

## Students

### Misconduct by Students with Disabilities <sup>1</sup>

#### Behavioral Interventions <sup>2</sup>

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The School Board will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities.

#### Discipline of Special Education Students <sup>3</sup>

The District shall comply with the Individuals With Disabilities Education Improvement Act of 2004 and the Illinois State Board of Education's *Special Education* rules when disciplining special education students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of his or her disability.

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

<sup>1</sup> State or federal law controls this policy's content. State law requires each district to have a policy on student discipline (105 ILCS 5/10-20.14, amended by P.A. 99-456, eff. 9-15-2016; 23 Ill.Admin.Code §1.280) plus "policies and procedures" on behavioral interventions (105 ILCS 5/14-8.05). In its continuing commitment to help school districts and special education cooperatives comply with ISBE's requirements for policy and procedure, the Ill. Council of School Attorneys, special education committee, reviewed this policy and prepared extensive procedures, *Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities*. These procedures plus other material are available gratis on ~~They comprehensively cover behavior intervention and discipline. the IASB website at~~ [iasb.com/law/icsaspeded.cfm](http://iasb.com/law/icsaspeded.cfm).

<sup>2</sup> State law specifies what must be covered in the mandatory "policies and procedures" on behavioral interventions (105 ILCS 5/14-8.05). They must "be developed with the advice of parents with students with disabilities and other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge or expertise in the development and implementation of behavioral interventions for persons with disabilities." (*Id.*). A board that wants to highlight the components of the procedures may add the following:

The committee shall review the State Board of Education's guidelines on the use of behavioral interventions and use them as a non-binding reference. This policy and the behavioral intervention procedures shall be furnished to the parents/guardians of all students with individual education plans within 15 days after their adoption or amendment by, or presentation to, the School Board or at the time an individual education plan is first implemented for a student; all students shall be informed annually of this policy and the procedures. At the annual individualized education plan review, this policy shall be given to the parents/guardians and the behavioral interventions procedures explained and made available to them on request.

<sup>3</sup> A special education student may not be expelled for behavior or a condition that is a manifestation of the student's disability (34 C.F.R. §300.530).

LEGAL REF.: Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §§1412, 1413, and 1415.  
Gun-Free Schools Act, 20 U.S.C. §7151 et seq.  
34 C.F.R. §§300.101, 300.530 - 300.536.  
105 ILCS 5/10-22.6 and 5/14-8.05.  
23 Ill.Admin.Code §226.400.  
Honig v. Doe, 108 S.Ct. 592 (1988).

CROSS REF.: 2:150 (Committees), 6:120 (Education of Children with Disabilities), 7:130 (Student Rights and Responsibilities), 7:190 (Student **Discipline Behavior**), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct)