



Huntington Beach Union High School District Board Policies and Administrative Regulations

AR 5144.2
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Students

Suspension and Expulsion/Due Process (Individuals with Exceptional Needs)

Suspension

A student enrolled in a special education program is subject to the same grounds for suspension that applies to non-handicapped students. All the procedural safeguards established by district policies and regulations shall be observed in considering the suspension of special education students. (Education Code 48900.5)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Expulsion

The Governing Board may expel a student who is currently enrolled in a special education program only if an individualized education program team has determined that (1) the misconduct was not caused by, or a direct manifestation of the student's identified handicap; and (2) the student was appropriately placed at the time the misconduct occurred. (Education Code 48915.5)

If a student is enrolled in a special education program at the time the recommendation for expulsion is made, the procedures and timelines governing expulsion shall be the same as those for other students recommended for expulsion specified in AR 5144.1, except that an Individualized Education Program (IEP) team meeting shall be held as follows: (Education Code 48915.5)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

1. The IEP meeting shall be held within ten (10) school days after an expulsion hearing is set.
2. The parent/guardian shall be notified of his/her right to participate in the meeting at least forty-eight (48) hours prior to the meeting.
3. Unless a parent/guardian has requested a postponement, the meeting may be conducted without the parent's/guardian's participation.

Suspension and Expulsion/Due Process (Individuals with Exceptional Needs (continued)

Expulsion (continued)

4. A request by a parent/guardian that the meeting be postponed shall be granted by the district for up to three (3) additional school days. The district shall extend any suspension of the student for the period of postponement.
5. The IEP Team shall determine if the misconduct was caused by, or a direct manifestation of, the student's identified handicap. The IEP Team shall also determine if the student had been appropriately placed at the time the misconduct occurred.
6. In reaching its decision, the Team shall consider relevant information that has been acquired within three (3) years of the date of the alleged misconduct.

Relevant information shall include all of the following:

- a. A review of the student's school progress and behavior, if available, including, but not limited to, a review of the student's individualized education program, teacher progress reports and comments, school health records, and the school discipline records.
 - b. A review of the ability of the student to conform his/her behavior to the prescribed standards, and a determination of the relationship, if any, between the student's behavior and his/her handicapping condition.
7. If a state special education due process hearing is initiated by the parent/guardian due to a disagreement with the IEP Team recommendation, the district shall cooperate with the State Department of Education towards achieving an expeditious resolution of the disagreement. The Superintendent suspension shall be in effect until the resolution is completed after a due process hearing.
 8. Parental consent is not required as a condition for expulsion proceedings or the decision to expel.

Legal Reference: (See next page)

Suspension and Expulsion/Due Process (Individuals with Exceptional Needs (continued)

Legal Reference:

EDUCATION CODE

- 35146 Closed sessions (re suspensions)
- 35291 Rules (of governing board)
- 48900-48925 Suspension and expulsion
- 48912(b) Closed sessions (re suspensions)
- 56340-56347 Individual education program teams

GOVERNMENT CODE

- 54950 (re closed sessions)

PENAL CODE

- 626.2 Entry upon campus after written notice of suspension or dismissal without permission

MONTOYA VS. SANGER UNIFIED SCHOOL DISTRICT, 502 F. Supp. 209 (E.D. Calif. 1980) (re extention of suspension)

Regulation
approved: 1/13/87