

# Dallas School District 2

Code: **EEA-AR**  
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## Transportation Service

Students of the Dallas School District are eligible for transportation under the provisions of and are subject to the rules and policies of the School District, the Oregon Board of Education, and the State of Oregon.

### DEFINITIONS

#### Bus Drivers

School bus drivers must pass physical examinations and meet other criteria as established by state and federal law and by Oregon Department of Education regulations including the requirements for a commercial driver's license (CDL).

#### Contractor

Contractor refers to any contractually-bound provider of student transportation services, any of their management employees or their designees.

### BUS ROUTES

Bus routes shall be evaluated each year for the express purpose of providing the safest service and the most efficient routing of buses. The District policies concerning transportation also apply to bus stop areas.

1. All routes shall be on city, county, or state owned and regularly maintained roads and streets that are in good condition.
2. Dead end runs will be established only when a safe and hazard-free turn-around has been provided by the individual requesting the service and when, in the opinion of the transportation contractor and the district administrator responsible for transportation services, the service is necessary for the health, safety and welfare of the student and is in compliance with all other policies. Written permission for use of private property roads and turnarounds must be given to the transportation contractor prior to use of these facilities.
3. Buses will maintain a fixed schedule, so far as weather and road conditions permit, and will not wait for students beyond the scheduled time of departure from a bus stop or school.

### BUS STOPS

Bus stops shall be assigned by the District administrator responsible for transportation and shall be located in the safest possible locations. The District policies concerning transportation also apply to bus stop areas.

1. Buses will pick up and let off students only at designated bus stops. The administration may make exceptions for students with handicapping conditions.
2. Students may walk only to their assigned bus stop in order to ride to school and must get off their bus at the assigned bus stop after school.

3. Students who wish to get off buses at a place other than at school or their regular bus stop must have a written request from their parent/legal guardian.
4. The bus driver shall collect approval slips, turning them in to the transportation contractor's supervisor where they will be filed until the end of the school year. Some approval slips may be retained longer than one year if necessary.

#### LOADING AND UNLOADING AT SCHOOL

1. Designated areas shall be established for buses to load and unload students at each school. These areas should be signed and marked to exclude other vehicles during times of use.
2. During the period before school and the period after dismissal or until all school buses are unloaded, supervision of students shall be provided. Students shall be instructed by the driver and by their teachers to go directly to assigned supervised areas.

#### BUS CAPACITY

Each school bus has a stated load capacity. This capacity is determined by having three elementary students, or two high school students to each seat. Buses are not to be scheduled for student loads beyond this capacity.

#### SPECIAL EDUCATION TRANSPORTATION

Students with disabilities and with an individualized educational programs (IEP) specifying transportation shall be provided with transportation as specified within the IEP. Each such arrangement is to be approved by the District Director of Special Education. This approval will be for the duration of the need, but will not extend beyond the current school year. Routes will be evaluated each year.

#### PRIVATE, PAROCHIAL OR PUBLIC CHARTER SCHOOL STUDENTS

Students of private, parochial or public charter schools in the Dallas School District will be picked up at established bus stops and transported to regularly established loading and unloading areas.

#### EQUIPMENT TRANSPORTATION

Musical instruments, sports equipment, live animals, glass objects, or anything else which cannot be safely held by the student or placed under the seat will not be allowed on regular daily bus routes. No items will protrude into the aisles or the step well of the bus. Transporting any of these items is the responsibility of the students or their parents/legal guardians.

#### ADULTS RIDING BUSES

The intended use for school buses is student home-to-school transportation. Generally, adults will not be permitted to ride school buses. Exceptions to this rule are adults who are acting in a supervisory capacity on field trips or special activities or by authorization of the principal provided space is available.

## FIELD AND ACTIVITY TRIPS

1. School buses may be used for School Board approved field and activity trips in addition to regular daily school transportation. Buses needed for transportation to and from school will take precedence over buses for other purposes. Generally, the Contractor will have four (4) buses available for field and activity trips that occur during hours which overlap school transportation. Requests for field trip transportation must be submitted on a request form, approved by the school principal, and sent to District administrator responsible for transportation at least ten (10) working days in advance of the planned trip. The District administrator responsible for transportation shall review all transportation requests for approval or non-approval. The school requesting field trip approval shall notify the transportation Contractor for needed transportation. This request shall include loading time and all authorized stops.
2. Coaches, teachers, or other chaperons authorized by the District administrator responsible for transportation will ride each bus on field and activity trips. Coaches, teachers and chaperons have the initial responsibility for student behavior on the bus during trips. The bus driver has the final authority and responsibility for the bus and passengers during transit. Chaperons will cooperate with the bus driver in handling discipline necessary to maintain proper safety on the bus.
3. Students who misbehave shall not be left in the care of the bus driver during activities. The coach or teacher shall handle such students.
4. The chaperons shall supervise the loading of baggage and equipment by the students being transported. The bus driver shall designate where baggage and equipment shall be placed. It is the bus drivers's responsibility to insure that all items are secured so that they will not pose a hazard to passengers in the event of an accident or sudden stop.
5. Bus drivers shall not make stops, except brief stops, unless such stops are authorized on the field trip request form.
6. School District employees, upon successful completion of training, and being duly certified by the Oregon Department of Education, may function in the capacity of bus driver for field and activity trips. In each such situation, all the responsibilities of bus driver shall be assumed by the employee.

## USE OF DISTRICT ACTIVITY VEHICLES FOR STUDENT TRANSPORTATION

School Bus: A school bus is any vehicle that has a capacity of 11 or more persons and is certified by its manufacturer as meeting all Federal Motor Vehicle Safety standards applicable to school buses.

The School Board may provide for the use of vehicles, commonly designated as Types 10, 20 or 21 pupil transportation vehicles, which do not meet the requirements of a "school bus" for the purpose of transporting students, licensed, classified or other supervisory personnel to and from curricular and extracurricular activities sponsored by the District.

The vehicle shall be insured for bodily injury, property damage, uninsured motorist coverage and personal injury protection. The business manager will recommend amounts to adequately protect the District against loss. The District will meet or exceed minimum driver requirements and procedures as set forth in OARs 581-053-0545, 581-053-0550 and 581-053-0555. The District will require in-class instruction as part of its driver training approval process as well as behind the wheel instruction.

## INCLEMENT WEATHER

In the event of weather that might cause it to be unsafe to transport students to or from school, the Contractor is responsible for recommending actions concerning transportation. The District administrator responsible for transportation, based on a review of weather and road conditions, will recommend one of the following to the Superintendent:

1. Routes at regular times, buses on normal routes.
2. Routes at regular times, buses on inclement weather routes.
3. Delay of school for 1 hour, buses on inclement weather or normal routes.
4. Delay of school for 2 hours, buses on inclement weather or normal routes.
5. Early dismissal, buses on normal routes.
6. Early dismissal, buses on inclement weather routes.
7. Closure of school. Classes will not be held and buses will not run.

In all cases, the Superintendent shall choose the course of action best suited for the educational mission of the District and the safety of the students.

In cases of inclement weather, when any option except option #1 is chosen, an announcement will be sent to all regional radio and television stations carrying emergency closure information by the Superintendent.

## INCLEMENT WEATHER ROUTES

Inclement Weather Routes, which are specifically designated to be used in cases of inclement weather, shall be established for all school transportation routes where there is a history of unsafe driving conditions in bad weather. The administration shall approve the special inclement weather and emergency bus stops to be used. Information concerning emergency school routes, closures and inclement weather routes will be sent to all parents/legal guardians, students and staff in the fall of each school year.

## TIRE CHAINS

The contractor will provide chains or traction devices for all regular home-to-school buses. Drivers will carry chains, properly secured, when there is the prospect of inclement weather. Each driver will be properly trained to put on chains and will be physically able to do so when necessary.

## PUBLICATION

Prior to August 15th, the contractor will submit to the District Administration Office, route schedules and inclement weather route schedules for school transportation. These schedules will be made available to students and parents/legal guardians at registration time. A list of radio and television stations carrying school closure information will be provided to students and parents/legal guardians on an annual basis.

## STUDENT CONDUCT AND SAFETY PROGRAMS

All students eligible for district-approved student transportation shall receive safety instruction and a code of conduct.

Violation of the code of conduct or conduct which jeopardizes the health/safety of self and/or others may result in the loss of district-approved transportation services.

### Safety Instructions

- A. During the first six weeks of each semester, the transportation contractor will direct all bus drivers to conduct a safety review with all students who are regularly transported by the district.
  - 1. The drivers shall review the code of conduct which is to be posted.
  - 2. The drivers shall review the consequences of a violation as outlined in this procedure.
  - 3. The drivers shall conduct unloading, loading and emergency exit evacuation drills.
  - 4. The drivers shall review all hazards such as crossing a road and bus stop conduct.
  
- B. During the first six weeks of each semester, the transportation contractor will direct all bus drivers to conduct a safety review with all other students.
  - 1. The drivers shall review safe bus riding procedures.
  - 2. The drivers shall review use of emergency exits.
  
- C. The transportation contractor will record dates and content of safety instructions by each driver. Such information shall be kept as a part of the district's records.

### Code of Conduct

Each year the district will include the following transportation rules in the student/parent handbook.

The district will provide interpretation to those students/parents whose primary language is not English.

