

**“Best Practices”**

**of**

**Student Discipline**

**Handbook**

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# “Best Practices” of Student Discipline Handbook

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# I. Introduction

## **Background**

This “Best Practices” of Student Discipline Handbook arose from a cooperative effort between the Lincoln Education Association and the Lincoln Public Schools. In the 1998-2000 *Professional Agreement* both organizations committed themselves to have the joint Professional Committee (ProCom) “develop safety language for certificated staff in relationship to student discipline issues.

An ad hoc committee submitted seventeen recommendations to ProCom on March 3, 1999. ProCom approved the “Best Practices” of Student Discipline Handbook on August 11, 1999. In March and April, 2005, a joint LEA-LPS ad hoc committee reviewed the document and re-submitted it to ProCom. ProCom approved the revised “Best Practices” of Student Discipline Handbook on May 12, 2005.

## **Purpose**

The Guidelines and the Question and Answer format in Sections II through VIII (as well as support documents) of this “Best Practices” of Student Discipline Handbook are meant to provide a practical tool for staff to facilitate communication and to improve student discipline practices and procedures throughout the District. This Handbook is not meant to be comprehensive and it is expected that this Handbook will be updated on a regular basis to include additional “best practices” that staff members develop. The Handbook is not meant to replace or supercede any existing LPS policies or state and federal laws.

This Handbook will be best used when all staff are familiar with its contents and strive to implement the practices and policies that are contained herein in a consistent fashion.

Above all, this Handbook is meant to address daily, routine student discipline issues that arise throughout the District. The policies and practices referenced within are not meant to address emergency or crisis situations.

## **Guidelines**

### **Guidelines Regarding District Policies and Procedures:**

1. All referrals to Student Services should include a complete record on the student being referred with input from the student’s teacher(s).
2. K-8 special attendance permits may be revoked for behavior as well as for attendance.
3. Students with habitual behavioral problems can and should be referred (or re-referred) to Student Services once a site feels they have exhausted their resources using the Student

Assistance Process as a guide. Referrals to Student Services do not have to be based solely on severe or crisis behavior.

4. All summaries of conferences at Student Services should be shared, at the very least informally, with counselors and teachers of the student involved prior to the student returning to classes. (See Appendix G) The official summary should be shared with involved staff as soon as possible after the building representative receives it.
5. Teachers may exclude from their area of supervision students who are causing a disruption of the learning environment.
  - a. The teacher should send the student with appropriate notice to the building administrator or designated personnel. (For an example, See Appendix E)
  - b. If the teacher believes that the student should not return to class until a conference has been held, the teacher should indicate the need for a conference prior to return.
  - c. The building administrators/personnel should respect the request for a conference and not send the child back to class prematurely.
  - d. If the administrator has not been able to attend to the matter before the following day's class, the teacher should not allow the student to enter the class.
  - e. Staff at building sites will be responsible for developing, reviewing, or revising procedures for contacting parents when students are sent out of a class.
  - f. In addition, procedures should be in place to determine the need for a parent conference and how that conference should be conducted.
  - g. If sending the student out of class is necessary and the behavior warrants suspension from school, regular building due process procedures will be implemented.
6. It is important to document student misbehavior and the contacts regarding behavior made with the student and with the parents/guardians. When making a referral of a student who habitually misbehaves to the building administrator, teachers should provide as much documentation as possible. Building administrators should be responsive to the documentation and build upon what the teacher has already done to determine an appropriate consequence for the student.
7. The District will communicate to parents/guardians that students are not to bring weapons such as guns, firearms, knives, "stars," etc. to school. If a student does so, regardless of intent, there will be serious consequences, including possible expulsion. Special education students are not exempt from this guideline.
8. LPS Policy states that records that are available to the District and are not sealed by the court must be available to teachers and counselors of any student who has a criminal record or has chronic behavioral problems affecting the safety of others. Further, it is the responsibility of any administrator, counselor, school social worker, etc. with knowledge of a student's problematical, severe behavior or discipline history to inform the student's teachers and counselor that each professional needs to consult the student's file.

### **Guidelines and Consequences for Misbehaving Students**

1. Each site may develop its own plan for “minimum consequences”. “Minimum consequences” do not necessarily have to be the same for all levels (elementary, middle school, and high school).
2. A student’s habitual behavior, regardless of the offense, does have an accumulative effect on the consequences assigned and could result in expulsion.
3. Every site should communicate to its student body and parents the expectations of the staff on how habitual misconduct by a student will be dealt with at that site.
4. See Appendix A for areas of prohibited student conduct and consequences.

### **Guidelines for Special Education Students as Related to Discipline and Safety Issues**

1. The District and Association should review the most recent IDEA regulations as they relate to discipline. The District's interpretation of IDEA regulations should be shared with building staff. [See Appendix J]
2. Students with significant behavioral concerns may need a high level of support and supervision. Communication at the building and district levels is critical to provide support for staff working with students with challenging behavior.

### **Guidelines for Training of Staff**

1. De-escalation training that includes verbal de-escalation techniques is available to all staff through Mandt classes. These classes are offered during the school year and summer months. Classes can also be made available to specific buildings.
2. Each staff member should regularly review the “Best Practices” of Student Discipline Handbook so each is familiar with the guidelines.

### **Guidelines for a District-wide and Building Dialogue Regarding Student Discipline and Safety Issues**

1. Each building should discuss or share information and review their procedures on a regular, on-going basis.
2. The newly revised copy of the “Best Practices” of Student Discipline Handbook is to be shared at an Administrative Conference with all LPS administrators and to LEA Faculty Representatives at an FR Council meeting.
3. The “Best Practices” of Student Discipline Handbook is available to all staff on the web at [www.lps.org/hr/handbooks] and a copy will be provided to all new hires to the District.

4. The “Best Practices” of Student Discipline Handbook is to be reviewed jointly by the LEA and LPS every five years.

## II. Classroom Management

### ***What should be done with a disruptive student within the classroom?***

**The purpose of this handbook is to address student behaviors that jeopardize the learning environment for other students.** The “best practices” are not meant to address minor infractions of classroom rules unless those infractions have multiplied or been repeated by the student to the point that the learning environment for other students in the classroom is jeopardized.

