



Title: **Discipline of Students With Disabilities**

Code: 113.1

Book: Policy Manual

Section: 100 Programs

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## **Purpose**

The district shall develop and implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.[\[1\]](#)[\[2\]](#)[\[3\]](#)

Students with disabilities who violate the Code of Student 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 laws and regulations and Board policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.[\[1\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

## **Definitions**

**Students with disabilities** - school-aged children within the jurisdiction of the district 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.[\[2\]](#)

**Suspensions from school** - disciplinary exclusions from school for a period of one (1) to ten (10) consecutive school days.[\[8\]](#)[\[7\]](#)

**Expulsions from school** - disciplinary exclusions from school by the Board for a period exceeding ten (10) consecutive school days and may include permanent exclusion from school. [\[8\]](#)[\[7\]](#)

**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. [\[9\]](#)[\[5\]](#)

### **Authority**

The Board directs that the district shall comply with provisions and procedural safeguards of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of Board policy or district rules or 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 a student 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. [\[4\]](#)[\[9\]](#)[\[5\]](#)

### **Provision of Education During Disciplinary Exclusions**

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. [\[8\]](#)[\[10\]](#)[\[5\]](#)

### **Guidelines**

#### **Suspension From School**

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. Also, use of interim alternative educational settings permitted by law does not constitute a change in educational placement for these purposes.[\[8\]](#)[\[4\]](#)[\[9\]](#)[\[5\]](#)[\[11\]](#)

#### Changes in Educational Placement/Manifestation Determinations

For disciplinary exclusions which constitute a change in educational placement, the district 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 mental retardation, any disciplinary suspension or expulsion is a change in educational placement.[\[4\]](#)[\[5\]](#)

A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Board policy, district rules and regulations in the same manner and to the same extent as students without disabilities.[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

#### Parent/Guardian Appeals From Disciplinary Actions/Request for Hearing by District for Students Who are a Danger to Themselves or Others

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 determination, or by the district if the district believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the district 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.[\[9\]\[12\]](#)

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 district and the parent/guardian agree otherwise.[\[9\]\[13\]](#)

Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the district 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 evaluation shall be expedited.[\[9\]\[14\]](#)

#### Administrative Removal to Interim Alternative Educational Setting for Certain Infractions

School personnel may remove a student with a disability, including mental retardation, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:[\[9\]\[5\]](#)

1. Carries a weapon to or possesses a weapon at school, on school property, or at school functions under the jurisdiction of the district. 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 ½) inches in length.[\[15\]](#)[\[9\]](#)[\[5\]](#)[\[16\]](#)

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 school, on school property, or at school functions under the jurisdiction of the district.[\[9\]](#)[\[17\]](#)[\[5\]](#)[\[18\]](#)
3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdiction of the district. For purposes of this provision, **serious bodily injury** means bodily injury which involves a 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.[\[19\]](#)[\[9\]](#)[\[5\]](#)

### Referral to Law Enforcement

The district 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.[\[9\]](#)[\[20\]](#)

Adopted: **January 18, 2022**

Last Revised: **January 18, 2022**

Last Reviewed: **January 18, 2022**

### **Legal References:**

- [1. 22 PA Code 14.133](#)
- 2. Pol. 113
- 3. Pol. 113.2
- [4. 22 PA Code 14.143](#)
- [5. 34 CFR 300.530](#)
- 6. Pol. 218
- 7. Pol. 233
- [8. 22 PA Code 12.6](#)
- [9. 20 U.S.C. 1415](#)
- [10. 20 U.S.C. 1412](#)
- [11. 34 CFR 300.536](#)

- [12. 34 CFR 300.532](#)
  - [13. 34 CFR 300.533](#)
  - [14. 34 CFR 300.534](#)
  - [15. 18 U.S.C. 930](#)
  - 16. Pol. 218.1
  - [17. 21 U.S.C. 812](#)
  - 18. Pol. 227
  - [19. 18 U.S.C. 1365](#)
  - [20. 34 CFR 300.535](#)
  - [20 U.S.C. 1400 et seq](#)
  - [24 P.S. 510](#)
  - [34 CFR Part 300](#)
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