### Rules Governing Students Riding School Buses

While riding a school bus, students will:

- 1. Obey the driver at all times;
- 2. Not throw objects;
- \*3. Not have in their possession any weapon as defined by Board policy JFCJ - Weapons in the Schools;
- \*4. Not fight, wrestle or scuffle;
- \*5. Not stand up and/or move from seats while the bus is in motion;
- \*6. Not extend hands, head, feet or objects from windows or doors;
- \*7. Not possess matches or other incendiaries and concussion devices;
- \*8. Use emergency exits only as directed by the driver;
- \*9. Not damage school property or the personal property of others;
- \*10. Not threaten or physically harm the driver or other riders;
- \*11. Not do any disruptive activity which might cause the driver to stop in order to reestablish order;

- \*12. Not make disrespectful or obscene statements or gestures;
- \*13. Not possess and/or use tobacco, alcohol or illegal drugs;
- 14. Not carry glass containers or other glass objects;
- 15. Not take large objects which might pose safety risks or barriers to safe entry and exit from the bus;
- 16. Accept assigned seats;
- 17. Stay away from the bus when it is moving;
- 18. Be at the bus stop five minutes before the scheduled pick up time;
- \*\*19. Answer to coaches, teachers and chaperons who are responsible for maintaining order on trips;
- 20. Students shall not bring animals, except approved assistance guide animals on the bus;
- 21. When necessary to cross the road, students shall cross in front of the bus or as instructed by the driver;
- 22. Students shall have written permission to leave the bus other than at home or school;
- 23. Students shall converse in normal tones; loud or vulgar language is prohibited;
- 24. Students shall not open or close windows without permission of the bus driver.

\* These regulations, if broken, are SEVERE violations with severe consequences because of the threat to the safety of others.

\*\* Coaches, teachers and chaperons: (1) must have a copy of the bus regulations and know them before going on a trip; and (2) must position themselves on the bus as to be in control of discipline at all times.

Students who choose to disobey the directions of the bus driver or who do not follow the Rules Governing Students Riding School Buses may be subject to discipline.

The bus driver has the following discipline options available for inappropriate behavior on any school bus trip. Depending on the severity of the infraction, consequences may be assigned from any of those listed below.

- 1. Verbal instructions.
- 2. Special seat assignments for the trip or day.
- 3. Special seat assignments for longer periods of time.
- 4. Student citations.
- 5. Temporary or permanent loss of riding privileges.

## STUDENT CITATIONS

Bus citations may be issued by the bus driver to students that demonstrate inappropriate behavior. Students that violate the “Oregon Rules Governing Students Riding School Buses“ may, at the discretion of the bus driver, be issued a bus citation. Inappropriate behavior may also subject a student to a bus citation. Inappropriate behavior includes such actions as: teasing, spitting, leaving seat, throwing objects, pushing, shoving, hitting, loud noise and/or shouting, hanging out windows, throwing items from windows, obstructing aisles, tripping, and standing or walking while bus is moving.

### Preferred Order of Action to be Taken

- 1. Deliver the student to his/her destination.

2. Return the student to the school delivering the student to the Principal and/or designee.
3. Drive the student to the bus contractor's office and immediately notify the student's school and the parents/legal guardians.
4. Stop the bus en route, notify the bus contractor, the student's school, or police via two-way radio or by sending two reliable students to the closest telephone.

Once a citation is issued, it is the student's responsibility to have the citation signed by both the School Administrator and by his/her parents/legal guardians.

The bus driver and/or school Administrator write the recommended action to be taken. Parents/legal guardians must sign the citation to acknowledge the student's receipt of the citation. The signed citation then must be given to the bus driver within three (3) days to continue transportation services. Non-compliance with this policy will result in loss of riding privileges.

Citations are cumulative throughout the school year with the first and second citation serving as warnings, the third citation will result in a one-week suspension of bus privileges, and the fourth citation will result in suspension of bus privileges for the remainder of the school year. The school administrator retains the authority for determining the suspension of bus privileges.

The following demonstrations of behavior are examples of behavior that will result in immediate suspension of riding privileges: assault, fighting, vandalism, possession of tobacco or alcohol, insubordination, use of profanity, lighting of matches or lighter, possession of a weapon, throwing anything at the bus driver, harassment or actions determined to be aberrant behavior.

#### TRANSPORTATION DENIAL

The transportation of students is a privilege extended by the School District. Students who choose to disobey the District policies concerning transportation or who disobey the bus driver may forfeit the privilege of transportation.

In all cases where bus riding privileges are suspended, the student's parents/legal guardians shall be notified in writing by the School Principal and a conference offered. If appropriate, the School Principal can require a parent/legal guardian conference before considering reinstatement of a student's riding privileges.

#### APPEAL PROCEDURE

If a student or parent/legal guardian wishes to appeal the application of the discipline policy, the steps outlined below should be used. If the student or parent/legal guardian wishes to complain about a school employee's decision, use policy KLD - Public Complaints about District Personnel.

