

DISCIPLINE OF CHILDREN WITH DISABILITIES

The District values a school environment which enhances opportunities for growth and learning by all students in the District. To that end, the general principle is that the District expects all students to follow the District's Student Code of Conduct, and students will be disciplined for behavior which violates that Code, including students with disabilities. In matters relating to the discipline of children with disabilities, the District will follow disciplinary procedures that are applicable to all students in accordance with Federal and State laws regarding the discipline of children determined to have disabilities and children of whose disability the district has knowledge.

For purposes of this policy, suspension shall be the temporary removal of a student from school.

When the behavior of a child with disabilities is such to justify removal from school, the child may be suspended by the building principal, the Superintendent, an assistant principal or other administrator, for no longer than ten (10) cumulative school days in one school year without providing services. Such action shall be reported to the Superintendent of the district of residence as soon as possible.

The Superintendent or designee charged with administration of the special services program may authorize a child with disabilities to be removed from school beyond the initial ten (10) cumulative school days in a school year for separate incidents of misconduct, as long as these removals do not constitute a change in that child's placement. The aforementioned administrator(s) must consider the length of each removal, the total amount of time removed, and the proximity of removals to each other in determining if the removal constitutes a change in placement. During such removal, the district is required to provide services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving his/her IEP goals.

When the behavior of a child with disabilities is such to justify removal from school (suspension or expulsion) for longer than ten (10) cumulative school days in one school year, and the removal would constitute a change of placement, subject to appropriate prior review by the IEP team, the child may be suspended by the building principal, the Superintendent, an assistant principal or other administrator, or may be expelled by the Superintendent. The parent will be provided notice of such action, and the IEP team will meet to review the relationship between the child's disability and the behavior subject to disciplinary action. In such cases, the district is required to provide services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving his/her IEP goals.

In addition to the above, if a child with disabilities carries a weapon to school or a school function or possesses a weapon at school or a school function, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the child may be assigned to an appropriate interim alternative educational setting for the same amount of time that a child without disabilities would be subject to discipline, but for

not more than 45 days. The parent will be provided notice of such action and the IEP team will meet.

School personnel may request an expedited hearing if it is believed that the child is a danger to him/herself or others in the current placement. The child may be ordered to an interim alternative educational setting for not more than 45 days by a state-appointed hearing officer.

A parent may request an expedited hearing if he/she disagrees with the manifestation determination or any decision regarding placement as a result of a disciplinary action. In such cases, the child stays put in the current placement for code of conduct violations, unless the removal was for drug or weapon violations, whereby the child stays put in the interim alternative educational setting for not more than 45 days.

For students eligible under Section 504 only, exclusion from school in excess of ten (10) days is considered a significant change of placement. The 504 Team composed of persons personally familiar with the student and knowledgeable about special education shall meet and determine, through evaluation, whether the student's misconduct is related to his/her disability. If the 504 Team determines that the misconduct is unrelated to the student's disability, the student may be suspended or expelled using the same procedure the Board would follow for a child without disabilities. If the 504 Team determines that the student's misconduct is related to the disability, the 504 Team must determine whether the current educational program is appropriate and if not, modify the program according to the student's individual needs as determined by the evaluation data and 504 Team.

All required procedural safeguards will be made available to the parent(s)/guardian(s) of children with disabilities.

The Superintendent is directed to issue regulations to implement this policy.

(Adoption date: November 15, 2001)

LEGAL REFS: ORC 3313.66
 ORC 3313.661
 ORC 3323.01 et seq.
 Chapter 4112
 Individuals with Disabilities Education Act; 20 USC 1401 et. seq.
 Rehabilitation Act of 1973; 29 USC 794
 Americans with Disabilities Act; 42 USC 12112 et. seq