

## **Significant Disproportionality: *Targeted* Self-Assessment Tool**

## **A review of policies, practices, and procedures in the area of disciplinary removals of children with disabilities**

**A local educational agency (LEA) identified by the state as having significant disproportionality is required to review and, if appropriate, revise its policies, practices, and procedures used in identification or placement in particular education settings, and/or disciplinary removals, to ensure that the policies, practices, and procedures comply with the requirements of the Individuals with Disabilities Education Act (IDEA); and publicly report on the revision of those policies, practices, and procedures consistent with the requirements of the Family Educational Rights and Privacy Act, its implementing regulations in 34 CFR part 99, and Section 618(b)(1) of the IDEA. 20 U.S.C. § 1418(d)(1); 34 C.F.R. § 300.646(a).**

**The review and, if appropriate, revision must be conducted every year in which the LEA is identified with significant disproportionality. See 34 C.F.R. § 300.646(c)(1).**

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| **LEA # and Name:** |  |
| **Contact Name:** |  |
| **Contact Email:** |  |
| **Contact Phone:** |  |

**This tool is intended only for LEAs who are conducting a consecutive annual policy, practice, and procedures review in the same area of disproportionality.**

Such LEAs are required to verify prior year responses for the targeted areas provided here by providing a link or copy to the policy or procedure and conduct updated review and response to all items in which a policy, practice, or procedure has changed since the prior year’s review. The LEA must address any continuing or new policy, practice, or procedure it identifies as contributing to the significant disproportionality in its comprehensive coordinated early intervening services (CCEIS) plan. LEAs are encouraged to contact KSDE for assistance in the completion and submission of this self-assessment and any questions regarding the applicable timelines and related actions required due to the LEA’s significant disproportionality. Technical assistance in conducting this review is available; contact your KSDE Significant Disproportionality Lead and Technical Assistance Team members, or request TA at [www.ksdetasn.org](http://www.ksdetasn.org). LEAs are encouraged to contact KSDE at any time with questions regarding the applicable timelines and actions required due to the LEA’s significant disproportionality.

