



# **SCHOOL DISTRICT SELF-REVIEW**

## **SUSPENSION OF STUDENTS WITH DISABILITIES**

Indicators 4A and/or 4B  
and/or

Significant Disproportionality by Race/Ethnicity  
in the Incidence, Duration and/or Length of  
Disciplinary Actions and/or Total Disciplinary  
Removals

**New York State Education Department  
Albany, NY**

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## Introduction

This Suspension Self-review should be used by school districts that are notified to do so by the New York State Education Department (NYSED) as having one or more years of data showing a:

- significant discrepancy in the rate of long-term suspensions of students with disabilities (34 CFR §300.170(a)) (SPP Indicator 4A); and/or
- significant discrepancy by race/ethnicity in the rate of long-term suspensions of students with disabilities by race/ethnicity (34 CFR §300.170(a)) (SPP Indicator 4B); and/or
- significant disproportionality by race/ethnicity in the incidence, duration, and type of disciplinary actions, including suspensions and expulsions and total disciplinary removals (34 CFR §300.646(a)(3)) (Disproportionality).

The Suspension Self-review provides a school district with an opportunity to self-evaluate its policies, procedures, and practices (i.e., implementation of policies and procedures) that most closely impact the incidence, duration, and type of disciplinary action and self-correct when appropriate. The self-review has been developed with the intent of providing district staff a better understanding of the regulations so they might develop strategies to prevent both child-specific and systemic noncompliance if it exists and affect the rate of suspensions of students with disabilities.

**NOTE:** For purposes of this review, data on removal to an interim alternative educational setting (IAES) for reasons of drugs, weapons, and serious bodily injury and removals by an impartial hearing officer (IHO) to an IAES upon a determination of dangerousness are not included under Indicators 4A and 4B.

### Timelines for Completion

The Suspension Self-review must be completed and results reported to NYSED by **June 5, 2020**.

### Selection of Team Members

The district should select a team of individuals to conduct the review. The team could include director of special education, school principal, special education teacher, general education teacher, school psychologist and/or school counselor.

**NOTE:** All documents used and developed during this self-review must be maintained in the district and made available to NYSED upon request for a minimum of seven years. The documentation of the correction of noncompliance must be maintained and made available to NYSED the school year following the self-review, if the district is identified for subsequent years as SPP 4A, 4B and/or Disproportionality.

## Focus Areas

The Suspension Self-review focuses on the special education requirements listed below in determining if a district has appropriate policies, procedures, and practices that most closely impact the incidence, duration, and type of disciplinary action for students with disabilities.

- **Individual Evaluations of Students with Disabilities.** The school district's evaluation policies, procedures, and practices must be reviewed to determine if students with disabilities have received appropriate evaluations upon which to base positive behavioral supports and services that would prevent the behaviors from occurring.
- **Individualized Education Programs (IEPs).** The IEPs of students with disabilities suspended or removed must be reviewed to ensure they include positive behavioral supports and services needed to prevent the occurrence of behaviors that impede their learning or that of others.
- **Behavioral Intervention Plans (BIPs).** Policies, procedures, and practices to develop and implement appropriate BIPs for students with disabilities must be reviewed to ensure the district is taking appropriate steps to prevent the reoccurrence of students' behaviors.
- **Manifestation Determinations.** The district's policies, procedures, and practices relating to manifestation determinations (a review of the relationship of the student's conduct to the disability) must be made to ensure that students with disabilities are not suspended or removed for more than 10 days in a school year for behaviors related to their disabilities.
- **General Procedures for Disciplinary Removals.** The policies, procedures, and practices of the school district must be reviewed to determine if the general procedures for disciplinary actions by school principals and superintendent's hearings ensure that the rights of students with disabilities under IDEA are protected.

## **Master List of Students**

The district will complete the attached Master List of Students Chart by including all students with disabilities for each subgroup for which the district was notified by NYSED to be significantly discrepant (SPP 4A and/or 4B) and/or significantly disproportionate during the 2018-19 school year. The number of students listed under each subgroup should match the number of students identified in the data chart provided in the notification email to the district.

