

# Questions to Consider...

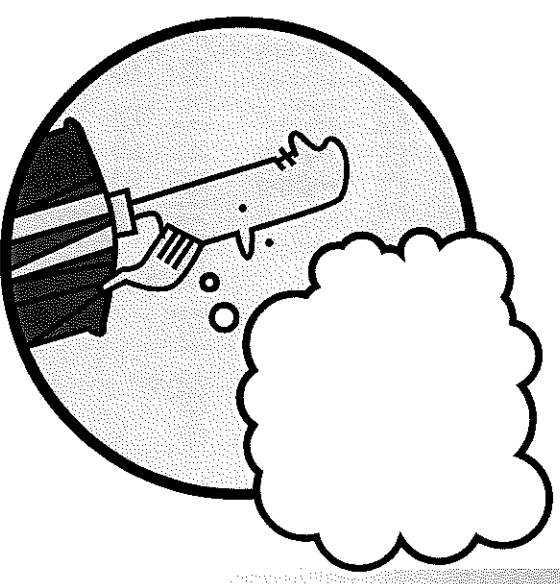
## Standard #1:

- ✓ Has the student followed school rules in the past?
- ✓ What features of disability has the student exhibited in the past?
- ✓ In what situations can student control behavior?
- ✓ Are there other factors to explain the misconduct?
- ✓ Is this an isolated instance of this behavior or is it recurrent?
- ✓ Was the behavior premeditated?
- ✓ Are there any new data available to shed doubt on the accuracy of the disability condition(s)?
- ✓ Would similarly situated students without disabilities in a like circumstance react in a similar manner?

# Questions to Consider...

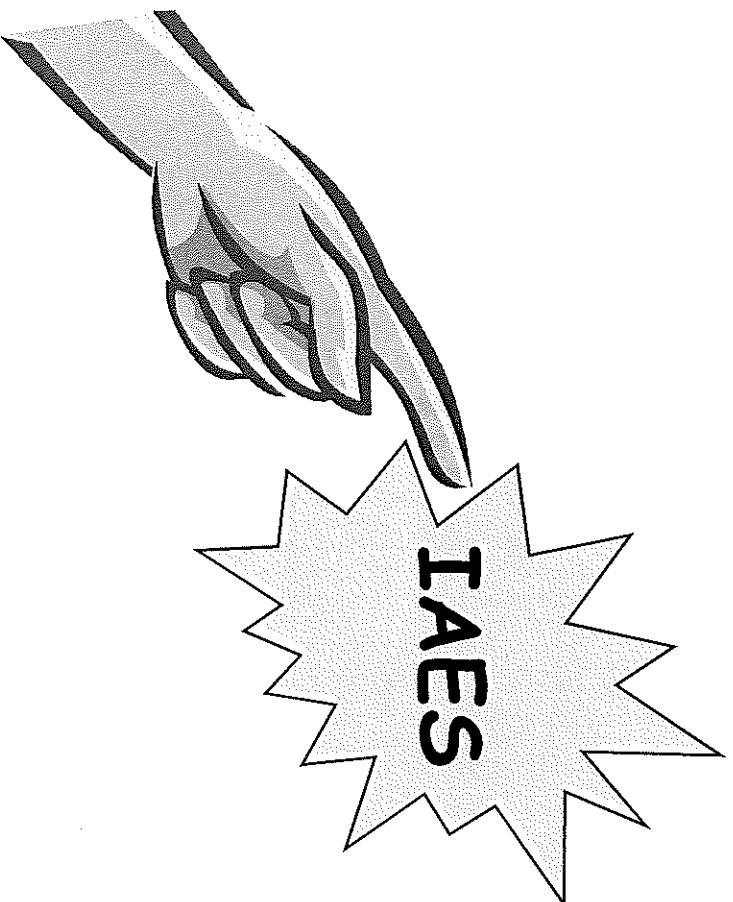
## Standard #2:

- ✓ Is the student making educational progress?
- ✓ Have the services been provided consistent with the IEP?
- ✓ Did all service providers have access to the IEP?
- ✓ Were the services implemented within a reasonable time?
- ✓ If there were inconsistencies in the implementation of the IEP, did they have a direct impact on the behavior in question?

