

SECTION: PUPILS

TITLE: DISCIPLINE OF STUDENTS WITH  
DISABILITIES

ADOPTED: February 8, 1999

REVISED: February 10, 2003,  
October 10, 2006

# PENN MANOR SCHOOL DISTRICT

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| <p>I. Level of Policy</p>                      | <p>Required</p>   |
| <p>II. References</p>                          | <p>Individuals with Disabilities Education Act, 20 U.S.C. § 1400 <i>et seq.</i><br/>Code of Federal Regulations (IDEA), 34 CFR § 300.530 <i>et seq.</i><br/>State Board of Education Regulations, 22 Pa. Code § 14.143 <i>et seq.</i></p>   |
| <p>III. Summary of Policy</p>                  | <p>This policy establishes guidelines for student discipline when students who are eligible for special education services (or students who are thought to be eligible for such services) are involved, consistent with state regulations and the Individuals with Disabilities Education Act.</p>  |
| <p>IV. Statement of School District Policy</p> | <p><u>Applicability</u></p> <p>This policy applies to all students with disabilities who are eligible for special education services under the Individuals with Disabilities Education Act. This policy also applies to students who are "thought to be eligible" for special education services, based on notice to the district or other evidence that a student may be in need of special education services. Any student to whom this policy applies shall be referred to as a "student with a disability."</p> <p><u>Suspension and "Exclusion from School" Defined</u></p> <p>Any period of time during which a student is prevented from participation in his or her usual educational program or excluded from his or her usual educational setting is a suspension or "exclusion from school." A school-bus suspension is considered a suspension for the entire school day on which school-bus privileges are denied if the school-bus suspension prevents the student from attending school or otherwise prevents the student from receiving the program and services described in the IEP. An in-school suspension is considered a suspension if the student's IEP is not followed, in its entirety, during the period of in-school suspension.</p> |

Exclusion of a Student with a Disability from School for a Weapon Offense, Drug Offense, or Infliction of Serious Bodily Injury

If a student with a disability carries or possesses a weapon, knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, or has inflicted serious bodily injury upon another person, as those terms are defined by statute, while at school, on school premises, or at a school function under the jurisdiction of the district, the district may suspend the student for up to ten (10) consecutive school days, and in addition, order that the student's placement be changed to an interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but not for more than forty-five (45) school days, with or without the parents' consent. The district shall initiate the procedures that govern a "change in educational placement" (*see below*) within ten (10) school days of ordering the student to be placed in an interim alternative educational setting; however, the placement may be ordered immediately and the student shall remain ("stay put") in the interim alternative educational setting during the pendency of the procedures or the expiration of the forty-five (45) school day period, whichever comes first.

Exclusion of a Student with a Disability from School Based on a Serious Danger

If the district believes that a student with a disability poses a serious danger to himself or herself or others, the district may arrange an expedited due process hearing and seek a forty-five (45) school day interim alternative educational placement for the student. If the hearing officer determines that the district has demonstrated, by substantial evidence, that maintaining the student's current placement is substantially likely to result in injury to the child or to others, the hearing officer may order that the student's placement be changed to an interim alternative educational setting for up to forty-five (45) school days, with or without the parents' consent. The factors that the hearing officer must consider are set forth in 34 CFR § 300.532. The district shall initiate the procedures that govern a "change in educational placement" (*see below*) within ten (10) school days of a hearing officer's order placing the student in an interim alternative educational setting.

Exclusion of Students Identified as Mentally Retarded from School

Students identified as mentally retarded will be subject to the same disciplinary procedures applied to other students with disabilities for any disciplinary offense involving a weapon, drugs or serious bodily injury. For all other disciplinary offenses, the district shall not suspend or otherwise exclude a mentally retarded student from school, for any length of time, unless the procedures governing a "change of educational placement" (*see below*) have been followed.

Exclusion from School for Less than Ten (10) School Days (Consecutive) or Fifteen (15) School Days (Total)

A student with a disability (other than a mentally retarded student) may be suspended from school for up to ten (10) consecutive school days, or fifteen (15) cumulative school days per school year, under the same rules and according to the same procedures that are applied to students without a disability.

