

Administrative Memo

Date: October 10, 2012
To: School Administrators, Special Education Directors, Special Education Teachers, Transportation Directors, Parents, Advocates, and other interested parties
From: Stephen Barr, Assistant Commissioner
Subject: SE-12-003 – Change in Guidance for Bus Discipline for Students with Disabilities

On June 21, 2012, the Office of Special Education Programs (OSEP) issued a policy guidance letter to Sarzynski on bus suspensions and out-of school suspensions (OSS). Department staff reviewed this OSEP guidance letter in conjunction with the IDEA and federal regulations as well as the Missouri State Plan for Special Education and the Special Education Compliance Standards & Indicators. As a result, the Department is changing its guidance on bus suspensions and OSS for students with disabilities; however, no revisions were required in the State Plan or Compliance Standards and Indicators.

For students with disabilities who have transportation as a related service on their Individualized Education Programs (IEP), any day of bus suspension will be counted as a day of OSS even if the student attends school that day because the parent made alternate arrangements to get the student to school. The OSEP guidance letter makes it clear that when any service required by a student's IEP is denied because of disciplinary action, it is considered OSS. Further, OSS days as a result of bus suspensions will count toward the ten (10) days triggering change of placement decisions as part of the discipline process for students with disabilities. This is a CHANGE from the Department's previous guidance.

Please note that this new guidance only applies to students with disabilities who have transportation as a related service on their IEPs. LEAs may avoid counting a bus suspension day as a day of OSS by providing the student's required related service transportation in an alternative manner which could include providing a different mode of transportation for the student or contracting with the parents to provide transportation for the student during the bus suspension.

It is very important that LEAs review their policies, procedures, and practices in light of this new guidance. This change will directly affect the LEA's discipline reporting of OSS in core data which will affect the annual Special Education Discipline Reviews. The data from these annual reviews directly impacts the District and State Performance Plan Indicators 4A (percent of districts with significant discrepancies in suspension/expulsion rates) and 4B (percent of districts with significant discrepancies in suspension/expulsion rates by race/ethnicity) which is reported to OSEP.

The OSEP letter to Sarzynski can be viewed at <http://dese.mo.gov/se/se-sarzynski-ltr.pdf>. Please contact the Compliance Section of the Office of Special Education at 573-751-0699 or secompliance@dese.mo.gov if you have any questions.