

SAN DIEGO CITY SCHOOLS

Date: January 9, 2006

To: Principals, Division and Department Heads

Subject: LONG-TERM SUSPENSION OR EXPULSION OF SECTION 504/INDIVIDUALIZED SERVICE PLAN (ISP) STUDENTS

Department and/or Persons Concerned: Principals, Site Administrators, Site 504 Coordinators, Student Study Team Members

Due Date: Upon receipt

Reference: 504/ADA Guidelines

Action Requested: Please share information with appropriate staff.

Brief Explanation:

This circular provides guidance on the application of the Section 504 regulation to the disciplinary suspension and expulsion of a student with a 504/Individualized Service Plan (ISP).

The Section 504 regulation requires that school districts reevaluate a student with a disability and afford due process procedures before making a “significant change in placement.” This applies to school disciplinary suspensions and expulsions of students with disabilities.

A “significant change in placement” in the context of disciplinary consequences applies in the following circumstances:

- a suspension for more than ten (10) consecutive school days, or
- a proposed expulsion, or
- a series of suspensions that are fewer than ten (10) school days in duration, but cumulatively exceeds ten (10) school days, that may create a pattern of exclusions. This would be determined on a case-by-case basis. Among the factors that must be considered in determining whether a series of suspensions has resulted in a ‘significant change in placement’ are the length of each suspension, the proximity of suspensions to one another, and the total amount of time the student is excluded from school.

The school must take the following reevaluation steps:

1. Contact the 504 Office to schedule representation at the SST/504 Manifestation Determination Meeting.

2. Reconvene the Student Study Team (SST)/504 Team which determines whether the conduct is a manifestation of (caused by) the student's disability. The SST/504 Team must review all relevant information in the student's file including the 504/ISP, any teacher observations, and any relevant information provided by the parent. This manifestation hearing must be convened within ten (10) school days of the misconduct. A summary must be written and submitted to the Placement and Appeal Office, indicating whether the conduct was "causal" or "non-causal." The attached form is to be used.
3. If it is determined that the conduct is caused by, or had a direct and substantial relationship to, the student's disability (causal) or the conduct in question was the direct result of the district's failure to implement the 504/ISP, the SST/504 Team will conduct a functional behavioral assessment and implement a behavior support plan for the student. In those cases where a behavior support plan has been developed, review the plan and modify it, as necessary, to address the behavior.

The student will be returned to the placement from which the student was removed, unless the parent and SST/504 Team agree to a change of placement as part of the modification of the behavior support plan.

4. If it is determined that the conduct is not caused by the student's disability (non-causal), the student may be subject to the same disciplinary policies and procedures as non-disabled students. The student, as appropriate, shall receive a functional behavioral assessment and behavioral support services and modifications that are designed to address the behavior violation so that it does not recur. The services and modifications may be provided in an alternative interim setting.
5. When the placement of a disabled student is changed for disciplinary reasons, the student and his/her parents are entitled to a system of procedural safeguards that include:
 - A notice to parents on the day the SST/504 Team recommends expulsion.
 - An opportunity for the parents to examine records.
 - A due process hearing, and/or a review procedure.

If the parents disagree with the determination, they may request a due process hearing.

Further, this policy does not prevent a school from using its normal, reasonable procedures, short of a change in placement, for dealing with students who are endangering themselves or the safety of others. School officials may promptly adjust the placement or suspend him/her for up to ten (10) school days, in accordance with rules that are applied to all students.

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For additional information you may call Sally Tucker, District Section 504 Coordinator,
at (858) 627-7583.

Shirley Culver
Program Manager
Mental Health Resource Center

APPROVED:

A handwritten signature in black ink, appearing to read "Geno Flores". The signature is written in a cursive style with a large initial "G".

Geno Flores
Deputy Superintendent

SC:ldr

Attachment

Distribution: Lists A, D, E, and F

San Diego City Schools
Section 504 Office

**MANIFESTATION DETERMINATION
Student Study Team (SST)/504 Team Report
(504 USE ONLY)**

Instructions: Please convene all members of the SST/504 Team (including parent and student) as soon as a student with a 504/ISP (Individualized Service Plan) commits an offense that is recommended for expulsion. Complete this form and fax it immediately to the Placement and Appeal office at (619) 298-3749.

Student Name: _____ ID#: _____ Date: _____
Gender: _____ Ethnic Code: _____ Grade Level: _____ School: _____
Parent/Guardian: _____ Phone: _____
Address: _____
Manifestation Hearing Date: ___/___/___ Date of Incident: ___/___/___
Identified Disability: _____
Suspension/Expulsion Charge (refer to the suspension form): _____

The SST/504 Team must consider the following questions:

- 1. Was the conduct in question caused by or had a direct and substantial relationship to the student's disability?
_____ Yes _____ No
- 2. Was the conduct in question the direct result of the district's failure to implement the 504/ISP?
_____ Yes _____ No

The SST/504 Team must determine that the conduct was a manifestation of the student's disability if either question 1 or 2 above was checked "Yes."

Was the conduct a manifestation of the student's identified disability?
_____ Yes _____ No

If **No**, move to alternative placement with Behavior Support Plan.

If **Yes**, placement will remain the same and the SST/504 Team must review/revise the 504/ISP and include a Behavior Support Plan.

___ New Placement at _____ (this is a responsibility of the SST/504 Team).

Brief statement to support above determination: _____

SIGNATURES *The signatures below affirm presence at this meeting.*

Parent/Guardian: _____
Parent/Guardian: _____
Student: _____
Administrator/Designee: _____
Site 504 Coordinator: _____
District 504 Representative _____
Special Education Representative: _____
School Nurse: _____
Counselor: _____
Teacher: _____ Teacher: _____
Teacher: _____ Teacher: _____
Teacher: _____ Teacher: _____
Other: _____
Other: _____