
SHAWNEE PUBLIC SCHOOLS: DISTRICT POLICY

EQ**Student Suspension / Discipline Policy
Direct Threat**

Definition: “Direct threat” means an individualized determination that a student poses a direct threat to the health or safety of others, based upon reasonable judgment that relies on current educational, psychological, and medical knowledge or on the best available evidence, to ascertain; the nature, duration, and severity of the risk; the probability that the potential injury will actually occur.

Policy: When the district intends to impose adverse action on a student based on a direct threat, written notice of the district direct threat inquiry will be provided to the parent of the student and/or the adult student who is the subject of the direct threat inquiry. This written notice, subject to exceptional circumstances (as defined below), will include:

- An invitation to provide documents and other information related to the inquiry and notice that if a response is not received within 24 hours, the direct threat inquiry will proceed with the documents and other information the district has available;
- The name and contact information of the district employee coordinating the inquiry;
- Notice that the student will not be subject to disciplinary action on the basis of unfounded fear, prejudice, and stereotypes;
- The district’s determination that a student poses a direct threat to the health or safety of others will be an individualized assessment based upon reasonable judgment that relies on current educational, psychological, medical knowledge, threat assessment inquiry, and any other available evidence to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will occur; and whether reasonable modifications of policies, practices or procedures, or the provision of auxiliary aids or services will mitigate the risk;
- Notice that in exceptional circumstances, such as situations where safety is of immediate concern, the district may take interim steps pending a final decision regarding adverse action against the student so long as minimal due process (i.e., notice of the proposed action, the opportunity to present information on the student’s behalf, and a right to appeal) is provided in the interim and more extensive due process is offered later;
- Notice of the student’s applicable appeal rights in the event of discipline or other adverse action; and
- A copy of this policy.

Appropriate district personnel will complete the Threat Assessment Inquiry.

The Threat Assessment Team (TAT) shall be responsible for determining whether the student poses a direct threat. This committee will be composed of the Executive Director of Academic Services, Director of Special Services, Building Principal, and a Teacher of the Student.

The TAT may consult with the student's medical, psychological, or therapeutic professional providers, if the parent or adult student consents to such consultation.

If the district determines that a student poses a direct threat to others, the district will communicate the nature of the adverse action to the parent of the student and / or the adult student. Additionally, the district may condition the student's future receipt of a benefit or service upon the student's provision of documentation showing the student is no longer a threat. Such evidence may include, but is not limited to, a treatment plan or periodic reports from a physician.

In cases resulting in the interim suspension or other adverse action, an appeal may be filed with the district's Superintendent. The adversely affected student or the student's parent shall have ten (10) calendar days from the notice of the interim suspension or other adverse action to appeal to the Superintendent. The Superintendent shall schedule a meeting to consider the interim suspension or other adverse action and the objections of the affected student. Following this meeting the Superintendent may adopt the decision of the TAT, enter the Superintendent's own decision, adopt the relief requested by the affected student, or take other action deemed necessary to achieve a reasonable resolution of the appeal. The decision of the Superintendent shall be final. The Superintendent's decision shall be rendered within fifteen (15) calendar days from the appeal meeting scheduled to discuss and consider the appeal.

Upon a preliminary determination (by the TAT) that an individual poses: (1) a threat of violence to others or, (2) exhibits significantly disruptive behavior or, (3) need for assistance, members of the TAT may request & obtain criminal history record information, any previous psychological evaluations, and health records.

- No member of the TAT shall re-disclose any criminal history record information, psychological information, or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.
- The TAT may not maintain the criminal history record printed from the criminal records system access terminal, nor may they make copies of it.
- Criminal history information may not be placed in a student's educational file.

Regardless of threat assessment activities, disciplinary action and referral to law enforcement are to occur when required by school board policy or Oklahoma laws.

Special Education Direct Threat Policy

Student discipline, suspension, and due process for students with disabilities as defined by the Individuals with Disabilities Act (IDEA) and / or Section 504 of the Rehabilitation Act of 1973, shall be administered in accordance with "The Policies and Procedures Manual for Special Education in Oklahoma" published by the Oklahoma State Department of Education.

