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.*

<sup>4</sup> **Illegal Drugs and Controlled Substances:** *Controlled substances are defined as drugs or other substances identified under schedules I, II, III, IV, or V of Section 812 (c) of Title 21 of the United States Code. Illegal drugs are defined as controlled substances except where the controlled substance is legally possessed or used under the supervision of a licensed physician, or is legally possessed under other provisions of Federal law.*

<sup>5</sup> **Serious Bodily Injury:** *This means bodily injury which involves—a) a substantial risk of death; b) extreme physical pain; c) protracted and obvious disfigurement; or d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.*

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*STUDENTS WITH 504 PLANS*

**SUSPENSION AND EXPULSION OF SECTION 504 STUDENTS**

Students who are eligible under Section 504 have certain additional protections when charged with a violation of the Code of Student Conduct that may result in a suspension or expulsion that constitutes a significant change in placement. Similar to suspension or expulsion of a student with a disability under the IDEA, it is necessary to conduct a manifestation determination for a Section 504 student when:

- The suspension or expulsion will be for more than 10 consecutive school days; or
- The student has been subjected to a series of suspensions that total more than 10 school days in a school year and a pattern of exclusion exists. Whether a series of suspensions creates a pattern of exclusion is determined on a case-by-case basis taking into account the following factors: the length of each suspension, the proximity of the suspensions to one another, the similarity of the behavior that resulted in the removals, and the total amount of time the student is excluded from school.

If either of the situations above applies, then the District is required to conduct a manifestation determination before any significant change in student's placement may occur. The manifestation determination should be conducted within 10 school days of the decision to change the student's placement. The parent must be invited to participate in the meeting and provided a copy of the Section 504 **Notice of Procedural Safeguards**. *The district will also invite the **Director of Special Education** to attend the MDR meeting.* The purpose of the manifestation determination is to review whether the student's misconduct was caused by, or had a direct and substantial relationship to the student's disability; or whether the conduct was a direct result of the District's failure to implement the student's Section 504 plan.

***This determination should be made by a group of persons knowledgeable about the student, the meaning of evaluation data, placement options, the student's Section 504 Plan, and the disciplinary incident.*** In making its determination, the 504 Team must review all relevant information in the student's file, the student's Section 504 plan, any teacher observations of the student, and relevant information provided by the parent.

If the 504 Team concludes that the student's conduct is a manifestation of the student's disability, the student must remain in (or be returned to) his/her current educational placement, unless the parent and the District agree to change the student's placement. In addition, the district then needs to reevaluate the student to determine if his/her current placement is appropriate or needs to be changed. The **504 COORDINATOR** will coordinate the reevaluation process.

If the 504 Team concludes that the student's conduct is not a manifestation of the student's disability, the District may apply the relevant disciplinary procedures applicable to all students. Unlike the IDEA, there is no requirement to provide a student whose conduct is not a manifestation of the student's disability educational services during a disciplinary change in placement unless services are provided to similarly situated non-disabled students.

Please note that Section 504 allows a student to be disciplined, without going through the manifestation determination review process, when the infraction results from the student's current illegal use of drugs or alcohol in violation of the Code of Student Conduct.

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In the case of a Section 504 student who carries or possesses a weapon to or at school, on school premises, or to or at a school function, the District may place the student in an interim alternative educational setting for up to 45 school days if a student without a disability would be similarly disciplined. The Section 504 team must meet to develop the interim alternative educational setting after evaluating the student as described in this Manual. The interim alternative educational setting must be educationally appropriate and the services provided must enable the student to continue to progress in the general curriculum. The interim alternative educational setting must also address the behavior prompting the disciplinary action.

**IMPARTIAL DUE PROCESS HEARING**

A parent who disagrees with the identification, evaluation, placement, or the provision of a free appropriate public education of a student with a disability under Section 504 has the right to request an impartial due process hearing. Request for a Section 504 due process hearing must be made in writing to the District's Section 504 Coordinator. Upon receipt of such a request, the necessary arrangements will be made by the District, including the selection of a hearing officer. A person who is an employee of the District, or any person having a personal or professional interest which would conflict with his/her objectivity in the hearing, may not be appointed as a hearing officer.

Any party to a hearing has the right to:

1. Be accompanied and advised by counsel or an individual with special knowledge or training about the problems of children with disabilities;
2. Present evidence and cross-examine witnesses;
3. Obtain a written or electronic verbatim record of the hearing or obtain alternate forms of the verbatim record to be provided in the parent's native language;
4. Obtain written or electronic findings of fact and decisions; and
5. Seek judicial review of a hearing officer decision.