**STEP I** The student or his/her representative will discuss the issue with the principal.

**STEP II** If the student is not satisfied with the outcome of the discussion, he/she may file a written statement with the principal and transportation supervisor. This is to be done within 10 school days of the act or condition which is the basis of the complaint. The administration will,

within three school days, arrange a student, parent/legal guardian, transportation supervisor, principal conference with the goal of resolving the issue.

STEP III Within five school days, the principal is to communicate, in writing, the decision to the student and the student's parent/legal guardians.

STEP IV If, after five school days from receipt of the administrator's reply, the issue still remains unresolved, the student may submit the matter in writing to the Superintendent. The Superintendent will meet with the student within three school days and will respond to the issue, in writing, within five school days after the appeal.

STEP V If the issue is still unresolved, the student may appeal to the School Board. The School Board will notify persons involved that a hearing will be held within 14 days of receipt of the appeal. The School Board shall review correspondence, hear relevant facts and respond to the student within three school days following the hearing.

STEP VI Right of Appeal

1. At each step of the discipline procedures used in district-approved transportation services, parents, students and/or a representative have a right to appeal.
2. All appeals must be in writing.
3. Appeals are to be made to the responsible person at the level of appeal.
4. Final appeal may be made to the School Board.
5. School Board decisions are final.

STEP VII Reinstatement

A conference to discuss reinstatement shall be conducted under the following guidelines:

1. When deemed necessary, parent/legal guardian(s) and student shall be present at the conference;
2. The principal shall fully explain matters and permit the parties involved to fully explain their positions;
3. The principal shall make a decision which provides guidelines for the student to follow when transportation services are reinstated.

STEP VIII Education

1. Disciplinary action for violating the transportation code of conduct and/or transportation health and safety requirements shall be confined to district-approved transportation services.

Therefore, students who have lost district-approved transportation services through a disciplinary action shall be expected to continue with the district's educational requirements.

2. Students' academic grades will reflect academic achievement. Therefore, misconduct or absenteeism shall not be a sole criterion for grade reduction.

However, students will be expected to continue to meet the district's attendance and educational requirements.

3. Make-up work may be provided. If make-up work is needed, the district's policy and procedures will be followed.
4. Alternative education may be provided. If alternative education is needed, the district's policy and procedures will be followed.

## Special Education Students

Special education students will be disciplined in accordance with the following:

### Definitions

- A. The district applies the following definitions when considering disciplinary action:
  1. "Behavioral intervention plan" means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior;
  2. "Current educational placement" means the type of educational placement of the student as described in the student's "annual determination of placement" document at the time of the disciplinary removal. It does not mean the specific location or school but the types of placement on the continuum of placement options;
  3. "Disciplinary removal" means suspension, expulsion or other removal from school for disciplinary reasons, including removals pending completion of a risk assessment. It does not include:
    - a. Removals by other agencies;
    - b. Removals for public health reasons (e.g., head lice, immunizations, communicable diseases, etc.);
    - c. In-school suspensions if the student continues to have access to the general curriculum and to special education and related services as described in the student's individualized education program (IEP), and continues to participate with nondisabled students to the extent they would in their current placement; or
    - d. Bus suspensions, unless the student's IEP includes transportation as a related service, the district makes no alternative transportation arrangements for the student and the student does not attend school as a result of the bus suspension.
    - e. "Functional behavioral assessment" means an individualized assessment of the student that results in a team hypothesis about the function of a student's behavior and, as appropriate, recommendations for a behavior intervention plan;

f. “Suspension” means any disciplinary removal other than expulsion.

B. Disciplinary Removals for up to 10 School Days

1. The district may suspend students with disabilities from their current educational placement for up to 10 school days in a school year to the same extent, and with the same notice, as for students without disabilities. These removals are not considered a change in placement.
2. During disciplinary removals for up to 10 school days:
  - a. The district is not required to provide access to special education and the general curriculum unless students without disabilities are provided access during this time;
  - b. The district is not required to determine whether the student’s behavior resulting in the disciplinary removal is a manifestation of the student’s disability;
  - c. The district counts days of suspension as follows:
    - (1) Suspensions of a half day or less will be counted as a half day; and
    - (2) Suspensions of more than a half day will be counted as a whole day;
    - (3) If a student moves from another school district in Oregon, any days of suspension from the former district apply, unless the district does not have knowledge of previous suspensions.
3. If a parent/legal guardian disagrees with a suspension and requests a due process hearing:
  - a. The district may require the student to complete the suspension before returning to his/her current educational placement;
  - b. The student will return to the current educational placement after the suspension unless the student is removed to an interim alternative educational setting, or if the parent/legal guardian and district agree to another placement pending the hearing.

