

STUDENT DISCIPLINE PROCEDURES FOR DISABLED STUDENTS

Disciplinary safeguards for a special education student are required to assure that appropriate student/school behaviors are expected of all students without inappropriately disciplining a special education student for behaviors directly related to the handicapping condition. An individualized disciplinary management plan may be addressed as part of a student's Individual Education Plan for any special education student who exhibits inappropriate school behaviors. The discipline plan shall address inappropriate student behaviors and procedures designed to minimize these behaviors.

Disciplinary measures for special education students may consist of, but are not limited to, the following:

- A. Counseling
- B. Conferences
- C. "Time out"
- D. Restrictions from participating in school activities
- E. Detentions
- F. In school suspension

When the student's disciplinary plan does not provide an appropriate alternative action to address disruptive conduct, the following steps may be implemented:

1. **Emergency Removal (Removal from campus for reasons other than to an alternative program):**
An emergency removal shall be used only when a student exhibits dangerous behavior, posing a physical threat to self or others. Such behavior may include, but is not limited to, the fact that the student is under the influence of alcohol or drugs, highly agitated or suffering from any other condition which temporarily threatens the student's welfare, the welfare of other individuals, or the efficient operation of the school.
 - A. Any student who is removed in a condition that threatens his own welfare or the welfare of others must be released to the student's parents, a representative of the parent, or other proper authority (including, but not limited to, law enforcement officers and medical personnel).
 - B. The period of removal may not exceed 10 consecutive school days.
 - C. Removal is effective immediately upon the decision of the building principal or administrative designee. The number of days of removal shall be determined as appropriate by the principal up to 10 days.
 - D. The principal must make and document efforts to contact and notify the parent or guardian prior to the removal. The parent or guardian must be notified of the removal as soon as possible and be given the reasons therefor.
 - E. The student shall be informed of the reason for the removal and be given an opportunity to state any objections to such action.

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- F. The student must have an opportunity to complete missed assignments.
 - G. An IEP meeting will be called during the removal period to review the student's academic and behavioral program. The parent will be in attendance whenever possible.
2. Removal to an Alternative Education Program:
When a building administrator determines that a special education student is guilty of incorrigible conduct, an Individual Education Plan committee will be convened.
- A. The IEP committee will address if the alleged behavior in question is related to the student's handicapping condition or an inappropriate placement.
 - B. If the behavior in question is judged unrelated to the student's handicapping condition by the IEP committee, the administrator may remove a student to an alternative education program.
 - C. Removal may not exceed 10 consecutive school days.
 - D. If relationship between the handicap or inappropriate placement and the behavior is determined to exist, the IEP committee shall determine what action is appropriate.
 - E. The IEP committee may place a student in an alternative education program for a period up to 10 days in an unsupervised educational setting such as home-based instruction. If the IEP committee determines that placement in an alternative education program shall exceed 10 days, the student shall continue to receive instructional service in a supervised educational setting.
 - F. If the total number of days a disabled student is removed to an alternative education program or removed from class on an emergency removal or both totals 10 days in any one school year, an IEP committee review of the student's Individual Education Plan shall be conducted to review the student's discipline management plan.
3. Expulsion of Disabled Students:
Expulsion may be effected for a disabled student who is engaging in conduct that could warrant expulsion for a nondisabled student only if the IEP committee determines that the misconduct is not related to the handicapping condition or inappropriate placement.
- A. The IEP committee will determine whether the student's disruptive behavior is related to the student's handicapping condition. The committee shall base its decision on current evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous committee decision. The IEP committee will consider whether the student's behavior indicates the need for new assessment or evaluation data.
 - B. Prior to an expulsion, the student shall be entitled to due process, including a hearing before the board of education or its designee. At that hearing, the student may be represented by counsel, and may confront and cross examine witnesses and present witnesses and evidence in the student's own behalf. The district

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shall make every effort to ensure that the student understands the charges and shall provide any assistance necessary for overcoming language barriers to communicating the student's version of the facts in the hearing.

- C. The IEP committee shall determine the Special Education services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school. If recommended by the IEP committee, Special Education instruction will be provided through home-based instruction. The IEP committee will determine if credit will be earned for the Special Education Home-based instruction. The home-based teacher will be included in the IEP meeting to determine services.
- D. If the IEP committee determines that the student's disruptive behavior is related to the handicapping condition or inappropriate placement, the student shall not be expelled. If the disruptive behavior on the part of the student indicates an inappropriate placement, the IEP committee shall review the placement and consider alternatives. If the placement is appropriate the IEP committee may revise the student's IEP to implement needed behavior management in the student's existing placement.

**REFERENCE: 20 U.S.C. §1415
Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §749
34 C.F.R. Part 104, Section 504**