1. Teachers will find a number of classroom management techniques in the LPS Student Assistance Process: A Problem Solving Approach (SAP). Further, this process outlines guidelines designed for use by all staff who, after making reasonable adjustments in the student’s learning materials and environment, determine that their efforts have not been successful in helping the student. All staff members are urged to make themselves familiar with the LPS Student Assistance Process and utilize the process.
2. Teachers have the authority to exclude a disruptive student from their classroom by filling out an appropriate notice and following building procedures for sending the student to the principal’s office, in-school suspension room, or to other designated personnel. *If a teacher does not want the student returned to their classroom during that same instructional time, the teacher needs to clearly indicate that on the referral form. This request by the classroom teacher needs to be respected by whoever receives the student.*
  - Teachers who exclude a disruptive student from the classroom need to supply their building principal or their designee with all relevant documentation regarding this student (past behavioral problems, teacher contacts with the student, teacher contacts with the parents/guardians, contacts with counselors, etc.) and the rationale for the student’s exclusion from class. This documentation may not be accomplished at the time the student is sent out of class, but it should be done in a timely fashion.
  - The goal of excluding a student from class must be to return the student to class as soon as possible after an appropriate intervention so that the student can meet with success in that class.
  - A teacher who has indicated that the student is not to return to class that day needs to confer with the building principal or their designee to decide the next step to take with the student.
    - Is a conference between the administrator or the teacher and the student sufficient?

- Should there be a teacher-administrator-student conference?
- Should parents/guardians be contacted and if so, when and by whom?
- Should a conference be held with the student and their parent/guardian?
- Was the student's behavior such that the student should be referred to student services?
- Students are not to be returned to the classroom following exclusion by a teacher until the contact between the teacher and the administrator has been made.

***Can a student with habitual behavior problems be referred to LPS Student Services?***

Yes. A referral does not have to be for a major infraction or crisis situation. A student may be referred to Student Services because of repeat misbehavior or an accumulation of problems in one class or because of habitual problems in more than one class. Staff should have referenced and utilized the LPS Student Assistance Process before taking this step unless the staff feels the student's situation merits the attention of Student Services.

It is essential that when students are sent to LPS Student Services a *complete record* on the student from teachers and the building administration be provided to Student Services. The documentation should include all of the problems that have arisen with the student as well as contacts and interventions that have taken place regarding the student.

### **III. Internal Building Procedures**

***What procedures have to be in place in a building to deal with students who have been excluded from a classroom?***

It is essential that every building site determine:

- Where the student reports when sent out of class.
- What paperwork (i.e. referral form, pass, etc.) accompanies the student.
- Who gets the teacher's classroom referral and follow-up documentation.
- How the teacher and the administration will work together to return the student to class or continue the student along on due process.
- How communications to parents/guardians of excluded students will be conducted.

***What procedures have to be in place to deal with students who have habitual behavioral problems?***

Every site should have a process in place where the LPS Student Assistance Process (SAT) and a referral to LPS Student Services are included. That process should clearly indicate that

classroom teachers are allowed to initiate an SAT. A referral to Student Services may be the next step if team efforts have failed to help a student adjust his/her behavior through the SAT.

***Should teachers of a student with a documented history of behavior problems or violence have access to that information?***

Yes. Except for records sealed by the courts, staff working with a student must have access to all student records which are made available to the District. Each site must determine how best to make these records available.

*Further, it is the responsibility of all staff members who are aware of any documented concerns about a student's behavioral history or tendency toward violence to inform others working with that student or direct them to the appropriate documentation. Access to records alone is not enough. There must be communication among all parties to inform the staff involved with the student.*

All staff members are charged with the prudent use of confidential information related to students.

***How will staff members be advised of actions and the rationale for those actions when a student has been referred to LPS Student Services?***

As soon as possible and before the student is returned to the classroom, the building's representative to any LPS Student Services meeting should informally share the outcome of all conferences with the teachers and counselor of that student.

Staff members may also utilize the official summaries sent to buildings by Student Services following the meeting as soon as they are sent to the buildings.

***Can a building staff establish "minimum consequences" for certain specific student behaviors which will then be applied to all students in that building?***

Yes. Staff may find that engaging in a discussion to define "minimum consequences" will help them focus upon the expectations that they have as a staff and what consequences they believe should be applied to students. This type of dialogue also aids a staff in working together and being able to communicate to students and parents the staff's expectation of an appropriate educational climate. Staffs are encouraged to have these discussions regularly and report the results to their students, parents, and community. [See also the Student section in *District Procedures and Policies*.]

There may be unique cases where the minimal consequences are not applicable. Students with significant (behavioral) special education needs may have their minimal consequences outlined in accordance to a specific behavior plan designed by the student's IEP team.

## IV. Building to District Procedures

### ***When should a student be referred to LPS Student Services?***

In general, there are three primary occasions upon which a student should be referred to LPS Student Services:

1. Bringing a weapon to school
2. Assault
3. Possessing, distributing, using, or being under the influence of drugs and or alcohol on school grounds

**LPS Policy 5480** defines the general circumstance and consequence for use of force, possession, use, or transmission of a dangerous weapon other than a firearm. The policy states that "a student who engages in the following conduct on school grounds, or in a school-owned or utilized vehicle, or during an educational function or event off school grounds, or at a school-sponsored activity or event:

1. The knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or a student, except if caused by accident, self-defense, or on the reasonable belief that the force used was necessary to protect some other person and the extent of force used was reasonably believed to be necessary, or
2. The knowing and intentional possession, use, or transmission of a dangerous weapon other than a firearm

shall be expelled for the remainder of the school year in which it took effect if the misconduct occurs during the first semester, and if the expulsion for such conduct takes place during the second semester, the expulsion shall remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period."

Student misbehavior as outlined in the LPS Student Rights and Responsibilities Sheet which addresses drugs and alcohol among other inappropriate behaviors can also be grounds for a referral to Student Services. [See Appendix A]

Also, as stated elsewhere, when a building staff feels as though they have exhausted their resources in working with a student and their family and the child's behavior has not improved, that student may be referred to Student Services. [See Part II, Classroom Management, second question, page 7.]

### ***What happens when a student is referred to LPS Student Services?***

A building representative(s), the student, the parent/guardian, and the LPS Student Services staff have a conference. The purpose is to provide a forum for all of the stakeholders to provide their perspective on the situation. The conference also allows the student and his/her family to share

information about the incident and to discuss the situation as a family. *Therefore, a complete documented record of the student's performance is crucial to provide a complete up-to-date picture of the student.*

LPS Student Services staff balances all of the information given at the conference in order to make their decision regarding the student.

