

STUDENTS

Regulation 2672

Discipline

Discipline of Students with Disabilities

Removal from Current Educational Placement for Not More Than Ten Consecutive School Days; Not More Than Ten Cumulative Days Removal for the Current School Year

A student with a disability who violates the District's discipline policy who has not been removed from the current educational placement for more than ten (10) cumulative days for the current school year may be disciplined for not more than ten (10) consecutive school days in the same manner as other students.

Services will not be provided to the student when the total number of days the students has been removed from the current educational placement is not more than ten (10) days, unless services are provided to children without disabilities who have been similarly removed.

Removal from Current Educational Placement for More than Ten Cumulative School Days

A student with a disability who violates the District's discipline policy who has been removed from the current educational placement for more than ten (10) cumulative days in the current school year may be disciplined for not more than ten (10) consecutive school days in the same manner as other students, if the pattern of short term exclusions totaling more than ten (10) cumulative days does not constitute a change of placement.

On the eleventh day of removal in a school year, the District will provide educational services. If the cumulative removals do not constitute a change of placement, the services to be provided will be determined by school personnel in consultation with the student's special education teacher.

A series of removals from the current educational placement for more than ten (10) days may amount to a pattern of exclusion that constitutes a change of placement. If a student with a disability has been removed for more than ten (10) cumulative school days and the removals constitute a change of placement, or if a school administrator determines that a removal for more than ten (10) consecutive school days is being considered, on the date a decision to make such a removal is made, the parents will be notified of the decision and provided a copy of the IDEA procedural safeguards.

Not later than ten (10) business days after commencing a cumulative removal that constitutes a change of placement or when considering a removal of greater than ten (10) consecutive school days, the District will convene an IEP meeting to develop a functional behavioral assessment plan if one has not previously been conducted. After completing the assessment, an IEP meeting will be held to develop a behavioral intervention plan if appropriate and necessary. If a behavior plan already has been developed, the IEP team will meet to review the plan and its implementation. The plan and its implementation will be modified as necessary.

In addition, not later than ten (10) days after the date of the decision to remove a student for more than ten (10) cumulative days constituting a change of placement, the IEP team and other qualified personnel will meet to review the relationship between the student's disability and the behavior subject to disciplinary action.

If a determination is made that the student's behavior was not a manifestation of the student's disability, disciplinary rules will be applied to the student in the same manner they would be applied to a student without a disability, except that a free appropriate public education will be provided to the student as determined by the IEP team.

Long-Term Changes in Placement (Drugs, Weapons, and Serious Injury)

In addition to any other actions consistent with this regulation, District administrators may assign a student to an interim alternative educational setting for a period of time not to exceed forty-five (45) calendar days, when a student with a disability is involved in a disciplinary action involving:

1. Possession of a weapon at school or at a school function; or
2. Possession or use of illegal drugs or sale or solicitation for sale of a controlled substance while at school or at a school function; or
3. A serious bodily injury.

On the date a decision to make such a removal is made, the parents/guardians will be notified of the decision and provided a copy of the IDEA procedural safeguards.

Not later than ten (10) business days after commencing such a removal, the District will convene an IEP meeting to develop a functional behavioral assessment plan if one has not been previously conducted. After completing the assessment, an IEP meeting will be held to develop a behavioral intervention plan if appropriate and necessary. If a behavior plan already has been developed, the IEP team will meet to review the plan and its implementation. The plan and its implementation will be modified as needed.

Not later than ten (10) days after the date of the decision to place a student in an interim alternative educational setting, the IEP team and other qualified personnel will meet to review the relationship between the student's disability and the behavior subject to the disciplinary action and to determine the interim alternative educational placement.

The IEP team will decide on an interim alternative educational setting that will allow the student to continue to progress in the general curriculum, to receive the services and modifications that

will enable the child to meet the goals set out in the student's IEP, and to receive services and modifications to attempt to prevent the student's behavior from recurring.

IDEA Disabled Students

Students who are disabled pursuant to the IDEA will be disciplined pursuant to the IDEA as amended and its implementing regulations, as well as applicable state statutes and the Missouri State Plan for Special Education Regulations Implementing Part B of the IDEA.

Section 504 Disabled Students

The following procedures apply to students who are disabled pursuant to Section 504 of the Rehabilitation Act alone (students who are not disabled pursuant to the IDEA). In general, most 504 students should be expected to follow the District's disciplinary policies, rules, regulations and procedures and this should be noted on the 504 Plan. When determining a student's 504 eligibility, the multidisciplinary team should consider whether the impairment that is substantially limiting has a direct impact on a student's behavior and, if so, the team may consider conducting a functional behavioral assessment as part of the student's evaluation. If the team concludes that the impairment has a direct and substantial relationship to the student's behavior, the team should address the behavior through the 504 Plan and should consider whether a behavior plan is necessary for the student to have an equal opportunity to participate.

Under Section 504, a disciplinary removal from a student's placement for more than 10 consecutive school days constitutes a change of placement and requires certain procedures be followed. When a student is suspended, out of school, for more than 10 consecutive school days or when a student's short term removals (10 days or less) constitute a pattern of exclusion as currently defined by the IDEA, the District will, within 10 school days of the date of the decision to change the student's placement through a disciplinary removal, convene a multidisciplinary team to determine if the student's act of misconduct is related to his or her disability. The multidisciplinary team will apply the IDEA manifestation standard that is in place at that time. Prior to, or as part of the manifestation determination, the team will conduct a reevaluation pursuant to Section 504. Such reevaluation may consist of a review of existing data alone or in conjunction with formal assessments. The parents will be invited to attend but are not required participants.

If the team concludes that the student's misconduct is related to his or her disability, the student can be suspended for up through 10 consecutive school days with no educational services provided or for any amount of cumulative school days, so long as a pattern of exclusion is not created. If deemed necessary, the team may need to convene to determine if a change of educational placement may be needed or if the student should be referred under the IDEA.

If the team concludes that the student's misconduct is unrelated to his or her disability, the student will be treated the same as nondisabled students and may be suspended or expelled according to District policy and the Student Code of Conduct. District administrators will determine the appropriate discipline including, but not limited to, a long-term suspension or expulsion. During the period of disciplinary removal, the District will not provide any educational services to the student unless it provides such services to its nondisabled students in similar circumstances.

A student is not considered to be disabled under Section 504 if he or she is currently engaged in the illegal use of drugs when the District is acting on the basis of that use. Therefore, when a 504 student is being disciplined for the current illegal use of a controlled substances (including alcohol), that student will lose his or her 504 protection and will be disciplined as if he or she was a regular education student. No manifestation determination will be held.

Definitions

Illegal Drug means a controlled substance not including drugs legally used or possessed under the supervision of a health care professional.

Weapon means 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 2 1/2 inches in length.

Controlled substance means a drug or other substance identified under schedules I, II, III, IV or V in 21 U.S.C. § 812 (c).