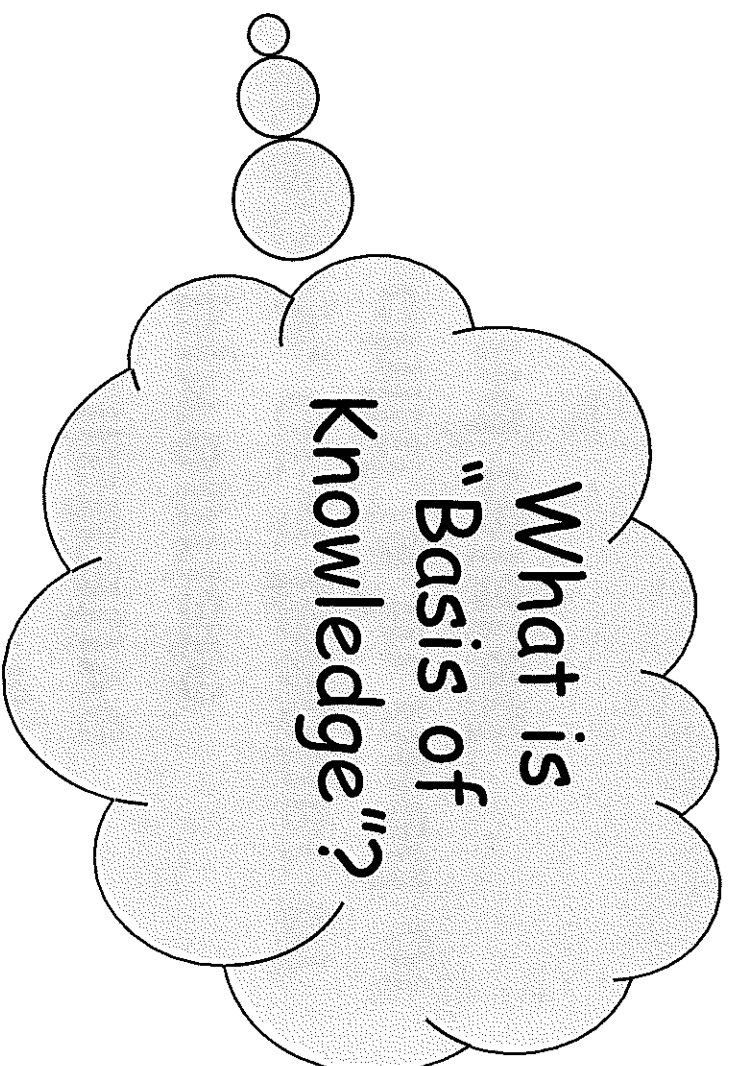
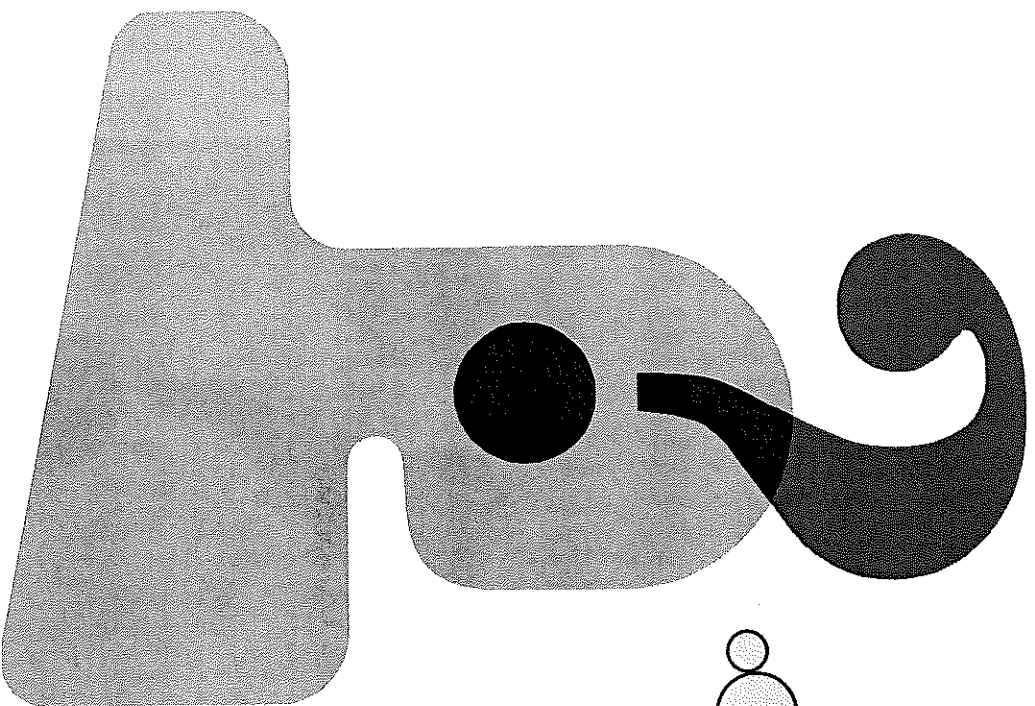


# Placement During Appeals

- The child shall remain in the IAES pending the decision of the hearing officer or until the expiration of the time period, whichever occurs first, unless parent and LEA Agree otherwise







