

STUDENT DISCIPLINE - SPECIAL EDUCATION STUDENTS

1. Suspension For More Than 10 Days Or Expulsion
Suspension for more than 10 days, either consecutively or cumulatively, in any one school year, or expulsion for any offense is considered a change in placement of a student with a disability if:
 - a. the offense was a manifestation of, or related to, the student's disabling condition; and/or
 - b. the student was inappropriately placed at the time of the offense or there is a likelihood that a change in the student's program and/or placement would alleviate the misconduct which led to the offense.
2. Suspensions for more than 10 days, either consecutively or cumulatively, shall include:
 - a. in-house suspension, if it deprives a disabled student of a significant component of his/her IEP;
 - b. suspension or exclusion from transportation, if it results in the disabled student's absence from school for more than 10 days, either consecutively or cumulatively; and
 - c. suspension, exclusion, expulsion, or withdrawal under a behavioral contract pursuant to a student disciplinary code, which is not part of an IEP.
3. Determination of the relationship of the offense to the student's disability shall be made by the IEP/Child Study Team. If the student's behavior is determined to meet the conditions set out in paragraph 1a. or 1b. above, then suspension and/or expulsion are not acceptable management or discipline procedures, and any discipline for the behavior shall be in accordance with the student's IEP.
4. When the number of days suspended either consecutively or cumulatively, regardless of the number or type of offenses, reaches more than six (6), the IEP/Child Study Team shall meet to review the student's discipline record(s) within ten (10) school days. A discipline summary of offenses and dates on which they occurred shall be reviewed by the Team. The Team shall determine:

- a. if the offenses up to that point were a manifestation of or related to the student's disability, and/or
 - b. if the student was inappropriately placed or there is a likelihood that a change in the student's program and/or placement would alleviate the misconduct, and
 - c. if the offense(s) are found to be the result of subparagraph a. or b. above, the Team shall consider changing the student's program and/or placement.
 - d. The Team shall develop a plan outlining a future course of action to be taken when the student is suspended more than ten (10) days. The course of action shall be documented in minutes of the meeting.
5. When suspension reaches more than 10 days, the Principal shall consult with the Director of Student Support and Parent/Community Services, PreK-12 or designee and review the plan developed in 4.d. above. The IEP/Child Study Team may have to convene again to consider options at that time.
- a. Supportive instruction at home shall be considered a temporary measure as an alternative for school offenses if no other program placement is available. This is considered a change of placement, and the IEP must be revised accordingly. To arrange for supportive instruction, the Principal shall notify the Director of Student Support and Parent/Community Services, PreK-12 or designee.
 - b. Regarding bus offenses, students shall be subject to the provisions of Board Policy 5415 - Student Code of Conduct: Bus - Grades 1-12. When the total days of bus suspension for the year exceed ten (10) and the parent is unable to provide transportation, alternative bus transportation shall be considered. To arrange for alternative busing, the Principal shall notify the Supervisor of Transportation who will notify the Director of Student Support and Parent/Community Services, PreK-12 or designee. Students who need alternative transportation on a long-term basis shall be so determined by the IEP/Child Study Team.
 - c. When the student is scheduled for a Board hearing, If expulsion is a possibility, the Principal shall notify the Director of Student Support and Parent/Community Services, PreK-12 or designee. Expulsion or suspension

for more than 10 days consecutively or cumulatively triggers:

- (1) the full range of procedural safeguards delineated in state and federal laws and regulations with respect to a change in placement;
- (2) all due process rights accorded all pupils in the District with respect to long-term suspensions or expulsion; and
- (3) all such other rights and procedures as are consistent with state and federal law.

6. The student shall remain in his or her educational placement during the pendency of:

- a. proceedings to determine whether the student's behavior is the result of his/her disability and/or an inappropriate program or placement; or
- b. proceedings to expel or to suspend for more than 10 days where a determination has been made that the student's behavior is the result of his/her disability and/or inappropriate program or placement.
- c. During the pendency of the above proceedings, the full range of appropriate services within the present placement shall be made available to allow the student to function within that placement. Such efforts shall be documented in the minutes of the meeting(s).
 - (1) However, in extraordinary cases where the student is a danger to him/herself or others, or is so disruptive that his/her behavior substantially interferes with the right of other students in the class to learn, the District may place the student in a more restrictive environment, with the consent of the student's parents, or may provide the student with supportive instruction at home in lieu of the student's present educational placement.

In such extraordinary cases, the school shall document:

- (a) the behavior of the student,
- (b) the school's/District's efforts to provide services to allow the student to function within the present educational placement,
- (c) the futility or lack of success, and
- (d) the rationale for the above decisions.

- (2) All such extraordinary cases requiring placement of a student in a more restrictive environment, including homebound instruction shall be brought immediately to the attention of the Director Student Support and Parent/Community Services, PreK-12 or designee. The school shall convene an IEP/Child Study Team meeting within 5 days.
 - (3) In cases where a parent objects to such an alternative placement, the provisions of Section 6 above (Student's Status During Proceedings) shall apply, unless a court order to the contrary is obtained by the District.
7. All instances of suspension, exclusion, expulsion, or withdrawal, and the reasons for such action, shall be documented.
8. Where the IEP/Child Study Team determines that the student's behavior is not the result of the disability and/or inappropriate program, the full range of sanctions set out in the student code of conduct governing all pupils in the District may be imposed. However, it is the District's responsibility to provide an expelled student with a free, appropriate public education.
 - a. In extraordinary cases that involve school behavior, the student shall be provided the opportunity to receive supportive instruction at home or other appropriate educational alternatives.
 - b. In situations that involve bus behavior, the student shall be subject to the provisions of Board Policy 5415: Student Code of Conduct: Bus - Grades 1-12. Bus suspension does not deny the student the opportunity of an educational program, provided the parents seek alternative transportation.
9. Suspension For Less Than 10 Days

All disabled students suspended for 10 days or less shall be accorded the due process rights accorded all pupils in the District with respect to short-term suspensions.
10. Exclusion as a Treatment Procedure

When procedures involving exclusion from class or school are a part of a treatment procedure developed as such by the student's IEP/Child Study Team with parental consent, the policies as described in the previous sections of this part shall not apply.

11. Corporal Punishment

Corporal punishment is prohibited in accordance with Board Policy.

12. Whenever the IEP/Child Study Team determines that it is necessary to provide an alternative discipline program in lieu of any portion of Milford School District Student Discipline Policies, a plan shall be devised to help the student learn to take responsibility for his/her own behavior and that there will be consequences for misbehavior. The team shall document any plans which deviate from prescribed Board Discipline Policy on the student's IEP.

13. Each school shall establish a written procedure for monitoring the number of days suspended (regular discipline policy and bus discipline policy). Each school shall also establish in writing a mechanism for monitoring the follow-up of discipline recommendations made by the IEP/Child Study Team.

14. Written Notice

The Principal shall ensure that the parent(s) of each disabled student receive written notice of the rules and regulations applicable to disabled students with respect to discipline, suspension, expulsion, exclusion as a treatment procedure and corporal punishment, at the beginning of each school year or upon entry into a special education program during the school year. Students will receive instruction about the District code of conduct.

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