



## **POLICY 113.2 – DISCIPLINE OF STUDENTS WITH DISABILITIES**

### **1. Purpose**

Positive behavioral support shall be used with students with disabilities whose behaviors impede their learning or the learning of others to promote and strengthen desirable behaviors and to reduce identified inappropriate behaviors.

Students with disabilities who engage in inappropriate behavior, disruptive or prohibited activities shall be disciplined in accordance with state and federal laws and regulations, Board policy, and their Individualized Education Program (IEP) and positive behavior support plan.

### **2. Authority**

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

No student with a disability shall be subjected to a disciplinary change in placement if the student's particular misconduct is a manifestation of his/her disability. However, under certain circumstances a student may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred.

### **3. Guidelines**

#### **Disciplinary Change in Placement**

Disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days and no more than fifteen (15) cumulative days within a given school year are referred to as suspensions and shall not constitute a disciplinary change in placement.

Disciplinary exclusions from eleven (11) to fourteen (14) days within a given school year, if they constitute a pattern, may constitute a disciplinary change in placement. A student with a disability may be suspended only to the extent that such suspensions are consistent with discipline that is applied to students without disabilities.

Disciplinary exclusions exceeding ten (10) consecutive school days are referred to as expulsions, and shall constitute a change in placement.

For students with intellectual disabilities (formerly referred to as mental retardation), disciplinary exclusion from school for even one day shall constitute a change in placement.

### Provision of Education

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.

### Procedural Safeguards / Manifestation Determination

For disciplinary exclusions which constitute a change in educational placement, the District shall first determine whether the student's behavior is a manifestation of his/her disability.

A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Board policy, and District rules and regulations in the same manner and to the same extent as students without disabilities.

If the student's behavior is found to be a manifestation of a disability, and the student does not have a positive behavior support plan, the IEP team shall conduct a functional behavior assessment and implement a positive behavior support plan. If the student had a positive behavior support plan in place at the time of the behavioral incident, the IEP team shall conduct a functional behavior assessment and review and consider revising the positive behavior support plan as necessary to address the behavior. If the behavior is found to be a manifestation of the child's disability, the student shall return to his/her placement from which s/he was removed unless the IEP team, including the parent/guardian, agrees that a change in placement is appropriate for the student.

Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the District 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.

### Appeals From Disciplinary Actions / Request for Hearing(s)

A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the District if the District believes the current placement is substantially likely to result in injury to the student or others.

On parent/guardian appeal, or when the District requests a due process hearing, the hearing officer may return the student to the placement from which s/he was removed or order his/her removal to an interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the child's current placement is substantially likely to result in injury to the student or others.

### Administrative Removal to Interim Alternative Educational Setting for Certain Infractions

School personnel may remove a student with a disability, including those with intellectual disabilities, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior was 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 District. 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 (2½) inches in length.
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 school functions under the jurisdiction of the District.
3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdiction of the District. 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.

#### Referral to Law Enforcement

The District shall report crimes committed by a student with a disability to the appropriate authorities in the same manner as it reports crimes committed by students without disabilities.

#### References:

School Code – 24 P.S. § 510

State Board of Education Regulations – 22 Pa. Code §§ 12.6, 14.133, 14.143

Crimes Code, Possession of Firearms and Dangerous Weapons – 18 U.S.C. Sec. 930

Crimes Code, Definition, Serious Bodily Injury – 20 U.S.C. Sec. 1400 et seq.

Individuals with Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

Controlled Substances Act – 21 U.S.C. Sec. 812

Individuals with Disabilities Education, Title 34, Code of Federal Regulations –  
34 CFR Part 300

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