



Code of Conduct

ReNEW Schools is committed to using positive behavior supports and effective tools, strategies and incentives to ensure a safe and orderly school environment and a caring school culture.

In accordance with Louisiana’s mandate for the implementation of a School Master Plan for Discipline, ReNEW’s school-based leadership teams monitor discipline incidents and referrals by month, time, location, student, grade level and type of incident.

Infractions and Corrective Strategies

Discipline incidents will be classified as Level 1, Level 2, and Level 3 infractions. The tables below identify ReNEW’s behavioral expectations, examples of expected behaviors, types of infractions and potential corrective strategies.

In the effort to fully implement Positive Behavior Support and reduce the loss of instructional time due to out-of-school suspension and expulsion, ReNEW utilizes a wide variety of corrective strategies that do not remove children from valuable instructional time when appropriate. Corrective strategies also include referral to and collaboration with outside agencies and with court appointed workers for students involved with the juvenile justice system.

Level 1 Infractions - Productive Personal Environment

Behaviors that occur in the classroom and affect only the misbehaving student.

Behavioral Expectations	Be Safe	Be Responsible	Be Respectful
Examples of Expected Behaviors	Walk in hallways	Arrive to class on time and participate in class	Follow the teacher’s directions and use positive language with peers
Level 1 Infractions	1.1 Horseplay or running in the hall/class 1.2 Throwing objects 1.3 Out-of-assigned seat/table/area	1.4 Inappropriate items in class 1.5 Passive non-compliance i.e., sleeping, refusing to participate 1.6 Unexcused tardiness and absenteeism to class 1.7 Cheating or plagiarism	1.8 Profanity/cursing 1.9 Disrespect of an adult 1.10 Disrespect of a peer 1.11 Disruption in class, on school grounds, on school bus or RTA bus 1.12 Any other infraction that the School Leader deems to be



			<p>similar in severity to other Level 1 infractions</p> <p>1.13 Ongoing commission of Level 1 infractions</p>
<p>Possible Correctives Strategies</p>	<p>First Infraction</p> <ul style="list-style-type: none"> ● Re-teach the behavioral expectations ● Have the student apologize and make amends with those affected ● Provide a reflective activity <p>Corrective Actions:</p> <ul style="list-style-type: none"> ● Contact and/or conference with parent/guardian ● Restorative justice ● Seat change ● Implement a home/ school communication system ● Utilize check-in/check-out ● Loss of privilege ● Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions ● Refer to the school social worker ● Refer the student for tiered interventions through the Response to Intervention Team ● Detention ● Use of in-school intervention ● Bus suspension ● Referral to School Building Level Committee or IEP team 		

Level 2 Infractions – Productive Classroom and School Environment

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Behaviors that occur in the classroom or within the school community that affect a student and threaten to or interfere with the learning or safety of others, and behaviors that are non-compliant with reasonable requests and directions by an adult in the school, despite clear understanding of expectations and an attempt to redirect by an adult.

Behavioral Expectations	Be Safe	Be Responsible	Be Respectful
Examples of Expected Behaviors	Solve problems peacefully	Take care of school property and ask before borrowing other people's property	Consider other people's feelings and respect personal space
Level 2 Infractions	2.1 Fighting or instigating a fight 2.2 Using or possessing tobacco products, matches or lighters 2.3 Possession of fireworks 2.4 Coming to school under the influence of drugs or alcohol. 2.5 Use of any object to harm, frighten or intimidate others. 2.6 Starting a fire.	2.7 Unauthorized display or use of a cell phone or other disallowed electronic property during school hours 2.8 Stealing/possession of stolen property 2.9 Vandalism 2.10 Causing false fire alarms or threats.	2.11 Willful Disobedience 2.12 Making a threat 2.13 Serious disrespect 2.14 Leaving school grounds without permission 2.15 Bullying 2.16 Any other infraction that the principal deems to be similar in severity to other level 2 infractions 2.17 Ongoing commission of Level 2 infractions
Possible Correctives Strategies	<p>For level 2 Infractions, the following steps must be implemented:</p> <ol style="list-style-type: none"> 1. MANDATORY parent contact to inform parent of accusation and status of investigation. Parent will be given the option to attend the student conference. 2. MANDATORY student conference and school-level investigation. 3. MANDATORY confiscation of disallowed property during school hours 4. MANDATORY opportunity for student to give written statement of events/their perspective. <p>If the school leader determines that discipline action is warranted the following corrective actions may be utilized:</p> <p>Corrective Actions:</p>		