Student Services has four remedies they may implement:

1. Return the student to the same school with a behavior plan. Most plans place the student on disciplinary probation and include an automatic return to Student Services for repeated misbehavior without due process having to start over.
2. The student may be given a long-term suspension. A return to Student Services before the student can re-enter a school is required.
3. The student may be expelled. [See also Student section in *District Procedures and Policies.*] A return to Student Services before the student can re-enter a school is required.
4. The student may receive a mandatory reassignment to another school. This option is utilized less than the others above since it tends to merely pass a problem on to another site when the behavior needs to be dealt with in a more comprehensive fashion. High school students, in particular, tend to identify with a certain school. That identity can be used in the student's plan to help the student better conform to the expectations of that site.

***How are the decisions that are made at LPS Student Services made known to staff?***

The building representative is present for the conference at Student Services and, along with the student and their parent/guardian, hears the decision that is made by the staff at Student Services. The building representative has the responsibility to report to the teachers and counselor of any student the actions taken, including the rationale, by Student Services.

Student Services has a form available for building representatives to fill out to distribute to building staff following a conference [see Appendix G] or building representatives may devise their own reporting system. Student Services also sends an official report of the conference to all buildings at a later date that is available to all staff of the student concerned.

## V. District Procedures and Policies

### *What LPS policies reflect federal and state laws regarding weapons and violence?*

**LPS Policy 5480** states the federal, state, and district *requirement* of expulsion of a student for one year who is determined “to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a school-owned or utilized vehicle, or during an education function or event off school grounds, or at a school-sponsored activity or athletic event.”

“For purposes of this policy ‘firearm’ means a firearm as defined in 18 U.S.C. 921, as that statute existed on January 1, 1995. That statute includes the following statement: ‘The term “firearm” means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device.’ The superintendent or the board of education may modify such required expulsion on an individual, case-by-case basis. This policy shall not apply to: (a) the issuance of firearms to or possession of firearms by members of the Reserve Officer Training Corps when training, or (b) firearms which may lawfully be possessed by a person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.”

### *What additional policies exist in LPS regarding weapons, violence, and drugs and alcohol?*

**LPS Policy 5480** lists student conduct which constitutes grounds for short-term suspension, long-term suspension, and expulsion or mandatory reassignment, when such activity occurs on school grounds, or in a school-owned or utilized vehicle, or during an educational function or event off school grounds, or at a school-sponsored activity or event. This same policy is the basis for the "Student Responsibilities" [see Appendix A] document that is found in the "Important Information" book and should be posted throughout a school building for student, staff, and parent reference.

### *Can a student who is on long-term suspension or expulsion continue to earn credit?*

Yes. **LPS regulations 5140.1 and 5140.2** state that "when a student is suspended or is truant from school, the student will have the opportunity to make up work missed. The maximum grade that can be earned for make-up work is the minimal passing grade in that class. Individual teacher discretion may allow for a higher grade. The date when make-up work is due will be determined by the teacher based on the content being studied and the length of the student's absence. It may not be possible to duplicate or even substitute equivalent activities for experiences missed during an absence. In such cases credit cannot be issued."

A student who has been recommended for expulsion by Nebraska statute 79-266 and **LPS Policy 5461** should be given educational options to earn credit during the period of expulsion. The Lincoln Public Schools Board of Education in regulation 5461.1 has approved alternative programs in the following format: (1) community-based programs, (2) home-based programs, (3) district-based programs, (4) distance-learning, and (5) other such programs that may be developed. A case-by-case decision is made as to which option is extended to a student. In any

case, the expelled student is only provided an opportunity to earn credit in a limited number of courses and is not allowed to participate in school activities.

***Can a special attendance permit be revoked based upon a student's behavior?***

Yes. As stated in **LPS Policy 5121**, "the permit may be revoked by the director of student services if the student's behavior or attendance is unsatisfactory or if it is judged to be in the child's best interest." A decision to revoke a permit will not be made without a student services conference being held first. Students on permit whose behavior is poor should be referred to Student Services when building efforts to change the behavior have not been successful. A conference will be held to review the student's information. An outcome of that conference may be long-term suspension, expulsion, and/or a permit revocation.

## VI. Communications to Students and Parents

***What are the essentials which students must be informed about regarding discipline in their schools?***

Students need to know...

- District policy regarding possession of firearms, weapons, and drugs/alcohol and physical assaults along with the consequences. Knowledge of the policies and consequences also helps promote a safe, proper learning environment for all at school.
- School rules (including dress codes) and consequences for students who violate those rules.
- Individual teachers' expectations, classroom rules and consequences.
- How due process works in the building.
- Who to turn to on the staff should a student have a concern about student discipline.
- That threats of violence of any sort will be taken seriously, will have consequences, and are inappropriate in the school setting.
- They have the responsibility to report any knowledge they might have about impending acts of violence, vandalism, etc. and who to turn to on the staff to safely report that knowledge.

Building staff members need to determine what methods to use and the best timing to communicate the above information to students. A variety of methods is best since students learn in different ways. Recommendations:

- Print a student handbook and have staff devote time in every class to covering portions of the information throughout the day.
- Post essential information throughout the school.
- Have announcements reminding students of the information through bulletins or school intercoms.

Timing is also important. It is important for students to know expectations at the beginning of the school year. Also, if the average adult needs to hear a message five different times for full comprehension, then students need to be repeatedly exposed to the information above throughout the school year.

***What are the essentials which parents must be informed about regarding discipline in their schools?***

Parents need the same information as students. Parents need to know that the school is serious about student discipline and that the school is dedicated to a safe learning environment.

In particular, parents need to understand that it is unacceptable for their child to bring any kind of weapon to school which could be used by their child *or another student* to inflict bodily harm on someone. Likewise, what parents allow at home is between them and their child, but District, school, and classroom rules along with consequences for the violation of those rules will be enforced for the good of everyone within the school environment.

Like students, parents should be informed of school expectations in a variety of ways at a variety of times beginning before school starts.

## **VII. Special Education Concerns**

***Do the District's policies and procedures on discipline apply to all students?***

District policies and procedures on discipline can be applied to student behavior that is not a manifestation of a student's disability. There are areas covered in special education legislation that require discipline procedures to be determined through a review of the IEP and behavior intervention plan.

When there is a question of safety to a school community, the district and the IEP team can design a program that provides for the safety of students and staff. This could include:

- Review of the student's behavior intervention plan and changes made to the plan that reflect the need for a higher level of support and supervision.
- Referral to the Behavior Specialist program for input concerning interventions that provide for a safe environment.
- Review of need for additional resources from the District.
- Staff training in de-escalation.
- Alternative placement for specific behaviors defined in IDEA 2004.