# Basis of Knowledge



- 1. The parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services**

# Basis of Knowledge



2. The parent of the child has requested an evaluation of the child, or
3. The teacher of the child, or other personnel of the LEA, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency

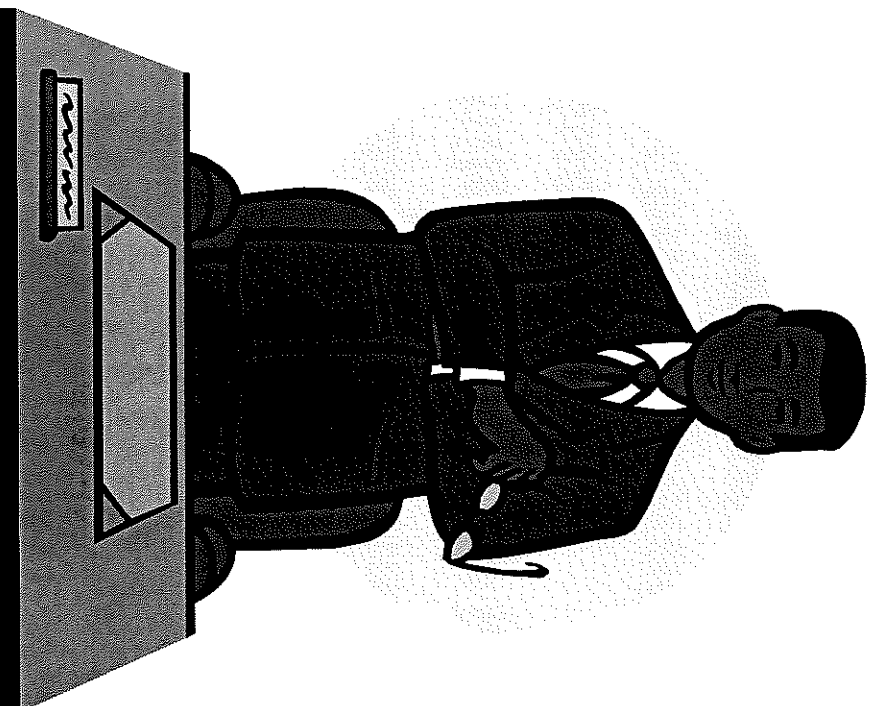
# Exceptions

- Parent did not allow an evaluation
- Parent refused services
- It was determined child not a child with disability





