

# STUDENT CODE OF CONDUCT

2016 - 2018



INTERNATIONAL  
SCHOOL OF LOUISIANA

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*of the International School of Louisiana is to provide a challenging education emphasizing language  
mission, international awareness, the celebration of diversity and community responsibility*

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## **Student and Parent/Guardian Acknowledgement**

The Student Code of Conduct & Parent-Student Handbook are in place to help students gain the greatest possible benefit from their educational opportunities at the International School of Louisiana. We encourage parents/guardians and students to review this Student Code of Conduct & Parent-Student Handbook together and talk about the importance of being safe, responsible and respectful at school and in everyday life.

The Parent-Student handbook is available on-line at the ISL website: [www.isl-edu.org](http://www.isl-edu.org) or you may request a printed copy of the document from your campus administrative office. When you have read and discussed this information with your child, please sign below and return this sheet to your child's homeroom/advisory teacher.

I have received, reviewed and understand the International School of Louisiana *Student Code of Conduct & Parent Student Handbook* and agree to abide by the policies contained therein.

Print Student  
Date

Name Student

Signature

Print \_\_\_\_\_  
Parent/Guardian Signature

Parent/Guardian \_\_\_\_\_  
Date

\_\_\_\_\_ Name

## **The International School of Louisiana**

### **MISSION**

The *mission* of the International School of Louisiana is to provide a challenging education emphasizing language immersion, international awareness, the celebration of diversity and community responsibility.

### **PURPOSE OF THE STUDENT CODE OF CONDUCT**

- Create a consistent set of expectations for student behavior at the International School of Louisiana
- Reinforce positive behavior and provide students with opportunities to develop appropriate social skills
- Outline the interventions and consequences for students who engage in inappropriate behavior
- Explain the rights and responsibilities of all members of the school community
- Engage students in a safe, positive and supportive learning environment
- Reinforce the importance of behaving in a respectful, responsible and safe manner, everyday and everywhere

## **DEFINITION OF DISCIPLINE**

“Discipline” is defined as the steps or actions which teachers, administrators, support staff, parents and students follow to enhance student academic and social success.

*State law requires that the Student Code of Conduct be shared with parents/guardians, students and teachers and that the Code of Conduct must be reasonably and consistently enforced. State laws regarding discipline of pupils; suspension and expulsion are contained in the Louisiana R.S. 17:416.*

## **ISL Student Pledge**

As a student of the INTERNATIONAL SCHOOL OF LOUISIANA:

- I pledge to be RESPECTFUL
- I pledge to be RESPONSIBLE
- I pledge to be SAFE
- I pledge to be A PROBLEM SOLVER
- I pledge to FOLLOW DIRECTIONS
- I pledge to WORK HARD & DO MY BEST

## **Behavioral Expectations and Responsibilities**

### **Responsibilities of the ISL Community:**

- Be safe and responsible
- Respect the rights of students, parents/guardians, faculty, staff and visitors
- Encourage and assist others
- Read and understand the ISL Student Code of Conduct

### **Responsibilities of the Head of School**

- Provide appropriate training and resources as needed to implement *Positive Behavior Support*
- Assist parents/guardians who are unable to resolve issues at the school-level
- Review and revise (if needed) *the Student Code of Conduct*
- Conduct expulsion hearings
- Review suspension appeals

### **Responsibilities of School Administrators**

- Distribute *the Student Code of Conduct* to students, parents/guardians and all school personnel
- Implement *the Student Code of Conduct* in a fair and consistent manner
- Review discipline referrals and determine appropriate intervention or consequences
- Use professional judgment to prevent minor incidents from becoming major challenges
- Identify appropriate training and resources as needed to implement *Positive Behavior Support*
- Identify appropriate training and resources needed to implement *Restorative Justice*

## Responsibilities of Teachers

- Use appropriate classroom management strategies to maintain a learning environment that supports academic success
- Teach and positively reinforce *the Student Code of Conduct*
- Provide initial instruction on school and classroom behavioral expectations, procedures and rules.
- Provide corrective instruction to students who demonstrate challenging behavior
- Address infractions through a variety of interventions such as *Positive Behavior Support*, including alternatives to suspension and expulsion
- Teach practices of Restorative Justice and teach students to use Restorative Justice to appropriately manage conflict
- Use professional judgment to prevent minor incidents from becoming major challenges
- Request additional training or staff development as needed

## Responsibilities of Students

- Attend school and all scheduled classes daily
- Follow *the Student Code of Conduct*
- Follow THE INTERNATIONAL SCHOOL OF LOUISIANA'S uniform policy
- Respect school property and the property of others
- Work hard and do your best
- Follow the school's expectations
  - Be respectful
  - Be responsible
  - Be safe
- Ask teachers, school administrators, counselor, parents/guardians and other adults for help to solve problems

## Responsibilities of Parents/Guardians

- Read the Student Code of Conduct
- Support your child in following the Student Code of Conduct
- Understand your child's rights and responsibilities
- Teach your child to respect the rights of others
- Teach your child to respect school property and the property of others
- Recognize that school personnel must enforce *the Student Code of Conduct*
- Seek available resources to support your child within the school and the community
- Make sure your child comes to school every day on time, in uniform and ready to learn

## **Scope of the Student Code of Conduct**

The Student Code of Conduct is intended to outline a range of appropriate responses for inappropriate behaviors:

- Poor academic achievement is not an act of misconduct. Therefore, the Student Code of Conduct must not be used to discipline students for poor academic achievement or failure to complete assignments.
- A parent/guardian's refusal to appropriately support their child's education cannot be considered misconduct on the part of the child.
- The Student Code of Conduct applies to all students. However, discipline for students with disabilities shall be administered in accordance with federal and state law.
- The Student Code of Conduct applies to actions of students during school, on the way to and from school, while on school property, while traveling in vehicles sponsored by the International School of Louisiana and at all school-sponsored events.

## **School Uniform Expectations**

The International School of Louisiana's goal is to build a community of learners where we all meet high standards. The school uniform policy supports this goal by reducing distractions and helping students to focus on learning. The purpose of this policy is to provide increased school safety, to minimize disruption, to easily identify trespassers on campus and to promote improvement in student behavior. School uniforms also help students to experience a greater sense of school identity and belonging that promotes academic excellence.