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	<ul style="list-style-type: none"> ● Have the student apologize and make amends with those affected ● Provide a reflective activity ● Contact and/or conference with parent/guardian ● Restorative justice ● Seat change ● Implement a home/ school communication system ● Utilize check-in/check-out ● Loss of privilege ● Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions ● Refer to the school social worker ● Refer the student for tiered interventions through the Response to Intervention Team ● Detention ● Use of in-school intervention or suspension ● Bus suspension ● Referral to School Building Level Committee or IEP team ● Out of School Suspension ● Referral to Student Hearing office for a Disciplinary Conference
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Level 3 Infractions- Orderly and Safe Environment

Behaviors that are extremely harmful to the misbehaving student and/or others and may be illegal, including possession of a dangerous weapon, possession of a controlled substance, and assault with maiming.

Behavioral Expectations	Be Safe	Be Responsible	Be Respectful
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Examples of Expected Behaviors	Ask for help if you are not safe	Be cooperative in the event of an emergency	Understand when the answer given to you is, "No"
Level 3 Infractions	<p>3.1 Possession, use, sale, soliciting sale or concealment of illegal drugs at school, on school premises, or to or at a school function under the school's jurisdiction.</p> <p>3.2 Possession of a firearm, knife with a blade longer than 2.5 inches or other weapon at school, on school premises, or to or at a school function under the school's jurisdiction.</p> <p>3.3 Assault on a staff member</p> <p>3.4 Sexual Assault</p>	<p>3.5 Well-documented and on-going commission of serious acts that threaten the safety of others.</p>	<p>3.6 Any other infraction that the principal deems to be similar in severity to other Level 3 infractions</p>
Possible Correctives Strategies	<p>For level 3 Infractions, the following steps must be implemented:</p> <ol style="list-style-type: none"> 1. MANDATORY parent contact to inform parent of accusation and status of investigation. Parent will be given the option to attend the student conference. 2. MANDATORY student conference and school-level investigation. 3. MANDATORY confiscation of disallowed property during school hours 4. MANDATORY opportunity for student to give written statement of events/their perspective. <p>If the school leader determines that discipline action is warranted the following corrective actions may be utilized:</p> <p>Corrective Actions:</p> <ul style="list-style-type: none"> • Have the student apologize and make amends with those affected • Provide a reflective activity • Contact and/or conference with parent/guardian • Restorative justice 		



	<ul style="list-style-type: none">● Seat change● Implement a home/ school communication system● Utilize check-in/check-out● Loss of privilege● Implement a behavior contract that includes expected student behavior, incentives for demonstrating expected behavior and consequences for infractions● Refer to the school social worker● Refer the student for tiered interventions through the Response to Intervention Team● Detention● Use of in-school intervention or suspension● Bus suspension● Referral to School Building Level Committee or IEP team● Out of School Suspension● Referral to Student Hearing office for a Disciplinary Conference● Recommendation for Expulsion Hearing at the Student Hearing Office● Referral or Reporting to Law Enforcement
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School-wide Behavior System Description and Process

All ReNEW schools have a School-Wide Behavior System that utilizes Positive Behavior Intervention Strategies (PBIS) to provide students with clear expectations for behavior, positive reinforcement and recognition of those behaviors and rewards for students meeting behaviors throughout the school week. One example of a PBIS system utilized is the Paycheck System. The paycheck is a representation of each student's non-academic performance for one school week. Reward dollars (no real monetary value) from the paychecks can be used to purchase school rewards, attend school celebrations or purchase items from the school store. Paychecks are tallied at the end of the week and students start anew at the beginning of each week. All parents are able to receive a copy of their student's paycheck each week.

Suspensions



A suspension, in which the student is not allowed to attend school for a designated period of time, is a serious and formal corrective strategy a school may take if a student commits a Level 2 or 3 infraction.