Exclusion from School for More than Ten (10) School Days (Consecutive) or Fifteen (15) School Days (Total)

When a student with a disability is suspended or otherwise excluded from school for more than ten (10) consecutive school days or fifteen (15) cumulative school days in one (1) school year, the suspension or exclusion is, by definition, a "change of educational placement." For disciplinary offenses that do not involve a weapon, drugs or a serious bodily injury (*see above*), the district must follow the procedures governing a "change of educational placement" (*see below*) in order to suspend or otherwise exclude a student with a disability from school for more than ten (10) consecutive school days or fifteen (15) cumulative school days.

Change of Educational Placement

Special procedures must be followed when a student with a disability is excluded from school for disciplinary reasons in a manner that constitutes a change in the student's educational placement (i.e., any suspension or exclusion from school that exceeds ten (10) consecutive school days or fifteen (15) cumulative school days). The following procedures must be followed whenever a change in educational placement is at issue as a result of disciplinary action:

1. Within ten (10) school days from the day that disciplinary action is taken: (i) notice shall be provided to the student's parents that a change in educational placement is being considered; and (ii) the student's IEP team, including the students' parents, shall convene.
2. The IEP team shall review the student's behavioral intervention plan and its implementation and modify the plan and its implementation, if necessary, to address the student's misbehavior. If no behavior intervention plan is in place, the IEP team shall develop a behavioral assessment plan, complete appropriate assessments and develop and implement appropriate behavioral interventions.
3. The IEP team shall also conduct a manifestation determination review. The purpose of the manifestation determination review is to determine whether the student's misbehavior was related to his or her disability. The manifestation determination review shall comply with the

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| <p>V. Options, Comments and Additional Considerations</p> | <p>requirements set forth in 34 CFR § 300.530. The IEP team shall conclude either that the student's behavior was a manifestation of his or her disability, or that the behavior was not a manifestation of the student's disability.</p> <ol style="list-style-type: none"> <li>4. If the IEP team concludes that the misbehavior was a manifestation of the student's disability, the student shall not be suspended or otherwise excluded from school for more than ten (10) consecutive school days or fifteen (15) cumulative school days.</li> <li>5. If the IEP team concludes that the misbehavior was not a manifestation of the student's disability, and the parents do not challenge that conclusion, the student shall be suspended or otherwise excluded from school in accordance with the district's regular discipline procedures. The student shall, however, receive services and a free appropriate public education during any period of suspension or other exclusion from school that exceeds ten (10) school days.</li> <li>6. If the IEP team concludes that the misbehavior was not a manifestation of the student's disability, and the parents challenge that conclusion, the parents may request a due process hearing and the district shall arrange an expedited hearing, consistent with 34 CFR § 300.532. The student shall remain ("stay put") in his or her current educational placement during the pendency of any due process proceedings.</li> </ol> <p><u>Referral to Law Enforcement Authorities</u></p> <p>The district may report a student with a disability to appropriate law enforcement authorities when the district believes the student has committed a crime. When the district reports a student with a disability to law enforcement authorities, however, the district must: (i) attempt to obtain parental consent to transmit copies of the child's special education and disciplinary records to the law enforcement authorities; and (ii) transmit those records to the law enforcement authorities if such consent is obtained.</p> <p>The Individuals with Disabilities Education Act implementing regulations, found at 34 CFR Part 300, as well as Pennsylvania State Board of Education Regulations, found at 22 Pa. Code Chapter 14, establish detailed guidelines that regulate the way in which a school district may discipline students with disabilities. The regulations are designed to ensure that: (i) students are not disciplined on the basis of their disabilities; and (ii) students with disabilities continue to receive free, appropriate, public education services during periods of disciplinary exclusion that exceed ten (10) school days. Any time a serious disciplinary matter arises in connection with a student with a disability, the student's IEP team should be convened and should</p> |
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|  | <p>remain involved in the appropriate resolution of the disciplinary situation. Any time disciplinary matters involve a student with a disability and a weapon, drugs or serious bodily injury, school officials should pay careful attention to the precise definitions of those terms found in the IDEA statute and regulations.</p> |
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