

DISCIPLINE OF STUDENTS WITH DISABILITIES

Students with disabilities are not immune from the district's disciplinary process nor are they entitled to participate in programs when their behavior impairs the education of other students; however, the district will conduct their disciplinary procedures in accordance with the special guidelines for such students prescribed in state and federal regulations. The *Thompson School District Comprehensive Plan for Special Education*, available at the Department of Special Education, should be consulted for specific procedures to use in all disciplinary processes.

Nothing in this policy shall prohibit an Individualized Educational Plan (IEP) team from establishing consequences for disruptive or unacceptable behavior as part of the student's IEP and/or behavioral intervention plan.

Suspension or Disciplinary Change in Placement

Students with disabilities may be suspended for up to 10 school days in any given school year for violations of the student code of conduct. These 10 days need not be consecutive. During any such suspension, the student shall not receive educational services.

Upon the 11th school day of suspension or removal in a given school year, when such suspension or removal does not result in a disciplinary change of placement, educational services shall be provided, in an appropriate interim alternative setting, to the extent necessary to enable the student to continue appropriate progress in the general curriculum and towards the goals of the IEP.

Expulsion/Disciplinary Change in Placement

Prior to expulsion or other disciplinary change in placement, the student's parent(s) or guardian(s) shall be notified of the decision to take such disciplinary action and of their procedural safeguards.

A review of all relevant material in the student's file shall be conducted by a team including the student's parent(s) or guardian(s) and relevant district staff members to determine whether the student's behavior was a manifestation of his or her disability.

If the review team determines that the student's conduct **was not** a manifestation of the student's disability, disciplinary procedures shall be applied to the student in the same manner as applied to non-disabled students, however the student must continue to receive the educational services determined by the IEP team, as described above. The IEP team may conduct a functional behavioral assessment of the student and develop an appropriate behavioral intervention plan or modify an existing one, if appropriate.

If the review team determines that the student's conduct **was** a manifestation of the student's disability, expulsion proceedings or other disciplinary change of placement shall be discontinued. However, the student's placement may be changed, in accordance with governing law. Within a reasonable amount of time of the manifestation determination, the IEP team must conduct a functional behavioral assessment of the student (or review an existing one) and implement (or modify) the behavior intervention plan.

Dangerous Students

School personnel may remove a student with disabilities to an appropriate alternative setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of disability if:

1. The student carried a weapon to or possessed a weapon at school, on school premises, or to or at a school function;
2. The student knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school, on school premises, or at a school function;
3. The student inflicted serious bodily injury upon another person while at school, on school premises, or at a school function;
4. Ordered by a hearing officer.

The student's IEP team shall determine the educational services to be provided to the student in the alternative setting.

Students Not Identified as Disabled

If a student has not been identified as disabled but the district was deemed to have knowledge that he/she may be IDEA-eligible, then this policy will apply to that student until an appropriate determination has been completed. "Was deemed to have knowledge" includes situations where a parent has expressed concern in writing about or requested an evaluation of a child; or when a student's teacher has expressed specific concerns about a child's pattern of behavior directly to the Director of Special Education or other district supervisory personnel. If an IEP team determines that a disability exists, these regulations will continue to apply.

The district shall not be deemed to have knowledge that the student is a child with a disability if the parent has not allowed an evaluation of the student or refused services after the student was determined eligible for services; or if the student has been evaluated and it was determined that he or she is not a child with a disability.

Adopted October 6, 1993

Revised August 7, 1996; October 4, 2000; February 20, 2008

Legal ref: 20 U.S.C. §1400 *et seq.* (*Individuals with Disabilities Education Improvement Act of 2004*)
CRS 22-20-101 *et seq.* (*Exceptional Children's Educational Act*)
CRS 22-33-106 (1)(c) (*grounds for suspension, expulsion or denial of admission*)

Cross ref: IHBA, Education of Students with Disabilities
JB/JBB, Equal Educational Opportunities/Nondiscrimination
JIC, Student Conduct, and sub codes
JK, Student Discipline, and sub codes
JRA/JRC, Student Records/Release of Information on Students