

## § 300.530 Authority of School Personnel Quick Overview

<b>Short Term Removals</b> <i>Not a Change of Placement</i>	<b>Long Term Removals</b> <i>Is a Change of Placement</i>
<b>10 Free Days</b> (Principal Decision Days 1-10)	<b>IEP Action</b> (IEP Team Decision + Ed. Services)
10 Removal days (cumulative or consecutive) in a school year, used in the same manner as non-disabled peers	A change of placement, of 11 or more days at one time  <b>NOTE:</b> SPED Coordinator must be present at the meeting as the District Rep
<b>Additional Removal Days</b> (Principal Decision Days 11-20 + Ed. Services)	<b>Manifestation Determination Review</b> (IEP Team Decision + Ed. Services)
10 Additional removal days, beyond the 10 free-days (cumulative or consecutive) is allowed; as long as those removals do not constitute a change of placement  A change of placement is: (1) A single removal of 11 or more days at one time; or (2) The child has been subjected to a series of removals that constitute a pattern <b>NOTE:</b> The 03a and 03b form is used when attempting to issue additional removal days <ul style="list-style-type: none"> <li>• Send copies of the 03a and 03b forms to the SPED coordinator on the day the removal days are issued (send the Home Instruction form if applicable)</li> <li>• Notify IEP team of use</li> </ul>	A change of placement, of 11 or more days at one time  <b>NOTE:</b> SPED Coordinator must be present at the meeting as the District Rep
<b>In-School Suspension ALE</b> (Principal Decision + Ed. Services)	<b>Special Circumstances</b> (Hearing Officer Decision + Ed. Services)
In-School days <i>don't</i> count toward the 10-free days, <i>only if</i> the following occurs:  The schools must ensure that students in in-school suspension continue to receive the general education instruction that they would receive, were they not in the in-school suspension (2) The school must also ensure that students in in-school suspension receive IEP specified special education and related services (3)The school must ensure that the in-school suspension environment is comparable to facilities used by other students	A change of placement to an IAES for not more than 45 school days  <b>NOTE:</b> Without regard to whether the behavior is determined to be a manifestation of the child's disability (weapons, drugs or serious bodily injury)
<b>Emergency Removal</b> (Principal Decision + Ed. Services)	
An immediate danger to self/others or property; and an ongoing disruption to the learning environment.	

### Golden Rule

Before issuing **any removal** beyond the 10 free days, for **days 11 and beyond**; the administrator must ensure the following:

- (1) The current proposed removal is not for 11 or more days at one time
- (2) No change of placement occurs (see change of placement)
- (3) Continuation of educational services

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Action	Not A Change of Placement	Is A Change of Placement	IEP Team Action	Continued Educational Services (IEP Services)	Notify SPED Coordinator
10 Free Days	<b>X</b>				
10 Additional Removal Days (Day 11 – 20)	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>
In-School Suspension	<b>X</b>			<b>X</b>	
Emergency Removal	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>
A single removal of 11 or more days at one time  <u>Examples</u> IEP Action MDR Special Circumstance Removal		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

### Continued Education Options:








- **Packet** of school work to complete **at home** during the suspension/removal days and will be provided assistance by his/her intervention specialist upon his/her return to school, if needed
- Upon **return to school** after serving the suspension/removal days, the student is provided a **packet** of missed school work to complete at home
- Upon **return to school** after serving the suspension/removal days, the student is provided **assistance** by his/her intervention specialist to make up any missed school work
- If the school has an **after school tutoring program**, the student will be given a packet of school work and will be given the option to come in after school hours on his/her suspension/removal days to receive assistance
- A **home instructor** will be provided for 1 hour per day of suspension to provide instruction in the student's home (must be approved by the Special Education Coordinator)
- Other

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I. Emergency Removal	PreK-3rd	4 <sup>th</sup> – 12 <sup>th</sup>	Effective Date Nov. 2, 2018	Effective Date Beginning with the 2021-2022 School Year
<p><b>No Change</b></p> <ul style="list-style-type: none"> <li>For 4<sup>th</sup> – 12<sup>th</sup> emergency removal laws remain the same, except that the hearing on the emergency removal must happen the following school day (instead of within 72 hours or 3-days)</li> </ul>		 NOTE: Currently in use with no change in the law.		
<p><b>One Day Limit and Remainder of the Day</b></p> <ul style="list-style-type: none"> <li>Students in pre-K through 3<sup>rd</sup> grade can only be emergency removed from school for the <i>remainder</i> of the school day and must be permitted to return to school (including extracurricular activities) on the school day following the day he or she was emergency removed.</li> <li>The emergency removal can't last for more than one school day.</li> </ul>				
<p><b>No - Hearing the Next School Day</b></p> <ul style="list-style-type: none"> <li>When a pre-K through 3<sup>rd</sup> grade student is emergency removed and then returned to school the following day, the district is <i>not required</i> to have a hearing on the removal.</li> <li>This does not change the fact that if a student in pre-K through 3<sup>rd</sup> grade is suspended or expelled (either related to the emergency removal or for another serious offense) he or she must be provided the same notice and hearing, procedural, and educational opportunities as all other suspended/expelled students.</li> </ul>				
<p><b>Yes - Hearing the Next School Day</b></p> <ul style="list-style-type: none"> <li>Hearing on the emergency removal must be held the <i>next school day</i> after the removal (rather than within three days).</li> </ul>				

