

Suspension and Expulsion of Students
with Verified Disabilities

6505.29

This policy is based upon Nebraska Statutes §79-254 through §79-294 and Nebraska Department of Education Rule 51. Should there be a conflict between this policy and any state or federal statutes or Nebraska Department of Education rules, the state or federal statutes and/or NDE rules shall prevail. Although the board of education feels that all students should be subject to the same standards, whether it be standards of achievement or standards of behavior, it also recognizes that if a student's behavior may be a result of a previously identified handicapping condition, it may be necessary to redefine these standards based upon the unique mental or physical condition of the student.

Suspension.

A student may be suspended from this school up to ten (10) school days even if the behavior is related to the student's disability.

A suspension of ten (10) school days or less at one time does not constitute a change in placement, however, if the student is suspended for ten (10) cumulative days during a school year, and IEP team shall be convened for each subsequent suspension to review and determine the appropriateness of the student special education program and placement.

Expulsion.

For the purpose of this policy, any exclusion from school for more than ten (10) school days at one time shall be defined as an expulsion from school.

I. The expulsion of a student with a disability for behavior which is directly substantially related to the student's disability is prohibited.

A. To properly determine whether a student's behavior is directly or substantially related to the student's disability, an IEP team shall be convened. The IEP team shall meet the qualification as set forth in 92 NAC 51-007 (Rule 51) including personnel and notification of parents. The IEP team shall determine:

1. Whether the student's behavior is directly and substantially related to his or her verified disability.
 2. If further assessment is warranted.
 3. Whether or not the student's current IEP and placement are appropriate.
- B. If the student's behavior is properly determined not be directly and substantially related to his or her disability, the student may be expelled.
- C. Prior to the expulsion of a student with a verified disability, the school district shall observe all procedures required for a change in placement, including:
1. Notifying his or her parents or guardian in writing according to 92 NAC 51-009.03 (Rule 51) of the school district's intention to seek expulsion.
 2. Informing the parents or guardian of their right to request a hearing under 92 NAC 55 (Rule 55).
 3. Allowing the student to remain in his or her current educational placement pending resolution of any review proceedings.
- D. In cases where the school district seeks injunctive relief through the court to remove a student from school, the requirements of 92 NAC 51-008.03A do not apply.

Reporting the Suspension and Expulsion of Children with Disabilities.

Gage County School District No. 34 will report data to the Nebraska Department of Education to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities.

PERSON(S) RESPONSIBLE: Administrator and Director of
Special Education or Coordinator.

TIMELINE: Annually as requested by NDE.

MATERIALS: NDE Suspension and Expulsion Rate forms.

METHODS: The district will submit to the state the number of suspensions and expulsions of children with disabilities. This information will be compared to the rates for non-disabled children within the district. If the discrepancies are occurring, the district will review its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures, and practices comply with IDEA.

The district will maintain the data regarding suspensions and expulsions of children with disabilities as required by the state report. Data will include number of children listed by disability and race/ethnicity, subject to unilateral removal by school personnel following a drug or weapon offense, number of children subject to removal based on a hearing officer determination regarding likely injury, number of children subject to suspension/expulsion greater than 10 days or multiple short-term suspensions adding up to greater than 10 days.

Legal Reference: §79-1110
 through Special Education Act.
 §79-1184