All students must adhere to the school uniform daily, except when "free dress" is permitted.

In all cases, the school administrator shall inform the student, parent/guardian and school community about the school dress code policy.

All students and parents/guardians are expected to follow the written policy. Administrators and staff must not remove the student from the instructional process or send a student home for inappropriate attire or for not having an identification card. Staff will direct students to correct inappropriate attire that can be immediately corrected with no further action.

Questions about the uniform policy should be referred first to the appropriate administrator. Individuals who still have questions about the uniform policy may then contact the principal.

## **Attendance Expectations**

In compliance with the Compulsory School Attendance Law (R.S. 17:221), all children are required to attend a public or private day school unless the child graduates from high school prior to his/her eighteenth birthday.

Attendance Policy for Elementary and Middle School Students Students must be present a minimum of 167 days per school year to be eligible for promotion.

Exceptions:

Children are required to attend school each day scheduled by the International School of Louisiana, except for excused absences listed below. Absences are temporarily unexcused until the school is able to verify a note from the parent/guardian or doctor explaining the absence. The principal or his/her designee shall contact parent/guardian to ascertain reasons for absences.

Temporarily excused absences can be made for the following reasons:

1. Personal illness
2. Death in family (not to exceed one week)
3. Natural catastrophe and/or disaster
  
4. Participation in school-approved activity which necessitates student being away from school (These activities will be reviewed by academic personnel for educational appropriateness)
5. Absence for the observance of recognized holidays of the child's own faith
6. Any of the extenuating circumstances listed below:
  - Extended personal illness of a child whose attendance in school would endanger his/her own health or that of his/her classmates, as verified by a physician, dentist, or nurse practitioner licensed to practice in Louisiana
  - Extended hospital stay as verified by a physician or dentist licensed to practice in Louisiana
  - Extended recuperation from an accident as verified by a physician or dentist licensed to practice in Louisiana
  - Extended contagious disease within the family as verified by a physician or dentist licensed to practice in Louisiana
  - Children exempt by R.S. 17:226
  - Other extenuating circumstances approved by the Supervisor of Child Welfare and Attendance (i.e. Social Worker) in

consultation with the principal or his/her designee

For any other extenuating circumstances, parent/guardian must make a formal appeal by communicating with the Principal or his/her designee and requesting that an absence be excused. In all cases, a written note from the parent/guardian or doctor must be presented upon the student's return to school.

### Make-Up Work

When a student returns to school after an excused absence, the student shall have the opportunity to complete missed assignments. Make-up work shall be permitted only when written excuses from parent/guardian have been received in accordance with this policy.

A student who is absent five (5) or more days in any nine-week grading period must make up missed work before the end of the grading period or the student shall receive an incomplete grade. The student can make up work during the next nine-week grading period, but if he/she fails to do so, the incomplete grade automatically becomes a failing grade. It shall be the responsibility of the teacher to inform the student of the deadline for any make-up work.

Students missing school as a result of any suspension shall be counted as absent. Such absences are considered unexcused and shall be given failing grades for work missed. (State Statute Bulletin #741) If a suspension is modified or reversed through the suspension appeal process, related absences will be excused and the students will receive make-up work for those excused days. For any other extenuating circumstances, parent/guardian shall have the right to appeal the denial of promotion to the Principal.

## **Visitors to Campus**

For the safety of students, employees and guests, all visitors during regular school hours, including parents, must be identified, accounted for and easily recognized. All visitors to campus must enter through the main entrance. Visitors must immediately sign in with the front desk and where a visitors badge while on campus. Employees will stop any visitor in the building without a badge and

ask them to immediately report to the lobby to sign in. At the end of the visit, the visitor must sign-out with the front desk to retrieve ID. Once a visitor has signed out, he/she should promptly leave the school campus. Loitering on school property will not be allowed.

Parents who wish to visit their child's classroom may do so. We request 24-hours advance notice to ensure that a visit does not interfere with classroom activities. All such visits must be approved by the Principal or Associate/Assistant Principal and may not exceed one hour in length.

Requests for students not enrolled in ISL (including exchange students) to visit during school hours must be made to the Principal. These requests should be made at least 5 business days in advance and approval is at the discretion of the Principal. While on campus visiting students must adhere to the rules & behaviors expected of regularly enrolled students as defined in this Code of Conduct document. Visiting students are invited guests on the ISL campus and, as such, may be “uninvited” for any infraction of established rules, procedures or expected behaviors.

## **Classifying Conduct Infractions**

Discipline incidents will be classified as Level 1, Level 2, and Level 3 infractions.

**Level 1 (minor) Infractions** --Discipline incidents that can be handled by the teacher and do not warrant a discipline referral to school administration. Any behavior that is of low level intensity, low in frequency, passive in nature and/or of a non-threatening manner is a Level 1 behavior.

**Level 2 (major) Infractions** --Discipline incidents that severely interfere with others’ safety and learning, occur frequently enough to adversely affect the learning of self and/or others, are of a threatening or harmful nature and/or are legal violations and warrant administrative interventions are Level 2 behaviors.

+**Level 3 (major) Infractions**-- Discipline incidents that require immediate response from administration, crisis team, entire staff and/or community support are Level 3 behaviors.

## Corrective Strategies

In the effort to fully implement *Positive Behavior Support* and reduce the loss of instructional time, The International School of Louisiana will utilize a wide variety of corrective strategies\* that do not remove children from the learning environment.

Corrective Strategies may include but are not limited to:

- Contact and/or conference with parent/guardian.
- Behavior contract
- Check-in/Check-out (CICO)\*
- A home/school communication system\*
- Reflective activity\*
- Loss of privilege
- Detention\*
- Referral to the school counselor
- Referral to the School Building Level Committee
- Supervised work assignment\*
- Restorative Circles

*\* Definition may be found in the Glossary of Terms beginning on page 22*

## **Level 1 Infractions: Corrective Strategies**

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**School-wide Behavioral Expectation**

## **Examples of Expected Behavior**

**Examples of Level 1 Infractions**

**Possible Corrective Strategies\***

BE RESPECTFUL

Use positive language with teachers, staff and peers

- Profanity/cursing
- Disruptions in class, on school grounds, on a bus (while on a school sponsored trip)
- Any other infraction that the principal deems to be similar in severity to other Level 1 infractions.

