

**SAN DIEGO CITY SCHOOLS**

**Date:** April 21, 2005

**To:** Principals, Division and Department Heads

**Subject:** LONG-TERM SUSPENSION OR EXPULSION OF SECTION 504/INDIVIDUALIZED SERVICE PLAN (ISP) STUDENTS

**Department and/or Persons Concerned:** Principals, Site Administrators, Site 504 Coordinators, Student Study Team Members

**Due Date:** Upon receipt

**Reference:** 504/ADA Guidelines

**Action Requested:** Please share information with appropriate staff.

**Brief Explanation:**

This circular provides guidance on the application of the Section 504 regulation to the disciplinary suspension and expulsion of a student with a 504/Individualized Service Plan (ISP).

The Section 504 regulation requires that school districts reevaluate a student with a disability and afford due process procedures before making a “significant change in placement.” This applies to school disciplinary suspensions and expulsions of students with disabilities.

A “significant change in placement” in the context of disciplinary consequences applies in the following circumstances:

- a suspension for more than ten (10) consecutive school days, or
- a proposed expulsion, or
- a series of suspensions that are fewer than ten (10) school days in duration, but cumulatively exceed ten (10) school days, that may create a pattern of exclusions. This would be determined on a case-by-case basis. Among the factors that must be considered in determining whether a series of suspensions has resulted in a ‘significant change in placement’ are the length of each suspension, the proximity of suspensions to one another, and the total amount of time the student is excluded from school.

The school must take the following reevaluation steps:

1. Contact the 504 Office to schedule representation at the SST/504 Manifestation Determination Meeting.
2. Reconvene the Student Study Team (SST)/504 Team which determines whether the conduct is a manifestation of (caused by) the student’s disability. This manifestation hearing must be convened within five (5) school days of the misconduct. A summary must be written and submitted to the Placement and Appeal Office, indicating whether the conduct was “causal” or “non-causal.” The attached form is to be used.

3. If it is determined that the conduct is caused by the student's disability (causal), the SST/504 Team must continue the evaluation process and review the student's ISP to determine whether the current educational placement and ISP interventions are appropriate.
4. If it is determined that the conduct is not caused by the student's disability (non-causal), the student may be subject to the same disciplinary policies and procedures as non-disabled students.
5. When the placement of a disabled student is changed for disciplinary reasons, the student and his/her parents are entitled to a system of procedural safeguards that include:
  - A notice to parents on the day the SST/504 Team recommends expulsion.
  - An opportunity for the parents to examine records.
  - A due process hearing, and/or a review procedure.

If the parents disagree with the determination, they may request a due process hearing.

Further, this policy does not prevent a school from using its normal, reasonable procedures, short of a change in placement, for dealing with students who are endangering themselves or the safety of others. School officials may promptly adjust the placement or suspend him/her for up to ten (10) school days, in accordance with rules that are applied to all students.

For additional information you may call Sally Tucker, District Section 504 Coordinator, at (858) 627-7583.

Shirley Culver  
Program Manager  
Mental Health Resource Center

APPROVED:



Mary Hopper  
Chief Administrative Officer

SC:ldr

Attachment (1)

Distribution: Lists A, D, E, and F

San Diego City Schools  
Section 504 Office

**MANIFESTATION HEARING**  
**Student Study Team (SST)/504 Team Report**  
**(504 USE ONLY)**

*Instructions: Please convene all members of the SST/504 Team (including parent and student) as soon as a student with a 504/ISP (Individualized Service Plan) commits an offense that is recommended for expulsion. Complete this form and fax it immediately to the Placement and Appeal office at (619) 298-3749.*

Student Name: \_\_\_\_\_ ID#: \_\_\_\_\_ Date: \_\_\_\_\_  
Gender: \_\_\_\_\_ Ethnic Code: \_\_\_\_\_ Grade Level: \_\_\_\_\_ School: \_\_\_\_\_  
Parent/Guardian: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Manifestation Hearing Date: \_\_\_/\_\_\_/\_\_\_ Identified Disability: \_\_\_\_\_  
Suspension/Expulsion Charge (refer to the suspension form): \_\_\_\_\_

A SST/504 team may determine that a student with a 504/ISP behavior is **not** a manifestation of the disability if **all** of the following are true:

1. The 504/ISP and placement are deemed appropriate in relation to the behavior.  
\_\_\_\_\_ True \_\_\_\_\_ Not True
2. The 504/ISP accommodations, related aids, services and/or behavior intervention strategies were implemented. \_\_\_\_\_ True \_\_\_\_\_ Not True
3. The disability did not impair the ability of the student to understand the impact and consequences of the behavior. \_\_\_\_\_ True \_\_\_\_\_ Not True
4. The disability did not impair the student's ability to control the behavior.  
\_\_\_\_\_ True \_\_\_\_\_ Not True

Was the conduct a manifestation of the student's identified Disability? \_\_\_\_\_ Yes \_\_\_\_\_ No

If **No**, move to alternative placement.

If **Yes**, \_\_\_\_\_ placement to remain the same and SST/504 Team must meet to review/revise 504/ISP.  
\_\_\_\_\_ New Placement at \_\_\_\_\_ (this is a responsibility of the SST/504 Team.

Brief statement to support above determination: \_\_\_\_\_

**SIGNATURES** *The signatures below affirm presence at this meeting.*

Parent/Guardian: \_\_\_\_\_  
Parent/Guardian: \_\_\_\_\_  
Student: \_\_\_\_\_  
Administrator/Designee: \_\_\_\_\_  
Site 504 Coordinator: \_\_\_\_\_  
District 504 Representative \_\_\_\_\_  
Special Education Representative: \_\_\_\_\_  
School Nurse: \_\_\_\_\_  
Counselor: \_\_\_\_\_  
Teacher: \_\_\_\_\_ Teacher: \_\_\_\_\_  
Teacher: \_\_\_\_\_ Teacher: \_\_\_\_\_  
Teacher: \_\_\_\_\_ Teacher: \_\_\_\_\_  
Other: \_\_\_\_\_  
Other: \_\_\_\_\_