*Students with special education needs who exhibit disruptive or aggressive behavior can be addressed through appropriate planning and programming. While the actions to address these concerns may vary from the district's due process procedures, due process for students with IEPs does exist and can be utilized to provide a safe educational environment.*

***How do the new, revised IDEA regulations impact student discipline for special education students?***

IDEA 2004 authorizes schools to remove students for up to 10 school days over the course of a school year for disciplinary infractions. It does not require special education services during these days nor does it require determination of manifestation. On subsequent suspension, special

education services must be provided. These services are determined by the IEP team. IDEA also allows for up to 45 days of school removal for behavior that relates to weapons, drugs/alcohol, or causing serious bodily injury. This type of removal would necessitate an alternative placement that allows for access to the general education curriculum, special education services, and strategies to address the behavioral concern.

## VIII. Staff Development

***What kinds of staff development opportunities are available to staff to help them deal with student discipline issues?***

- De-escalation training is available upon request to any staff. The training is a part of the MANDT program and deals with how to safely intervene in violent situations.
- LPS now provides required staff development sessions on classroom management for all new hires.
- Administrators and staff members need to review, evaluate, and revise their school policies and approaches to student discipline throughout the school year. It cannot be a once a year discussion. All staff members need to evaluate their outreach to students and parents regularly to ensure effective, continuous communication. Teacher support in problem-solving difficult student behaviors is available through the Student Assistance Process in each building.

## IX. Appendices

(Updated Annually)

- A. LPS Responsibilities of Students
- B. Behaviors That Lead to Success
- C. LPS Dept. of Student Services: Guidelines for Discipline Referrals and Due Process Procedures
- D. LPS Dept. of Student Services: Responding to Behavior Problems
- E. LPS Dept. of Student Services: [Student] Referral to Administrator Form
- F. LPS Dept. of Student Services: General Characteristics of Students that are Referred to the Dept of Student Services
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## Lincoln Public Schools

**RESPONSIBILITIES OF STUDENTS****LINCOLN PUBLIC SCHOOLS**

5901 O Street, Lincoln, NE 68510

In order to function properly, public school education must provide an equal learning opportunity for all students. In addition to the regular curriculum, good citizenship must be taught and demonstrated. This includes an appreciation for the rights of others.

**I. Establishment of Policies, Rules and Regulations**

The Board of Education has established written policies, rules and regulations of general application governing student conduct in all schools. In addition, principals, within their schools, may establish written rules and regulations not inconsistent with those established by the Board.

**II. Areas of Prohibited Student Conduct**

Students are not to engage in conduct which causes or which creates a reasonable likelihood that it will cause a substantial disruption in or material interference with any school, function, activity or purpose or interfere with the health, safety, well being or the rights of other students, staff or visitors.

The following conduct has been determined by the Board of Education to have the potential to seriously affect the health, safety or welfare of students, staff and other persons or to otherwise seriously interfere with the educational process. Such conduct constitutes grounds for long-term suspension, expulsion, or mandatory reassignment. A student who engages in the conduct may be suspended and referred to the Department of Student Services for a conference to determine whether a long-term suspension, expulsion, or mandatory reassignment is appropriate. The conduct is covered by the school rules where it occurs on school grounds, in a vehicle owned, leased, or contracted by the school and being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or an employee's designee, or at a school-sponsored activity or athletic event:

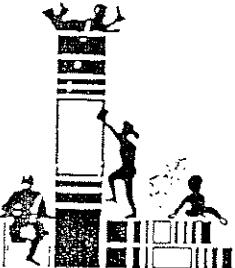
- A. Willfully disobeying any reasonable written or oral request of a school staff member, or the voicing of disrespect to those in authority.
- B. Use of violence, force, coercion, threat, intimidation, bullying, harassment or similar conduct in a manner that constitutes a substantial interference with school purposes.
- C. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property.
- D. Causing or attempting to cause personal injury to any person, including, without limitation, any school employee, school volunteer, or student.
- E. Threatening or intimidating any student for the purpose of, or with the intent of, obtaining money or anything of value from such student.
- F. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon.
- G. Engaging in the selling, using, possessing or dispensing of alcohol, tobacco, narcotics, drugs, controlled substance, inhalant or being under the influence of any of the above; or possession of drug paraphernalia.
- H. Engaging in the selling, using, possessing, or dispensing of an imitation controlled substance as defined in section 28-401, of the

Nebraska statutes, or material represented to be alcohol, narcotics, drugs, controlled substance or inhalant.

- I. Truancy or failure to attend assigned classes or assigned activities.
- J. Tardiness to school, assigned classes or assigned activities.
- K. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to students or staff members. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon economic status, race, ethnic background, culture, gender, sexual orientation, religion, age or ability.
- L. Public indecency.
- M. Repeated violation of any of the rules adopted by the school district or the school.
- N. Engaging in any unlawful activity as determined by the United States or the State of Nebraska.
- O. Dressing in a manner wherein such dress is dangerous to the student's health and safety or to the health and safety of others or is distractible or indecent to the extent that it interferes with the learning and educational process.
- P. Willfully violating the behavioral expectations for those students riding Lincoln Public Schools buses.
- Q. Sexually assaulting or attempting to sexually assault any person. This conduct may result in an expulsion regardless of the time or location of the offense, if a complaint alleging such conduct is filed in a court of competent jurisdiction.
- R. Knowingly and intentionally using force in causing or attempting to cause personal injury to a school employee, school volunteer, or a student, except if caused by accident, self-defense, or on the reasonable belief that the force used was necessary to protect some other person and the extent of force used was reasonably believed to be necessary. This conduct shall result in an expulsion for the semester in which it occurred, and the next semester.
- S. Knowingly and intentionally possessing, using, or transmitting a dangerous weapon other than a firearm. This conduct shall result in an expulsion for the semester in which it occurred, and the next semester.
- T. Knowingly and intentionally possessing, using, or transmitting a firearm on school grounds, in a school-owned or utilized vehicle, or during an educational function or event off school grounds, or at a school-sponsored activity or athletic event. This conduct shall result in an expulsion for one calendar year. "Firearm" means a firearm as defined in 18 U.S.C. 921, as that statute existed on January 1, 1995. That statute includes the following statement: "The term 'firearm' means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device."

