

EASTON AREA SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: DISCIPLINE OF STUDENTS
WITH DISABILITIES

ADOPTED: May 17, 2007

REVISED: October 29, 2013

113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES	
<p>1. Purpose Title 22 Sec. 14.133 Pol. 113, 113.2</p> <p>Title 22 Sec. 14.133, 14.143 34 CFR Sec. 300.530 Pol. 218, 233</p>	<p>When necessary, behavior support programs shall be developed and maintained for students with disabilities in order to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors.</p> <p>Students with disabilities who engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others shall be disciplined in accordance with their Individualized Education Program (IEP), behavior support plan, Section 504 plan and Board policy.</p>
<p>2. Authority Title 22 Sec. 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530</p>	<p>The Board directs that the district shall comply with provisions of the Individuals With Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act and federal and state regulations when disciplining students with disabilities for violations of district policy or school rules and regulations. No student with a disability shall be expelled if the student's particular misconduct is a manifestation of his/her disability.</p>
<p>3. Guidelines Title 22 Sec. 14.143 34 CFR Sec. 300.530</p>	<p>A manifestation determination to determine whether the conduct that gave rise to the disciplinary incident was a manifestation of his/her disability shall be made for any student with an identified disability under Section 504 or the IDEA whose suspension or expulsion constitutes a change in placement under the law. If the conduct is determined to be a manifestation of his/her disability, the student shall not be subject to discipline. If the conduct is not determined to be a manifestation of his/her disability, the student may be disciplined according to the Code of Conduct. For a student who is eligible under Section 504 but not under the IDEA, a manifestation determination does not need to occur where the disciplinary incident involved current drug and/or alcohol abuse. Section 504 protections are not available to students in those cases.</p>

	<p>During any period of disciplinary action that constitutes a change in placement for an IDEA-eligible student, the IEP Team shall be convened, and the student shall continue to receive a free and appropriate public education (FAPE), in accordance with federal law.</p>
<p>Title 22 Sec. 14.143</p>	<p>For a student identified as a student with an intellectual disability under the IDEA, a removal from school is a change of placement, thereby meriting a manifestation determination.</p>
<p>34 CFR Sec. 300.524 Pol. 218, 233</p>	<p>If an IDEA-eligible student's behavior is found to be a manifestation of a disability, the IEP Team shall conduct a functional behavior assessment (FBA) and implement a positive behavior support plan (PBSP), if they have not previously been done. If an FBA or PBSP have been done for the student, the IEP Team will review the data to determine whether an updated FBA is necessary and will make necessary revisions to the PBSP.</p>
	<p>If an IDEA-eligible student's behavior is found to be a manifestation of the student's disability, the student shall return to his/her placement from which s/he was removed unless the IEP Team, including the parent/guardian, agree that a change in placement is appropriate for the student.</p>
	<p>If the IDEA-eligible student's behavior is found not to be a manifestation of the student's disability, the IEP Team will consider whether a functional behavior assessment (FBA) is recommended and whether a positive behavior support plan (PBSP) is necessary.</p>
<p>34 CFR Sec. 300.527, 300.528</p>	<p>For students who are thought to be exceptional under the IDEA, the district shall delay disciplinary action until an expedited evaluation to determine IDEA eligibility is conducted. If the student is found to be eligible under the IDEA, then the manifestation determination provisions, above, shall apply.</p>
	<p><u>Weapons Violations</u></p>
<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p>	<p>The district reserves the right to remove an IDEA-eligible student from school for possession of a weapon, as defined in the IDEA, subject to the terms and requirements of the IDEA and regardless of whether the weapons offense is a manifestation of a disability. The student shall be placed by the district in an appropriate interim alternative educational setting for no more than forty-five (45) school days unless the IEP Team chooses to extend the placement for a longer period of time.</p>

<p>20 U.S.C. Sec. 1415(k) 21 U.S.C. Sec. 812(c) 34 CFR Sec. 300.530(i) Pol. 227</p>	<p><u>Drugs/Controlled Substances Violations</u></p> <p>A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from his/her current placement regardless of whether the drug offense is a manifestation of a disability. The student shall be placed by the district in an appropriate interim alternative educational setting for no more than forty-five (45) school days unless the IEP Team chooses to extend the placement for a longer period of time.</p>
<p>18 U.S.C. Sec. 1365(h)(3) 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i)</p>	<p><u>Serious Bodily Injury</u></p> <p>A student with a disability who knowingly inflicts serious bodily injury upon another person while at school, on school premises, or at a school function may be removed from his/her current placement regardless of whether the offense is a manifestation of a disability. Serious bodily injury involves: 1) substantial risk of death; 2) extreme physical pain; 3) protracted and obvious disfigurement; or 4) protracted loss or impairment of the function of a bodily member, organ, or mental faculty. The student shall be placed by the district in an appropriate interim alternative educational setting for no more than forty-five (45) school days unless the IEP Team chooses to extend the placement for a longer period of time.</p>
<p>SC 1302.1-A 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.535</p>	<p><u>Referral To Law Enforcement</u></p> <p>When a student with a disability is referred to law enforcement, the school has the responsibility to maintain compliance with the Individuals with Disabilities Education Act (IDEA), state and federal regulations, and the Family Educational Rights and Privacy Act. Special education and disciplinary records of a student with disabilities may be transmitted to law enforcement only to the extent that the transmission is permitted by FERPA.</p>

References:

School Code – 24 P.S. Sec. 510, 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 Education 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

Board Policy – 113, 113.2, 216, 218, 218.1, 218.2, 222, 227, 233