

Interim Alternative Educational Setting Definitions and Guidance on Data Entry in Infinite Campus

Refer to [707 KAR 1:340 Sections 14, 15, 16](#)

Interim Alternative Educational Setting (IAES)

IAES is a behavior resolution code reserved for the removal of students with disabilities from their current educational placement to an appropriate interim alternative educational setting under special circumstances, and only for specific reasons. IAES removals may last for up to 45 school days without regard to whether the behavior was a manifestation of the student's disability. In addition, the educational setting for the duration of the IAES removal is determined by the student's admissions and release committee (ARC). Upon completion of the specified number of school days for the IAES removal, the student may return to their previous educational placement that was in effect prior to the IAES removal, unless the ARC makes a permanent change to the student's educational setting.

- **Special Circumstance 1:** Unilateral removals by school personnel based on these specific violations:
 - Carries a weapon to or possesses a weapon at school, school premises or a school function under the jurisdiction of the Kentucky Department of Education (KDE) or a local education agency (LEA);
 - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the jurisdiction of the KDE or an LEA; or
 - Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of the KDE or an LEA.
- **Special Circumstance 2:** Removal by a state-appointed impartial due process hearing officer if the hearing officer determines that maintaining the child in the current placement is substantially likely to result in injury to the child or others.

Definitions

Unilateral Removals by School Personnel

Instances in which school personnel (not the ARC) order the removal of students eligible for services under the Individuals with Disabilities Education Act (IDEA) from their current educational placement to an appropriate IAES for not more than 45 school days. The ARC is responsible for determining the IAES. Unilateral removals do not include decisions by the ARC to change a student's placement. This type of removal to an IAES can only occur under special circumstances as defined above in *Special Circumstance 1*.

Removals by Hearing Officer

Instances in which an impartial hearing officer orders the removal of students eligible for services under the IDEA from their current educational placement to an appropriate alternative educational setting for not more than 45 school days, based on the hearing officer's determination that maintaining the child's current placement is substantially likely to result in injury to the child or others. The ARC is responsible for determining the IAES. This type of removal to an IAES can only occur under *Special Circumstance 2*, as defined above.

Dangerous Weapon

A weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury; such a term does not include a pocket knife with a blade of less than 2 ½ inches in length. ([18 U.S.C. § 930 \(g\)\(2\)](#))

Drug Offenses

The use, possession, sale or solicitation of drugs as identified in [21 U.S.C. § 812\(c\)](#). These offenses do not include the use, possession, sale or solicitation of alcohol or tobacco.

Serious Bodily Injury

A bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty. ([18 U.S.C. § 1365 \(h\)\(3\)](#)).