Students may also be suspended from school for up to five school days by the building administration for conduct constituting grounds for expulsion or other violations of rules and standards of behavior adopted by the Board of Education or the administrative or teaching staff which occur on or off school grounds if such conduct interferes with school purposes or there is a connection between such conduct and school.

In addition, administrators and teachers may also take actions regarding student behavior, other than removal of students from school, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include counseling of students, parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, in-school suspensions, or restriction of extracurricular activity. Students are responsible for complying with such disciplinary measures and may be further disciplined for a failure to serve such assigned discipline as directed.



# BEHAVIORS THAT LEAD TO SUCCESS

Behaviors That Lead to Success tell us what we can do to become good school citizens. These rules are written to keep us safe in our schools and protect the rights of all students.

Students who are responsible:

- A. Follow directions given by any school staff member. They speak to and treat school staff respectfully.
- B. Solve problems peacefully. They do not fight, threaten, "Put down" others, or force others to do what they don't want to do.
- C. Respect the property of others. They do not take or break things that belong to the school or others.
- D. Care about how others feel. They do not hurt or try to hurt others.
- E. Treat others fairly. They do not bully or force a student to give them money or valuables.
- F. Help keep the school a safe place. They do not bring weapons of any kind to school.
- G. Care about themselves. They follow the laws and do not have, sell or use tobacco, alcohol, inhalants, other drugs or H. any imitations of these.
- I. Know that it is important to be in school every day. They are not truant.
- J. Arrive at school on time. They are not tardy.
- K. Use language that is respectful of all people. They do not use offensive gestures, profanity, or "put down" people because of their race, religion, gender or ethnic background.
- L. Act in a way that makes others feel comfortable at school. They follow the rules of public decency.
- M. Help make school a good place to learn. They do not repeatedly break the rules of the classroom, playground, lunchroom and school.
- N. Are good citizens. They follow the laws of our state and nation.
- O. Dress properly for school. They do not wear clothing that is unsafe, that offends or that distracts the learning of others.
- P. Help keep buses safe for everyone. They follow school bus rules.
- Q. Respect their own bodies and the privacy of others. They do not touch others inappropriately.

These rules are made to guide us. If students choose not to be responsible and break these rules, consequences will follow. Consequences could include suspension or expulsion from school.



\* This document was written for the use of elementary students. It is intended to supplement the document, Lincoln Public Schools, Responsibilities of Students, not replace it.

# GUIDELINES FOR DISCIPLINE REFERRALS AND DUE PROCESS PROCEDURES

Department of Student Services  
Lincoln Public Schools  
Lincoln, Nebraska

PROBLEM	PROCEDURE	DOCUMENTATION
I. Problem behavior(s) identified	Teacher: A. Intervenes with student in attempt to resolve problem At this point, the Student Assistance Process has begun  B. Informs parent/guardian C. Implements plan to deal with concern	Contact sheet 1. Incident 2. Action taken 3. Plan Letter/phone call
II. Problem continues	Teacher: A. Intervenes with student B. Involve building/community resource personnel-consider SAT involvement (Student Assistance Team) C. Parent conference D. Review plan and alter if necessary	Contact sheet  Summary of parent conference
III. Problem continues	Teacher: *Principal: A. Refers student to office with documentation B. Intervenes with student in attempt to resolve problem C. Reviews plan and alters if necessary-SAT considered, repeated, or modified D. Informs parent E. Student returns to class	Contact sheet(s) Plan Letter
IV. Problem continues	Teacher: Principal: A. Refers student to office with documentation B. Short-term suspension C. Parent conference D. Reviews plan and alters if necessary E. Student returns to class	Contact sheet Suspension letter Conference summary & plan
V. Problem continues	Teacher: Principal: A. Refers student to office with documentation B. Short-term suspension C. Referral to Student Services if SAT accommodations, SPED evaluation, and 504 Committee considerations have been addressed	Contact sheet Suspension letter Copy of suspension letter
VI.	Student Services: A. Schedule parent conference B. Review charges/problem as documented C. Plan: 1. Return student to school with a student service plan. This plan may include an additional SAT meeting. 2. Recommendation for long-term suspension 3. Recommendation for expulsion 4. Recommendation for mandatory reassignment	Contact sheet & other material Conf. summary inc. plan; or Letter with Student Services decision
VII. If problem continues after Step VI:	School: Repects Step V. Student Services: Repects Step VI.	Suspension letter Letter with Student Services decision

**Note:** Parents are involved throughout the process

\*Principal or designee; i.e., Elementary-Associate Principal or Coordinator; Middle-Associate Principal or Coordinator; High School-Associate Principal or Coordinator

"An exception to full use of this process would be a severe incident, such as a serious assault, firearm possession, or threat to harm."

# LINCOLN PUBLIC SCHOOLS

## Department of Student Services

### RESPONDING TO BEHAVIOR PROBLEMS

Occasionally, students will be involved in situations which require that you respond in a way that defuses anger and avoids additional problems. The ability of each student to control his/her behavior will differ. The manner in which you respond to students will need to vary, depending on the situation. It is imperative that all students are treated fairly and with respect; this does not mean however, that all students will receive the same consequence all the time for what appears on the surface to be similar behavior. Be sure that you do not play favorites as you work with students. All students have the right to be treated fairly and with respect, regardless of the behaviors students choose to exhibit.

Students study you. Your body language and facial expressions can be more powerful in conveying a message to students than the words that you use. Sarcasm and anger may silence a student, but rarely resolve the problem. Students who feel that they are not listened to, put down, or made fun of will almost always find a way to set you up or get even.