**First Infraction:**

- Re-teach the behavioral expectations
- Have the student apologize and make amends with those affected
- Provide a reflective activity

**Repeated Infractions:**

- Contact and or conference with parent/guardian
- Implement a home/school communication system
- 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 counselor
- Refer the student to the SBLC
- Detention
- Use of in-school intervention

BE RESPONSIBLE

Arrive to class on time and participate in class.

- Inappropriate items in class
- Unexcused tardiness and

—

absenteeism from class

BE SAFE

Walk in hallways/cafeteria

- Cheating or plagiarism
- Horseplay or running in the hall/class/cafeteria
- Throwing objects
- Out- of-assigned seat/table/area

BE A PROBLEM SOLVER

FOLLOW

Tells an adult if something is broken or the bathroom needs supplies  
Follows teachers' and

- Passive non-compliance in class i.e. sleeping, refusing to participate
- Arguing with an adult
- Willful disregard of directions

DIRECTIONS      administrators' directions

\* Multiple strategies may be used depending on individual student's needs. This is not meant to be an exhaustive list.

## **Level 2 Infractions: Corrective Strategies**

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**School-Wide**

**Behavioral Expectation**

## **Examples of Expected Behaviors**

**Examples of Level 2 Infractions**

**Possible Corrective Strategies \***

..... BE RESPECTFUL

Consider other

people's feeling and respect personal space

Understand when

the answer given to you is "NO."

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- 
- Cyberbullying
- Sexual Harassment
- Inappropriate
- Making a threat
- Physical assault  
bodily harm
- Leaving school  
permission
- Any other  
principal deems to

Harassment/Bullying

and/or unwanted sexual behavior

without serious

grounds without

infraction that the

be similar in severity to other Level 2 infractions.

**For Level 2 infractions, the following steps must be implemented:**

1. **MANDATORY** parent contact to inform status of investigation. Parent will be given the option to attend the student parent of accusation and conference.
2. **MANDATORY** student conference and school-level investigation.

**If the principal determines that discipline**

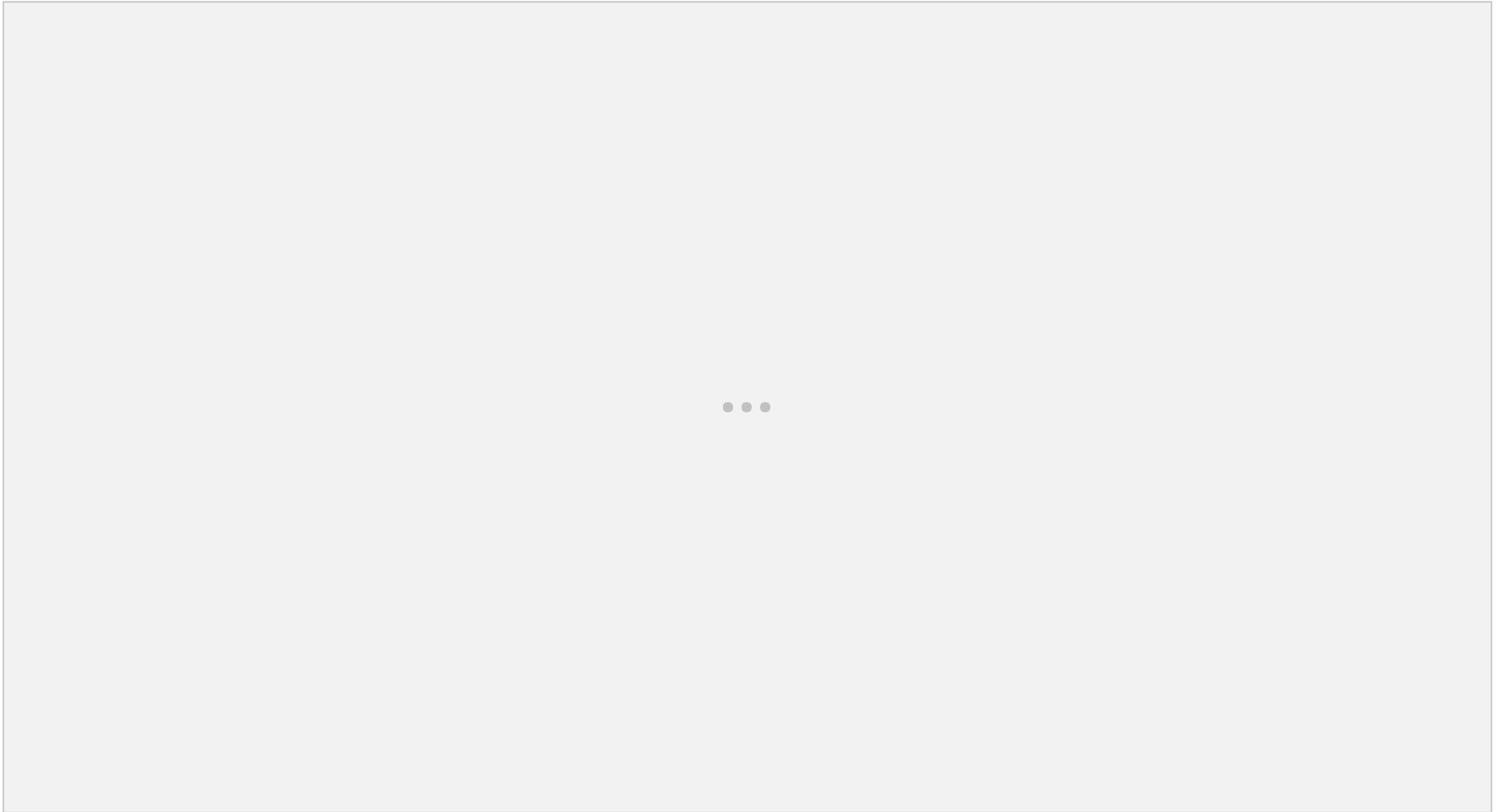
**action is warranted:**

1. **MANDATORY** School level (see Level 3) determine and implement corrective conference with student, parent, principal or designee and staff members (s) involved to strategies.
2. If needed, referral to the SBLC to complete a Functional Behavioral Analysis (FBA) and implement Behavioral Intervention Plan (BIP)
3. **MANDATORY** Suspension, if Principal determines such, student may be recommended for expulsion.

