

PROCEDURES FOR IMPLEMENTING THE 45 SCHOOL DAY ALTERNATIVE
PLACEMENT RULE FOR STUDENTS WITH DISABILITIES

- IDEA 2004 at 20 USC 1415 (k)(1)(G)(i)-(iii) identifies three specific instances of conduct that may trigger unilateral placement of a student with a disability in an IAES, without regard to whether the behavior is determined to be a manifestation of the child's disability.
- School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child:
 - i. carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency;
 - ii. 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 jurisdiction of a state or local educational agency; or
 - iii. has inflicted serious bodily injury** upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency.

When a student commits one of the special circumstances listed above, FM 1582, Notice of 10 – Day Suspension – Consideration for Expulsion, must be given to the student by the school where the violation occurred. Copies of this document must be retained for future meetings.

The school where the incident occurred must immediately place an E5 in the Student Case Management System (SCMS), send FM6562 Rev. (01-14) to altd@dadeschools.net, and follow up to ensure that the SPAR is in the SCMS as quickly as possible. The student will be assigned to the Alternative placement as soon as is possible. Upon placement by SO/AE, the Special Education (SPED) Department Chairperson or Program Specialist shall contact the assigned school and forward a copy of the student's existing Individual Educational Plan (IEP). The assigned alternative school shall implement the student's current IEP, including all related services upon the student's arrival.

Note: If the student is arrested and sent to the Juvenile Detention Center (JDC), the time at the JDC is not included in the 45 school day timeline at the Alternative Placement. The student should go immediately to the 45 school day placement upon dismissal from the JDC.

Within 10 days of the incident, an IEP meeting must be convened to determine if the behavior is a manifestation of the student's disability. Personnel from the sending school must be represented at the IEP meeting. **The representative is expected to bring the cumulative folder AND A DRAFT IEP FROM THE SPED EMS SYSTEM, as well as the Functional Assessment of Behavior (FAB), and Behavior Intervention Plan (BIP) to the meeting convened by an Alternative Education representative.**

For those students where the behavior was found to be a manifestation of the disability, the receiving alternative education school is responsible for maintaining a record of the number of days the student is enrolled. Ten days prior to the end of the mandatory 45 school day placement, the alternative school shall notify the sending school and corresponding SPED Center to schedule an IEP meeting. The IEP meeting will be held at the alternative school with representatives from the home and/or sending school. The IEP team shall decide the next appropriate placement for the student. The following placements shall be considered:

- Remain at the Alternative Education Setting
- Return to sending school
- Placement at another school
- Other more restrictive options

* Possession of marijuana for personal consumption is exempt from this special circumstance.

** Serious Bodily injury applies only when there is:

- ✓ a 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.