All students shall be treated fairly and honestly in resolving grievances and complaints, and in the consideration of any suspension or expulsion. For Student Code of Conduct infractions that may warrant a suspension or recommendation for expulsion:

1. The school must conduct a student conference and school-level investigation within a 48 hour period.* Investigation includes taking written statements (or helping with the writing of a statement) from teachers and other students who were witnesses to the incident.
2. Prior to any suspension or recommendation for expulsion, the principal or designee must inform the student of the specific misconduct of which he/she is accused and the basis for the accusation. **
3. Prior to any suspension or recommendation for expulsion, the principal or designee must give the student an opportunity to present his/her version of the incident and ensure the student's version is in writing. The principal or designee may call witnesses requested by the student. The principal or designee shall make a reasonable effort to reach a fair determination of the incident before making any disposition. **
4. The school must contact the parent/guardian by telephone on the day of the incident and no later than the following day or send a certified letter giving notice of the suspension, the reason for the suspension, and the date and time of a conference to be conducted within 5 days with the principal or his/her designee.**
5. The school must give the parent/guardian notice in writing of the suspension and the reason for the suspension.** The written notification must include information about the parent's right to review any evidence that will be presented at the Hearing (if applicable).
6. The student shall remain in school until the end of the school day unless released into the care of a parent/ guardian. No student should be sent home without proper documentation of the particular misconduct and reason for suspension.
7. In extraordinary circumstances, the principal or designee is authorized to call law enforcement personnel to transport the student home and/or to a designated facility, including juvenile detention.
8. Any parent/guardian of a suspended student shall have the right to appeal a suspension to ReNEW's Chief of School Leadership or designee. The decision of the Chief of School Leadership is final.



9. The school must hold a school-level conference conducted with the principal or designee, parent/guardian, and the school social work specialist or Dean within a reasonable time. All students have the right to fair and reasonable treatment during disciplinary proceedings and the opportunity to present evidence and defend his/her actions. Your child has a right to bring a representative of his/her choice to all disciplinary proceedings. If a parent encounters a problem with discipline procedures and/or fair student treatment, the parent may contact ReNEW's Student Support Office.

*RSD Policy / ** Louisiana State Law

Appeal of Suspension

Any parent/guardian of a suspended student shall have the right to appeal a suspension to ReNEW's Chief of School Leadership or designee. The Chief of School Leadership or designee will conduct a hearing to review the suspension and make a decision based on the merits of the case. This decision shall be final.

To appeal a suspension upheld by the Chief of School Leadership, the parent must submit a written statement of appeal request within five (5) school days after the beginning date of the suspension to the LDE Hearing Office with a copy of the disciplinary action form (Notification of Suspension). After formal notification of the request, the hearing officer will assess the merits of the case. The decision of the Hearing Officer shall be final.

Expulsions

Expulsion is defined as "a removal from all regular school settings for a period of not less than one school semester." Any student, after being suspended for committing an expellable offense, may be expelled upon recommendation by the school leader and approval by the RSD Hearing Officer. The principal may immediately suspend and recommend for expulsion a student who commits one or more of the following expellable offenses:

- o Distributing, selling, giving away, or loaning any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, or any prescription drug not prescribed to the accused student, or any chemical substance that affects the central nervous system and produces stimulant, depressant, euphoric, or hallucinogenic effects to the mind or body
- o Carrying, possessing, or using a firearm, knife with a blade of two inches or longer, or any other instrument of which the purpose is lethal force
- o Sexual assault and other sexual acts where the ability of one party to consent is compromised by age, intellectual ability, intoxication, or incapacitation



- Intentional battery or assault on any individual using a weapon, or which causes serious, documentable injury that necessitates medical care
- Engaging in an intentional physical altercation with a member of the school staff that does not rise to the level of battery, does not involve using a weapon, and does not result in serious, documentable injury necessitating medical care
- Possession or use of any implement/substance with the ability to seriously harm another person
- Robbery of an individual on school property or at any activity over which the school has jurisdiction
- Engaging in sexual acts on school property or at any school-sponsored activity
- Sharing sexually explicit material, including through the use of an electronic device
- Theft of school property or the personal property of individuals on school property or at any activity over which the school has jurisdiction

Due Process Procedures for Expulsions

A school leader cannot expel a student. A school leader can recommend a student for expulsion. If a principal recommends a student for expulsion the student will be suspended pending a hearing for a recommendation for expulsion. The student will then have an expulsion hearing, in which the RSD Student Hearing officer will determine if the recommendation for expulsion is upheld, reversed, or modified.

The due process procedures for recommendations for expulsion hearings are as follows:

1. The process begins with the commission of an offense that could be grounds for expulsion. From this point, the student will not be permitted to voluntarily transfer to a new school until they are either cleared of the accusation, serve an expulsion or the incident is reported to the hearing office as waiving the school's right to recommend for expulsion.
2. The school is responsible for the continual provision of FAPE**. During the investigation and hearing process, the student may remain on suspension, but the suspension may not exceed the maximum number of days allowed by law. If a student poses a risk to the welfare of others, the student may serve in-school suspension or receive homebound instruction.
3. The principal or designee conducts a student conference and school-level investigation within two (2) school days.* Investigation includes collecting written statements from staff and student witnesses.



