



Book	Policy Manual
Section	100 Programs
Title	Discipline of Students With Disabilities
Number	113.1
Status	First Reading
Adopted	February 19, 2003
Last Revised	December 15, 2003
Last Reviewed	April 16, 2018

Purpose

~~When necessary, behavior support programs shall be developed and maintained for students with disabilities in order to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors.~~ When a student's Individualized Education Program ("IEP") team determined that a student is displaying behaviors that interfere with his or her learning or the learning of other, the IEP shall develop a Positive Behavior Support Plan ("PBSP") that is based on a Functional Behavior Assessment ("FBA"). The PBSP shall aim to promote and strengthen desirable replacement behaviors in lieu of identified inappropriate behaviors. [1]

Students with disabilities who engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others ~~shall~~ may be disciplined in accordance with their Individualized Education Program (IEP), PBSP, ~~behavior support plan~~, and Board policy.

Authority

The Board directs that the district shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of district policy or school rules and regulations. No student with a disability shall ~~be expelled~~ receive a change in placement if the student's particular misconduct is a manifestation of his/her disability. [2][4][9]

Guidelines

A student with a disability, other than those students identified as students with an Intellectual Disability ("ID"), may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, regardless of 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 as ID. [4]

~~Any removal from school is a change of placement for a student identified with mental retardation.~~ [4]

A student with a disability whose behavior is not a manifestation of his/her disability may be expelled pursuant to district policy and procedures. [6][7][9]

A hearing officer may order removal of a student with a disability to an alternative setting for forty-five (45) days where the district demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.[9]

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 prior to the disciplinary incident. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.[9]

Special Circumstance: Weapons Violations

A student with a disability who carries a weapon to school or possesses a weapon at school, on school premises, or to a school function, may be removed to an interim alternative ~~from his/her current placement. The student shall be placed in an appropriate interim~~ alternative educational setting for not more than forty-five (45) school days regardless of whether the behavior is determined to be a manifestation of the student's disability. [8][10]

Special Circumstance: Illegal Drugs/~~Controlled Substances Violations~~

A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function may be removed ~~from his/her current placement. The student shall be placed in an appropriate~~ an interim alternative educational setting for not more than forty-five (45) school days regardless of whether the behavior is determined to be a manifestation of the student's disability. [8] (21 U.S.C. 812(c)).

Special Circumstance: Serious Bodily Injury

A student with a disability who has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function may be removed to an interim alternative educational setting for not more than 45 school days regardless of whether the behavior is determined to be a manifestation of the student's disability. (34 CFR 300.530(g), 18 U.S.C. 1365(h)).

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| Legal | 1. 22 PA Code 14.133 |
| | 2. 20 U.S.C. 1400 et seq |
| | 4. 22 PA Code 14.143 |
| | 6. Pol. 218 |
| | 7. Pol. 233 |
| | 8. 34 CFR 300.520 |
| | 9. 34 CFR 300.519-300.529 |
| | 10. 18 U.S.C. 930 |

Last Modified by Mrs Regina Urso on April 6, 2018