

**SEVIER COUNTY SCHOOL DISTRICT
DUE PROCESS CHECKLIST**

Student Name: _____ Date: _____
School: _____ Grade: _____
Administrator: _____ Student #: _____
Parent Name: _____ Parent Phone #: _____

Note: (1) If the student is receiving ESE services, it is advisable to confer with the ESE Liaison prior to disciplinary action unless immediate danger is present. **If the student is not currently identified as ESE, but has been ESE in the past or is currently being considered or is to be evaluated for service, s/he must be given all ESE considerations.**

(2) If the student is an LEP student, confer with the ESOL teacher to determine receptive and expressive language proficiency.

INITIALS or N/A

- _____ a. I have reviewed the cum file to see if the student is receiving ESE services and have determined that s/he **is** **is not** a special education, ESOL or 504 student.
- _____ b. I have given the student (oral) (written, a copy of which is attached) notice of the charges in enough detail to allow the student to understand the nature of the accusation.
- _____ c. The student (admitted) (denied) that the charges were true and correct (except):

- _____ d. If the student denied the charges or any part thereof, I explained to the student the evidence I had to support the charges as follows: _____

- _____ e. The student was given an opportunity to present his/her side of the story and did so as follows: _____

- _____ f. The following persons (if any) were present during the above procedure:

- _____ g. A copy of the student's written statement is attached. _____ Yes _____ No
- _____ h. I interviewed and obtained witness statements from the following individuals :

- _____ i. The student was in possession of the following items:

- _____ j. Because of the seriousness of the matter, I contacted the SRO / law

enforcement agency: _____ at _____ (time)

- _____ k. The law enforcement official(s) interviewed the student. If yes, the resulting action was: _____
- _____ l. I contacted the parent/legal guardian, or made the following reasonable attempt to contact the parent/legal guardian regarding the student's interview by law enforcement officials: _____
- _____ m. Drugs, contraband or other evidence were seized and are currently in the possession of _____.
Description of seized item(s): _____
- _____ n. I have requested a copy of the police report. Date received: _____

PRIOR TO MAKING A DECISION REGARDING SUSPENSION AND / OR RECOMMENDATION FOR EXPULSION

- _____ I concluded the charges were supported by substantial evidence to support the suspension and checked to see if a certain period of suspension or a recommendation for expulsion is mandatory under District Policy and State Law. [For ESE students, monitor 10-day limit.]
- _____ I concluded the charges were supported by substantial evidence to support the suspension with a recommendation for expulsion.
- _____ I determined that the incident required further investigation before a decision would be made.
- _____ The evidence did not support suspension at this time.

FOLLOWING THE DECISION TO SUSPEND THE STUDENT, I COMPLETED THE FOLLOWING PROCEDURES:

_____ I notified the student's parent/legal guardian of the suspension at _____ (time) on _____, 20____, with written notice sent on _____, 20____.

Using the district format, the written suspension notice contained:

- A brief statement of the accusation against the student.
- The grounds for the suspension.
- The period of suspension, and notice that the student must remain off school property and may not participate in school activities, regardless of their location.
- Time for re-entry conference, if scheduled.

Other action taken regarding this student (if applicable):

- _____ Request for expulsion: contact made with Expulsion Coordinator
- _____ Referral for Student Study Team review
- _____ Request for Student Study Team review for Second Chance School placement
- _____ Notify Dr. _____, Expulsion Coordinator, of expulsion recommendation.

COMPLETE IMMEDIATELY FOR EXPULSION RECOMMENDATIONS

_____ I notified Dr. _____, Expulsion Coordinator, of expulsion recommendation.

_____ I called the parents or guardians regarding the incident, the suspension, and the possible expulsion recommendation. If they were not able to be reached, I made the following reasonable attempt to contact them _____

MANIFESTATION DETERMINATION

- (1) If the student is eligible for ESE consideration, I have arranged a manifestation determination meeting. A manifestation determination is required for any ESE student (excluding gifted) being considered for expulsion or suspension in excess of 10 days (cumulative) during a school year. **The manifestation determination must be conducted by the IEP team (LEA representative, ESE teacher, regular teacher, parent (s), and others as appropriate. Parents must be invited and must be given the opportunity to participate.**
- (2) If the conduct causing the recommendation for expulsion is determined to be related to the handicapping condition, the student may not be expelled and a new IEP should be developed to address the behavior in question. The appropriate staff must also complete a Functional Behavior Assessment, and develop or modify a Behavior Intervention Plan as necessary to address the behavior for which the student is being disciplined.
- (3) If it is determined that the behavior is not related to the student’s handicapping condition, the expulsion process may proceed, but the student must continue to receive educational services during the period of expulsion (or suspension in excess of 10 days).

For Expulsions I have :

_____ 1. Held a meeting with parents / guardians to inform them of the investigation, suspension, expulsion, and to offer the Settlement Agreement or Deferred Expulsion Agreement
(date)

_____ 2. Mailed (with return receipt) or hand delivered a notice of suspension with recommendation for expulsion to the parents or guardian(s).
(date)

This notice includes:

- nature and date of the offense
- beginning date of suspension and duration
- warning that the student must remain off school property and may not participate in school activities, regardless of their location
- in lieu of an expulsion, the offer of a Settlement Agreement or Deferred Expulsion Agreement

_____ 3. I made a request for expulsion of this student to the superintendent by memorandum, including date and nature of the incident and recommended length of expulsion.
(date)

_____ 4. I sent the Expulsion Packet and all referenced materials to Dr.
(date)