

A. W. BEATTIE CAREER CENTER

SECTION: PROGRAMS

TITLE: DISCIPLINE OF STUDENTS
WITH DISABILITIES

ADOPTED: April 22, 1999

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113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES	
<p>1. Purpose Title 22 Sec. 14.133 Pol. 113, 113.2</p>	<p>A. W. Beattie Career Center shall implement positive behavior support plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.</p>
<p>Title 22 Sec. 14.133, 14.143, 34 CFR Sec. 300.530, Pol. 218, 233</p>	<p>Students with disabilities who violate the Code of School Conduct or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, shall be disciplined in accordance with state and federal law and regulations and Joint Operating Committee policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.</p>
<p>2. Definitions Pol.113</p>	<p>Students with disabilities - school-aged children who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.</p>
<p>Title 22 Sec. 12.6 Pol. 233</p>	<p>Suspensions from school - disciplinary exclusions from the Career Center for a period of one (1) to ten (10) consecutive school days.</p>
<p>Title 22 Sec. 12.6 Pol. 233</p>	<p>Expulsions from school - disciplinary exclusions from the Career Center by the Joint Operating Committee, for a period exceeding ten (10) consecutive school days and may include permanent exclusion from the Career Center. The Career Center shall coordinate actions involving expulsions with the school district of residence as required by law or the agreement between the sending school district and Joint Operating Committee.</p>
<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p>	<p>Interim alternative educational settings - removal of a student with a disability from his/her current placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with disabilities. The IEP team shall determine the interim alternative educational setting; this does constitute a change in placement for a student with a disability.</p>

<p>3. Authority Title 22 Sec. 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530</p>	<p>The Joint Operating Committee directs that the Career Center shall comply with provisions and procedural safeguards of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations, and shall coordinate with the school district of residence when disciplining students with disabilities for violations of Joint Operating Committee policy or the Career Center's rules and regulations. No student with a disability shall be subjected to a disciplinary change in placement if the student's particular misconduct is a manifestation of his/her disability. However, under certain circumstances, in coordination with the school district of residence, a student with a disability may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred.</p>
<p>Title 22 Sec. 12.6(e) 20 U.S.C. Sec. 1412(a) 34 CFR Sec. 300.530(b), (d)</p>	<p><u>Provision Of Education During Disciplinary Exclusions</u></p> <p>During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law. The school district of residence shall be responsible to provide such education in the event of an expulsion from the Career Center.</p>
<p>4. Guidelines Title 22 Sec. 12.6, 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530, 300.536</p>	<p><u>Suspension From School</u></p> <p>A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. such suspension shall not constitute a change in the student's educational placement.</p>
<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530</p>	<p><u>Changes In Educational Placement/Manifestation Determinations</u></p> <p>For disciplinary exclusions which constitute a change in educational placement, the Career Center, in coordination with the school district of residence and IEP team, shall first determine whether the student's behavior is a manifestation of his/her disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with intellectual disability, any disciplinary suspension or expulsion is a change in educational placement.</p>
<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530(c), Pol. 218, 233</p>	<p>A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Joint Operating Committee policy, Career Center rules and regulations in the same manner and to the same extent as students without disabilities.</p>

Parent/Guardian Appeals From Disciplinary Actions/Request For Hearing By School (Center) For Students Who Are A Danger To Themselves Or Others.

20 U.S.C.
Sec. 1415(k)
34 CFR
Sec. 300.532

A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation if the Career Center believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the center, in coordination with the school district of residence, requests a due process hearing, the hearing officer may return the student to the placement from which s/he was removed or order his/her removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the child's current placement is substantially likely to result in an injury to the student or others.

20 U.S.C.
Sec. 1415(k)
34 CFR
Sec. 300.533

Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student's regular placement unless the Career Center, school district of residence and the parent/guardian agree otherwise.

20 U.S.C.
Sec. 1415(k)
34 CFR
Sec. 300.534

Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the Career Center did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the Career Center shall contact the school district of residence and evaluation shall be expedited.

Administrative Removal To Interim Alternative Educational Setting For Certain Infractions

20 U.S.C.
Sec. 1415(k)
34 CFR
Sec. 300.530(g)

Career Center personnel shall contact the school district of residence and notify it of the need to remove a student with a disability, including intellectual disability, to an interim alternative educational setting for not more than forth-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:

18 U.S.C.
Sec. 930
20 U.S.C.
Sec. 1415(k)
34 CFR
Sec. 300.530(i)
POL. 218.1

1. Carries a weapon to or possesses a weapon at the center, on A. W, Beattie Career Center property, or at Career Center functions. For purposes of this provision, weapon is defined as 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 two and one-half (2 1/2) inches in length.

20 U.S.C.
Sec. 1415(k)
21 U.S.C.
Sec. 812(c)
34 CFR
Sec. 300.530(i)
POL. 227

2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at the Career Center, on Career Center property, or at A. W. Beattie Career Center functions.

<p>18 U.S.C. Sec. 1365(h)(3) 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i)</p> <p>SC 1302.1-A 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.535</p> <p>20 U.S.C. Sec. 1415(k)(6) 34 CFR Sec. 300.535 Pol. 216</p> <p>5. Delegation of Responsibility SC 1303-A Pol. 218.1, 218.2, 222, 227</p>	<p>3. Has inflicted serious bodily injury upon another person while at the Career Center, on Career Center property, or at A. W. Beattie Career Center functions. For purposes of this provision, serious bodily injury means bodily injury which involves as substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.</p> <p>A. W. Beattie Career Center personnel shall provide the school district of residence with the supporting information necessary for the school district of residence and the student's IEP team to determine the interim alternative educational setting for the student.</p> <p><u>Referral To Law Enforcement And Reporting Requirements</u></p> <p>The Career Center shall report crimes committed by a student with a disability to the appropriate authorities in the same manner as it reports crimes committed by students without disabilities and in accordance with applicable law.</p> <p>When reporting a crime committed by a student with a disability to the appropriate authorities, the Career Center, in coordination with the school district of residence, shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by these authorities. The Career Center shall transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.</p> <p>The Executive Director shall report incidents committed by students with disabilities to the Office of Safe Schools in accordance with Joint Operating Committee policy, law and regulations.</p>
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113.1 Discipline of Students with Disabilities

References:

School Code - 24 P.S. Sec. 1302.1-A, 1303-A

State Board of Education Regulations - 22 PA Code Sec. 12.6, 14.133, 14.143

Crimes Code, Possession of Firearms and Dangerous Weapons - 18 U.S.C. Sec. 930

Crimes Code, Definition, Serious Bodily Injury - 18 U.S.C. Sec. 1365(h)(3)

Individuals With Disabilities Act - 20 U.S.C. Sec. 1400 et seq.

Controlled Substances Act - 21 U.S.C. Sec. 812

Individuals With Disabilities Education, Title 34, Code of Federal Regulations - 34 CFR
Part 300

Joint Operating Committee Policy - 113, 113.2, 113.3, 216, 218, 218.1, 218.2,
222, 227, 233