STUDENTS

STUDENT BEHAVIOR-STUDENTS WITH DISABILITIES

When a disabled student has committed an act of gross disobedience or misconduct which could result in an out-of-school suspension or referral for expulsion, the District shall make every reasonable effort to notify the student’s parents/guardian of the misconduct.

Suspensions

As a result of gross disobedience or misconduct, a special education student ordinarily may be suspended for up to ten (10) consecutive school days without constituting a change in placement regardless of whether or not the misconduct is related to their disability. However, any suspension beyond ten (10) cumulative school days will require additional procedural safeguards.

After a special education student is removed from his or her placement for 10 cumulative school days in a year, for any subsequent removal, the District shall provide services to the extent necessary to enable the child the opportunity to participate appropriately in the general curriculum and advance appropriately toward achieving IEP goals as determined by the student’s teacher and authorized administrator. In addition the District will comply with federal and state legal requirements regarding manifestation determination reviews and review, revision or development of a behavior intervention plan.

Interim Alternative Educational Setting

If a student carries or possesses a weapon to/at school or school premises or at a school function, 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, or inflicts serious bodily injury upon another person while at school, on school premises or at a school function, school personnel are specifically authorized to place the student in an appropriate interim alternative educational setting or another setting for up to forty-five (45) school days without regard to whether the conduct was a manifestation of the student’s disability.

Manifestation Determination Review

If a student with disabilities reaches ten (10) school days of suspension, the IEP team or Section 504 team must convene, within ten (10) days an IEP or Section 504 meeting and conduct a review to determine the relationship, if any, between the student’s disability and the conduct subject to the disciplinary action. The student’s conduct will be considered a manifestation of the student’s disability if the team determines that:

1. The conduct in question was caused by or had a direct and substantial relationship to the student’s disability; OR

2. The conduct in question was the direct result of the school district’s failure to implement the IEP/504 Plan.
If the student’s conduct is a manifestation of the student’s disability, the IEP/Section 504 team must consider the appropriateness of the student’s current educational placement. The student may be returned to his/her current placement with modifications to the IEP/Section 504 document or behavior intervention plan or the team may consider alternative placements. If the student does not have a behavior intervention plan in place, a functional behavioral analysis of the student will be conducted and a behavior intervention plan developed.

If the student’s conduct is not a manifestation of the student’s disability, the student may be disciplined under the District’s discipline policy for regular education students. Disciplinary action taken against the student may include but not be limited to:

1. Notifying parents/guardians.
2. Disciplinary conference.
3. Withholding of privileges.
4. Seizure of contraband.
5. Temporary removal from the classroom.
6. Detention/Saturday School.
7. In-school suspension. Student is removed from his/her classroom to another room in the school. The Building Principal or designee shall ensure that the student is properly supervised.
8. Suspension from school and all school activities for up to 10 consecutive school days, provided that appropriate procedures are followed. A suspended student is prohibited from being on school grounds and school related and/or sponsored events.
9. Suspension of bus riding privileges.
10. Expulsion from school and all school-sponsored activities and events for a definite time period not to exceed 2 calendar years. An expelled student is prohibited from being on school grounds and school related and/or sponsored events.
11. Notifying juvenile authorities or other law enforcement whenever the conduct involves potential criminal offenses.
12. Community service with local public and nonprofit agencies that enhance community efforts to meet human, educational, environmental, or public safety needs. The District will not provide transportation. School administration shall use this option only as an alternative to another disciplinary measure giving the student and/or parent(s)/guardian(s) the choice.

**Expulsions**

If the IEP/Section 504 team determines that the student’s misconduct was a manifestation of the student’s disability, the student cannot be expelled. If the IEP/Section 504 team determines that the misconduct was not a manifestation of the student’s disability, the student may be referred to the Board of Education
for an expulsion hearing, but must be provided a free and appropriate public education during any subsequent period of expulsion. The extent of those services will be determined by that student’s IEP/Section 504 team.

If a special education student is referred to the Board of Education for expulsion proceedings, the procedures outlined in Board Policy 7:190 shall be followed.

ADOPTED: July 29, 2016