#### **Please consider the following points:**

1. Be sure that your students know the rules and expectations in your classroom.
2. Avoid public confrontations if possible. Know your students. Students will respond differently in front of a group than they would when alone. Consider using a look, sign or word to indicate disapproval of the student's behavior. Leave the student a way out of a difficult situation. If a student loses face in front of friends, he/she will get even. When cornered, people have a strong tendency to fight back.
3. Do not scold, preach, or argue. As simply and calmly as possible, state the problem, rules/policies that the student needs to follow. Listen to the student and try not to interrupt, even though you may be upset about the student's behavior(s). Students may not always be able to express themselves, particularly if they are angry or upset. Remember that your goal is to defuse a potentially volatile situation.
4. Ask the student what a fair solution/consequence would be, if appropriate. Students sometime have acceptable ways of resolving problems. If the student's response is not acceptable, tell him/her so with your reason(s) and ask if the student can generate any other alternatives. Search for mutually acceptable solutions whenever possible. Students need to clearly and consistently know the limits of their behavior in your classroom/building.
5. **ALWAYS TREAT STUDENTS WITH RESPECT.**
6. If you touch students, touch with a gentle, relaxed hand. Pay particular attention to where and when you touch students. **DO NOT GRAB, PUSH OR SHOVE STUDENTS.** Physical contact with students should occur when and only when you may need to separate students that are involved in a fight. Remember, some students do not like to be touched at all.
7. Do not threaten students with a consequence unless you intend to or have the authority to follow through with the threat. It is probably a better idea not to threaten students at all. Some students like to take on a challenge.
8. Document the student's and witness's name(s), location, date and time of classroom or hallway problems. This information will be necessary for follow-up conference with building administrators and parents/guardians. Do not rely on your memory.
9. Advise the building administrator (immediately in an emergency or as soon as possible in non-emergency situations) of problems that have occurred in your classroom as well as any other building problems with students in which you intervene.

**REFERRAL TO ADMINISTRATOR**  
Department of Student Services  
Lincoln Public Schools

Student's number \_\_\_\_\_

Student's name \_\_\_\_\_ Grade \_\_\_\_\_ School no. \_\_\_\_\_ School name \_\_\_\_\_

Date of incident \_\_\_\_\_ Time of incident \_\_\_\_\_  a.m.  p.m. Referral from \_\_\_\_\_ (first and last name) Date \_\_\_\_\_

**I. Reason(s) for referral (letters refer to corresponding items on Student Code of Conduct)**

<input type="checkbox"/> Lack of cooperation (A)	<input type="checkbox"/> Controlled substance use or possession (G, H)	<input type="checkbox"/> Use of force to cause or attempting to cause personal injury (R)
<input type="checkbox"/> Insubordination/verbal abuse (A)	<input type="checkbox"/> Excessive tardiness #: ___ or absences #: ___ (I, J)	<input type="checkbox"/> Possession, use, or transmission of a dangerous weapon other than a firearm (S)
<input type="checkbox"/> Repeated lack of classroom materials (A)	<input type="checkbox"/> Truancy (I)	<input type="checkbox"/> Possession, use, or transmission of a firearm (T)
<input type="checkbox"/> Assault/fighting (B, D)	<input type="checkbox"/> Inappropriate/profane/abusive language (K)	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Threats/intimidation (B, E)	<input type="checkbox"/> Dress code/inappropriate attire/indecency (L, O)	
<input type="checkbox"/> Stealing (C)	<input type="checkbox"/> Repeated violation of rules or laws (M, N)	
<input type="checkbox"/> Destructive to property (C)	<input type="checkbox"/> Sexual assault (Q)	
<input type="checkbox"/> Possession of/use of a weapon (F)	<input type="checkbox"/> Sexual harassment (K)	
<input type="checkbox"/> Smoking/possession of tobacco (G, H)	<input type="checkbox"/> Bus conduct (P)	

Staff statement (Note specific behaviors and circumstances)

II. Behavior was directed primarily toward  Other students  Adults  Both  Neither or not applicable

III. Location of incident  Classroom  Hall  Assembly/auditorium  Gym/locker room  Lunch room  
 Rest room  Bus  Playground/grounds  Other (specify) \_\_\_\_\_

IV. Situation of incident  Before school  During class  Passing/transition times  After school day  
 During scheduled activities outside of school  Other (specify) \_\_\_\_\_

**V. Action(s) staff has taken **prior** to this referral (mark all that apply)**

<input type="checkbox"/> Checked student's folder	<input type="checkbox"/> Conference with student (date _____)	<input type="checkbox"/> Held conference with parent
<input type="checkbox"/> Changed student's seat	<input type="checkbox"/> Telephoned parent (date _____)	<input type="checkbox"/> Referred to Student Assistance Team
<input type="checkbox"/> Modified/individualized class work	<input type="checkbox"/> Detained student after school (date _____)	<input type="checkbox"/> Referred to SCIP or other program
<input type="checkbox"/> Consulted counselor	<input type="checkbox"/> Sent a report home (date _____)	<input type="checkbox"/> Referral to office/administrator
<input type="checkbox"/> Other (specify) _____		

**VI. Staff Recommendation(s)**

<input type="checkbox"/> Conference and return to class	<input type="checkbox"/> Out of class until conference is held	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Out of class for this period today	<input type="checkbox"/> Refer to _____	<input type="checkbox"/> Information only _____

**ADMINISTRATOR SECTION**

Student statement \_\_\_\_\_

**Present action and recommendations**

<input type="checkbox"/> Parent called	<input type="checkbox"/> Student will make up time	<input type="checkbox"/> Referred to Student Services
<input type="checkbox"/> Report sent home	<input type="checkbox"/> In-school supervision _____ days	<input type="checkbox"/> Police called
<input type="checkbox"/> Parent conference	<input type="checkbox"/> Student suspended _____ days	Ticket Issued <input type="checkbox"/> yes <input type="checkbox"/> no
<input type="checkbox"/> Student contract developed	<input type="checkbox"/> Before school or after school detention _____ days	<input type="checkbox"/> Other authority called
<input type="checkbox"/> Other actions _____		

Agreement or plan \_\_\_\_\_

**Staff statement continued**

Student statement continued \_\_\_\_\_

Agreement/plan continued \_\_\_\_\_

# LINCOLN PUBLIC SCHOOLS

## Department of Student Services

### GENERAL CHARACTERISTICS OF STUDENTS THAT ARE REFERRED TO THE DEPARTMENT OF STUDENT SERVICES.

There really is not a typical student that experiences behavior and/or attendance problems. Students, regardless of grade level, socioeconomic status, race or gender seem to be having difficulty working through issues that are effecting their ability to be successful in school. We have noticed some patterns and trends that might help you as you work with students that are struggling in school.

