

FERNDALE AREA SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: DISCIPLINE OF STUDENTS
WITH DISABILITIES

ADOPTED: JUNE 13, 2007

REVISED:

113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES	
<p>1. Purpose Title 22 Sec. 14.133</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, and Board policy.</p>
<p>2. Authority 20 U.S.C. Sec. 1400 et seq 34 CFR 300.519-300.529 Title 22 Sec. 14.143</p>	<p>The Board directs that the district shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) 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</p>	<p>A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, regardless of whether the student's behavior is a manifestation of his/her disability.</p>
<p>Title 22 Sec. 14.143</p>	<p>Any removal from school is a change of placement for a student identified with mental retardation.</p>
<p>34 CFR 300.524 Pol. 218, 233</p>	<p>A student with a disability whose behavior is not a manifestation of his/her disability may be expelled pursuant to district policy and procedures.</p>
<p>34 CFR 300.521, 300.522</p>	<p>A hearing officer may order removal of a student with a disability to an alternative setting for forty-five (45) days where the district demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.</p>

<p>34 CFR 300.527, 300.528</p>	<p>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.</p>
<p>34 CFR 300.520 18 U.S.C. Sec. 930(g)</p>	<p><u>Weapons Violations</u></p> <p>Prior to a manifestation determination and formal expulsion proceedings, a student with a disability who carries a weapon to school or a school function may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days, during which time the formal expulsion proceedings shall occur.</p>
<p>34 CFR 300.520</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. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.</p>
	<p>References:</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq</p> <p>Individuals With Disabilities Education Act Federal Regulations Part 300, Sec. 300.519-300.529</p> <p>Title 18, U.S.C. Sec. 930</p> <p>State Board of Education Regulations – 22 PA Code Sec. 14.133, 14.143</p>