

SUGAR VALLEY RURAL CHARTER SCHOOL

POLICY NUMBER: 113.3
SECTION: PROGRAMS
TITLE: **DISCIPLINE OF STUDENTS WITH DISABILITIES**
DATE ADOPTED: NOVEMBER 2008
DATE LAST REVISED: SEPTEMBER 2017

DISCIPLINE OF STUDENTS WITH DISABILITIES

PURPOSE

SVRCS 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. These plans shall be used with students with disabilities to promote and strengthen desirable behaviors and to reduce identified inappropriate behaviors.

Students with disabilities, who violate the code of student conduct, 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, board policy, and if applicable, their Individualized Education Program, a behavioral intervention plan and Board policy.

DEFINITIONS

Students with disabilities – school aged children within the jurisdiction of SVRCS who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of disabilities, special education and related services.

Suspensions for school – Disciplinary exclusions from school for a period on one (1) to (10) ten consecutive school days.

Expulsions form school – disciplinary exclusions from school by the Board for a period exceeding ten (10) consecutive school days and may include permanent exclusion from school.

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; however, this does not constitute a change in placement for a student with a disability.

AUTHORITY

The Board directs that SVRCS shall comply with provisions and procedure safeguards of the Individuals with Disabilities Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of board policy and school rules and 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 with a disability 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.

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, the student shall continue to receive a free and appropriate education, in accordance with federal law.

GUIDELINES

Suspension from School - A student with a disability may be suspended for ten (10) consecutive and 15 cumulative days of school per school year, for the same reasons and durations as a student without a disability. Such suspensions shall not constitute a change in the student's educational placement.

Changes in Educational Placement / Manifestation Determinations –For disciplinary exclusions which constitute a change in educational placement, SVRCS 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 intellectual disability, any discipline suspension or expulsion is a change in educational placement.

A student with a disability whose behavior is not a manifestation of his / her disability may be disciplined in accordance with Board policy, school rules and regulations in the same manner and to the same extent as students without disabilities.

Parent / Guardian Appeals from Disciplinary Actions / Request or hearing by SVRCS for students who are a danger to themselves and 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 SVRCS if they believe that the current placement is substantially likely to result in injury to the student or others. On parent / guardian appeal, or when SVRCS requests a due process hearing, the hearing officer may return the student to the placement in which she / 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 injury to the student or of others.

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 parent / guardian agree otherwise.

Students not identified as Disabled / Pending Evaluation - 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.

Administrative Removal to Interim Alternative Educational Setting for Certain Infractions -

The CEO may remove a student with a disability, including intellectual disability, 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:

1. Carries a weapon to or possesses a weapon at school, on property, or at school functions under the jurisdiction of SVRCS. For purpose 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.
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 or on school property, or at a school function under the jurisdiction of SVRCS.
3. Has inflicted serious bodily injury upon another person while at school, on school property, or at school functions under the jurisdictions of SVRCS. 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 of impairment of the functions of a bodily member, organ or mental faculty.

Referral to Law Enforcement and Reporting Requirements - For reporting purposes, the term incident shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.

The CEO or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school sponsored activity by a student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies. The CEO or designee shall respond to such incidents in accordance with the school's Special Education Plan and, if applicable, the procedures, methods and techniques defined in the student's Behavior Support Plan.

For a student with a disability who does not have a Behavior Support Plan, subsequent to notification to law enforcement, SVRCS shall convene the student's IEP team to consider whether a Behavior Support Plan should be developed to address the student's behavior, in accordance with law, regulations and Board policies.

When reporting an incident committed by a student with a disability to the appropriate authorities, SVRCS shall provide the information required by state and federal laws and regulations and shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by these authorities. SVRCS shall transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

In accordance with state law, the CEO shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.

References: Title 22 Sec 14.36, 14.35
20 U.S.C. Sec 1400 et seq, Sec 1415 (e) (3), Sec 3357 et seq