#### Student Behavior Characteristics and Trends:

1. Average to above average intelligence combined with below average achievement.
2. Lack of respect for others; this lack of respect includes authority figures (parents, law enforcement officials, educators and adults in general) as well as other students with whom there might be a conflict or disagreement.
3. Short-sightedness. It has become more difficult for these students to see and/or work toward longer term academic or behavior goals.
4. Verbal/Physical aggression. Negotiation or compromise tends not to be an acceptable way of solving problems.
5. High-risk behaviors. Skipping school, smoking, drug/alcohol experimentation/use, running away from home, curfew/law violations/police contacts have become more prevalent.
6. School avoidance behaviors. Completing assignments and participating in classroom activities are usually not a part of this student's behavior unless the student and teacher have established a positive relationship.
7. Poor peer/family relationships. These students do not always relate to students that are being successful if school. These students also tend to gravitate to others that are not being successful in school or the community. There is also a group of students that are able to maintain friendships with students that are doing well in school as with students that are not doing well in school. Family relationships are also often strained.
8. Poor cross-cultural relationships. While students that are having difficulty in school may show outward manifestation of cross-cultural dress and behavior, they do not appear to be accepting of individuals from other racial/cultural groups and can engage in racially derogatory behavior.

**STUDENT SERVICE PLAN SHEET**  
**Department of Student Services**  
**Lincoln Public Schools**  
**Lincoln, NE**

Student's Name \_\_\_\_\_

The intended outcome of a Student Services Conference is for the student to stop the behavior that resulted in the rule violation.

For this to happen, the student needs to express that s/he will begin and maintain behaviors that encourage achievement of this goal.

This plan sheet can help the school to know what work the student will do to become a positive student and what the school can do to help. This plan is included in the official conference summary that the student, parent/guardian and school representative receive following the conference.

The intention of a student-generated plan is to foster positive student growth. It is a working document that is always in process.

This form will be made available to school representatives for use at the student service conference. He or she may use it as is appropriate for their needs and take it back to school for staff sharing. The student may also take one home for immediate reference.

**What is the problem?**

(examples are given by student at conference)

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**Plan for improvement at school**

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**Plan for improvement at home**

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**Additional Comments**

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# LINCOLN PUBLIC SCHOOLS

## Department of Student Services

### SOME SUGGESTIONS FOR WORKING WITH PARENTS/GUARDIANS

During the course of our work as educators, we come into contact with many parents/guardians. While it can be difficult and frustrating to work with some parents, there are virtually no parents/guardians that really do not care about their students. Some parents/guardians do not have the skills, time or energy to be able to work effectively with their students or with teachers.

**Please consider these suggestions as you work with parents/students.**

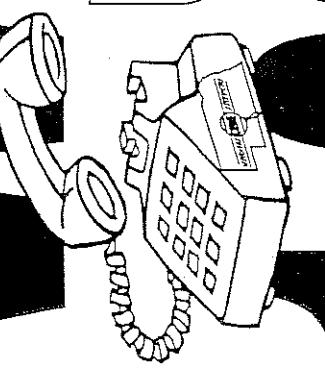
1. Be prepared to identify and discuss students strengths at school. Even students that are having a great deal of difficulty in school are performing well in certain areas. Provide work samples and test results for parents/ guardians to review. Written documentation of student behavior and academic work is crucial as you work with parents/guardians.
2. Listen to the parent/guardian concerns regarding the student's classroom performance. Seek suggestions for ways in which you might work more effectively with the student.
3. Express your concerns about the student's academic and or behavior problems in a sensitive, non-accusatory manner. It is important to remember that even the most difficult student is someone's precious child.
4. Do not become defensive or angry when a parent/guardian makes an accusatory remark regarding your performance as a teacher. Do not attack parents/guardians about the manner in which they have chosen to raise their children. Offer suggestions as to how you and the parent/guardian might work to create a more effective learning environment and successful school experience.
5. Suggest activities that might enhance the child's school performance.
6. Be sure that the parent/guardian knows the rule and expectations for student behavior at the beginning of the school year. Establish early parent contacts. Do not wait until a problem arises before you establish parental/guardian contact.
7. Encourage parents/guardians to maintain contact with you and invite them to call you if they have questions regarding their child's school performance.

IF IT MAKES YOU  
CARE ENOUGH TO REPORT ANY SUSPICIOUS BEHAVIOR  
CALL 1-800-4-A-CRIME

IF IT MAKES YOU  
CARE ENOUGH TO REPORT ANY SUSPICIOUS BEHAVIOR  
CALL 1-800-4-A-CRIME

USE THE NUMBER  
1-800-4-A-CRIME

1-800-4-A-CRIME



CARE ENOUGH TO REPORT ANY SUSPICIOUS BEHAVIOR  
CALL 1-800-4-A-CRIME

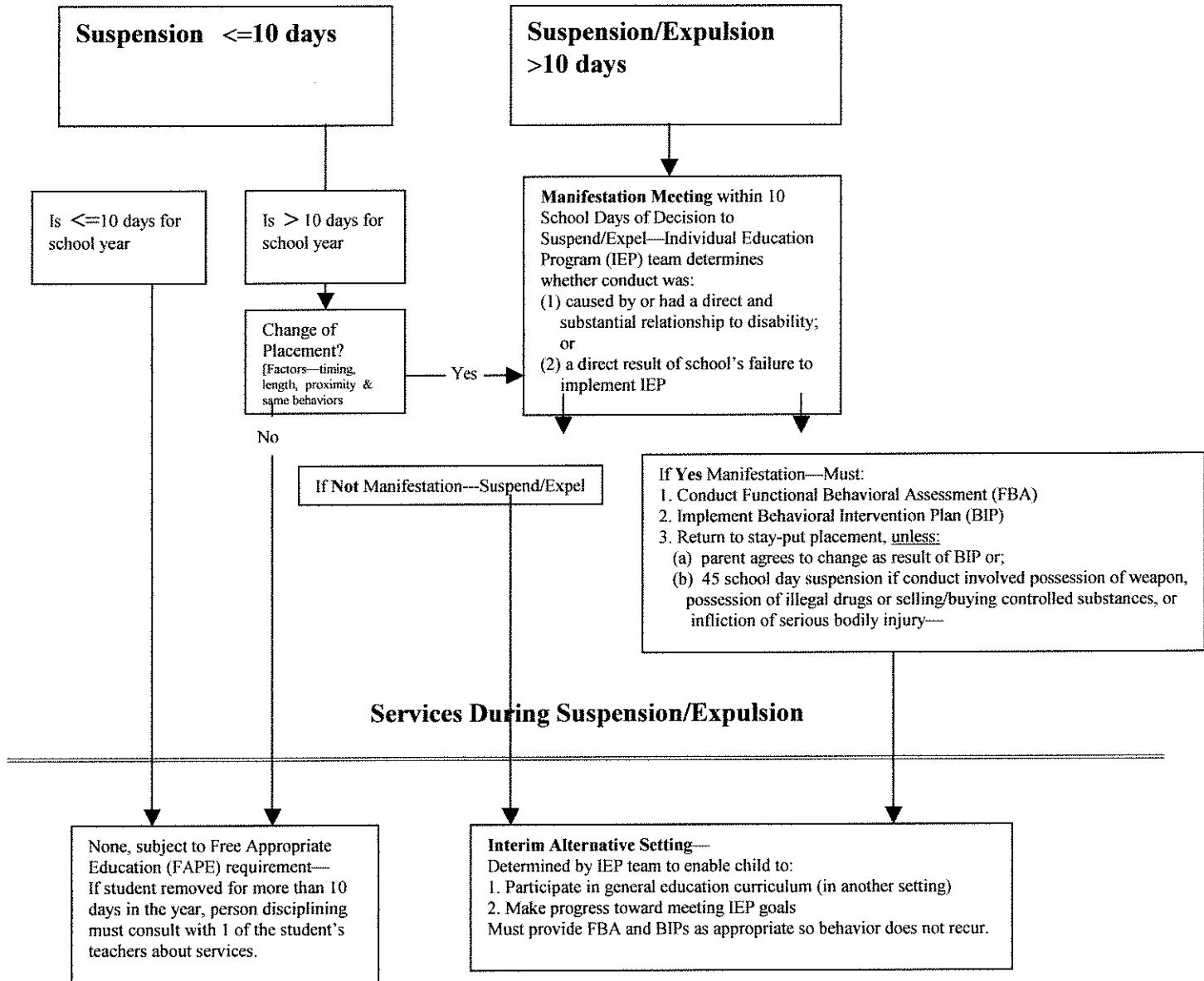
NEBRASKA CRIME STOPPERS, INC.