When the district intends to impose adverse action on a student with a disability or perceived disability based on a direct threat, written notice of the district direct threat inquiry will be provided

to the parent of the student and/or the adult student who is the subject of the direct threat inquiry, as well as, Parents Rights in Special Education: Notice of Procedural Safeguards. This written notice, subject to exceptional circumstances (as defined below), will include:

- An invitation to provide documents and other information related to the inquiry and notice that if a response is not received within 24 hours, the direct threat inquiry will proceed with the documents and other information the district has available;
- The name and contact information of the district employee coordinating the inquiry;
- Notice that the student will not be subject to disciplinary action on the basis of unfounded fear, prejudice, and stereotypes;
- The district's determination that a student poses a direct threat to the health or safety of others will be an individualized assessment based upon reasonable judgment that relies on current educational, psychological, medical knowledge, threat assessment inquiry, and any other available evidence to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will occur; and whether reasonable modifications of policies, practices or procedures, or the provision of auxiliary aids or services will mitigate the risk;
- Notice that in exceptional circumstances, such as situations where safety is of immediate concern, the district may take interim steps pending a final decision regarding adverse action against the student so long as minimal due process (i.e., notice of the proposed action, the opportunity to present information on the student's behalf, and a right to appeal) is provided in the interim and more extensive due process is offered later;
- Notice of the student's applicable appeal rights in the event of discipline or other adverse action; and
- A copy of this policy.

Appropriate district personnel will complete the Threat Assessment Inquiry (see Threat Assessment Inquiry Attachment).

The Threat Assessment Team (TAT) shall be responsible for determining whether the student poses a direct threat. This committee will be composed of the Executive Director of Academic Services, Director of Special Services, Building Principal, and a Teacher of the Student. The TAT will consult with individuals with in depth knowledge and experience in the area of the student's disability as part of the direct threat determination.

The TAT may consult with the student's medical, psychological, or therapeutic professional providers, if the parent or adult student consents to such consultation.

If the district determines that a student poses a direct threat to others, the district will communicate the nature of the adverse action to the parent of the student. Additionally, the district may condition the student's future receipt of a benefit or service upon the student's provision of documentation showing the student is no longer a threat. Such evidence may include, but is not limited to, a treatment plan or periodic reports from a physician. This District will not condition the future receipt of a benefit or service on a showing by the student that he or she has eliminated behaviors that are a manifestation of a disability, unless the district determines that such behavior significantly contributed to the direct threat.

SHAWNEE PUBLIC SCHOOLS: DISTRICT POLICY

EQ

An adverse action taken against a student with disabilities shall be consistent within the policies governing the discipline of students with disabilities. Students with disabilities can be removed from school through an out-of-school suspension or removed to another setting or to an appropriate Interim Alternative Educational Setting (IAES) for a total of ten (10) school days, for violations of the student code of conduct or school rules. The ten (10) school days can be consecutive or cumulative and can occur over the course of one school year. For students suspended out-of-school for more than five (5) consecutive school days an educational plan will be designed for the reintegration of the student back into school.

When adverse actions result in removals for more than ten (10) school days, a manifestation determination will be completed by the IEP team.

If it is determined that the student will be suspended for more than ten (10) consecutive days, or to have a student's education setting changed to an IAES for up to forty-five (45) school days due to the existence of a special circumstance, such as weapon or illegal drug possession or infliction of serious bodily injury on another person or if the student poses a direct threat to the health and safety of others, the district will notify the parent or adult student immediately of this decision.

In cases resulting in an adverse action, an appeal may be filed as to that adverse action. The process for the appealing the imposition of the adverse action shall be the same as those outlined in the district's Board of Education policies for *Student Discipline* (Policy EK).

Protections for Students Not Yet Eligible for Special Education

A student who has not been determined eligible for special education and who is subject to adverse action may assert the protections of the IDEA if parents or school district staff suspects that the student may be a student with a disability or there is indication through educational records, psychological evaluations, or medical records that the student may be a student with a disability.

If a request for an evaluation of a student who is not currently eligible for special education is made during the period in which the student is subject to disciplinary measures, the district will conduct the evaluation in an expeditious manner. Pending the results of the evaluation, the student will remain in the educational placement determined by the district officials, which can include the suspension.

Adopted: August 6, 2018

Revised: