

DISCIPLINE OF STUDENTS WITH DISABILITIES

Federal and State laws require that a Free Appropriate Public Education (FAPE) be provided for students with disabilities, including students with disabilities who have been suspended or expelled from school. The following procedures are implemented when a student with a disability is removed from his/her current placement because of a student conduct violation.

Removal for 10 School Days or Less

The District provides to students with disabilities who have been suspended for 10 school days or less in one school year the same services that it provides to students without disabilities who are similarly removed.

Removal for More Than 10 School Days

The District provides to students with disabilities who have been suspended for more than 10 school days in one school year educational services that enable the student to continue to participate in the general education curriculum and to progress towards meeting the goals set out in the student's IEP. Such services may be provided in an interim alternative educational setting and may not be the exact same services provided to the child in other settings.

When a student with a disability is suspended for more than 10 school days in one school year, the District holds a manifestation determination review. When appropriate, the District also performs a functional behavioral assessment and designs behavioral intervention and modification services to address the conduct violation.

Manifestation Determination Review

Within 10 school days of any decision to change the placement of a student with a disability, who has been suspended for more than 10 school days in one school year, the District holds a manifestation determination review. At the meeting, the school administrator responsible for disciplinary actions, the student's parent(s) and relevant members of the student's IEP team review all relevant information in the student's file, including teacher observations and any pertinent information provided by the parents.

The manifestation determination review team determines whether the conduct was caused by, or had a direct and substantial relationship to, the student's disability, or whether the conduct was a direct result of the school's failure to implement the student's IEP. If the team determines that the conduct was the direct result of the school's failure to implement the student's IEP, the school takes immediate steps to remedy those deficiencies and the student is returned to the agreed-upon placement in the student's IEP.

Student Conduct Was Not a Manifestation of the Disability

When the conduct in question is determined not to be a manifestation of the student's disability, the District applies relevant disciplinary procedures in the same manner and for the same duration as applied to students without disabilities. The District continues to provide educational services that enable the student to participate in the general educational curriculum and progress toward meeting the goals set out in the student's IEP.

The IEP team determines the appropriate services for the student and the setting in which such services will be provided. The District conducts a functional behavioral assessment and implements behavioral intervention services and modifications designed to address the behavior violation at its own discretion.

Student Conduct Was a Manifestation of the Disability

When the conduct in question is determined to be a manifestation of the student's disability, the District conducts a functional behavioral assessment and implements a behavior intervention plan for the student. If a behavior implementation plan has already been developed, the school reviews the plan and modifies it, as necessary, to address the behavior.

The student is returned to the placement, if he/she was removed, unless the student's parent(s)/guardian(s) and the school mutually agree on a change of placement as part of the modifications of the behavior intervention plan or unless special circumstances exist.

Special Circumstances for Removal

The District removes a student with a disability to an interim alternative educational setting for up to 45 school days without regard to whether the behavior violation is determined to be a manifestation of the student's disability if the student partakes in any of the following three violations of the student code of conduct at school, on school premises or at a school function:

1. carrying or possessing a dangerous weapon;
2. knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance or
3. inflicting serious bodily injury upon another person.