# DISCIPLINARY PROCEDURES FOR INDIVIDUALS WITH DISABILITIES IN EDUCATION ACT (IDEA) STUDENTS

**CASE-BY-CASE DETERMINATION.**—“School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.”

Applies to IDEA Students **and** other students where one of the following occurred before the behavior for which student is being disciplined:

- 1) parent expressed concern in writing to administrator or teacher that child is in need of special education;
- 2) parent requested evaluation (unless evaluation determined child did not have a disability); or
- 3) school personnel has expressed concern to Sped Director or administrator about student’s behavior or performance



**Weapon:** “The term ‘dangerous weapon’ means 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, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

**Serious Bodily Injury:** “The term ‘serious bodily injury’ means bodily injury which involves— (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” “The term ‘bodily injury’ means—(A) a cut, abrasion, bruise, burn, or disfigurement; (B) physical pain; (C) illness; (D) impairment of the function of a bodily member, organ, or mental faculty; or (E) any other injury to the body, no matter how temporary.”

**Drugs:** “Illegal drug” means any controlled substance except if legally possessed. “Controlled substance” means any Schedule I, II, III, IV, or V substance.

**IDEA—Reauthorized Statute<sup>1</sup>  
DISCIPLINE**

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the act will be effective on July 1, 2005, with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the act. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, that covers a variety of high-interest topics and brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements. This document addresses provisions of IDEA regarding the alignment between IDEA and No Child Left Behind, referred to in this document as the Elementary and Secondary Education Act (ESEA) of 1965, which will take effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

**IDEA 2004:**

**1. Adds new authority for school personnel.**

School personnel may consider any unique circumstances on a case-by-case basis when deciding to order a change in placement for a child with a disability who violates a student conduct code. [615(k)(1)(A)]

**2. Establishes a new standard for manifestation determinations.**

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency (LEA), parent and relevant members of the Individualized Education Program (IEP) team (as determined by the parent and LEA) shall review all relevant information in the student's file, including the child's IEP, any teacher observations and any relevant information provided by the parents to determine if conduct was:

- Caused by, or was in direct and substantial relationship to, the child's disability; or
- A direct result of the LEA's failure to implement the IEP.

[615(k)(1)(E)(i)]

**3. Adds a new provision when there is a determination that a behavior was a manifestation of the disability.**

If the LEA, parent and relevant members of the IEP team ... determine that the conduct was a manifestation of the child's disability, the IEP team shall:

- Conduct a functional behavioral assessment and implement a behavioral intervention plan for the child; or
- If a behavioral intervention plan has been developed, review the existing plan and modify it as necessary to address the behavior.

If the behavior is a manifestation of the child's disability, the child is returned to the placement from which he or she was removed, unless the parent and LEA agree otherwise. [615(k)(1)(F)]

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<sup>1</sup> Other topics in this series include: Disproportionality and Overidentification; Early Intervening Services; Changes in Initial Evaluations and Reevaluations; Individualized Education Program (IEP); Discipline; Statewide and Districtwide Assessments; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice, Consent; Procedural Safeguards: Mediation and Resolution Sessions; Procedural Safeguards: Due Process Hearings; Alignment With the No Child Left Behind Act; Highly Qualified Teachers; Children Enrolled by Their Parents in Private Schools; State Funding; and Local Funding. Documents are available on the OSERS Web site at: [www.ed.gov/about/offices/list/osers/index.html](http://www.ed.gov/about/offices/list/osers/index.html).

**4. Establishes a new standard for special circumstances.**

A school is permitted to remove a child with a disability to an 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:

- Carries or possesses a weapon to or at school, on school premises, or to or at a school function under jurisdiction of a state educational agency (SEA) or LEA;
- 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 an SEA or LEA; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or LEA.

[615(k)(1)(G)]

**5. Adds a new definition.**

**Serious Bodily Injury:** defined in USC 1365(g) to mean a bodily injury that involves 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 faculty. [615(k)(7)(D)]

**6. Placement during appeals.**

When an appeal under Section 615(k)(3) has been requested by either the parent or the LEA, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the time period provided for in Section 615(k)(1)(C), whichever occurs first, unless the parent and the SEA or LEA agree otherwise. [615(k)(4)(A)]

**7. Establishes a timeline for expedited hearings for placement during appeals.**

The SEA or LEA shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested, and shall result in a determination within 10 school days after the hearing. [615(k)(4)(B)]

**8. Revises the standard for a basis of knowledge for children not yet eligible for special education and related services.**

An LEA is deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred, a:

- Parent expressed concern in writing to an administrator or a teacher;
- Parent of the child has requested an evaluation of the child pursuant to Section 614(a)(1)(B); or
- Teacher or other school or LEA personnel expressed specific concerns about a pattern of behavior demonstrated to an administrator.

[615(k)(5)(B)]