

Stark County Board of Developmental Disabilities

Policy 5.14 Suspension/Removal/Expulsion of Students	Effective: 6/29/21
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SUSPENSION/REMOVAL/EXPULSION OF STUDENTS

POLICY

The Board is committed to creating positive learning environments and focuses on the prevention of behaviors that could lead to suspension, an emergency removal, or expulsion of a student. The Board focuses on promoting students' social-emotional and behavioral health, and addressing challenging behavior. The purpose of this policy is to establish requirements for a suspension, emergency removal, or expulsion. This policy addresses the expectations set forth when corrective action needs to be taken so that the student's, or students', health and safety can be maintained. It is the Board's goal to prevent, severely limit, and ultimately eliminate suspensions and expulsions as a response to challenging behavior. To this end, the Board conducts ongoing developmental monitoring, universal developmental and behavioral screenings at recommended ages, and follow-up as needed.

For incidents that adversely affect the health and safety of a student or students, an emergency removal, a suspension, or expulsion may be issued by the Superintendent, the School Age Principal, or a designee to ensure that the student or students are safe. A planning conference shall be held to review the circumstances of the incident(s) and a plan put in place to return the student to school, if at all possible. Regardless if the decision is an emergency removal, suspension or expulsion, due process is provided through the planning conference and the Local Education Agency is notified and requested to attend the planning conference. Under the most extreme circumstances, the Superintendent, the School Age Principal, or designee may issue an expulsion order in accordance to the Ohio Revised Code 3313.661. If the decision is expulsion, the School Age Principal will make a referral back to the Local Education Agency and request an alternative educational placement.

The Superintendent will develop procedures to the policy.

Historical Resolution Information		Reviewer(s): Principal of School Programs Superintendent
Date	Resolution Number	
4/25/15	04-23-15	
5/22/18	05-29-18	
6/29/21	06-27-21	

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PROCEDURE

- I. Student protected under IDEA violates a school code of conduct
- II. Conduct a disciplinary hearing as for all students (ORC 3316.66)
- III. Disciplinary removal for current misconduct is:
 - A. More than 10 consecutive school days. Removal is a change in placement. Move to step IV.
 - B. For less than 10 consecutive days but removals total more than 10 cumulative school days in a school year. A pattern of removal constituting a change of placement? Move to step IV.
 - C. For less than 10 consecutive school days and removals are less than 10 cumulative school days in a school year STARK DD may exclude student from current placement by suspension, removal and assignment to an interim alternative education setting (IAES) and an in- house suspension may be considered a change in placement.
- IV. Notify parent immediately of decision to change placement for disciplinary reasons and provide Whose IDEA is This? Child is entitled to services as determined by the IEP team
 - A. Within 10 school days of the decision to remove the student for disciplinary reasons STARK DD, the parent, and relevant members of the IEP team must review information and make a manifestation determination.
- V. Manifestation determination meeting
 - A. Is the conduct a direct result of the district's failure to implement the IEP?
 - B. Does the conduct have a direct and substantial relationship to the disability?
- VI. Yes to Manifestation Meeting question A or B
 - A. Student conduct IS a manifestation of his/her disability.
 - B. STARK DD must take immediate steps to remedy those deficiencies and review.
 - C. Conduct a functional behavioral assessment and develop a behavioral intervention plan, or review and modify an existing plan as needed.
*An amendment to the Individual Education Plan (IEP) Profile will reflect strategically important information such as Behavior Support Plan and any challenging behavior or supervision level changes and developed according to established Board Policy 2.18 - Behavior Support and approved by the individual's team, including the Local Educational Agency (LEA) when the student is placed by the school district of residence.
- VII. No to Manifestation Meeting questions A or B
 - A. May apply relevant disciplinary procedures in the same manner and for the same duration as to student without disabilities
 - B. IEP team determines extent to which FAPE services are needed to enable

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the student to continue to participate in the general education curriculum and progress toward meeting IEP goals

- C. Provide , as appropriate, functional behavioral assessment and behavioral intervention services and modifications
- D. Return child to placement when the disciplinary period expires unless parent and school agree otherwise or child is lawfully expelled – services would still need to be provided

VIII. At any point, the parents and STARK DD can agree to change a child’s placement for disciplinary reasons. This type of agreement is noted through a review of the child’s IEP and affixing new signatures to the IEP.

IX. Definitions

A. Suspension

A suspension is the short-term removal of a student up to and not more than ten (10) consecutive days. Suspension may occur only as the outcome of a hearing following established procedures that assures due process for the student. These procedures consider the length and type of disciplinary action the school proposes to take; the nature of the conduct that led to the disciplinary action; and whether the conduct is found to be connected to the student’s disability.

The length of a suspension shall be determined by the minimum amount of time required to correct a harmful situation, or to conclude a change in placement or service and supports.

If a student is under the age of twenty- two (22) and placed by the Local Educational Agency, the Superintendent, or designee, shall notify the student’s school district and follow procedures established by the Ohio Department of Education.

B. Emergency Removal

An emergency removal is the immediate removal of a student from the premises when the student’s presence poses a continuing danger to himself, another person and/or board property. This includes an ongoing threat of disruption of the training or habilitation process in any part of any building, or classroom, or elsewhere on the program’s premises. [Referenced from Ohio Revised Code 3313.66 (C)]

The Superintendent/designee, or Principal/designee, may authorize the removal of a student.

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Abusive language may not warrant emergency removal unless it appears that the words may lead to violence or that the words themselves disrupt the training or habilitation process.

C. **Expulsion**

School personnel may unilaterally order a change in placement of a student with a disability on drug, weapons, and serious bodily injury offenses to an interim alternative educational setting (IAES) for the same amount of time that child without a disability would be subject to discipline, but for not more than 45 school days. (IDEIA 2004) unless the Team determines it is not related to the student's' disability.