For districts with more than one subgroup that is discrepant and/or disproportionate, a student may appear under more than one heading in the chart that follows. The district should expand the lines under each heading to accommodate all of the students that belong under each subgroup for which it was notified.

## Master List of Students Chart

Significant Discrepancy (SPP 4A) Students with Disabilities Suspended More Than 10 Days							
Student Name							BIP? (Y/N)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
Significant Discrepancy by Race/Ethnicity (SPP 4B) Students with Disabilities Suspended More Than 10 Days							
Student Name				Race/Ethnicity <sup>1</sup>			BIP? (Y/N)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
Significant Disproportionality			Total Removals	In-School Suspension/Removal <sup>1</sup>		Out-of-School Suspension/Removal <sup>1</sup>	
Student Name	Race/ Ethnicity <sup>1</sup>	BIP? (y/n)	Indicate # of Days	Fewer than 11 Days	More than 10 Days	Fewer than 11 Days	More than 10 Days
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

<sup>1</sup> List only students that match the race and category marked "yes" in notification chart

## Selection of Student Sample

Utilizing the students included on the Master List of Students Chart, select ten students with disabilities suspended for whom the data indicated a significant discrepancy and/or by the type of disciplinary action for the race/ethnicity group identified for disproportionality. If the district was identified for more than one subgroup, the ten selected students should include representation from each subgroup. Additionally, please note that the student sample must include some students that have a behavioral intervention plan (BIP).

	Student Name	BIP? (Y/N)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

## **Materials List to be Used in the Student Record Review**

The following student-specific materials should be available to the review team for each student on the Student Sample List:

- Special education file, including the IEP, documentation of all committee on special education (CSE) and manifestation determination meetings, prior written notices, IEP annual goals progress reports and evaluations
- All disciplinary referrals
- All suspension notifications
- Superintendent's hearing information (if applicable)

In addition, for those students who had a BIP, the following documents should be made available to the review team:

- Copy of the functional behavioral assessment (FBA)
- Copy of the BIP
- Documentation of the progress monitoring of the BIP
- Documentation of the results of the progress monitoring being reported to the student's parents and CSE

## **Directions for the Individual Student Record Review**

The district must complete the student-specific information found on the first page of each Individual Student Record Review Form. This information will be obtained by reviewing the student specific materials mentioned above and will be referenced in various citations throughout the Individual Student Record Review.

Conduct the Individual Student Record Review for each student in the sample. Record compliance/noncompliance for each item on the Individual Student Record Review Form:

- Place a check in the "Yes" box in the column if the item is present and meets compliance.
- Place a check in the "No" box in the column if the item is missing or if the item does not meet compliance.
- Place a check in the "NA" (not applicable) box in the column if the item is not applicable to this student. An item should be noted as "NA" if it clearly does not pertain to the individual student. For example, the components of an FBA should be marked "NA" if the student did not have an FBA.

## Individual Student Record Review Form

THE FOLLOWING PAGES ARE REQUIRED FOR EACH of the TEN STUDENTS in the SAMPLE

Student Identifier: \_\_\_\_\_ Person Completing Form: \_\_\_\_\_ Date of Record Review: \_\_\_\_\_

<b>Area 1: Individual Evaluations for Students with Disabilities</b>			
<b>Description:</b> Relevant records of students with disabilities will be reviewed to determine if students with disabilities have received appropriate evaluations upon which to base positive behavioral supports and services that would prevent the behaviors from occurring.			
Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§200.1(r)	1	Functional behavioral assessment means the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment shall be developed consistent with the requirements in section 200.22(a) of this Part and shall include, but is not limited to: <ul style="list-style-type: none"> <li>the identification of the problem behavior,</li> <li>the definition of the behavior in concrete terms,</li> <li>the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors), and</li> <li>the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Use to Determine Compliance			
Review the FBA to determine if it contains the following components: <ul style="list-style-type: none"> <li><input type="checkbox"/> Yes <input type="checkbox"/> No Identification of the problem behavior</li> <li><input type="checkbox"/> Yes <input type="checkbox"/> No Definition of the problem behavior in concrete (measurable and observable) terms</li> <li><input type="checkbox"/> Yes <input type="checkbox"/> No Identification of the contextual factors that contribute to the behavior</li> <li><input type="checkbox"/> Yes <input type="checkbox"/> No Formulation of a hypothesis regarding the conditions under which a behavior usually occurs</li> <li><input type="checkbox"/> Yes <input type="checkbox"/> No Probable consequences that serve to maintain it</li> </ul>			
<b>Note:</b> If an FBA was not done, the citation is "NA". <b>Note:</b> If any of these are no, the citation is noncompliant ("No").			

