**24:05:26:02.01.  Change of placement for disciplinary removals.** For purposes of removal of a student with a disability from the student's current educational placement under this chapter, a change of placement occurs if:

 (1)  The removal is for more than ten consecutive school days; or

 (2)  The student is subjected to a series of removals that constitute a pattern because:

 (a)  They cumulate to more than ten school days in a school year;

 (b)  Of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another; and

 (c)  The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals.

 The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

 **Source:** 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007.

 **General Authority:** SDCL 13-37-1.1.

 **Law Implemented:** SDCL 13-37-1.1.