**For underlined infractions the following steps**

**shall be taken:**

**MANDATORY** referral to the SBLC to determine appropriate intervention



BE RESPONSIBLE

Take care of school property and ask before borrowing other people's property

- Stealing/possession of stolen property
- Vandalism
- Violations of the Technology Use Policy

BE SAFE

Ask for help if you are not safe

- Using or possessing tobacco products, matches or lighters
- Possession of fireworks
- Coming to school under the influence of drugs or alcohol

BE A PROBLEM SOLVER

Solve problems peacefully

- Repeatedly arguing with adults even after being “coached” about the appropriate time and place to discussed the situation
- Fighting or instigating a fight

FOLLOW DIRECTIONS

Be cooperative in the event of an

- Repeated willful disregard of directions

— emergency

\*Multiple strategies may be used depending on individual student's needs. This is not meant to be an exhaustive list.

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## **Level 3 Infractions: Corrective Strategies**

## **School-Wide Behavioral Expectation**

## **Examples of Expected Behaviors**

**Examples of Level 3 Infractions**

**Possible Corrective Strategies \***

BE RESPECTFUL

BE RESPONSIBLE

Respect others  
and their personal  
property

Do your own class work or homework as

- Theft/Burglary/Robbery
- Harassment\* or Extortion
- Causing false fire alarms or making bomb threats
- Any other infraction that the principal deems to be similar in severity to other Level 3 infractions.

- Distributing answers to a test
- Writing another student's research paper



## Technology Use Policy

BE SAFE      Take care to keep yourself and your possessions from harm.

Alert faculty/staff of unsafe behaviors or situations.

- Possession, use or concealment of controlled substance and firearms at school or a school related activity \*\*
- Aggravated assault to another student or employee
- Sexual Assault/Harassment
- Starting a fire
- Possession of a weapon
- Use of any object or substance to harm, frighten, or intimidate others

BE A PROBLEM  
SOLVER FOLLOW  
DIRECTIONS

\*Multiple strategies may be used depending on individual student's needs. This is not meant to be an exhaustive list.

\*\*Reference applicable Louisiana Law /  
R.S.14:95

## **Suspension**

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

Responsibilities of the school and the parent/guardian when a suspension is given are explained below in the section entitled, “Due Process Procedures for Suspensions.”

## **DUE PROCESS PROCEDURES FOR SUSPENSIONS**

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 24 hour period of notification of occurrence. \*
2. Prior to any suspension or recommendation for expulsion, the principal or designee must inform the student of the particular 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. 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 and a certified letter giving notice of the suspension, the reason for the suspension and the date/time of a mandatory conference to be conducted within 5 days with the principal or his/her designee for the readmission of the student.\*\* The student may not return to school prior to the holding of a mandatory readmit conference.
5. If the parent/guardian fails to attend the required conference within 5 days of the mailing of the certified letter or of other contact with the parent/guardian, the truancy laws shall become effective.
6. The school must give the parent/guardian notice in writing of the suspension and the reason for the suspension.\*\*
7. 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.

8. Any parent/guardian of a suspended student shall have the right to appeal a suspension to the Head of School or to a designee of the Head of School. The decision of the Head of School is final.

\* THE INTERNATIONAL SCHOOL OF LOUISIANA policy

\*\* Louisiana State Law

## **APPEAL OF SUSPENSION**

Any parent/guardian of a suspended student shall have the right to appeal a suspension to the Head of School or his/her designee. The Head of School or designee will conduct a hearing to review the suspension, based on the merits of the case. The decision of the Head of School shall be final.

*To appeal a suspension:*

Submit a written statement of appeal request within five (5) school days after the beginning date of the suspension to the Head of School with a copy of the letter of suspension

After formal notification of the request, the Head of School will assess the merits of the case. The decision of the Head of School shall be final.

## **Expulsion**

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 of the school principal.

The principal shall immediately suspend and recommend for expulsion a student who is found carrying or possessing:

- a firearm
- a knife
- a razor
- another dangerous instrument
- any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form (including any student who distributes, sells, gives or loans one of these substances).
- any mood altering substance, unless prescribed and a medication order form is on file with the nurse's office

Any student who has been suspended on three occasions during the same school year may, on committing a fourth such offense, be expelled from the International School of Louisiana until the beginning of the next regular school year. The student's reinstatement shall be subject to the review and approval of the Head of School.

**Note:** No student who has been expelled from any other school shall be admitted to The International School of Louisiana except upon the review and approval of the Board of Trustees.

## **DUE PROCESS PROCEDURES FOR EXPULSIONS**

A principal cannot expel a student. A principal can recommend a student for expulsion. If a principal recommends a student for expulsion the student will then be **“suspended pending a hearing for a recommendation for expulsion”**. **The student will then have an *expulsion hearing*, in which the Head of School will determine if the recommendation for expulsion is upheld, denied or modified.**

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

1. The school must conduct a student conference and school-level investigation within a 24-hour period of notification of the incident\*
2. Prior to any suspension or 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. \*\*

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. 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 hold a school-level conference conducted with the principal and/or designee, the student's parent/guardian and the school counselor within reasonable time.
5. A recommendation for expulsion is made by the principal. The student will be suspended pending the expulsion hearing. Procedures for suspensions will be followed.
6. The school must contact the parent/guardian by telephone or send a certified letter giving notice of the recommendation for expulsion, the reason for the recommendation for expulsion and the date and time of a hearing to determine whether the student is expelled.
7. The school must give the parent/guardian notice in writing of the recommendation for expulsion and the reason for the recommendation for expulsion. \*\*
8. If the parent/guardian fails to attend the required conference within 5 days of the mailing of the certified letter or other contact with the parent/guardian, the truancy laws shall become effective.
9. 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 RECOMMENDATION FOR EXPULSION.
10. A hearing is conducted by the Head of School and/or designee\*, within ten (10) days of the incident.
11. A determination of whether to expel the student is made by the Head of School and/or his/her designee.
12. The principal and teacher as well as the student may be represented by someone of their choice at this hearing. Until the hearing takes place, the student shall remain on suspension.
13. The parent/guardian of the student, within five days after the decision to expel the student has been rendered, may request the Board of Trustees to review the findings of the Head of School and/or his/her designee. Otherwise, the decision of the Head of School and/or designee shall be final.
14. The Board, in reviewing the case, may affirm, modify, or reverse the action previously taken.