C. Additional Disciplinary Removals of up to 10 School Days When There is No Pattern of Removal

1. The district may suspend students with disabilities from their current educational placement for additional periods of up to 10 days in a school year to the same extent, and with the same notice, as for students without disabilities, if the removals do not constitute a pattern. These removals do not constitute a change in placement.
2. In determining whether removals of additional periods of up to 10 school days constitute a pattern of removals, school personnel will consider:
  - a. The length of each removal;

- b. The total time of removals; and
  - c. The proximity of the removals to one another.
3. During removals of additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will provide services that are necessary to enable the student to:
    - a. Appropriately progress in the general curriculum;
    - b. Appropriately advance toward achieving the goals in the student's IEP; and
    - c. The services and location for delivery of services in this section will be determined by school personnel, in consultation with the student's special education teacher, or by the student's IEP team.
  4. Within 10 business days of the first removal for additional periods of up to 10 school days in a school year that do not constitute a pattern, the district will:
    - a. Hold an IEP meeting to develop a plan for conducting a functional behavioral assessment unless a functional behavioral assessment has been completed on the behavior that resulted in the removal; or
    - b. If there is a behavioral intervention plan in place, review the plan if one or more team members believe that revisions are needed.
  5. As soon as practicable after developing a plan for conducting a functional behavioral assessment is and completing the assessments required by the plan, the district will hold an IEP meeting to develop appropriate interventions to address the behavior and shall implement those interventions.
  6. The district is not required to determine whether the behavior resulting in the disciplinary removal is a manifestation of the student's disability.
  7. Upon subsequent removals of up to 10 school days that are not a pattern, the IEP team shall review the behavior intervention plan and its implementation to determine if modifications are necessary.
  8. If a parent/legal guardian disagrees with the suspension and requests a due process hearing:
    - a. The district may require the student to complete the suspension before returning to his/her current educational placement;
    - b. The student will return to the current educational placement after the suspension unless the student is removed to an interim alternative educational setting or the parent/legal guardian and district agree to another placement pending the hearing.

D. Disciplinary Removals of More than 10 School Days (Pattern or Consecutive)

1. When a student is removed for disciplinary reasons for more than 10 school days, it is considered a change in the student's educational placement if:

- a. The removal is for more than 10 consecutive school days; or
  - b. The removal is for more than 10 cumulative school days, and it constitutes a pattern of removals.
2. In initiating this type of removal, the district will:
- a. Immediately schedule an IEP meeting for the purpose of addressing the student's behavior;
  - b. Not later than the date on which the decision to remove a student under 1. is made:
    - (1) Provide notice of disciplinary action for an expulsion; and
    - (2) Provide *Notice of Procedural Safeguards* to the parent/legal guardian.
3. Immediately or within 10 business days, the district will hold an IEP meeting to:
- a. Develop an assessment plan unless a functional behavioral assessment has been completed on the behavior that resulted in the disciplinary removal or, if there is a behavioral intervention plan in place, to review the plan and revise, as appropriate;
  - b. Determine whether the student's behavior is a manifestation of the student's disability; and
  - c. Review the student's IEP and placement, and revise, as appropriate.
4. If the IEP team determines that the student's behavior is a manifestation of the student's disability, the district will not proceed with this type of removal. The district may:
- a. Review and revise the student's IEP and placement;
  - b. For weapons or drug violations, initiate removal to an interim alternative educational setting; or
  - c. For injurious behavior, request a hearing for removal to an interim alternative educational setting.
5. If the IEP team determines that the student's behavior is not a manifestation of the student's disability, the district may proceed with disciplinary action as it would for a nondisabled student. In taking this action, the district will:
- a. Ensure that the special education and disciplinary records of the student with a disability are transmitted for consideration by the school personnel making the final determination regarding the disciplinary action; and
  - b. Provide the services, determined by the IEP team, that are necessary to enable the student to:
    - (1) Appropriately progress in the general curriculum; and
    - (2) Appropriately advance toward achieving the goals in the student's IEP.
  - c. As soon as practicable after developing a plan for conducting a functional behavioral assessment and completing the assessments required by the plan, the district will

- hold an IEP meeting to develop appropriate behavioral interventions to address the behavior and shall implement those interventions;
- d. If a student's educational placement changes as a result of the IEP/placement reviews, the district will provide prior written notice of change in placement.
6. If a parent/legal guardian disagrees with the manifestation determination or any decision about placement related to the disciplinary removal, and requests a due process hearing, the student will remain in the current educational placement unless the student is removed to an interim alternative educational setting or unless the parent/legal guardian and district agree to another placement pending the hearing.

