

SAN DIEGO UNIFIED SCHOOL DISTRICT

Date: September 8, 2010

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 five (5) 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.

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 cursive script that reads "Joe Fulcher".

Joe Fulcher
Chief Student Services Officer

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Attachment

Distribution: Lists A, D, E and F

