

DISCIPLINING STUDENTS WITH DISABILITIES

Emergency Removal of Disabled Students

Disabled students may be removed from class or school for health, safety or welfare reasons. These reasons include, but are not limited to, the fact the student is under the influence of alcohol or drugs, highly agitate, or suffering from any other condition which temporarily threatens his or her welfare, other individual's welfare, or the efficient operation of the school. Such emergency removal shall not exceed three consecutive school days. Any student who is removed from school on an emergency basis and who is in a condition that threatens his own welfare or the welfare of others must be released to the students' parent, a representative of the parent, or other proper authority including but not limited to law enforcement officers and medical personnel. Removal under this section is intended to be used in emergency situations only and consecutive three school day removals are prohibited unless the Individualized Education Plan (IEP) Committee determines that the student imposes an immediate threat to the safety to himself or herself or others, or disrupts the safety of the learning environment. If the IEP Committee determines that a student is dangerous, but the parents appeal the decision pursuant to the Individuals With Disabilities Education Act (IDEA) procedures and refuse to permit a change of placement, the school must obtain immediate injunctive relief from a state or federal court in order to remove the student for more than ten consecutive days. The division shall make reasonable efforts to notify the parent prior to removing a student from school premises on an emergency basis. If the parent cannot be notified prior to removal, the parent must be notified as soon as possible after the removal and the reasons for it.

Short Term Suspension of Disabled Students

A short term suspension of 10 school days or less may be affected for a disabled student for any conduct which would warrant short-term suspension for a non-disabled student. (If a student has received short-term suspensions totaling more than 10 days during any one school year, all subsequent suspensions will be handled under the policies governing long-term suspensions).

The student shall be given oral or written notice of the charges against him or her, an explanation of the evidence supporting the charges and an informal opportunity to respond to and rebut the charges in accordance with policy JGD/JGE. The administration will make and document efforts to notify the parent prior to the suspension.

(continued)

Long-term Suspension and Expulsion of Disabled Students

Students who have been identified as disabled may be suspended in excess of ten (10) days or expelled only after the following procedures have been utilized:

Within the first five days of the suspension the recommendation for discipline must be referred to a committee (“committee”) made up of the following people:

- a. A representative of the school division, other than the child’s teacher, who is qualified to provide or supervise the provision of special education;
- b. The child’s teacher;
- c. One or both of the child’s parents;
- d. The child, if appropriate;
- e. Persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
- f. Other individuals at the discretion of the parents or school division.

The parent(s) of the students shall be informed in writing of the time and place of the Committee meeting and its purpose.

Minutes shall be made of the meeting and will include information regarding the persons attending the meeting, the facts considered and the basis for the Committee determination.

The decision of the Committee shall be sent to the parent(s) of the student along with a notice of their rights under the Individuals with Disabilities Act (Public Law 94-142), including the right to a review of the decision in a due process hearing.

Any student suspended or expelled shall not enter school grounds/facilities until officially re-admitted. Violation of this policy shall constitute trespass.

Adopted: September 8, 1997