15. If the board upholds the decision of the Head of School, the parent/guardian may, within 10 days, appeal to the district court for the parish in which The International School of Louisiana is located. The court may reverse the ruling of the board.

\*Designee may include Recovery School District or Jefferson Parish Public School System.

## **EXPULSION HEARING BY THE HEAD OF SCHOOL AND/OR HIS/HER DESIGNEE**

A hearing shall be conducted by the Head of School or his/her designee at the request of the school administration for all recommendations for expulsion. This hearing will determine the facts of a conduct infraction and make a finding of whether the student is guilty of conduct warranting the recommendation of expulsion.

The student will be informed of the particular misconduct of which he/she is accused and will be given the opportunity to defend his/her actions. The student may be represented by a person of the student's choice. The concerned teacher shall be permitted to attend the hearing and shall be permitted to present relevant information.

Until the date of the hearing, the student shall remain suspended from school and all school related activities.

Upon conclusion of the hearing, the Head of School and/or designee shall determine whether such student shall be expelled or if other corrective or disciplinary action shall be taken. Records shall be maintained and made available upon request.

## **DIRECT EXPULSION**

The conviction of any student for a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony may be cause for immediate expulsion of the student for a period of time as

determined by the board. The expulsion shall require the vote of two-thirds of the elected members of the state Board of Elementary and Secondary Education (BESE).

Registration and school placement of students convicted of a felony or returning from incarceration will be reviewed by the Head of School and/or his/her designee in a conference with parents.

The conviction of any student of a felony or the incarceration of any student in a juvenile institution may be sufficient cause for the International School of Louisiana to refuse admission of said student to any school under its jurisdiction except upon review and approval of a majority of the elected members of BESE if and when a request for admission is made to the board.

## **APPEAL OF EXPULSION**

A parent/guardian may request the Board of Elementary and Secondary Education (BESE) or its designee to review the findings of the Head of School or designee at a time set by the board. Otherwise, the decision of the Head of School or designee will be final.

To appeal an expulsion:

1. Submit a written statement of appeal request to BESE within five (5) school days after an expulsion decision is rendered.
2. The time for the hearing shall be set by the International School of Louisiana.
3. After formal notification of the request and after reviewing the findings of the Head of School or designee, BESE or its designee may affirm, modify, or reverse the action previously taken. The parent/guardian may further appeal the Head of School's decision within ten (10) calendar days to Civil District Court.

## **GLOSSARY OF TERMS**

**Behavior Contract:** an agreement between the child and teacher and, often, the student's parent/guardian. The behavior contract is a written agreement that indicates how the student will behave, the appropriate consequence should the student not behave according to the contract and the reinforcement(s) to be utilized for successful compliance. The behavior contract is intended to provide the student with structure and self- management.

**Behavior Intervention Plan (BIP):** a plan that is the result of a Functional Behavioral Analysis (FBA). Behavior intervention plans are written documents that describe the behavior to be changed, strategies or interventions implemented to address the target behavior. Behavior intervention plans are developed by either the classroom teacher or a team of school personnel. Behavior intervention plans assist the teacher in proactively and effectively dealing with behavior. BIPs aid in communicating behavioral expectations to individual students or an entire classroom. BIPs also communicate the consequences of achieving the goal or objective and helps teachers remain consistent. The use of a behavior intervention plan assists in establishing the expectations of the teacher. In addition, BIPs permit frequent feedback regarding the effectiveness of the management strategies being employed, assist in documentation of student or class progress and provide useful guidelines for interacting with students.

**Bullying:** A pattern of any one or more of the following:

- Gestures, including but not limited to obscene gestures and making faces.
- Written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. Electronic communication includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device.
- Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.
- Repeatedly and purposefully shunning or excluding from activities.

Where the pattern of behavior (as provided above) exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, in any school bus or van, at any designated school bus stop, in any other school or private vehicle used to transport students to and from schools, or any school-sponsored activity or event.

The pattern of behavior (as provided above) must have the effect of:

- physically harming a student

- placing the student in reasonable fear of physical harm
- damaging a student's property
- placing the student in reasonable fear of damage to the student's property
- or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment
- have the effect of substantially interfering with a student's performance in school, or have the effect of substantially disrupting the orderly operation of the school. (Section C, Act 861)

**Charter Schools:** nonsectarian public schools of choice. The "charter" establishing each such school is a performance contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure success. Charter schools must follow the state laws regarding discipline and public funding. In Louisiana there are 5 types of charter schools. Some are chartered by the state Board of Elementary and Secondary Education (BESE), while others are chartered by an established school district. The International School of Louisiana is a Type 2 Charter school, chartered directly by BESE.

**Check-In/Check-Out (CICO):** a positive behavioral support tool for students who demonstrate moderate behavior problems. It is intended to provide frequent reinforcement for compliance with behavioral goals. Each of the behavioral goals should be defined in clear behavioral terms. The goals are set and monitored by the CICO coordinator (e.g., social worker, counselor) with the support of the School Building Level Committee (SBLC). The CICO coordinator meets twice daily with the student to individually provide

social skills training related to each of the designated behavioral goals. The student will review the goals each morning with the CICO coordinator in order to completely understand the behavioral expectations.

**Corrective Strategies:** also known as alternatives to suspension/expulsion, Corrective Strategies may include, but are not limited to:

- Contact and/or conference with parent/guardian
- Behavior contracts
- Check-in/Check-out (CICO)
- Home/School communication system
- Reflective activity (Think About It Sheets, essays)
- Loss of privilege
- In school detention
- Referral to the school counselor
- Referral to the School Building Level Committee

- Supervised work assignment
- Suspension

**Dangerous Weapon:** a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.

**Detention:** a form of discipline used in schools in which a student is required to spend extra time in school. A detention usually takes place during a period after the end of the regular school day. However, detention may take place at other times, such as before the school day, on the weekend (traditionally known as *Saturday School*) and during breaks in the school day, such as lunch. Detention is usually considered one of the milder forms of disciplinary action available to a school.

**Discipline:** the steps or actions that teachers, administrators, support staff, parents and students follow to enhance student academic and social success.

**Due Process Hearing:** a formal hearing to resolve disputes between parents and schools.

**Exceptionality:** a child's special learning need. There are several types of exceptionalities, including Autism/Asperger's Syndrome, Emotional Disturbance, Gifted and Talented, Learning Disabilities and Mental Retardation. Identifying a student's exceptionality is the first step in determining the appropriate academic classroom placement for that student.

**Expulsion:** any denial of school attendance for the remainder of the school year, for a time designated during the current or next school year or permanently.

**Extortion:** the communication of threats to another in order to obtain money, property or services.

**Family Liaison:** a school employee who is charged with promoting parental involvement in children's educations and acts as a resource for families needing assistance with home-school communication. The ISL family Liaison is multi-lingual and is available to act as an interpreter between ISL families and target language teachers.

**Free and Appropriate Public Education (FAPE):** the standard of education that schools must provide to children with special needs or exceptionalities. This means that the school must help to create a specific plan to address the child's learning needs, place them in the educational setting appropriate for their needs, and deliver the special education and related services required for the child to learn. FAPE differs for each student because each student has unique needs. FAPE ensures that all students with disabilities receive an appropriate public education at no expense to the family.

**Functional Behavioral Analysis (FBA):** a process of examining the function that a particular behavior serves for a student that includes an analysis of the frequency, intensity and duration of a behavior. The end result of the FBA is a Behavior Intervention Plan (BIP) a plan to implement intervention for specific behaviors as identified.

**Harassment:** verbal, non-verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, citizenship status, marital status, gender, sexual orientation or any other characteristic protected by law. Harassment is prohibited in all relationships at the school.

**Horseplay:** rowdy, rough or boisterous play.

**Home-School Communication System:** communication with families about school programs and student progress through effective school-to-home and home-to-school communications.

**In-school Suspension:** the temporary removal of a student from the regular school classes and the placement of a student in an approved "time-out" program.

**Instructional Supports:** changes that teachers can make in the classroom to help students learn more efficiently. These changes may include modifications to the classroom environment or method of teaching, as well as finding different methods to assist the student in expressing what he or she has learned. The teacher may also arrange for extra assistance from other school professionals.

**Local Education Agency (LEA):** a public board of education or other public authority within a state that maintains administrative control of public elementary or secondary schools in a city, county, township, school district or other political sub-division. The

International School of Louisiana is an LEA.

**No Child Left Behind Act (NCLB):** a federal law that aims to improve the performance of United States primary and secondary schools by increasing the standards of accountability for states, school districts and schools, as well as providing parents more flexibility in choosing which schools their children will attend.

**Out-of-School Suspension:** the temporary removal of a student from school. Suspensions are limited in time and the student should be able to return to school after the term of suspension is completed. During the suspension period, students are not permitted to visit their school campus.

**Positive Behavioral Support (PBS):** an approach to eliminate challenging behaviors and replace them with social skills. Use of School Wide Positive Behavior Support (SWPBIS) is a best practice that decreases the need for more intrusive or aversive interventions (i.e., punishment or suspension) and can lead to both systemic as well as individualized change. The goal is to organize evidence-based behavioral practices and systems into an integrated collection or continuum in which students experience supports based on their behavioral responsiveness to intervention (RTI). A three-tiered prevention logic requires that all students receive supports at the universal or primary tier. If the behavior of some students is not responsive, more intensive behavioral supports are provided, in the form of a group contingency (selected or secondary tier) or a highly individualized plan (intensive or tertiary tier).

**Reflective Activity:** an assignment designed to give the student an opportunity to think critically about an instance in which he/she broke a rule. The assignment should guide the student towards determining an appropriate behavior for the given situation instead of the behavior that broke a school rule. A “Think About It” (TAI) is one tool that ISL uses for this purpose.

**Response to Intervention (RTI)** There is no single, absolute definition of RTI. A quick and descriptive

summary, though, comes from the National Center on RTI and reads: With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student's responsiveness, and identify students with learning disabilities or other disabilities. (NCRTI, 2010) These elements of RTI can be observed readily in almost any RTI implementation. Struggling children are identified through a poor performance on a class-wide, school-wide, or district-wide screening intended to indicate which children may be at risk of academic or behavioral problems. A child may also be identified through other means, such as teacher observation. The school provides the child with research-based interventions while the child is still in the general education environment and closely monitors the student's progress (or response to the interventions), and adjusts their intensity or nature, given the student's progress. RTI can also be instrumental in identifying students who have learning disabilities.

**Restorative Justice:** Restorative practices in schools are those methods of discipline which attempt to focus on the "restoration of relationships" and the creation of a "culture of care" and "responsible citizenship", instead of solely meting out punishment. Such practices usually involve the acknowledgement of wrongdoing, accountability for actions, the repair of harm or some sort of reparation, and a plan to support both parties, in collaboration with wider support networks.

**School Building Level Committee (SBLC):** exists for the purpose of reviewing student progress and suggests strategies for those who need assistance. The team consists of the Teacher, Parents, the Educational Services Coordinator, the School Counselor, the Principal or Assistant Principal and other personnel as assigned by the Principal (such as a student's advisor) and varies according to specific needs of the student.

**Sexual Assault:** any physical contact of a sexual nature without voluntary consent. While associated with rape, sexual assault is much broader and the specifics may vary according to social, political or legal definition.

**State Education Agency (SEA):** the agency primarily responsible for the supervision of the state's public elementary and secondary schools. In Louisiana, the SEA Is the Louisiana Department of Education.

**Suspension:** see listings for In-School Suspension and Out-of-School Suspension.

**Supervised Work Assignment:** a service assignment performed as a consequence for behavior infractions. All supervised work

assignments must be approved by parents/guardians prior to implementation.

**Vandalism:** the conspicuous defacement or destruction of a structure, a symbol or anything else that goes against the will of the owner/governing body and usually constitutes a crime.