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§200.4(b)(1)(v)	2	<i>Individual evaluation and reevaluation . . . The individual evaluation must be at no cost to the parent, and the initial evaluation must include at least:</i> <ul style="list-style-type: none"> <li>• other appropriate assessments or evaluations, including a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others, as necessary to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p><b>If initial referral was within three years of the date(s) of suspension(s):</b></p> <p>Date of initial referral to CSE: _____</p> <p>Was behavior identified as an area of concern in the initial referral? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Date of prior written notice (PWN) requesting consent for initial evaluation: _____</p> <p>Was behavior an area that was to be evaluated according to the PWN? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If behavior was not identified as an area of concern and was not included as an area to be evaluated in the PWN, this citation is "NA".</p> <p><b>Note:</b> If behavior was identified as an area of concern in the initial referral and behavior was not identified as being an area to be evaluated in the PWN, this citation is noncompliant ("No").</p> <p><b>If reevaluation was within approximately one year of the date(s) of suspension(s):</b></p> <p>Date of CSE re-evaluation meeting: _____</p> <p>Was behavior identified as an area of concern in the IEP that was in place when the reevaluation occurred? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Date of PWN requesting consent for reevaluation: _____</p> <p>Was behavior an area that was to be evaluated according to the PWN? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If behavior was not identified as an area of concern and was not included as an area to be evaluated in the PWN, this citation is "NA".</p> <p><b>Note:</b> If behavior was identified as an area of concern in the IEP that was in place when the reevaluation occurred and behavior was not identified as being an area to be evaluated in the PWN, this citation is noncompliant ("No").</p>			

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.3(a)	3	<p><i>If the manifestation team pursuant to section 201.4 of this Part, makes the determination that the conduct subject to the disciplinary action was a manifestation of the student's disability, the CSE must either:</i></p> <ul style="list-style-type: none"> <li>• conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p><b>Functional Behavioral Assessment</b></p> <p>Refer to the outcome(s) of student's manifestation determination meeting(s).</p> <p>Did the manifestation team determine that the conduct was a manifestation of the student's disability? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If no, this citation is "NA".</p> <p>If yes, refer to the date(s) of the FBA.</p> <p>When was the FBA conducted?</p> <p><input type="checkbox"/> prior to the behavior that resulted in the disciplinary change in placement</p> <p><input type="checkbox"/> as a result of manifestation meeting</p> <p><b>Note:</b> If an FBA was not conducted, this citation is noncompliant ("No").</p>			

**Area 2: Individualized Education Programs**

**Description:** The IEPs of students with disabilities suspended for 10 or more days must be reviewed to ensure they include positive behavioral supports and services a student with a disability needs to prevent the occurrence of a behavior.

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§200.22(b)(2)	4	In accordance with the requirements in section 200.4 of this Part, in the case of a student whose behavior impedes his or her learning or that of others: <ul style="list-style-type: none"> <li>• the CSE or CPSE shall consider strategies, including positive behavioral interventions and supports and other strategies to address that behavior.</li> <li>• If a particular device or service, including an intervention, accommodation or other program modification is needed to address the student's behavior that impedes his or her learning or that of others, the IEP shall so indicate.</li> <li>• A student's need for a behavioral intervention plan shall be documented in the IEP and such plan shall be reviewed at least annually by the CSE or CPSE.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

**Use to Determine Compliance**

Refer to the date(s) of IEP(s) and BIP(s) in effect during suspension(s).