#### E. Manifestation Determination

1. The district will complete a manifestation determination before a student is removed for disciplinary reasons for more than 10 school days if the removal constitutes a change in the students' educational placement. A change in placement is:
  - a. A removal for more than 10 cumulative days that constitutes a pattern;
  - b. A removal for more than 10 consecutive days; or
  - c. A removal to an interim alternative educational setting.
2. The manifestation determination will be conducted by the student's IEP team and, as appropriate, other qualified personnel. All relevant information related to the behavior subject to disciplinary action will be considered, including:
  - a. Evaluation and diagnostic results, including information from the parent/legal guardians;
  - b. Observations of the child; and
  - c. The student's IEP and placement.
3. The IEP team will determine that the student's behavior is not a manifestation of the student's disability only if:
  - a. The student's IEP and placement were appropriate in relationship to the behavior subject to the disciplinary action;
  - b. The special education services, supplementary aids and services and behavior intervention strategies were provided consistent with the child's IEP and placement;
  - c. The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and
  - d. The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.
4. The IEP team and other qualified personnel will determine that the student's behavior is a manifestation of the student's disability if:
  - a. The student's IEP and placement were found to be inappropriate in relationship to the behavior subject to the disciplinary action; or

- b. The special education services, supplementary aids and services and behavior intervention strategies were provided inconsistently with the student's IEP and placement; or
  - c. The student's disability impaired the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; or
  - d. The student's disability impaired the ability of the student to control the behavior subject to disciplinary action.
5. If, in conducting the manifestation determination review, deficiencies in the student's IEP, placement or implementation are identified, the district will take immediate steps to remedy those deficiencies.
- F. Removal to an Interim Alternative Educational Setting by School District (Drugs and Weapons)
- 1. A student may be removed from the current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 calendar days in a school year for a drug or weapon violation. This removal is a change in placement.
  - 2. For the purpose of determining a drug or weapon violation, the district will apply the definitions in Board policy JGDA/JGEA - Discipline of Disabled Students.
  - 3. If a student is removed for a drug or weapon violation as defined above, the district will:
    - a. Immediately schedule an IEP meeting (which will be convened within 10 business days of the disciplinary action);
    - b. Not later than the date on which the decision to take action is made, provide the parent/legal guardian with notice of disciplinary action for a suspension or expulsion, and notice of the decision to remove the student to an interim alternative educational setting; and
    - c. Provide *Notice of Procedural Safeguards* to the parent/legal guardian.
  - 4. Immediately or within 10 business days, the district will convene an IEP meeting to:
    - a. Develop a functional behavioral assessment plan; or
    - b. If a functional behavioral assessment has already been completed on the behavior that resulted in the removal, the IEP team will review the plan and revise it as needed; and
    - c. Determine whether the student's behavior is a manifestation of the student's disability;
    - d. Review the student's IEP, and revise as appropriate;
    - e. Determine the specific interim alternative educational setting which will enable the student to continue to:
      - (1) Progress in the general curriculum, although in another setting;
      - (2) Receive special education services and modifications described in the student's IEP that will enable the student to meet IEP goals; and

- (3) Include services and modification that address the misconduct and are designed to prevent the misconduct from recurring.
5. If the IEP team determines that the student's behavior is a manifestation of the disability, the district will not proceed with this disciplinary action, but may:
  - a. Continue the student's placement in the interim alternative educational setting until the end of the 45-day period;
  - b. Review and revise the student's IEP and placement; and
  - c. Seek a hearings officer's removal for injurious behavior.
6. If the IEP team determines that the student's behavior is not a manifestation of his/her disability, the district may proceed with disciplinary action applicable to students without disabilities, in the same manner in which it would apply to students without disabilities. If proceeding with this disciplinary action, the district will:
  - a. Ensure that the special education and disciplinary records of the student are given to school personnel for consideration in making the final determination regarding the disciplinary action;
  - b. Provide the services, determined by the IEP team, that are necessary to enable the student to appropriately progress in the general curriculum and to appropriately advance toward achieving the goals in the student's IEP.
7. If the student's educational placement changes as a result of the IEP/placement reviews, the district will provide the parent/legal guardian with prior written notice of change in placement.
8. As soon as practicable after developing a plan for conducting a functional behavioral assessment and completing the assessments required by the plan the district will hold an IEP meeting to develop appropriate behavior interventions to address the behavior and shall implement those interventions.
9. If the parent/legal guardian(s) of the student requests a due process hearing because he/she disagrees with the manifestation determination, the removal to the interim alternative educational setting or any decision about placement related to a disciplinary removal:
  - a. The student will remain in the interim alternative educational setting pending the decision of the hearings officer or for 45 calendar days, whichever occurs first; unless
    - (1) The parent/legal guardian and school district agree otherwise; or
    - (2) The student is removed for injurious behavior to an interim alternative educational setting by a hearings officer.

10. In reviewing a decision to place the student in an interim alternative educational setting for a drug and weapons violation, the hearings officer shall apply the standards in OAR 581-015-0556 (3).

