

Senate File 2428

S-5087

1 Amend Senate File 2428 as follows:

2 1. Page 3, by striking lines 15 through 17 and inserting:

3 <(b) One administrative employee, mental health
4 professional, or behavioral interventionist who works in the
5 attendance center and who must be selected by the principal of
6 the attendance center.>

7 2. Page 4, lines 8 and 9, by striking <in one school year>

8 3. Page 5, after line 15 by inserting:

9 <1. The policies must require the board of directors of the
10 school district to make a mental health professional, guidance
11 counselor, or behavioral interventionist available to students,
12 teachers, and other school employees to address the immediate
13 trauma associated with a violent disruption or nonviolent
14 disruption, upon the request of a teacher.>

15 4. By striking page 5, line 16, through page 7, line 11, and
16 inserting:

17 <2. a. (1) Notwithstanding a policy adopted by the board
18 of directors of the school district pursuant to subsection 1,
19 if a student who has an individualized education program is
20 removed from the classroom pursuant to subsection 1, paragraph
21 "i" or "j", then the student's individualized education
22 program team shall meet expeditiously after the student's
23 removal from the classroom to determine whether an alternative
24 educational location is best for the student; to carry out all
25 manifestation determination review meetings, if required under
26 the federal Individuals with Disabilities Education Act, 20
27 U.S.C. §1400 et seq.; and to discuss all of the following:

28 (a) Whether the nature or severity of the student's
29 disability is such that education in regular classes with the
30 use of supplementary aids and services cannot be achieved
31 satisfactorily.

32 (b) The appropriateness of the student's current
33 educational programming.

34 (c) Whether adjustments need to be made to the student's
35 individualized education program to address the student's

1 behaviors that led to the violent disruption or nonviolent
2 disruption.

3 (d) Whether the student's current location or an
4 alternative learning environment would provide the student with
5 a free appropriate public education.

6 (e) The accommodations, modifications, and adaptations
7 the student requires to be successful in a general education
8 environment; whether it is possible for these accommodations,
9 modifications, and adaptations to be provided within the
10 general education environment; and the supports that are needed
11 to assist the teacher and other personnel in providing these
12 accommodations, modifications, and adaptations.

13 (f) Whether and to what extent the receipt of special
14 education services and activities in the general education
15 environment will impact the student.

16 (g) Whether and to what extent the provision of special
17 education services and activities in the general education
18 environment will impact other students.

19 (2) The teacher who removed the student from the classroom
20 shall do all of the following:

21 (a) Ensure proper documentation of the removal is
22 maintained and made available to the student's individualized
23 education program team. Proper documentation includes all of
24 the following:

25 (i) Information related to the date of the removal and the
26 beginning and end times of the removal.

27 (ii) A description of the actions of the student before,
28 during, and after the removal.

29 (iii) A description of the actions of the school district
30 employees involved in the removal before, during, and after the
31 removal.

32 (iv) A description of the less restrictive means attempted
33 as an alternative to the removal.

34 (v) A description of future approaches to address the
35 student's behavior, including any consequences or disciplinary

1 actions that may be imposed on the student.

2 (vi) The time and manner by which the school district
3 notified the student's parent or guardian of the removal.

4 (b) Participate in the meeting of the student's
5 individualized education program team described in subparagraph
6 (1). The teacher must also have the opportunity to provide
7 input related to the potential revision of the student's
8 individualized education program.

9 b. (1) A student who has an individualized education
10 program may be temporarily located in an alternative learning
11 environment so long as such location would not constitute a
12 change in placement.

13 (2) A student who has an individualized education program
14 shall be accepted back into the classroom from which the
15 student was removed when the student's individualized education
16 program team has determined that such classroom satisfies the
17 least restrictive environment requirements under the federal
18 Individuals with Disabilities Education Act, 20 U.S.C. §1400
19 et seq.

20 (3) A student who has an individualized education program
21 may be subject to a policy adopted pursuant to subsection
22 1 if the student's individualized education program team
23 determines that the student's violent disruptions or nonviolent
24 disruptions are not a manifestation of the student's disability
25 and are not the result of an omission in, misapplication of,
26 or misinterpretation of the student's individualized education
27 program.

28 c. If, after considering the least restrictive environment
29 requirements under the federal Individuals with Disabilities
30 Education Act, 20 U.S.C. §1400 et seq., the student's
31 individualized education program team determines that the
32 nature or severity of the student's disability is such that
33 education in regular classes with the use of supplementary
34 aids and services cannot be achieved satisfactorily, then the
35 student's individualized education program shall be amended to

1 reflect the necessary change in placement.

2 3. a. Notwithstanding a policy adopted by the board of
3 directors of the school district pursuant to subsection 1,
4 if a student who has a plan under section 504 of the federal
5 Rehabilitation Act, 29 U.S.C. §794, is removed from the
6 classroom pursuant to subsection 1, paragraph "i" or "j", then
7 the student's team shall meet expeditiously after the student's
8 removal from the classroom to carry out all manifestation
9 determination review meetings, if required under section 504 of
10 the federal Rehabilitation Act, 29 U.S.C. §794, and to discuss
11 all of the following:

12 (1) Whether adjustments need to be made to the student's
13 plan under section 504 of the federal Rehabilitation Act, 29
14 U.S.C. §794.

15 (2) The appropriateness of the student's current
16 educational programming, including whether the child may be
17 a child with a disability under the federal Individuals with
18 Disabilities Education Act, 20 U.S.C. §1400 et seq., and should
19 therefore be evaluated for eligibility.

20 b. A student who has a plan under section 504 of the
21 federal Rehabilitation Act, 29 U.S.C. §794, may be subject to a
22 policy adopted pursuant to subsection 1 if the student's team
23 determines that the student's violent disruptions or nonviolent
24 disruptions are not a manifestation of the student's disability
25 and are not the result of an omission in, misapplication of, or
26 misinterpretation of the student's plan under section 504 of
27 the federal Rehabilitation Act, 29 U.S.C. §794.>

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