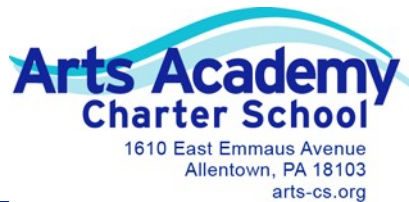


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Board Policy 2.3.6

DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board directs that the school shall comply with provisions of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 and federal and state regulations when disciplining students with disabilities for violations of school policy or school rules and regulations.

Whenever behavior interferes with the learning of a child with disabilities or with the learning of others, the IEP team of that child shall consider and shall include in the IEP of the child as needed, appropriate positive behavioral interventions, strategies, and supports to address the behavior. Students with disabilities who engage in conduct that violates school policy or school rules and regulations in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others shall be disciplined in accordance with their Individualized Education Program (IEP), behavior support plan, and Board policy.

Change in Placement and the Need for a Manifestation Determination

In instances where disciplinary removals would result in a change in educational placement, the School shall first determine, within 10 school days following the disciplinary incident, whether the student's behavior is a manifestation of his/her disability.

Any removal from school is a change of placement for a student identified with mental retardation.

The following constitutes a change in educational placement for students with disabilities other than mental retardation:

1. A removal/suspension for more than ten (10) consecutive school days;
2. Removals/suspensions which, over the course of the school year, accumulate to more than fifteen (15) total days in a school year;
3. A series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year. In determining whether a pattern exists, the school will examine such factors as:
 - a. The type of behavior leading to the removals;
 - b. The length of each removal,

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- c. The total amount of time the child is removed;
- d. The proximity of the removals to one another;
- e. Any other relevant factors that may indicate that there was a pattern regarding the behavior that led to the disciplinary incidents or the disciplinary removals.

Disciplinary Incidents that are Not a Manifestation of the Student's Disability

A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined pursuant to school policy and procedures, including expulsion, where appropriate and/or necessary. In such instances, FAPE will continue to be provided by the School during the period of exclusion.

Disciplinary Incidents that are a Manifestation of the Student's Disability

No student with a disability shall be excluded from school if the student's behavior and/or misconduct is determined to be a manifestation of his/her disability. In such cases, the proposed disciplinary action shall be voided. The IEP Team shall be reconvened as soon as possible to determine whether modification of the current placement/program is necessary/appropriate. This review shall include a determination whether a functional behavior assessment is needed and/or whether a revision to an existing positive behavior support plan is needed.

Students Thought to be Exceptional

Students who have not already been identified as disabled at the time they commit the misconduct or behavior may be subject to the same disciplinary measures applied to students without disabilities if the school did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.

Violations Involving Drugs, Weapons, and/or Serious Bodily Injury

School personnel may remove a student with a disability, including intellectual disability, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:

1. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the School. For purposes of this provision, **weapon** is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 ½) inches in length.

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2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at school, on school property, or at school functions under the jurisdiction of the School.
3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdiction of the School. For purposes of this provision, **serious bodily injury** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Provision of Education During Disciplinary Exclusions

During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law.

Expedited Due Process Hearing

In instances where the school is concerned for the safety of the student and/or other students but which do not meet the legal requirements for a unilateral, 45-day placement, school officials may request an expedited due process hearing and request the hearing officer to place a disabled student in an interim alternative educational setting (IAES) for up to forty-five (45) calendar days.

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.

The Executive Director or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies. The Executive Director or designee shall respond to such incidents in accordance with the School's Special Education Plan and, if applicable, the procedures, methods and techniques defined in the student's Behavior Support Plan.

For a student with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, the School shall convene the student's IEP team to consider

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whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policies.

When reporting an incident committed by a student with a disability to the appropriate authorities, the School shall provide the information required by state and federal laws and regulations and shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by these authorities. The School shall transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

In accordance with state law, the Executive Director shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.