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NOTE: Parent can give signed consent to hold the hearing on the same day as the emergency removal. See IC instruction document				
<b>II. Out-of-School Suspension &amp; Expulsion</b>	<b>PreK-3rd</b>	<b>4<sup>th</sup>-12th</b>	<b>Effective Date Nov. 2, 2018</b>	<b>Effective Date Beginning with the 2021-2022 School Year</b>
<p><b>Mental Health Consult – School Counselor</b></p> <ul style="list-style-type: none"> <li>• Prior to issuing an out-of-school suspension or expulsion for a student in grades pre-K through 3<sup>rd</sup> grade, requires the principal (<i>whenever possible</i>) to consult with a mental health professional (i.e., school counselor)</li> <li>• If the situation indicates a need for additional mental health services, the principal or the district’s mental health professional (i.e., school counselor) is required (as long as it does not result in any cost to the district) to assist the student’s parent/guardian with obtaining those services.</li> </ul> <p>NOTE: See IC instruction document</p>				
<p><b>Prohibited Use of Out-of-School Suspension &amp; Expulsion</b></p> <p><b>Phase-In Provision</b> CH-UH will be using the “<b>phase-in</b>” option in regards to the requirement that prohibits issuing an out-of-school suspension or expulsion to a student in grades pre-K through 3<sup>rd</sup> except for <i>serious offenses or only as necessary to protect the immediate health and safety of the student, fellow classmates, classroom staff and teachers, or other school employees.</i></p> <ul style="list-style-type: none"> <li>• Beginning with the 2021-2022 school year, the district is prohibited from issuing an out-of-school suspension or expulsion to a student in pre-K through 3<sup>rd</sup> grade for Category 3 or minor offense.</li> </ul>				

Golden Rule

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<ul style="list-style-type: none"> <li>Out-of-School suspensions and expulsions for serious offenses (Category 1 offenses), or as necessary to protect the immediate health and safety of the student, fellow classmates, classroom staff and teachers, or other school employees (Category 2 offenses); <b>are allowed</b> based on the phase-in requirements.</li> </ul>																
<b>Out-of-School Suspension &amp; Expulsion (Cont.)</b>	<b>PreK-3rd</b>	<b>4<sup>th</sup>-12th</b>	<b>Effective Date Nov. 2, 2018</b>	<b>Effective Date Beginning with the 2021-2022 School Year</b>												
<ul style="list-style-type: none"> <li>Data Collection Requirement (Phase-In Option)</li> </ul> <p>Using the numbers reported for the 2018-2019 school year as a baseline, the district <i>must reduce</i> the number of Category 3 (minor offenses) suspensions/expulsions according to the following schedule:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="4">Percentage of Reduction in Category 3 suspensions</th> </tr> <tr> <th>2018-2019</th> <th>2019-2020</th> <th>2020-2021</th> <th>2021-2022</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>25%</td> <td>50%</td> <td>100%</td> </tr> </tbody> </table>	Percentage of Reduction in Category 3 suspensions				2018-2019	2019-2020	2020-2021	2021-2022	Baseline	25%	50%	100%	✓		✓	NOTE: Data reporting begins with the first day of the 2018-2019 school year.
Percentage of Reduction in Category 3 suspensions																
2018-2019	2019-2020	2020-2021	2021-2022													
Baseline	25%	50%	100%													
<b>III. In-School Suspension</b>	<b>PreK-3rd</b>	<b>4<sup>th</sup>-12th</b>	<b>Effective Date Nov. 2, 2018</b>	<b>Effective Date Beginning with the 2021-2022 School Year</b>												
<b>No Change</b> The district can still issue in-school suspensions to students, including students in pre-K through 3 <sup>rd</sup> grade, but must ensure that the in-school suspensions are served in a supervised learning environment.	✓	✓														
	NOTE: Currently in use with no change in the law.	NOTE: Currently in use with no change in the law.														

Category 1: A serious and specific offense for which suspension or expulsion is statutorily required (bringing a firearm to school) or statutorily authorized (possessing a firearm, bringing a knife capable of bodily injury, making a bomb threat, or causing serious harm to persons or property).

Category 2: An offense not listed in Category 1 but for which the district or school determined suspension was necessary to protect the immediate health and safety of the student, the student's classmates, or the classroom staff or teachers.

Category 3: A "minor offense" that is not a Category 1 or Category 2 offense.