4. Prior to recommendation for expulsion, the school principal or designee must inform the student of the “particular misconduct of which he/she is accused” and the basis for the accusation. **
5. Prior to any recommendation for expulsion, the principal or designee must give the student an opportunity to present his/her version of the incident. The student’s version must be written or summarized and signed by the student. The principal or designee may call witnesses requested by the student. The principal or designee shall make a reasonable effort to reach a fair determination of the incident before making any disposition. **
6. The parent must be notified by phone, in person or by certified letter of the incident, immediate suspension, and possible recommendation for expulsion.
7. The student shall remain in school until the end of the school day unless released into the care of a parent/ guardian or authorized to leave campus by the parent/guardian. No student should be sent home without proper documentation of the particular misconduct and reason for suspension. In extraordinary circumstances, the principal or designee is authorized to call law enforcement personnel to transport the student home and/or to a designated facility, including juvenile detention.
8. If a principal chooses to recommend a student for expulsion, ReNEW Schools’ Chief of School Leadership and Executive Director of Student Support Services must be notified prior to submitting any documentation to the Student Hearing Office. All required paperwork must be reviewed and approved by the Executive Director of Student Support Services or designee prior to submission to the RSD Hearing Office.
9. If a principal chooses to recommend a student for expulsion, the appropriate paperwork must be submitted to the Student Hearing Office within 3 school days of completing the investigation, including but not limited to:
 - RSD Student Incident form
 - Witness Statements
 - Police Report
 - Recommendation for Disciplinary Action
 - LDOE Behavior Report Form
 - Expulsion Recommendation checklist

(Failure of a school to submit the paperwork to the RSD within 3 days of the incident could result in allowing the student to return to the school.)



10. Within 24 hours after completing the investigation, the parent must be provided with written notification of the recommendation for expulsion, the reason for the recommendation for expulsion, information about the hearing to determine whether the student is expelled, and the parent's rights. The student remains on suspension from school and school activities until the hearing takes place.
11. A hearing will be conducted by the RSD Student Hearing Officer or designee. The principal or teachers as well as the student,* may be represented by someone of their choice at this hearing. If the hearing officer decides that a hearing will not be conducted, the school may appeal that decision to the Deputy Superintendent of Portfolio.
12. After the hearing, the RSD Student Hearing officer or designee then makes a determination of the student's guilt based on the evidence gathered during the school's investigation. If found guilty, the RSD Student Hearing Officer will determine the appropriate length of expulsion according to RSD expulsion guidelines, and the expulsion is effective immediately.
13. The parent(s)/legal guardian(s) of the student may, within five (5) school days after the decision to expel a student has been made, request in writing that ReNEW Reinventing Education governing board review the findings of the RSD Student Hearing Officer or designee.* Otherwise the decision shall be final.
14. The ReNEW board may uphold, modify or reverse the decision.
15. If the ReNEW board upholds the decision of the RSD Student Hearing Officer or the designee, the parent(s)/legal guardians of the student may, within ten (10) days, appeal to the parish court in which the student's school is located. The parish court may reverse the ruling of the local educational governing authority.

*Louisiana State Law / ** Federal Law

Referral to and Action by Law Enforcement and Judicial Authorities

ReNEW Schools may refer any student who has committed a Level 3 offense (and some level 2 offenses) to law enforcement officers, including the reporting of a crime committed by a student with a disability.

School personnel reporting a crime committed by a student, especially a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to which the agency reports the crime. Records must be transmitted only to the extent permitted by the Family Educational Rights and Privacy Act.

Civil Rights, Harassment and Bullying

ReNEW Schools defines bullying as aggressive behavior that involves unwanted, negative or discriminatory action; a pattern of behavior repeated over time, and an imbalance of power. ReNEW does not tolerate derogatory comments and name-calling, social exclusion or isolation, physical



aggression, lies and false rumors, extortion and stealing of money and property, or forced acts. ReNEW prohibits the harassment, intimidation and bullying of a student by another student in accordance with Louisiana's RS 17-416.13.

Harassment. It is expected that no forms of mental, physical, sexual and/or verbal abuse and harassment toward another person will take place. If a student observes an incident involving harassment, it is his/her responsibility to report the incident to a staff member. Anyone reporting an incident has the right to have his/her identity remain anonymous. Students may also report an incident of harassment by writing an anonymous letter to the staff.

