

Kansas Administrative Regulations

State Department of Education

Article 40.—Special Education

91-40-33. Change in placement for disciplinary reasons; definitions.

As used in K.A.R. 91-40-33 through 91-40-38, the following terms shall have the meanings specified in this regulation:

(a) (1) The phrase "change in placement for disciplinary reasons" means that school personnel or a special education due process hearing officer has ordered any of the following changes in placement of a child with a disability:

(A) The child is suspended or expelled from school for more than 10 consecutive school days.

(B) The child is subjected to a series of short-term suspensions constituting a pattern that meets all of the following criteria:

(i) The suspensions cumulate to more than 10 school days in a school year.

(ii) Each incident of misconduct resulting in a suspension involved substantially the same behavior.

(iii) The length of each suspension, the total amount of time the child is suspended, and the proximity of the suspensions to one another indicate a pattern.

(C) The child is placed in an interim alternative educational setting.

(2) (A) If school personnel order two or more short-term suspensions of a child with a disability during a school year, these suspensions shall not constitute a change in placement for disciplinary reasons if the suspensions do not constitute a pattern as described in paragraph (a)(1)(B).

(B) School officials shall have the authority to make the determination of whether a series of short-term suspensions of a child with a disability constitutes a change in placement for disciplinary reasons. This determination shall be subject to review through due process proceedings.

(b) "School officials" means the following:

(1) A regular education administrator;

- (2) the director of special education or the director's designee or designees; and
- (3) a special education teacher of the child with a disability.

(c) "Short-term suspension" means a suspension as authorized by K.S.A. 72-8902(a) and amendments thereto.

(Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-991a; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

***** Authenticated Kansas Administrative Regulation *****