**504 Plan:** a plan that outlines the services needed by a student that has been identified as *504 eligible* and protected under Section 504 of the Rehabilitation Act. Essentially, Section 504 covers students who have been defined as having any physical or mental impairment that interferes with any major life activities (learning, walking, talking, etc.). These students may or may not fall under the protection of Individuals with Disabilities Education Improvement Act - 2004.

## Code of Conduct -- Appendix A

### Discipline Policy & Procedures for Students with Disabilities

#### I. Overview of Procedural Safeguards

**A. General.** Disciplinary actions give students with disabilities extra legal protections when the discipline constitutes a change in placement.

If a student violates the Student Code of Conduct, before consequences or punishment are imposed, the principal/designee must consider whether the student:

- Has an IDEA or Section 504 disability; or
- Is a student who 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 circumstances (drugs, weapons, significant bodily injury)*. See Section II for more information about emergency circumstances.

**B. Determining Change in Placement.** A change in placement is a legal term that applies to the situations described below. A student’s school suspension that occurred in a Louisiana local education agency (LEA) during the same school year of transfer into the International School of Louisiana counts and is added to any additional suspensions that might occur at ISL.

### **1. More than 10 Consecutive Days of Suspension, i.e., Expulsion**

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

### **2A. More than 10 Total Days of Suspension in One School Year, Option 1**

A series of suspensions with days that total more than 10 total school days in a school year is a change in placement. The SLBC chairperson, with assistance and documentation from the Assistant Principal, monitors the number of days each student has been suspended. Students with disabilities who have not reached this 10-day threshold may be suspended under the procedures that apply to all students.

### **2B. Suspensions that constitute a pattern in One School Year, Option 2**

A series of suspensions that constitute a pattern may be a change in placement. The SBLC chairperson, with assistance and documentation from the Assistant Principal, monitors the number of days each student has been suspended. Students with disabilities who have not reached this 10-day threshold may be suspended under the procedures that apply to all students.

**3. Additional Considerations.** The following considerations apply to in-school suspension; a suspension or removal for a portion of the school day; and for suspensions from transportation.

- a. In-school Suspension.** An in-school suspension will not be considered as a suspension for the above purposes as long as a student is given the opportunity to continue to: appropriately participate in the general curriculum; receive IEP specified services; and participate with non-disabled children to the extent (s)he would have in the current placement. Any in-school suspension that does not meet this standard must be considered as a suspension for purposes of these procedures.
- b. Suspension/Removal for Portion of School Day.** Students sent home from school in the morning because of misconduct is considered to have a full-day suspension. Students sent home in the afternoon is considered to have a half-day suspension. These conditions apply unless the student's BIP specifically calls for the student to receive a shortened school day when certain behaviors are exhibited.

*Note: The Student Information System allows only the entry of suspension for a full day; half days are not permitted. Thus, there may be a difference between a student's actual total number of suspension days and the total recorded on the System. The student's "actual" full time equivalent days of suspension, however, are relevant to the application of these standards. Schools are strongly encouraged to enter suspension data in "real time."*

### **C. Determining Manifestation Determination & Services.**

**1. Manifestation Determination.** Within 10 days of any decision resulting in a change of placement, the principal, parent, and members of the child's IEP Team must meet and determine whether the student's behavior is a manifestation of his/her disability using the Manifestation Determination form. The procedures below are used to make this determination.

**a. Making the Decision**

**1) Review Relevant Information.** The team participants review all relevant information in the student's file, including the IEP.

If the IEP was not implemented, the team documents why it was not implemented and whether the failure to implement the IEP impacted the student's behavior.

**2) Observe Behavior.** The team also reviews documentation of staff observations regarding the student's behavior. This should include an analysis of the student's behavior across settings and times throughout the school day.

**3) Information from Parents.** The team reviews any relevant information provided by the parents.

**4) Ask Two Questions to Determine Manifestation.** The team must consider the two questions below to determine if a student's behavior was manifested by his/her disability.

**a) Relationship of Behavior to Misconduct.** Was the conduct caused by or directly and substantially related to the student's disability?

Consider whether the behavior in question has been consistent and/or has an attenuated association with the disability:

- **Consistent Behavior.** Behavior that has been consistent across settings and across time may meet this standard.
- **Attenuated Association.** Behavior that is not an attenuated association, such as low self-esteem, to the disability would not have a direct and substantial relationship to the student's disability.

**b) IEP Implementation.** 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.

**b. 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:

**1) 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. (See Section II.)

**2) 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. *Note: If the FBA requires a new assessment of student behavior, parental consent is required.*

**c. Behavior is NOT Manifestation of Disability**

- 1) **Same Consequences.** If the IEP team members agree that the student's conduct was not a manifestation of his/her disability, then the student may be subject to the same consequences as all students.

*Note: 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. 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 otherwise.*

- 2) **Required Services.** A student with a disability who is removed from his/her current placement must receive the following services beginning on the 11<sup>th</sup> day of *cumulative* suspensions during the school year. The IEP team:
  - a) **Identifies Services.** 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; and
  - b) **Develops/Reviews FBA/BIP** Provides, as appropriate, an FBA and BIP services and modifications, which are designed to address the behavior violation so that it does not recur.
  - c) **Considers Need for More Restrictive Services.** May convene and modify the student's IEP. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements of this section, is appropriate for a student with a disability who violates a code of student conduct.

**II. Weapons, Drugs or Serious Bodily Injury: Emergency Procedures**

In circumstances related to a student's use of weapons, drugs or imposition of serious bodily injury, school officials may remove a student for 45 school days by following the procedures below.

**A. Criteria for Emergency Removal.**

1. **Weapons.** A student carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the school's jurisdiction.

A weapon is a device, instrument, material or substance animate or inanimate that is used for or is readily capable of causing death or serious bodily injury (excluding pocket knife with a blade of less than 2 ½ inches in length); firearms, including a starter gun; the frame or receiver of such a weapon; a muffler or silencer; any destructive device including any explosive incendiary or poison gas bombs, grenades, rockets, missiles and mines; does not include non-functioning antique firearms.

**2. Drugs.** A student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the school’s jurisdiction;

A controlled substance is a drug or other substance in the Federal Code that does not include a substance legally used and possessed under the supervision of a licensed health-care professional.