G. Removal to an Interim Alternative Educational Setting by Hearings Officer (Injurious Behavior)

1. The district may request an expedited due process hearing to obtain a hearings officer's order to remove a student to an interim alternative educational setting for not more than 45 days if the student is exhibiting injurious behavior. For the purpose of this request, "injurious behavior" is defined as behavior that is substantially likely to result in injury to the student or to others.
2. District personnel will determine the specific alternative educational setting in consultation with the student's special education teacher(s) or with the IEP team.
3. If a student is removed to an interim alternative educational setting by a hearings officer for injurious behavior, the district will:
  - a. Immediately schedule an IEP meeting (which will be convened within 10 business days of the disciplinary action);
  - b. Not later than the date on which the decision to take action is made:
    - (1) Provide the parent/legal guardian with notice of any suspension or expulsion, if applicable, and notice of the decision to remove the student to an interim alternative educational setting; and
    - (2) Provide the parent/legal guardian with *Notice of Procedural Safeguards*.
4. If the district initiates a disciplinary removal to an interim alternative educational setting, the district will, immediately or within 10 business days, convene an IEP meeting to:
  - a. Develop a functional behavioral assessment plan; or
  - b. If a functional behavioral assessment has already been completed on the behavior that resulted in the removal or, if there is a behavioral intervention plan in place, the IEP team will review the plan and revise it as needed; and
  - c. Determine whether the student's behavior is a manifestation of his/her disability;
  - d. Review the student's IEP, and revise it, as appropriate;
  - e. Determine the specific interim alternative educational setting which will enable the student to continue to:
    - (1) Progress in the general curriculum, although in another setting;
    - (2) Receive special education services and modifications described in the student's IEP that will enable the student to meet IEP goals;
    - (3) Include services and modifications that address the misconduct and are designed to prevent the misconduct from recurring.

5. If the IEP team determines that the student's behavior is a manifestation of his/her disability the district will not proceed with the disciplinary action, but may:
  - a. Continue the student's placement in the interim alternative educational setting until the end of the 45-day period;
  - b. Review and revise the student's IEP and placement; or
  - c. Seek another up to 45-day removal for injurious behavior from the hearings officer.
6. If the IEP team determines that the student's behavior is not a manifestation of his/her disability, the district may proceed with disciplinary action applicable to students without disabilities, in the same manner in which it would apply to students without disabilities. In taking this disciplinary action, the district will:
  - a. Ensure that the special education and disciplinary records of the student are given over for consideration to the school personnel making the final determination regarding the disciplinary action; and
  - b. Provide the services, determined by the IEP team, that are necessary to enable the student to appropriately progress in the general curriculum and to appropriately advance toward achieving the goals in the student's IEP.
7. If the student's educational placement changes as a result of the IEP/placement reviews, the district will provide prior written notice of change in placement.
8. As soon as practicable after developing a plan for conducting a functional behavioral assessment and completing the assessments required by the plan the district will hold an IEP meeting to develop appropriate behavior interventions to address the behavior and shall implement those interventions.
9. If the parent/legal guardian(s) of the student requests a due process hearing because he/she disagrees with the manifestation determination, the removal to the interim alternative educational setting or any decision about placement related to a disciplinary removal:
  - a. The student will remain in the interim alternative educational setting pending the decision of the hearings officer or for 45 calendar days, whichever occurs first; unless
  - b. The parent/legal guardian and school district agree otherwise; or, the student is removed by a hearings officer for additional 45-day period(s) for injurious behavior.
10. The district may seek a court order to remove a student from his/her current educational placement to another placement if the district believes that maintaining the student in the current educational placement is substantially likely to result in injurious behavior.

#### H. Interim Alternative Educational Setting

1. The district will ensure that an interim alternative educational setting:

- a. Enables the student to continue to progress in the general curriculum, although in another setting;
- b. Ensures that the student receives special education services described in the student's IEP that will enable the student to meet IEP goals; and
- c. Includes services and modifications that address the misconduct, and are designed to prevent the misconduct from recurring.

