
DESCRIPTOR TERM:

District 370 Policy
File Code: 8.75

Students

Discipline of Special Education Students

1993

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INTRODUCTION. The following general procedures apply to the discipline of Special Education (handicapped) students.

1. Handicapped students shall follow the rules and regulations of the schools which they attend and shall be generally subject to standard disciplinary penalties, except to the extent that modifications of the school's disciplinary penalties are stated in individual I.E.P.'s. This requirement, however, shall not restrict the rights to which such students are entitled as handicapped students.
2. The school district is authorized to impose short-term suspensions (i.e., suspensions of a total of ten (10) school days or less). A short-term suspension does not constitute a change of special education placement or a complete cessation of services or a significant change in placement which would require a re-evaluation.
3. A handicapped student may not be denied admission unilaterally. A handicapped student may not be suspended unilaterally for more than ten (10) consecutive school days or for an accumulation of more than ten (10) school days in a school year. Any proposed denial of admission, suspension or an accumulation of suspensions of more than ten (10) school days in a school year is a proposed change of placement and invokes procedural rights under federal law (i.e., 94-142 and Section 504). These rights of parents and students include:
 - a. written notice of the proposed action;
 - b. right to examine records;
 - c. reconvening of the Child Study Team;
 - d. right to determine the need for re-evaluation;
 - e. the right to a due process hearing with representation of counsel;
 - f. the right to remain in the current placement during pendency of due process; and
 - g. the right to appeal a decision with which they disagree.
4. For any proposed denial of admission or a proposed suspension which would constitute a change in placement, the Multidisciplinary Team must complete an evaluation to determine if the student's behavior is related to the handicap and whether the current placement is appropriate. The Child Study Team must review documented patterns of behavior found in referral information, multidisciplinary evaluations, and the present levels of performance in the I.E.P.

- a. A handicapped student whose conduct is found to be a result of a handicap as determined by the Child Study Team may not be suspended for more than ten (10) consecutive school days or an accumulation of more than ten (10) school days in any school year without the concurrence of the Child Study Team and may not be denied admission. The Child Study Team shall modify the student's I.E.P. and/or placement as appropriate.
- b. A handicapped student whose conduct is found not to be a result of his handicap and whose placement and program are appropriate as determined by the Child Study Team will be subject to the regular discipline procedures followed for all students, providing that the procedural protections of federal law are followed. When the Child Study Team determines the student is subject to the penalties of the regular discipline procedures, the Child Study Team is also determining that the change of placement which may be the result of those procedures is appropriate. The Child Study Team will determine the nature and extent of the special educational services that may be provided during such a period of suspension or denial of admission.
- c. A handicapped student whose behaviors are determined to be a threat or danger either to himself or others or are so disruptive that the behavior interrupts the educational process for others may not be suspended for more than ten (10) consecutive school days or an accumulation of more than ten (10) school days in any school year if the parent has initiated due process proceedings. While review proceedings are pending, the local school district may seek a court injunction barring the student from school. The Child Study Team will determine the nature and extent of the special educational services that may be provided during such a period of suspension or expulsion.

All suspensions/expulsions must follow the procedures as stated in Homedale School District Policy, File Codes 8.70 and 8.71.

- 5. If the student accumulates, or appears to be likely to accumulate more than ten (10) days of suspension in a school year, the Child Study Team must be convened to determine:
 - a. if the accumulation of more than ten (10) days of suspension is in fact a significant change in placement;
 - b. if the current program and placement are appropriate; and
 - c. if the behavior is related to the handicap.

Based on its determination, the Child Study Team is to make needed modifications to the student's I.E.P.

- 6. Removing a student from his or her assigned classroom for inappropriate behavior may constitute suspension, unless it is for short-term crisis management. Suspension of a handicapped student from transportation service, if it causes the student to miss attending

school, also counts toward cumulative days of suspension. However, alternative services such as in-school suspension, alternative learning centers, or time-out identified in an I.E.P. which ensure the continuation of the provision of special education and related services will not be counted toward the accumulation of ten (10) school days of suspension.

7. When a significant change in placement has been made through the I.E.P. process to address disciplinary concerns, then a new ten (10) day limit on suspensions may apply to the new placement as determined by the Child Study Team.