

# ***DISCIPLINARY PROCEDURES***

## **LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY**

All students are expected to follow the behavioral expectations/codes of conduct specified in the District's *Parent Student Handbook*. The behavioral expectations/codes of conduct should be taught, enforced, advocated and monitored with all students.

### ***STUDENTS IDENTIFIED AS STUDENTS WITH DISABILITIES UNDER THE IDEA***

If a student with disabilities is having behavioral problems at school, parents or school personnel may request an assessment to determine the function of the student's behavior and appropriate strategies to teach and support replacement behavior. Following assessment, an IEP team meeting is held to discuss appropriate instruction and behavioral supports to assist in improving the student's behavior.

In cases where a student carries or possesses a weapon, knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance, or inflicts serious bodily injury upon another person while at school, on school premises, or at a school function, school personnel may remove a student to an appropriate interim alternative educational setting (IAES), for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability. In such instances, the IAES will be determined by the student's IEP team.

If school personnel recommend a change in placement (*e.g.*, suspension, Interim Alternative Educational setting [IAES] or expulsion) that would exceed 10 school days, an IEP team meeting is to be held as soon as possible, but no later than within 10 school days, to determine whether the behavior that gave rise to the violation of the school code was a manifestation of the student's disability. If the IEP team determines that the behavior was not a manifestation of the student's disability, the school may discipline the student in the same manner in which it would discipline students without disabilities.

If the IEP team determines that the behavior was a manifestation of the student's disability or the expulsion case is heard and not recommended for expulsion, the student will be returned to the placement prior to the disciplinary action unless the District and parents agree to a change in placement, or the District has removed the student to an IAES due to behavior involving a weapon, illegal drugs or infliction of serious bodily injury. If the behavior does not involve a weapon, illegal drugs or infliction of serious bodily injury, the District may request a hearing if it believes that maintaining the current placement is substantially likely to result in injury to the student or others. In making a determination in such a hearing, a hearing officer may order a change in placement to an appropriate IAES for not more than 45 school days.

If the District removes a student with disabilities from a placement as result of disciplinary action, the District must continue to provide educational services to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals in the student's IEP. The District must also provide, as appropriate, a functional behavior assessment, behavior intervention services and modifications that are designed to address the behavior so that it does not recur.

Note: These guidelines do not apply to students with disabilities with a Section 504 Plan. See the District guidelines for disciplinary procedures on suspension and expulsion for students with Section 504 plans.

### ***STUDENTS NOT IDENTIFIED AS STUDENTS WITH DISABILITIES UNDER THE IDEA***

A student who has not been determined to be eligible for special education services and who has violated the codes of conduct may assert the protections available for students with disabilities if the District had knowledge or suspected that the student was a child with a disability prior to the behavior that precipitated the disciplinary proceedings.

The District is deemed to have knowledge if:

- The parent has expressed concern in writing to District supervisory or administrative personnel that the student is in need of special education and related services;
- The parent has requested a special education assessment of the student;
- A teacher of the student, or other district personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school-site director of special education, or other district supervisory personnel.

If the District did not have prior knowledge that the student was a student with a disability, the student may be disciplined in the same manner as a student without disabilities.

If an assessment is requested while a student is subject to discipline, the assessment is to be conducted in an expedited manner. While the assessment is pending the student shall remain in the educational placement determined by school authorities. If an IEP team determines that the student is a student with a disability, the IEP team designs an appropriate IEP and the school is to provide the appropriate special education services.