

DISCIPLINE OF DISABLED STUDENTS

Definitions

For the purposes of this policy the following terms are defined:

1. **Change of Placement:** Any removal of a disabled student from his or her assigned classroom or service specified in an IEP or by a multidisciplinary committee responsible for determining placement, for other than short-term crisis management, for a period of more than ten (10) consecutive days, or cumulative days if a pattern of suspension is created, within the year. Multiple suspensions which accumulate to more than ten (10) days may constitute a change in placement if a pattern of suspension results, and should be evaluated on a case-by-case basis. Factors to be considered in determining whether a pattern of suspension is present include the number and length of suspensions, their proximity to each other, and the total amount of time a student is suspended from school.

Interventions established by a multidisciplinary committee which continue the provision of special education and related services, or interventions which do not substantially interrupt the provision of services identified by a multidisciplinary committee, or those in an IEP, will not count toward the ten-day limit.

A disabled student who brings a firearm (as defined in 18 U.S.C. 921) on school property may be placed in an interim appropriate educational setting for not more than 45 days.

2. **Disabled Student:** A student identified as disabled as defined in P.L. 94-142/IDEA or Section 504 of the Rehabilitation Act, or a student referred for a single disciplinary or multidisciplinary evaluation.
3. **Suspension:** Removal of a student from school for a definite period of time for misconduct. A suspension of more than ten (10) consecutive days constitutes a change of placement.
4. **Expulsion:** Removal from school for an indefinite period of time for serious misconduct.

Procedures

1. If a disabled student is charged with misconduct which may result in a suspension, the student and the student's parents or guardian shall be given oral or written notice of the charges. If the charges are denied, the student, parent or guardian shall be given an oral or written explanation of the facts which form the basis of the proposed suspension. The student, with assistance of a parent or guardian, shall then be given an opportunity to present his or her version of the incident.
2. The principal shall keep a record of all disciplinary action taken against a disabled student which, if continued for more than ten consecutive/cumulative days, would amount to a change in placement.

3. If any disciplinary action which will result in a change in placement is proposed against a disabled student, the supervisor of special education and the chairperson of the student's multidisciplinary committee responsible for determining placement shall be notified, and the committee shall be convened as soon as practicable.

The student shall be accorded all procedural rights under federal and state law, including:

- a. Notice of the proposed action,
 - b. The right to examine the record,
 - c. Re-evaluation if a significant change in placement is proposed,
 - d. The right to appeal,
 - e. A hearing with the right to representation by counsel, and
 - f. If a parent requests due process, the student has a right to remain in the current placement until resolution of the due process proceedings unless an agreement is reached with the parents for an alternative placement or a court injunction is obtained.
4. If a disabled student is found by the district to present a danger to himself or herself or others, and the student's parent or guardian has not consented to an immediate change in placement pending due process procedures, then the district may seek a court order for an immediate change in placement, pending the completion of such procedures. If the court does not determine the nature and extent of services to be provided to such child during this period, the multidisciplinary committee shall make such determination. In the case of a disability resulting in violent behavior which causes a substantial likelihood of injury to the student or others, the district shall initiate procedures to remove the child to a more appropriate placement if the district has made reasonable efforts to minimize the risk.
 5. If the discipline proposed would result in a change in placement, the committee shall determine whether the behavior for which discipline is proposed is related to the child's disability, and whether the child is currently placed in the appropriate least restrictive environment based on a multidisciplinary evaluation.
 6. If the committee determines that the behavior is unrelated to the disability, discipline resulting in a change of placement may be imposed, including suspension or expulsion. Parents or guardians must be notified of a change in placement. However, special education services cannot be ceased. A determination that the student's behavior is unrelated to the disability indicates that normal disciplinary measures recommended by the administration are appropriate. The committee's determination may be appealed. The nature and extent of educational services to be provided during any such period of suspension or expulsion, if any, shall be based on recommendations of the multidisciplinary committee, subject to the right of appeal.

District Code:

7. If the committee determines that the behavior is related to the student's disability, the student shall remain in the current placement pending completion of the administrative process. Disciplinary action resulting in a change in placement may not be taken against such a student. The committee shall modify the student's placement or IEP as appropriate.
8. Due process procedures, applicable to suspension or expulsion under state law as provided in sections 167.161 and 167.171, RSMo, shall be provided prior to suspension or expulsion of disabled students.

Adopted: October 8, 1996

Cross Refs.: JG, Student Discipline
JGD, Student Suspension and Expulsion

Legal Refs.: Individuals with Disabilities Education Act, P.L. 94-142
§ 504 of the Rehabilitation Act of 1973
§§ 160.261, 162.680, .955 - .963, 167.161 - 171, RSMo
Honig v. Doe, 108 S.Ct. 592 (1988)
Americans With Disabilities Act (42 U.S.C. 12101 et seq.)