Physical Touch. Students are to keep their hands and feet to themselves at all times. This includes, but is not limited to, public displays of affection, horseplay, pushing, shoving or bumping into each other. Dependent upon the severity, no touch violations can be minor or major violations of the school discipline policy.

Threats. It is expected that no student would make threats against individuals, groups, or the school. Threats of any nature will be taken seriously and may be reported to the proper authorities, as required by law. In addition, ReNEW reserves the right to impose a consequence up to and including a recommendation for expulsion from the school when a student has caused a major disruption and emergency situation because of a serious threat.

Cyber Bullying. ReNEW students are prohibited from the transmission of any electronic, textual, visual, written or oral communication with the malicious and willful attempt to coerce, abuse, torment, or intimidate a person under the age of 18.

Discipline for Students with Disabilities

ReNEW Schools will comply with all federal laws and state and local policies regarding discipline for students with disabilities. Students with disabilities have the same responsibilities as other students, and may be disciplined for the same behavioral offenses. Students with disabilities receive extra legal protections when discipline constitutes a change in placement. If a student violates behavior expectations, before consequences or punishment are imposed, the principal/designee must consider whether the student has an IDEA or Section 504 disability; or if a student is known to be eligible for evaluation or undergoing evaluation or is "thought to have a disability". While all students may be disciplined, the placement of students with disabilities cannot be changed when the offense is directly related to his/her disability or when the IEP or Section 504 plan is not implemented, except in the case of emergency and expellable offense circumstances (drugs, weapons, significant bodily injury).

ReNEW Schools special education teams are proactive in addressing any behavior and socio-emotional concerns of students with disabilities.

After the first suspension the school will:

1. Conduct a Functional Behavior Analysis (FBA).



2. Develop and implement an individual Behavior Intervention Plan (BIP) to address the behavior that resulted in suspension.
3. Conduct a conference with parent/guardian.

After the subsequent suspension(s), the school will:

1. Reconvene the IEP Team to discuss/review the academic, social, and behavioral needs of the student
2. Conduct or revise an FBA and develop/implement/review/revise an individual BIP to address the behavior.
3. Discuss, review, and revise the IEP, as needed, to address the behavior resulting in the suspension.

School Special Education Coordinators monitor the total cumulative days of removal for all students with disabilities. After the removal of a special education student for more than 10 school days (consecutive or cumulative) for disciplinary reasons, the student must be provided with procedural safeguards. This includes a Manifest Determination Review meeting to discuss the student's disability, behavior, implementation of services and determination of placement.

Determining Change in Placement.

A change in placement is a legal term that applies to students removed from school or their current setting for more than 10 days. A student's school suspension that occurred in an LA local education agency (LEA) during the same school year of transfer into another LA LEA "counts" and is added to any additional suspensions in the new school.

1. More than 10 Consecutive Days of Removal in One School Year.

Any suspension that is for more than 10 consecutive days is considered to be a change in placement.

2. More than 10 Total Accumulated Days of Removal in One School Year.

A series of removals with days that total more than 10 total school days in a school year is a change in placement. The Special Education Coordinator (SEC), in collaboration with the dean/administrator in charge of school-wide discipline, monitors the number of days each student with a disability has been suspended or removed. The Manager of School Data & Intervention, in collaboration with the dean/administrator in charge of school-wide discipline, monitors the number of days each student suspected of having a disability and each student with a 504 Plan has been suspended or removed. Students protected under IDEA and ADA, who have not reached this 10-day threshold, may be suspended under the procedures that apply to all students.



Determining Manifestation Determination and Services.

Within 10 days of any decision resulting in a change of placement the SEC, special education teacher/case manager, parent, and relevant members of the child's IEP Team meet and determine whether the student's behavior is a manifestation of the disability. The team participants review all relevant information in the student's file, including the IEP and most current BIP. If the IEP and/or BIP was not implemented, the team documents why it was not implemented and whether the failure to implement the IEP impacted the student's behavior.

The team also reviews documentation of staff observations of the student's behavior, including behavior across settings and times throughout the school day. The team reviews any relevant information provided by the parents. The team considers the two questions below to determine if the behavior is manifested by the disability.

- ✓ Was the conduct caused by or directly and substantially related to the student's disability?
- ✓ Was the conduct a direct result of the school's failure to follow the student's IEP? If so, the principal must ensure that immediate steps are taken so that the identified deficiencies are remedied.