- Possession of alcohol and tobacco does not fall under “controlled substance.” Therefore, the principal cannot move a student to an IAES for possession of these items under this section. Instead, the removal is subject to the procedural safeguards applicable to other types of misconduct.

**3. Serious Bodily Injury.** A student inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or ISL.

Serious bodily injury involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

*Note: To comply with the law, a 45 school day emergency removal for serious bodily injury must be extremely serious, i.e., requiring medical treatment.*

## **B. Removal**

**1. General.** The school may immediately remove the student for up to 45 school days to an IAES. Because drugs, weapons and serious bodily injury are so dangerous to a safe school climate, a school may remove a student under these circumstances for 45 school days regardless of whether the team believes that the behavior is a manifestation of the student’s disability.

The 45 school days do not include those days the school is not in session, e.g., Spring Break. The IEP team may specify a removal for fewer days than the maximum 45 days.

**C. Action during Removal.** During the 45 school day period, the school must convene a meeting to determine whether the student’s behavior is a

manifestation of his/her disability. (See Section I.C. above for more information about the manifestation determination process.)

**1. Behavior IS Manifestation of Disability**

- a. **FBA/BIP.** As discussed above, the IEP team must conduct or review an FBA and create a 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. Note: if the FBA requires a new assessment of student behavior, parental consent is required.
- b. **Reevaluation.** The student may be referred for a reevaluation.
- c. **More Intensive Services.** The IEP team may meet to consider more intensive special education services upon the expiration of the 45 day IAES or sooner.

**2. Behavior is NOT Manifestation of Disability**

**III. Appeals**

- a. **Disciplinary Hearing.** If all team members determine that the conduct was not a manifestation of the student's disability, then the 45 school day emergency placement may proceed to a disciplinary proceeding afforded to all students.
- b. **FBA/BIP.** The student must receive, as appropriate, an FBA and BIP services and modifications, which are designed to address the behavior related to the disciplinary violation so that it does not recur.

#### **A. Reasons for Requesting an Expedited Due process Hearing**

1. **Parent Disagreement.** Parents who disagree with the appropriateness of the alternative placement or remedial disciplinary setting or services may request an expedited due process hearing.
2. **School Considers Student to be Dangerous.** If ISL has documented reasons to believe that keeping the student in school is **substantially likely to result in injury to the student or to others**, the school should request an emergency hearing for the purpose of transferring the student to an IAES for up to 45 school days. *Note: this standard is not as high as serious bodily injury; it does **not** allow for an immediate 45 school day removal.*

#### **B. Authority of Hearing Officer**

1. A hearing officer may:
  - a. Return the student to school if the hearing officer determines that the removal did not comply with these procedures or that the student's behavior was a manifestation of the student's disability; or
  - b. Order a change of placement to an IAES for not more than 45 school days if maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
2. ISL may repeat its request for an expedited hearing if it believes that returning the student to school is substantially likely to result in injury to the student or to others.

#### **C. Expedited Due Process Hearing Procedures.**

1. An expedited hearing 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.
2. Unless the parents and school personnel agree in writing to waive the resolution meeting or agree to mediate the dispute:
  - a. A resolution meeting must occur within seven days of receiving notice of the hearing request; and
  - b. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the

hearing request.

3. Evidence not disclosed to the other party three business days before the hearing is excluded, unless the parties agree otherwise. Expedited due process hearing decisions are appealable to state or federal court.

#### **D. Placement during Appeal of Discipline Decision**

1. **Weapons, Drugs or Serious Bodily Injury.** The student remains in the IAES pending the decision of the hearing officer or until the expiration of the 45-day or code violation time period (if less than 45 school days), whichever occurs first, unless the parent and school personnel agree otherwise.
2. **Behavior Not Manifested by the Student's Disability.** The student remains in the IAES pending the decision of the hearing officer or until the expiration of the 45-day or code violation time period (if less than 45 school days), whichever occurs first, unless the parent and school personnel agree otherwise.
3. **Behavior Is Manifested by Student's Disability but Belief Behavior is Substantially Likely to Cause Injury.** The student remains in the placement (s)he was in at the time of the behavior in question unless the parent and school personnel agree otherwise.

#### **IV. 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. The criteria for making this determination and the applicable procedures relevant to such a finding are discussed below.

##### **A. Knowledge of suspected disability (Thought to be a student with 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. The following three situations give rise to such legal evidence:

1. **Evaluation Requested.** The parent requested an evaluation.
2. **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
3. **Specific Concerns by Staff about Pattern of Behavior.** The student's teacher or other school staff told school supervisory personnel of specific concerns about the student's pattern of behavior.

If any of the three factors above are present, then school officials consider disciplinary action as if the student has a disability.

##### **B. NOT Deemed To Have Knowledge.** This provision does not apply if:

1. Parent did not consent to an initial evaluation of the student

2. Parent refused special education and related services for the student **or**
3. The student was evaluated and was determined not to have disability.

If any of these three circumstances exist, the student may be subjected to the same disciplinary measures applied to those without disabilities engaging in similar behaviors.

The US Department of Education's comments to the IDEA states: a public agency will **not** be considered to have a basis of knowledge merely because a child receives services under the coordinated, early intervening services of the IDEA law UNLESS a parent or teacher of a child receiving early intervening services expresses a concern, in writing, to appropriate agency personnel that the child may need special education and related services.

#### **C. School Personnel Have No Knowledge and Parent Subsequently Requests an Evaluation**

If the parent requests an evaluation for a suspected disability after the student is sent to an IAES, the school must conduct an expedited evaluation at parental request. However, the student remains in placement, including an IAES, during the evaluation. If the student is found to have a disability, an IEP must be developed. The IEP team must then conduct a **manifestation determination**. If the behavior is manifested by the student's disability, the team reconsiders the student's placement in light of the new information

#### **V. Referral to and Action by Law Enforcement and Judicial Authorities**

- A. Reporting Crimes.** Nothing in this part prohibits school personnel from reporting a crime committed by a student with a disability to appropriate authorities or prevents 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 student with a disability.
- B. Transmittal of Records.** School personnel reporting a crime committed by 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 whom the agency reports the crime. Records must be transmitted only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

#### **VI. 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 *ISL Code of Student Conduct*.

