

DE-ENROLLING SPECIAL EDUCATION STUDENTS

Students with IEPs and 504 Plans need to be treated differently from other students with regard to removing them from school programs. Due to the protection status of these students, the school district is obligated to provide services stated in the IEP and can be held liable if students are not served. To that end, it is essential that students who are dropped from schools are done so for legitimate reasons. This becomes a problem when students present ongoing attendance and/or behavioral problems and may be attending MHUSD on Affidavit status or on interdistrict Attendance Agreements.

When a student moves out of a school's attendance area, but stays within MHUSD, the special education department needs to be notified of this change and the receiving school needs to initiate services per the existing IEP as soon as the student begins attending the new school. Site teacher IEP files should be forwarded to the new school for the new special education teacher.

When a student moves out of MHUSD, every effort should be made to determine where the student will be attending next. The special education office needs to be notified immediately. Site special education staff should make sure that the special education office has the required original copies of IEP documents. Site teacher IEP files are not to be forwarded to the special education office. As long as the district file is complete, the teacher files can be destroyed per confidential records laws.

Students with poor attendance should be referred to the School Attendance Review Board (SARB), following MHUSD policies and procedures. Failure to attend school on a regular basis can constitute a change of placement and may point to the need to call for an IEP. If the school district is not providing services called for in an IEP to a student who does not attend school, we can be held liable.

When Students with IEPs or 504 Plans have discipline issues, regardless of their residence status, administrators need to work with the site special education staff and the special education office to insure legal compliance. See *Student Discipline* for more information on suspension of special education students.