Behavior Is Manifestation of Disability If the relevant members of the IEP team answers yes to either question, then the student's behavior is a manifestation of his/her disability. In this case:

- Return to Placement. Unless the IEP team agrees to a change of placement as part of the modification of the BIP, the school must return the student to the placement from which (s)he was removed. Note: this provision does not apply to students involved with weapons, drugs or serious bodily injury per the Level 3 infractions applicable to all students.
- FBA & BIP. The IEP team must conduct or review a functional behavioral assessment (FBA) and create a behavior intervention plan (BIP) addressing ways that the school can help the student with the conduct at issue. If the student already has a BIP, it must be reviewed and modified to address how the school can better assist the student with the conduct at issue.

Behavior is NOT Manifestation of Disability

- Same Consequences. If the IEP team agrees that the student's conduct was not a manifestation of his/her disability, the student is subject to the same consequences that apply to all students, except services must continue as described below.¹

¹Note: If a parent disagrees with the team's decision that the behavior was not a manifestation of the student's disability or with the interim alternative educational services or location, the parent may request an expedited due process hearing to challenge this finding; in this case, the student remains in the alternative setting pending the hearing. If the Hearing Officer agrees with the parent, the student will remain in the school where the offense was committed unless the parent and the school agree to an alternative setting.



- **Required Services.** A student with a disability who is removed from his/her current placement must receive the following services beginning on the 11th day of *cumulative* suspensions during the school year. The IEP team identifies and documents educational services the students will receive to enable the student to continue to participate in the general education curriculum, although in another setting (e.g., an interim alternative educational setting (IAES), etc.) and to progress toward meeting the goals set out in the student's IEP; provides, as appropriate, an FBA and BIP services and modifications, which are designed to address the behavior violation so that it does not recur.; and considers a change in LRE placement as warranted by the student's specific needs.

Expulsion

1. A student with a disability may be recommended for expulsion for committing a Level 3 offense.
2. A student with a disability may not be excluded from school during this period if the total number of days the student has been excluded for the year exceeds ten (10) days. Should the school pursue the Recommendation for Expulsion, the student remains in school, unless the student is determined to be a serious threat to him/herself and/or others.
3. If the Manifestation Determination Review team determines the behavior is related to the student's disability, the student shall not be recommended for expulsion.
4. If the Manifestation Determination Committee determines the behavior is Not Related to the student's disability, an Official Notice of Disciplinary Action Form, all appropriate and required forms and documents, the Manifestation Determination Summary Form, and the IEP, is submitted to the RSD Student Hearing Officer within 24 hours of the Manifestation Determination Review meeting.
5. If the Hearing Office renders a guilty decision, the student will be placed for a predetermined time, through the RSD Hearing Office, in an appropriate Alternative Educational Setting. During that period, appropriate interventions will be developed and implemented to address the behavior(s) for which the expulsion is being recommended.
6. An expelled student who fails to register at the alternative within three (3) school days will be reported to the Truancy Office and the Department of School Social Work Services.

IDEA Due Process Hearing

Parents who disagree with the appropriateness of the alternative placement or services may request an expedited due process hearing. If a school has documented reasons to believe that keeping the student in his/her current school is substantially likely to result in injury to the student or to others, the school



can request an emergency hearing to ask a state hearing officer to transfer the student to an interim alternative setting for up to 45 school days.

The Louisiana Department of Education will arrange for an expedited hearing, which must occur within 20 school days of the date the request is filed. The hearing officer must make a determination within 10 school days after the hearing. Expedited due process hearing decisions are appealable to state or federal court.

Students Without IEPs or Section 504 Plans “Deemed to Have a Disability”

In some cases, a student without a disability will be deemed to have a disability. There are certain circumstances that would indicate a school had knowledge that a student might (or is thought to) have a disability prior to the violation of the disciplinary violation. If any of the following three factors above are present, then school officials consider disciplinary action as if the student has a disability.

Evaluation Requested. The parent requested an evaluation.

Written Concern. The parent expressed concern in writing to the student’s teacher or school administration about the student’s need for special education and related services

This provision does not apply if the parent did not consent to an initial evaluation of the student, refused special education and related services for the student or the student was evaluated and was determined not to have disability.

Application of Section 504 and ADA

Generally, students with disabilities eligible for services only under Section 504/ADA (i.e., need related and supplementary aids and services only) are entitled to the procedural safeguards specified in this section. An exception to this general rule applies to students with behavior that is not a manifestation of his/her disabilities. In this case, these students are entitled to those services normally available to nondisabled students who are suspended or removed pursuant to the school’s Code of Conduct.