| **Related Requirements Section 1: Changes in Placement for Disciplinary Reasons** | | | | | | | | **KSDE Only** | |
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| **Part I: Review of Policies, Practices & Procedures for the Related IDEA Requirement** | **Verification** | **Changes since last review?** | **If Yes, Conduct Policy & Procedure Review.** | | **Changes since last review?** | **If Yes, Conduct Practices Review.** | |
| Provide specific link or attach a copy of the policy and/or procedure (i.e., board policy, handbook, LEA form, memorandum) | Has the policy or procedure changed since the LEAs last review?  **YES/NO** | Is there evidence that a compliant **LEA Policy and/or Procedure** is in place?  **YES/NO** | **If NO**  Is this **contributing** to the LEAs identified disproportionality? **YES/NO** | Have the **LEA** **Practices** changed since the LEAs last review?  **YES/NO** | Are the **LEA** **Practices** consistent with the regulatory requirement?  **YES/NO** | If YES  Is this **contributing** to the LEAs identified disproportionality?  **YES/NO** | Timely submitted and responses verified by KSDE?  **YES/NO** | Reviewer Comments |
| **K.S.A. 72-3433 Change in placement of child with disability to alternative setting as disciplinary action for certain behavior** (a) School personnel may order a change in the placement of a child with a disability:  (1) To an appropriate interim alternative educational setting or other setting, or the short-term suspension of the child; |  |  |  |  |  |  |  |  |  |
| (3) To an appropriate interim alternative educational placement for not more than 186 school days, if it is determined that the conduct of the child violated the code of student conduct and was not a manifestation of the child’s disability, if the relevant disciplinary procedures applicable to children without disabilities are applied in the same manner and the discipline is for the same duration as would be applied to a child without disabilities, except that services must continue to be provided to the child during the period of disciplinary action. |  |  |  |  |  |  |  |  |  |
| (b) Any child with a disability whose placement is changed under subsection (a)(3) shall:  (1) Continue to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting and to progress toward meeting the goals set out in the child’s IEP; and |  |  |  |  |  |  |  |  |  |
| (2) receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the inappropriate behavior so that it does not recur. |  |  |  |  |  |  |  |  |  |
| **Part II: Revision of Policies, Practices, Procedures, if applicable** | Provide documentation of revision for any noncompliant policies, practices, and procedures.  (Cite the applicable requirement to the left and add lines below as needed.) | | | | | | | Timely completed & received?  **YES/NO** | Reviewer Comments |
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| **Part III: Publicly Posting Revised Policies, Practices, and Procedures, if applicable** | Provide documentation that the LEA publicly reported on all revised policy, practice, and/or procedures.  (Cite the applicable requirement to the left and add lines below as needed.) | | | | | | | Revised PPP publicly reported and timely submitted?  **YES/NO** | |
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| **Related Requirements Section 2:**   **Alternative Setting, Functional Behavioral Assessment and Behavioral Intervention Plan, Duties of IEP Team** | | | | | | | | **KSDE Only** | |
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| **Part I: Review of Policies, Practices & Procedures for the Related IDEA Requirement** | **Verification** | **Changes since last review?** | **If Yes, Conduct Policy & Procedure Review.** | | **Changes since last review?** | **If Yes, Conduct Practices Review.** | |
| Provide specific link or attach a copy of the policy and/or procedure (i.e., board policy, handbook, LEA form, memorandum) | Has the policy or procedure changed since the LEAs last review?  **YES/NO** | Is there evidence that a compliant **LEA Policy and/or Procedure** is in place?  **YES/NO** | **If NO**  Is this **contributing** to the LEAs identified disproportionality? **YES/NO** | Have the **LEA** **Practices** changed since the LEAs last review?  **YES/NO** | Are the **LEA** **Practices** consistent with the regulatory requirement?  **YES/NO** | If YES  Is this **contributing** to the LEAs identified disproportionality?  **YES/NO** | Timely submitted and responses verified by KSDE?  **YES/NO** | Reviewer Comments |
| **K.S.A. 72-3433 Change in placement of child with disability to alternative setting as disciplinary action for certain behavior; duties of IEP team and hearing officer; behavioral assessment and intervention plan; determination and review procedure**  (d) If a disciplinary action is contemplated as described in K.S.A. 72-3433(a)(2) or (a)(3):  (1) Not later than the date on which the decision to take that action is made, the agency shall notify the parents of that decision and of all procedural safeguards afforded under K.S.A. 72-3434, and amendments thereto; and |  |  |  |  |  |  |  |  |  |
| (2) within 10 school days of the date on which the decision to take disciplinary action is made, a review shall be conducted to determine the relationship between the child’s disability and the conduct that is subject to disciplinary action. |  |  |  |  |  |  |  |  |  |
| (e)(1) The review described in subsection (d)(2) shall be conducted by the agency, the parent, and relevant members of the child’s IEP team as determined by the parent and the agency. In carrying out the review, that group 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 parent. |  |  |  |  |  |  |  |  |  |