Did the IEP indicate any intervention, modification or other program modification to address the student's behavior?  Yes  No

**Note:** If no, this citation is noncompliant ("No").

Did the student have a BIP during suspension(s)?  Yes  No

If yes, did the IEP indicate the student required a BIP?  Yes  No

Was the BIP reviewed at least annually by the CSE?  Yes  No

**Note:** If the IEP did not indicate the student required a BIP, but the student did have a BIP, this citation is noncompliant ("No").

**Note:** If the BIP was not reviewed by the CSE at least annually, this citation is noncompliant ("No").

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.4(e)	5	Deficiencies in IEP. If the manifestation team determines the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate steps to remedy those deficiencies.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p>Refer to the outcome of student's manifestation determination meeting(s).</p> <p>If a manifestation was found, was it due to the district's failure to implement the IEP? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If no, this citation is "NA".</p> <p>If yes, did the district immediately remedy the deficiencies? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If no, this citation is noncompliant ("No").</p>			

### Area 3: Behavioral Intervention Plans

**Description:** Behavioral intervention plans of students with disabilities will be reviewed to ensure the district is taking appropriate steps to progress monitor BIPs and prevent the reoccurrence of a student's behaviors.

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§200.22(b)(5)	6	<p>Progress monitoring. The implementation of a student's behavioral intervention plan shall include regular progress monitoring of the:</p> <ul style="list-style-type: none"> <li>• frequency,</li> <li>• duration, and</li> <li>• intensity of the behavioral interventions at scheduled intervals, as specified in the behavioral intervention plan and on the student's IEP.</li> </ul> <p>The results of the progress monitoring shall be documented and reported to the student's parents and to the CSE or CPSE and shall be considered in any determination to revise a student's behavioral intervention plan or IEP.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

#### Use to Determine Compliance

Refer to the BIP(s) in effect during the school year for which the district was identified.

**Note:** If the student did not have a BIP(s) during the school year for which the district was identified, this citation is "NA".

If the student had a BIP(s) during that school year, did the BIP include the following information for the targeted behavior(s) at scheduled intervals:

- Yes  No Frequency  
 Yes  No Duration  
 Yes  No Intensity

**Note:** If any of these are no, this citation is noncompliant ("No").

Date(s) the results of the progress monitoring were reported to the parents and CSE: \_\_\_\_\_

If the IEP includes annual goals related to the student's behavior, then the IEP must include when periodic reports on the progress the student is making towards those goals will be provided to the student's parents.

**Note:** If the results were not reported to the parents and the CSE, this citation is noncompliant ("No").

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.2(a)	7	Behavioral intervention plan means a plan that is based on the results of the functional behavioral assessment and, at a minimum, includes: <ul style="list-style-type: none"> <li>• a description of the problem behavior,</li> <li>• global and specific hypotheses as to why the problem behavior occurs, and</li> <li>• intervention strategies that include positive behavioral supports and services to address the behavior.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p>Refer to the BIP(s) in effect during the school year for which the district was identified.</p> <p><b>Note:</b> If the student did not have a BIP(s) during the school year for which the district was identified, this citation is "NA".</p> <p>Was the BIP(s) based on the results of the FBA(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If the BIP(s) was not based on the results of the FBA(s), this citation is noncompliant ("No").</p> <p>Review the BIP(s) to determine if it contains the following components:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No A description of the problem behavior</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Global and specific hypotheses as to why the problem behavior occurs</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Intervention strategies that include positive behavioral supports and services to address the behavior</p> <p><b>Note:</b> If any of these are no, this citation is noncompliant ("No").</p>			