# **Conditions that Apply if No Basis of Knowledge**

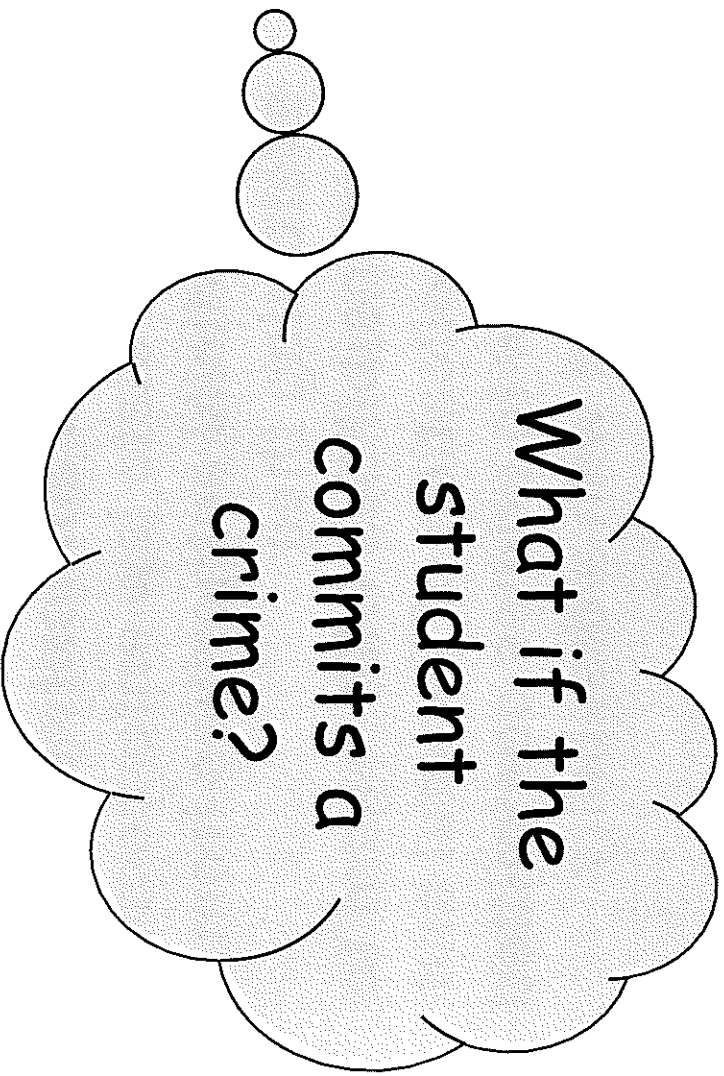
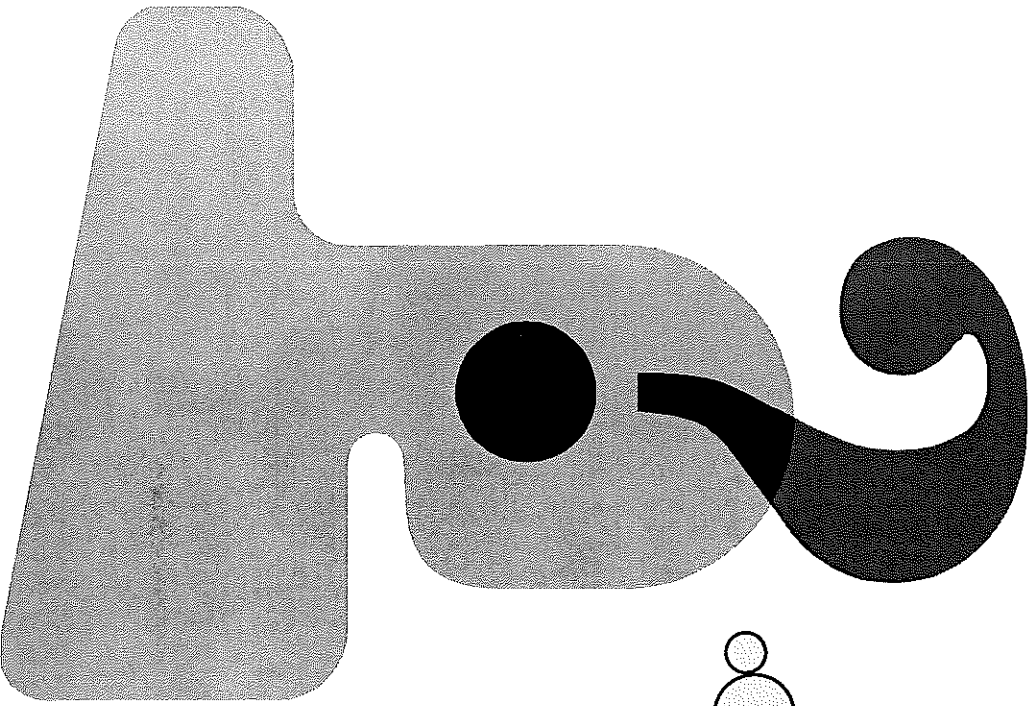


- **Child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors**

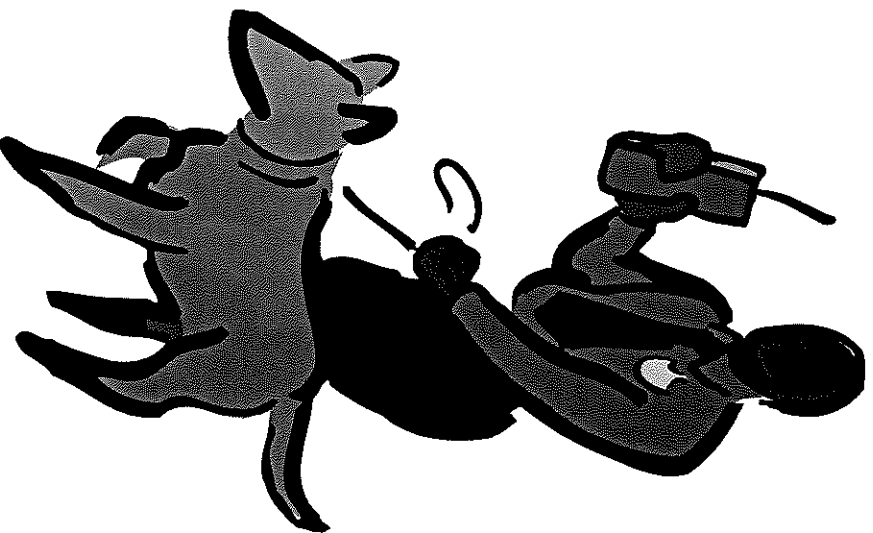
# Request for Evaluation

- Evaluation conducted in expedited manner
- Child shall stay in educational placement determined by school authorities pending evaluation





# Referral to Law Enforcement



- Nothing prohibits LEA from reporting crime committed by a child with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability

# Transmittal of Records

- **An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime**