| (2) Based upon its review of all the relevant information, the group shall determine if the conduct in question: (A) Was caused by, or had a direct and substantial relationship to, the child’s disability; or (B) was the direct result of the agency’s failure to implement the child’s IEP. |  |  |  |  |  |  |  |  |  |
| (3) If it is determined that the conduct of the student is described in either paragraph (2)(A) or (2)(B) of this subsection, then the conduct shall be determined to be a manifestation of the child’s disability. |  |  |  |  |  |  |  |  |  |
| (f) If it is determined that the conduct of a child was a manifestation of the child’s disability, the IEP team shall:  (1) Conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the agency has not conducted such an assessment prior to the behavior that resulted in a change in placement;  (2) If the child already had a behavioral intervention plan, review and modify it, as necessary, to address the behavior; and  (3) Except as provided in paragraph (a)(2), return the child to the placement from which the child was removed, unless the parent and the agency agree to a change of placement as part of the modification of the behavioral intervention plan |  |  |  |  |  |  |  |  |  |
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| **Related Requirements Section 3: General Agency Policies, Practices, Procedures Related to Disciplinary Removals** | | | | | | | | **KSDE Only** | |
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| **Part I: Review of Policies, Practices & Procedures for the Related IDEA Requirement** | **Verification** | **Changes since last review?** | **If Yes, Conduct Policy & Procedure Review.** | | **Changes since last review?** | **If Yes, Conduct Practices Review.** | |
| Provide specific link or attach a copy of the policy and/or procedure (i.e., board policy, handbook, LEA form, memorandum) | Has the policy or procedure changed since the LEAs last review?  **YES/NO** | Is there evidence that a compliant **LEA Policy and/or Procedure** is in place?  **YES/NO** | **If NO**  Is this **contributing** to the LEAs identified disproportionality? **YES/NO** | Have the **LEA** **Practices** changed since the LEAs last review?  **YES/NO** | Are the **LEA** **Practices** consistent with the regulatory requirement?  **YES/NO** | If YES  Is this **contributing** to the LEAs identified disproportionality?  **YES/NO** | Timely submitted and responses verified by KSDE?  **YES/NO** | Reviewer Comments |
| Does the LEA have policies and procedures for prevention and intervention prior to office referrals for discipline? |  |  |  |  |  |  |  |  |  |
| Do LEA behavior policies and procedures incorporate awareness of student needs, including conducting Functional Behavioral Assessments (FBA) and development and implementation of Behavior Intervention Plans (BIP)? |  |  |  |  |  |  |  |  |  |
| Does the LEA have policies and procedures for prevention and intervention prior to removals for disciplinary reasons? |  |  |  |  |  |  |  |  |  |
| Does LEA discipline policy allow for the suspension and/or expulsion of a student for conduct other than the most serious and severe behavior? |  |  |  |  |  |  |  |  |  |
| Are LEA policies and procedures on code of conduct sensitive to diverse cultures? |  |  |  |  |  |  |  |  |  |
| How are the general LEA policies and procedures provided to all employees, including new employees? |  |  |  |  |  |  |  |  |  |
| **Part II: Revision of Policies, Practices, Procedures, if applicable** | Provide documentation of revision for any noncompliant policies, practices, and procedures.  (Cite the applicable requirement to the left and add lines below as needed.) | | | | | | | Timely completed & received?  **YES/NO** | Reviewer Comments |
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| **LEA Certification of Accuracy** | | |
| By submitting this form, I verify that the information provided in this report is accurate. | | |
| **Name of LEA Representative Submitting this Report:** | | **Date:** |
|  | | |
| **KSDE USE ONLY** | | |
| **Self-Assessment Tool Review KIAS Compliance Processing** | Any LEA identified with noncompliance is required to take specific corrective actions to timely correct the finding of noncompliance as soon as possible and in no case more than one year from the state’s identification of the noncompliance. The correction of noncompliance includes updating relevant policies, procedures, and/or practices. | |
| **Compliance Determination based on Self-Assessment Tool: The LEA has been identified as having noncompliance with the following IDEA requirement(s):** | **COMPLIANT**  **No Corrections Required**  **NONCOMPLIANT**  **Updated Police, Procedures, and/or Practices Required** | **Comments:** |
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| **KSDE USE ONLY** | | |
| Date: KSDE Initial Compliance Notification sent to LEA (Use this field if correction of noncompliance required. If correction of noncompliance is not required after initial review, use the KSDE Final Compliance Notification sent to LEA field below.) |  | |
| Correction of Noncompliance Review | | |
| **Date: Correction of Noncompliance due to KSDE** |  | |
| **Date: Correction of Noncompliance Submitted** |  | |
| **Date: KSDE review of correction of updated policies, practices, and/or procedures** |  | |
| **Final Compliance Determination** | **COMPLIANT**  **Correction of polices, practices and/or procedures reviewed by KSDE and completed within timeframe**  **NON-COMPLIANT Noncompliance still not corrected – further revisions required to policies, practices, and/or procedures** | **Comments:** |
| **Date: KSDE Final Compliance Notification sent to LEA** |  | |
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