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.3(b)	8	<p><i>If the manifestation team pursuant to section 201.4 of this Part, makes the determination that the conduct subject to the disciplinary action was a manifestation of the student's disability, the CSE must . . .:</i></p> <ul style="list-style-type: none"> <li>• if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the behavior.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p>Refer to the outcome of student's manifestation determination meeting(s).</p> <p>Did the manifestation team determine the conduct was a manifestation of the student's disability? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If the manifestation team determined the conduct was not a manifestation of the student's disability, this citation is "NA".</p> <p><b>Note:</b> If the manifestation team determined the conduct was a manifestation of the student's disability, review the IEP and documentation of the CSE recommendation (i.e., PWN) for the CSE meeting held after the manifestation determination for evidence that the BIP was reviewed and modified, as necessary, to address the behavior that resulted in the suspension(s).</p> <p>Did the CSE review the BIP and modify it, as necessary, to address the behavior that resulted in the suspension(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If the CSE did not review the BIP and modify it, as necessary, to address the behavior that resulted in the suspension(s), this citation is noncompliant ("No").</p>			

### Area 4: Manifestation Determinations

**Description:** Relevant student records relating to manifestation determinations (a review of the relationship of the student's conduct to the disability) will be reviewed to ensure that students with disabilities are not suspended or removed for more than 10 days in a school year for behaviors related to their disabilities.

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.4(a)	9	General requirement for manifestation review. A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, if possible, but in no case later than 10 school days after: <ol style="list-style-type: none"> <li>1) a decision is made by a superintendent of schools to change the placement of a student to an interim alternative educational setting; or</li> <li>2) a decision is made by an impartial hearing officer to place a student in an interim alternative educational setting; or</li> <li>3) a decision is made by a board of education, district superintendent of schools, building principal or superintendent to impose a suspension that constitutes a disciplinary change in placement.</li> </ol>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

#### Use to Determine Compliance

Refer to the date(s) of suspension(s) that resulted in a disciplinary change of placement and the date(s) of manifestation determination meeting(s).

For each suspension that resulted in a disciplinary change in placement, how many school days between the suspension that constituted a disciplinary change in placement and the date of the manifestation determination meeting? \_\_\_\_\_

Did the manifestation determination meeting(s) occur within 10 school days of the decision to impose a suspension or removal that constituted a disciplinary change in placement?  Yes  No

**Note:** If the manifestation determination meetings occurred more than 10 school days from the decision to impose a suspension or removal that constituted a disciplinary change in placement, this citation is noncompliant ("No").

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.4(c)	10	Conduct of review. The manifestation team shall review all relevant information in the student's file including: <ul style="list-style-type: none"> <li>• the student's IEP,</li> <li>• any teacher observations, and</li> <li>• any relevant information provided by the parents when making their determination.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p>Review manifestation meeting minutes, if available, and documentation of the manifestation team's decision.</p> <p>The manifestation team reviewed all of the relevant information from the student's file, including:</p> <p> <input type="checkbox"/> Yes <input type="checkbox"/> No IEP  <input type="checkbox"/> Yes <input type="checkbox"/> No Teacher observations  <input type="checkbox"/> Yes <input type="checkbox"/> No Relevant information provided by the parent         </p> <p><b>Note:</b> If any of these are no, this citation is noncompliant ("No").</p>			

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.4(d)(1)	11	<p>The conduct must be determined to be a manifestation of the student's disability if the manifestation team determines that:</p> <ul style="list-style-type: none"> <li>• the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or</li> <li>• the conduct in question was the direct result of the school district's failure to implement the IEP.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p>Review manifestation meeting minutes, if available, and documentation of the manifestation team's decision.</p> <p>The manifestation team determined the student's conduct was:  <input type="checkbox"/> Yes <input type="checkbox"/> No related to either the student's disability or  <input type="checkbox"/> Yes <input type="checkbox"/> No the district's failure to implement the student's IEP</p> <p>If the answer was "yes" to either question, did the manifestation team determine the student's conduct was a manifestation of his/her behavior?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If no, this citation is noncompliant ("No").</p>			