**GRIEVANCE PROCEDURE**

A person who believes a student has been discriminated against by the District on the basis of the student's disability or who believes the District otherwise violated Section 504 also has the right to file a complaint through the District's grievance procedure. A person who wishes to file a complaint should contact:

Sarah Olson  
Director of Instructional Services & Staff Development  
Royal Oak Schools  
1123 Lexington Blvd.  
Royal Oak, MI 48073  
248.435.8400 ext. 1232

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A person may file a complaint with the Office for Civil Rights (OCR) if he/she does not wish to use the District's grievance procedure. A person who wishes to file a complaint with OCR should contact:

Office for Civil Rights  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, OH 44114-2611  
FAX: (216) 522-2573; TDD: (877) 521-2172  
Telephone: (216) 522-4970  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

A discrimination complaint may be filed with OCR at any time. Additionally, if a person is dissatisfied with the District's resolution of a complaint, that complaint may be filed with OCR at the address above within 60 days of the District's resolution.

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**REFERRAL PROCEDURE WHEN FILING CHARGES OR MAKING JUVENILE COURT REFERRALS FOR STUDENTS WITH DISABILITIES**

Before filing charges or making a juvenile court referral for a student with a disability, the following procedures will be followed:

**BUILDING LEVEL DISCIPLINE TEAM**

1. Review all discipline referrals to date during the current school year. Consult with staff involved with the implementation and follow through of the discipline actions resulting from the referrals. Did the disciplinary action have a positive impact on reducing or eliminated the target behavior?
2. Review all behavioral interventions considered, previously implemented, and currently implemented. Were the behaviors implemented consistently across all academic domains?
3. Review documentation of data collected on all prior and current interventions implemented, noting why or why not the intervention(s) were successful over time. Does the data support appropriate implementation, review and revision of targeted interventions over time and environments?
4. Review the student's current Behavior Intervention Plan (BIP). Consider all revisions made to the BIP. Does the current BIP address the behaviors of concern? Does the BIP frontload positive behavior supports, environments and/or instructional obstacles, etc.?
5. Review the student's IEP/504 Plan. Has the IEP/504 Plan been fully implemented across all environments, including the provision of all documented specialized programs and services, supplemental aids and services, progress monitoring of measurable goals and objectives, etc.? Does the student's IEP/504 Plan reflect the behavioral need(s) and are sufficient supports appropriately built in to address those needs?
6. Review Manifestation Determination Reviews (MDR). Has this or similar behaviors been found to be a manifestation of the student's disability in the past? Does the district need to conduct an MDR?
7. Review, complete and maintain the Patterns of Removal worksheet for the student throughout the school year. Does a pattern of removal exist and how has the district responded?
8. With prior consent from the Parents, staff may consult with outside agencies (i.e. Royal Oak Youth Assistance, Community Mental Health) to seek assistance from community resources to support the student's identified areas of need.
9. Throughout this process keep lines of communication open between the building level discipline team and the building principal. All recommendations for filing charges against students or referring students to the juvenile court must be submitted in writing to the building principal with documentation of data from above procedures attached.

**ROYAL OAK SCHOOLS**  
**DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES**  
*STUDENTS WITH IEPs or 504 PLANS*

**BUILDING PRINCIPAL**

1. Review recommendation and all supporting documentation/data from the building level discipline team.
2. Principal communicates with student, parent(s), relevant building and IEP/504 team members, Director of Special Education, and other connected parties to gather additional input/data as deemed necessary regarding the student's behavioral concerns.
3. Principal determines the validity of the recommendation.
4. Principal communicates with relevant staff and parent(s) his/her decision to support or deny the building level discipline team's recommendation.
5. If the principal's decision is to support the building level discipline team's recommendation, the principal will make the referral to the juvenile court or to the proper authorities in cases where charges are filed against a student.

**ROYAL OAK DISTRICT LEVEL DISCIPLINE TEAM**

**The Superintendent's Designee for Matters of Discipline, the High School Building Principal, and the director of Special Education** will oversee and evaluate on an annual basis if the district's discipline procedures have been appropriately and effectively implemented. The evaluation process will review:

1. Cases where a determination was made for "pattern of removal";
2. The criteria for which this decision was made;
3. The existence of case-by-case decision making; and
4. Consideration of any unique circumstances.