

Students

Discipline of Students with Disabilities

The District shall comply with state and federal laws and regulations pertaining to the rights of students with disabilities when disciplining such students.

1. Expulsion of Students with Disabilities

- A. No school administrator shall recommend the expulsion of a student with a disability without first convening the appropriate qualified personnel to determine whether the misconduct was a manifestation of the student's disability. If the student's misconduct is determined to be a manifestation of his or her disability, the student may not be expelled for the misconduct. Instead, the misconduct will be addressed by the PPT or Section 504 team in a review of the student's special education program.
- B. Any special education student whose misconduct is determined to *not* be a manifestation of his or her disability may be referred for expulsion pursuant to the Board's student expulsion procedures. If a special education student receiving services pursuant to the Individuals with Disabilities Education Act is expelled from school, the student's PPT shall determine the services that are necessary to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

2. Suspension of Students with Disabilities

- A. A special education student receiving services under IDEA may be suspended for up to 10 school days in any school year regardless of whether the student's misconduct is a manifestation of his or her disability. There is no need for the district to provide any educational services during the first ten days of suspension in any school year except to the extent that such services are provided to non-disabled students.
- B. A special education student may be suspended in excess of an aggregate of 10 school days during any school year. Commencing upon the eleventh, aggregate day of suspension in any school year, however, district personnel, in consultation with at least one of the student's teachers, must provide services that are designed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

Students

Discipline of Students with Disabilities

2. Suspension of Students with Disabilities (Continued)

- C. A series of suspensions may be deemed a change of placement for a special education student if: 1) the suspensions total more than 10 school days; 2) the behavior leading to a suspension is substantially similar to the conduct that resulted in prior suspensions; 3) the length of each suspension is similar; 4) the total amount of time the student has been removed is significant; and 5) the suspensions are in relatively close proximity to one another. The PPT shall determine whether a pattern of removals constitutes a change of placement on a case-by-case basis. If a series of suspensions is deemed a change in placement, the student's PPT must determine the appropriate services for the child during the period of removal. Furthermore, the PPT must conduct a manifestation determination and provide, if appropriate, a functional behavioral assessment and behavioral intervention services and modifications.

3. Alternative Educational Settings

- A. School personnel may remove a special education student to an interim alternative educational setting for up to 45 school days, regardless of whether the student's behavior was a manifestation of the student's disability if the student: 1) carries a weapon to or possesses a weapon at school, on school premises, or to a school function; 2) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or a school function; or 3) inflicts serious bodily injury upon another person while at school, on school premises, or at a school function.
- B. A special education student may be temporarily placed in an appropriate alternative educational setting for up to 45 school days by order of a duly appointed state hearing officer if the hearing officer determines that the student's current placement is substantially likely to result in injury to the student or to others.
- C. A court may exclude a special education student from the student's current placement for an indefinite period if the court determines that maintaining the student in the student's then-current placement is substantially likely to result in injury to the student or to others.

Students

Discipline of Students with Disabilities

3. Alternative Educational Settings (continued)

- D. Should a special education student be removed to an alternative educational setting, the student's PPT shall determine the services that are necessary to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

Legal References: Conn. Gen. Stat. 10-233a through 10-233i
20 U.S.C. §1415(k)(1),(3), (4)(B) & (7)
20 U.S.C. §1415(f)(1)(A)
18 U.S.C. § 930(g)(2) Definitions
20 U.S.C. §8921
29 U.S.C. §794
34 C.F.R. §§104.36, 300.530, 300.531 & 300.532

Policy adopted: June 12, 2001
Policy revised: June 24, 2004
Policy revised: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut