Section 504 Disciplinary Action Review Form (DARF)

LEA Name

Student Full Name_____   Date_____

School_____   Date of Birth_____

Parent(s)/Guardian(s)_____   Grade_____

Address_____   WVEIS #_____

City/State/Zip_____   Telephone_____

The LEA is proposing to suspend or expel the student for the following dates. _____

This is considered a change of placement if either of the following criteria are met:

    A. □ a removal for more than ten (10) consecutive school days.
    B. □ a series of removals that constitutes a pattern as established by meeting all three criteria:
        a. More than ten (10) cumulative school days in one school year;
        b. Similarity of behaviors;
        c. Length of each removal and proximity of removals to one another.

If neither of these two set of criteria are met a Manifestation Determination Meeting is not required and the suspension can be applied the same as a non-disabled peer.

If the proposed suspension/expulsion is considered a change of placement a Section 504 Re-evaluation Committee shall meet to review available student information and conduct a Manifestation Review. This must be held prior to the eleventh (11th) day of suspension.

Note: Section 504 allows schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities. When there is evidence of current illegal drug or alcohol use, a student may be disciplined without a Manifestation Determination.

MANIFESTATION DETERMINATION REVIEW DOCUMENTATION:

Date of Section 504 Reevaluation Meeting _____

List the behavior subject to disciplinary action _____

List the student's physical or mental impairment(s) _____

    1. Was the conduct in question caused by, or directly and substantially related to the student's disabilities? □ YES □ NO
    2. Was the conduct in question the direct result of the school's failure to implement the student's Section 504 Plan? □ YES □ NO

If the re-evaluation committee answered yes to either question the behavior must be considered to be a manifestation of the student's disability. In that event, the student cannot be expelled, suspended or placed in an alternative education setting for more than ten (10) cumulative school days.

Note: This does not preclude the parents and school agreeing on a disciplinary placement. The parents' agreement must be informed, voluntary and not coerced.