I. Protections for Children not yet Eligible for Special Education

1. The district will apply these protections to students not yet identified as students with a disability if the district had knowledge that the student was a student with a disability. The district has such knowledge if:
  - a. A parent/legal guardian has expressed a concern in writing (or orally if the parent/legal guardian does not know how to write or has a disability that prevents a written statement) to school personnel that his/her student is in need of special education and related services;
  - b. The behavior or performance of a student demonstrates the need for special education and related services in relation to state eligibility criteria for disabilities;
  - c. The parent/legal guardian of a student has requested a special education evaluation of his/her child; or
  - d. The teacher of the student has, or other school personnel, expressed a concern about the behavior or performance of the student to the district's special education representative in accordance with the district's special education referral system.
2. The district will not be considered to have knowledge of a disability if the district:
  - a. Conducted a special education evaluation in accordance with state eligibility criteria for disabilities and determined that the student was not eligible, and gave the parent/legal guardian prior written notice of that determination; or
  - b. Determined that there was no suspicion of a disability, and gave the parent/legal guardian prior written notice of the refusal to evaluate.
3. If the district did not have knowledge, it may take the same disciplinary actions as applied to students without disabilities who engaged in comparable behavior. However:
  - a. If a special education evaluation is requested, or if the district initiates a special education evaluation, the evaluation will be conducted in an expedited manner;
  - b. Until the evaluation is completed, the student will remain in the educational placement determined by school personnel, which can include suspension, expulsion or placement in alternative education;
  - c. Upon completion of the evaluation, if the student is determined to be a student with a disability, the district will conduct an IEP meeting to develop an IEP and determine placement and shall provide special education and related services;
  - d. The district will apply the discipline provisions beginning on the date of the eligibility determination.

## 6. Suspension Procedures

1. The suspension process shall be in accordance with the following procedures:
  1. Suspension hearings shall be conducted in private, and will be more informal than is the case of an expulsion hearing. The hearing will be conducted by the Superintendent or designated representative. The procedure should be more of a conversation between the two parties than a formal hearing;
  2. The student will be informed of the violation(s) and given the opportunity to be heard and present his/her view of the occurrence;
  3. If suspension is to follow, the student will be given the reason(s) for the action, the duration of the suspension and the tentative procedures for reinstatement;
  4. If possible, parent/legal guardians will be notified immediately by telephone of the suspension and given reasons for the action. The parent/legal guardians will be encouraged to conference with the building administrator. Arrangement should be made for the student's transportation to and from school;
  5. A written communication will be mailed to the student and parent/legal guardians restating the reasons for the action(s), the duration of the suspension and procedure for arranging a mutually satisfactory time for a conference for possible readmittance;
  6. The written communication shall state that the parent/legal guardian may appeal the reason for suspension and the duration of suspension;
  7. In special or emergency circumstances, a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, incarceration by court action or if there is a serious risk that substantial harm will occur if the suspension is terminated pending an intended expulsion.

## 7. Expulsion Procedures

1. Students will not be expelled without a hearing unless the student's parent/legal guardians waive the right to a hearing, either in writing or by failure to appear at a scheduled hearing. By waiving the right to a hearing, the student and parent/legal guardian agree to abide by the findings of a hearings officer.

When an expulsion hearing is not waived, the following procedure is required:

1. Notice will be given to the student and the parent/legal guardian by personal service or by certified mail at least five school days prior to the scheduled hearing. Notice will include:
  1. The specific charge or charges;
  2. The conduct constituting the alleged violation, including the nature of the evidence of the violation;
  3. A recommendation for expulsion;
  4. The student's right to a hearing;
  5. When and where the hearing will take place; and
  6. The right to representation.

2. The Superintendent or designee will act as hearings officer. The district may contract with an individual who is not employed by the district to serve as the hearings officer. The hearings officer will conduct the hearing and will not be associated with the initial actions of the building administrators;
3. In case the parent/legal guardian or student has difficulty understanding the English language or has other serious communication disabilities, the district will provide a translator;
4. The student will be permitted to have a representative present at the hearing to advise and to present arguments. The representative may be an attorney and/or parent/legal guardian. The school district's attorney may be present;
5. The student will be afforded the right to present his/her version of the charge(s) and to introduce evidence by testimony, writings or other exhibits;
6. The student will be permitted to be present and to hear the evidence presented by the district;
7. The hearings officer will determine the facts of each case on the evidence presented at the hearing. Evidence may include the relevant past history and student education records. Findings of fact as to whether the student has committed the alleged conduct will be submitted to the School Board, along with the officer's decision on disciplinary action, if any, including the duration of any expulsion. This decision will be available in identical form to the School Board, the student and the student's parent/legal guardians at the same time;
8. The hearings officer or the student may make a record of the hearing;
9. The hearings officer's decision is final. However, this decision may be appealed to the School Board. At its next regular meeting, the School Board will review the hearings officer's decision and will affirm, modify or reverse the decision. Parent/legal guardians or students who wish to appeal the hearings officer's decision will have the opportunity to be heard at the time the School Board reviews the decision;
10. Expulsion hearings will be conducted in private and School Board review of the hearings officer's decision will be conducted in executive session unless the student or the student's parent/legal guardian requests a public hearing. If an executive session is held by the School Board or a private hearing by the hearings officer, the following will not be made public:
  1. The name of the minor student;
  2. The issues involved;
  3. The discussion;
  4. The vote of School Board members, which may be taken in executive session.