

**Cincinnati CITY SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURES**

<b>Procedure Name: <i>Suspension and Expulsion of Disabled Students</i></b>	
Procedure No. 2465-00-01	Eff. Date: _____
Implements Board Policy(ies) <u>2465: Suspension Expulsion of Disabled Students</u>	Last Reviewed: _____

**1. Background**

*Background to the implementation of the policy*

*This procedure addresses suspension and expulsion of disabled students.*

**2. Responsibilities**

Title: Building Principal	
Address:	
Phone:	Cell phone:
<i>Describe responsibilities:</i>	
<i>See steps outlined in the action steps below:</i>	

**3. Action Steps**

*Describe the action steps relevant to the implementation of the policy.*

*Certain specific procedures must be followed with respect to disciplining students with disabilities.*

*A child with a disability who has been suspended or expelled for more than a cumulative total of 10 school days in the same school year is provided with FAPE services, to the extent necessary, to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP.*

*If a student without a disability is provided services when removed for less than 10 school days in the school year, a student with a disability must also be provided services if similarly removed.*

*When school personnel consider a consequence for inappropriate behavior, attention must be given to:*

- The individual student and his or her disability*
- The student's IEP*
- Discipline alternatives applied to non-disabled students*
- Functional behavior assessments and behavior intervention plans*
- Cumulative suspension days for the current school year*
- The type and severity of the misconduct*

***A. Suspension Less Than 10 Days***

*School personnel may suspend a student with disabilities for no more than 10 cumulative days per school year without a manifestation hearing or services.*

***B. Suspension Greater Than 10 Days***

*A student with disabilities may be suspended more than 10 days if it is determined that the inappropriate behavior is **not** a manifestation of the student's disability. A manifestation hearing should be scheduled prior to the accumulation of 10 days of suspension. Services must be provided during the period of suspension/expulsion.*

***MANIFESTATION DETERMINATION***

*A Manifestation Review must be held when school personnel recommend more than 10 school days (a change in placement) or when a student is approaching 10 cumulative days of suspension. The purpose of the review is to determine if the student's inappropriate behavior is substantially related to the student's disability.*

*When a school district conducts a manifestation determination for disciplinary reasons, the school district will follow all applicable procedures. The Manifestation Determination Review is the form used for all Manifestation Determination Reviews and is found in the forms packet of Ed Plan.*

***A. Manifestation Hearing Procedure***

- 1. The principal or designee will send Prior Written Notice (PR-01), a Parent Invitation (PR-02), and Procedural Safeguards – A Guide to Parent Rights in Special Education to the parent/guardian.*
- 2. The principal or designee will notify relevant members of the IEP team.*
- 3. At the hearing, the student's alleged misconduct will be described, and the team will review the student's IEP and other relevant documents.*
- 4. The team will make the manifestation determination.*
- 5. The principal or designee will complete a Manifestation Determination report (PR-03).*
- 6. The principal or designee will give a copy of the manifestation determination report to the parents.*

***B. Results of Manifestation Determination Review***

- 1. If the manifestation team determines that the misconduct is not related to the student's disability, the student will be disciplined the same as non-disabled students. The student must continue to receive appropriate educational services that allow the student to receive FAPE and make progress in the regular*

curriculum.

2. If the manifestation team determines that the misconduct is related to the student's disability, the team will convene to review the appropriateness of the IEP and placement.

a. The IEP team will amend the IEP as needed and contact the Student Services Administrator if a regional program or out-of-district placement options are being considered.

b. If placement is changed and there is not a behavior plan in the IEP, the IEP team will develop a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP).

3. A manifestation hearing must take place no later than 10 school days after the date on which the decision is made to conduct a hearing. Parents must be notified in writing five calendar days prior to the hearing. Parents may waive the 5-day timeline.

4. If parents disagree with the manifestation determination, they have the right to appeal the decision and request an expedited hearing. The student will remain in his or her current placement until the hearing is completed.

5. The hearing officer will have the authority to place the student in an interim alternative setting during the appeal process if the student is likely to be injured or injure others. The completed Manifestation Determination Review (PR-03) should be completed in the online software program.

### **C. Expulsion for Drug or Weapon Possession**

The building administrator may recommend up to a 45-day immediate suspension to an interim alternative education setting if:

1. The student carries a dangerous weapon to school or school function.

2. The student knowingly possesses or uses or sells illegal drugs at school or school function.

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

The alternative setting selected by the IEP team must allow the student access to the general curriculum, provide the student special education services, and address the student behavior described in the functional behavior assessment.

### **D. Expedited Due Process Hearing**

Whenever a hearing is requested under this rule, the parents or the school district involved in the dispute must have an opportunity for an impartial due process hearing.

#### 4. Equity Considerations

*Describe any equity considerations relevant to the implementation of this policy.*

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#### 5. Related Documents / Forms

Document Title	Description	Last Reviewed
PR-01	<i>Prior Written Notice</i>	<i>State Form</i>
PR-02	<i>Parent Invitation</i>	<i>State Form</i>
PR-03	<i>Manifestation Determination Review Form</i>	<i>State Form</i>
Procedural Safeguards	<i>A Guide to Parent Rights in Special Education</i>	<i>State Document</i>

#### 6. Additional Information

*Describe any additional information relevant to the implementation of the policy.*