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.4(d)(2)(ii)	12	<p><i>If the manifestation team determines that the conduct was a manifestation of the student's disability, the CSE shall:</i></p> <ul style="list-style-type: none"> <li>except as provided in section 201.7(e) of this Part, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p>Refer to the outcome of the manifestation determination meeting(s) in which the team determined the conduct was a manifestation of the student's disability.</p>			
<p>Was the conduct determined to be a manifestation of the student's disability?      <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>			
<p><b>Note:</b> If the conduct was not found to be a manifestation of the student's disability, this citation is "NA".</p>			
<p>If yes, did the student return to the placement from which he/she was removed?      <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>			
<p>If no, was it due to the parent and district agreeing to a change of placement?      <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>			
<p><b>Note:</b> If the conduct was determined to be a manifestation of the student's disability and the parent and district did not agree to a change in placement and the student was not returned to the placement from which he/she was removed, this citation is noncompliant ("No").</p>			

### Area 5: General Procedures for Disciplinary Removals

**Description:** Relevant student records will be reviewed to determine if the general procedures for disciplinary actions by school principals and superintendent's hearings ensure that the rights of students with disabilities under IDEA are protected.

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.7(a)	13	Parental notice of disciplinary removal. No later than the date on which: <ul style="list-style-type: none"> <li>• a decision is made to change the placement of a student with a disability to an IAES pursuant to subdivision (e) of this section or pursuant to section 201.8 of this Part, or</li> <li>• a decision is to impose a suspension or removal pursuant to this Subpart that constitutes a disciplinary change in placement,</li> </ul> the parent shall be: <ul style="list-style-type: none"> <li>• notified of such decision and</li> <li>• shall be provided the procedural safeguards notice in accordance with section 200.5(f) of this Title.</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

#### Use to Determine Compliance

Refer to the date(s) of suspension(s) that resulted in a disciplinary change of placement.

**Note:** If there was no disciplinary change in placement, no written notification needed to be sent to the parent(s) and this citation is "NA".

Refer to the date(s) the parent was notified in writing that the decision was made to impose a suspension that resulted in a disciplinary change in placement.

Was the parent provided written notification no later than the date the decision was made to impose a suspension that resulted in a disciplinary change in placement?  Yes  No

Did the written notification include the procedural safeguards notice?  Yes  No

**Note:** If the parents were not provided with the parental notice of disciplinary removal as required and/or the procedural safeguards notice with the written notification of the disciplinary change in placement, this citation is noncompliant ("No").

Citation (8 NYCRR)	Item #	Regulatory Language	Determination of Compliance
§201.9(c)(2)	14	<p>Upon a determination by the manifestation team that the behavior of a student with a disability was <u>not</u> a manifestation of the student's disability, such student may be disciplined in the same manner as a nondisabled student, except that such student shall continue to receive services in accordance with section 201.10 of this Part. Upon receipt of notice of such determination, the superintendent or hearing officer in the superintendent's hearing shall proceed with the penalty phase of the hearing.</p> <p>If the manifestation team determines that the behavior was a manifestation of the student's disability, the superintendent or hearing officer in the superintendent's hearing shall dismiss the superintendent's hearing, except as otherwise provided in paragraph (3) of this subdivision.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<b>Use to Determine Compliance</b>			
<p>Refer to the outcome(s) of manifestation determination meeting(s).</p> <p>If a manifestation was found, was the penalty phase of the hearing dismissed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If a manifestation was found and the penalty phase of the hearing was not dismissed, this citation is noncompliant ("No").</p> <p>If there was no manifestation found, did the superintendent or hearing officer proceed with the penalty phase of the hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Note:</b> If no manifestation was found and the penalty phase of the hearing was dismissed, this citation is noncompliant ("No").</p> <p>However, look for evidence that the district considered unique circumstances on a case-by-case basis in its decision not to proceed to the penalty phase, in accordance with §201.7(f). This circumstance would result in this citation being "NA".</p> <p><b>Note:</b> If the student was suspended due to alleged misconduct relating to serious bodily injury, weapons, illegal drugs or controlled substances, this citation is "NA".</p>			

## Record Review Summary Chart

The district uses this chart to record the student-specific compliance/noncompliance determinations made during the Suspension Self-review. Any "No" recorded in a column will result in a corrective action related to that regulatory citation.

Student Name	Area 1			Area 2		Area 3			Area 4			Area 5		
	200.1(r)	200.4(b)(1)(v)	201.3(a)	200.22(b)(2)	201.4(e)	200.22(b)(5)	201.2(a)	201.3(b)	201.4(a)	201.4(c)	201.4(d)(1)	201.4(d)(2)(ii)	201.7(a)	201.9(c)(2)
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														

## Plan to Correct Noncompliance

If the district finds any noncompliance during the self-review process resulting from inappropriate policies, procedures or practices, the following form must be completed:

Noncompliant Citation(s)	Students for Whom Noncompliance was Found	Action(s) Taken to Correct Noncompliance, Including Revision to Policies, Procedures, and Practices	Person(s) Responsible for Implementation and Monitoring of the Action(s)	Date Action(s) Completed

# Reporting Results

## Identification of Noncompliance

The team must carefully review all findings from all the documentation and evidence to make its determination of compliance for each regulatory requirement on the Record Review Summary Chart. If any Individual Student Record Review Form shows a particular regulatory requirement as noncompliant, the regulation must be reported as noncompliant.

## Report to NYSED

The only documentation to be submitted to NYSED is the information found on the Record Review Summary Chart. This report must be submitted electronically. The District should NOT submit the other forms completed or the documentation reviewed during the self-review unless requested by NYSED. **This electronic submission must be completed by June 5, 2020.**

## Directions for Submission:

1. Go to [PD Data System](http://pd.nysed.gov) (<http://pd.nysed.gov>).
2. Log on using the user id and password assigned to the PD data system contact person in your school district.
3. Click on the school year in which the self-review monitoring report is required.
4. Click on Self-Review Checklists and select the checklist for the appropriate issue, if there is more than one.
5. Follow the on-line directions to complete the form.
6. Using documentation from the Record Review Summary Chart, click the box under the "Yes" or "No" column as appropriate for each regulatory requirement. All citations must have a compliance indication.
7. Read the statement of verification of accuracy of data and, if you agree, place a check in the box next to it.
8. Select "Click here to submit your data." Click on either the HTML Verification Report or the PDF Verification Report and print a copy.
9. Follow the directions on the verification report for any next steps that are noted on the verification report.

Pursuant to the New York State Archives and Records Administration Records Retention and Disposition Schedule ED-1, the school district must maintain documentation of its review for a period of six years. This documentation is subject to review by NYSED and, therefore, should be maintained in an easily retrievable and organized manner.

## Notification of Noncompliance from NYSED

If the district reports any noncompliance based on its self-review, NYSED will notify the district that it must correct all instances of noncompliance immediately, but not later than the prescribed due date contained in the NYSED notification to the district. Failure to

correct the identified area(s) of noncompliance by the due date will result in enforcement action(s) from NYSED's Office of Special Education.

### **Correction of Noncompliance**

If the school district identifies any noncompliance with State and federal requirements, it must:

- document issues of noncompliance to NYSED (via electronic submission of PD-8);
- document the steps it will take to correct noncompliance (see Plan to Correct Noncompliance);
- correct all instances of noncompliance for each individual student immediately, but not later than 12 months after the date of the electronic submission; and
- provide an assurance to NYSED and maintain documentation that the school district has corrected all noncompliance.

In addition, for issues of significant disproportionality by race/ethnicity in the incidence, duration, and type of disciplinary actions, including suspensions and expulsions, publicly report (e.g., public meeting, posting on school district website) on the revision of policies, practices, and procedures (34 CFR §300.646).

When the district can assure that it has corrected all noncompliance, it must report correction of noncompliance to NYSED using the following steps:

1. Log onto the [PD Data System](http://pd.nysed.gov) (<http://pd.nysed.gov>) using the district's assigned user id and password.
2. The assurance is available under the school year of the self-review, under "Self-Review Checklists" in the SR-4: Indicator 4 Suspension Data.

If assistance is needed in reporting in the PD Data System, the district must contact Special Education Data Collection and Reporting (SEDCAR) at (518) 486-4678 or [datasupport@nysed.gov](mailto:datasupport@nysed.gov).

If the district is unable to report correction of noncompliance by 12 months from the date of the electronic submission, or if technical assistance is needed to achieve compliance, please contact the SEQA Regional Office.