

Three Rivers School District

8550 New Hope Rd • PO Box 160 • Murphy, OR 97533

Policy: JGDA/JGEA
Adopted: 10/16/06
Readopted: 3/17/08

DISCIPLINE OF ~~DISABLED~~ STUDENTS WITH DISABILITIES

~~When students being served by an individualized education program (IEP) engage in conduct which would warrant suspension of more than 10 days, the student's parents will be notified immediately (within 24 hours) of the circumstances of the misbehavior, and the time and location of the student's IEP team meeting addressing the infraction and its relationship to the disability.~~

~~Should the IEP team conclude the misconduct is not a manifestation of the student's disability, the student may be disciplined in the same manner as other students.~~

~~If the IEP team concludes the misconduct is a manifestation of the student's disability, the team may review and revise the student's IEP and determine whether a change in placement is needed.~~

The following prohibitions apply:

- ~~1. The district may not suspend for more than 10 days or expel a disabled student for any behavior which is a manifestation of the disability;~~
- ~~2. The district may seek a court or hearing officer order to remove a student to an interim alternative educational setting if:
 - ~~a. The student is substantially likely to injure self or others in the school;~~
 - ~~b. The district has made a reasonable effort to minimize the risk of harm; and~~
 - ~~c. The district has developed an interim alternative educational placement that allows the student to participate in the general curriculum and continue to receive special education and related services, including services to address the misconduct.~~~~
- ~~3. If a student carries or possesses a weapon to or at school, on school premises or to or at a school function or knowingly possesses or uses illegal drugs or knowingly solicits the sale of controlled substances, the district can remove the student to an interim alternative educational placement for up to 45 calendar days.
 - ~~a. As used in this policy "weapon" means 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 2 ½ " in length. "Drug" is defined as an illegal drug or a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.~~
 - ~~b. "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school-sponsored function. "Weapon violation," means carrying a weapon to school or a school-sponsored function or acquiring a weapon at school.~~~~

When considering student disciplinary procedures that may result in removal of the student, the district follows all special education procedures and ensures the parent and the student are afforded the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) if:

1. The student is receiving individualized education program (IEP) services; or
2. The student has not yet been identified as a student with a disability, but the district had knowledge that the student had a disability and needed special education.

For a violation of a code of conduct, the district may remove a student with a disability from a current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, as for students without disabilities, if the removals do not constitute a pattern. The district may remove a student with disabilities for additional periods of up to 10 days if the removals do not constitute a pattern. The determination regarding whether a series of removals constitutes a pattern is subject to review in an expedited due process hearing.

Disciplinary removal of a student with a disability constitutes a change in the student's educational placement when the removal is for more than 10 consecutive school days, or the removal is for more than 10 cumulative school days and constitutes a pattern of removals. When considering whether to order a disciplinary change of placement the district may consider any unique circumstances on a case-by-case basis. Any decision to initiate a disciplinary change in placement requires a determination of whether the conduct leading to the disciplinary removal was caused by, or was substantially related to, the student's disability or was a direct result of the district's failure to implement the student's IEP.

For a violation involving drugs, weapons or the infliction of serious bodily injury, the district may remove a student with a disability from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is a manifestation of the student's disability. This removal is considered a change in placement.

The district will provide educational services to a student who is suspended or expelled for more than 10 school days in a school year. These services may be provided in a different location or interim alternative educational setting as determined by the IEP and placement teams.

END OF POLICY

Legal Reference(s):

[ORS 326.565](#)
[ORS 326.575](#)
[ORS 336.187](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.252](#)

[ORS 343.177](#)

[OAR 581-015-2400](#)
[OAR 581-015-2405](#)
[OAR 581-015-2410](#)
[OAR 581-015-2415](#)

[OAR 581-015-2420](#)
[OAR 581-015-2425](#)
[OAR 581-015-2430](#)
[OAR 581-015-2435](#)
[OAR 581-015-2440](#)

~~OAR 581-015-0550 to 0059~~
~~OAR 581-021-0065 (5)~~
~~OAR 581.021-0070~~

~~Education of Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105.~~

~~Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(k) (2012).~~

~~Assistance to States for Education of Children with Disabilities, 34 CFR Section 300.520 (2000). *Honig v. Doe*, 484 U.S. 305 (1988). Possession of firearms and dangerous weapons in federal facilities, 18 U.S.C. Section 930(g)(2). § 300.507, § 300.508(a)-(c); §§ 300.510-300.514; §§ 300.530-300.536 (2017).~~