

Disciplining a 504 Student with Disabilities Continued....

If the Section 504 Team answers in the affirmative, then the behavior is a manifestation of the student's disability and no disciplinary action can be taken past the 10 days.

If the Section 504 Team determines that the behavior is not a manifestation of the disability, the District may impose whatever long-term suspension or expulsion it would impose under the same circumstances if a student without disabilities was the offender. **The District has no obligation to continue to provide educational services to a 504 student during the period of a long-term suspension or expulsion.**

The 504 Team must conclude its work by completing a Section 504 Manifestation Determination Review form. (see page 42 of this manual.)

How does a school proceed with drug/alcohol violations by a student on a Section 504 Plan?

A student who is currently engaged in the illegal use of drugs/alcohol is not considered a student with a disability, and is, therefore, not entitled to protections under Section 504. Section 504 allows school districts to take disciplinary action pertaining to the use of possession of illegal drugs/alcohol against a Section 504 student who is currently engaging in the illegal use of drugs/alcohol to the same extent such discipline is taken against students without disabilities.

A student with a history of drug/alcohol abuse who has been successfully rehabilitated or is participating in a drug rehabilitation program and is not currently engaging in the illegal use of drugs, is covered by Section 504.

While the discipline of a student is allowed with no services provided to a student when drug/alcohol violations occur, this does not mean the student's physical or mental impairment no longer exists. Upon completion of the disciplinary action, the Section 504 Team should reconvene to revisit eligibility and the Section 504 Accommodation Plan to determine if any revisions should be made.