

DISCIPLINE FOR STUDENTS WITH DISABILITIES

Students identified as having special needs

1. All students are expected to meet the requirements for behavior as set forth in this handbook. The IDEA and M.G.L.c. requires that additional provisions be made for students who have been found by an evaluation team to have special needs and whose individualized program is described in an Individualized Educational Plan (IEP).

A) Students with special needs may be suspended for up to ten (10) consecutive days. Such suspensions may be carried out without any further or additional process. Students with special needs may also be suspended in excess of ten (10) cumulative days as fully outlined under M.G.L.c. 71B and the Individuals with Disabilities Education Act.

B) Suspensions or exclusions in excess of ten (10) consecutive days or ten (10) cumulative days may also occur provided that the conduct for which the student is being disciplined is not a manifestation of his/her disability and the district provides educational services which will allow the student to access the general curriculum and to make progress toward his/her goals.

2. The IDEA and M.G.L.c. 71B allow school personnel to move a student with disabilities to an interim alternative educational setting (IAES) for up to forty-five (45) school days if that student is in possession of a dangerous weapon at school or a school function or on school property, is in possession or uses a controlled substance or sells or solicits the sale of a controlled substance while at school or a school function or on school property, or inflicts serious bodily injury on a person, including himself/herself. The appropriate interim alternative educational setting shall be determined by the IEP team.

3. The IDEA and M.G.L.c. 71B also allow school personnel the option of asking a hearing officer or a court to move children with disabilities to an interim alternative educational setting for up to forty-five (45) school days, if they are substantially likely to injure themselves or others in their current placement.

4. When a special needs student has been suspended for more than ten (10) consecutive or cumulative days in a school year, such that a substantial change in placement is occurring or will occur, the IEP team will meet to conduct a manifestation determination. Relevant members of the team meet for the manifestation determination, and they answer two questions, after reviewing relevant documents and the misconduct of the student:

Is the misconduct the result of failure to implement the student's IEP?

Is the misconduct caused by or does it have a direct and substantial relationship to the student's disability?

A summary of the manifestation determination review will be written and a copy provided to the parent(s)/guardian(s) as soon as possible after the review but no later than five (5) school days after the review.

5. If the team finds that the misconduct was not a manifestation of the student's disability, then

the student may be disciplined according to the discipline policy in this handbook. The student will receive educational services during this period of suspension or exclusion. If the team finds that the misconduct was a manifestation of the student's disability, then the school may still be able to implement an IAES (see #2 on Page 33 and #3 above). If the IAES is not possible, then the student will remain in his/her current placement, and the team will arrange for a functional behavioral assessment (if one has not been conducted on the student) and the development or modification of a behavior intervention plan.

6. The principal (or designee) will notify the special education office of the suspendable offenses of a special needs student, and a record will be kept of such notices.

Students identified as having a disability and provided with a Section 504 plan

1. Students are expected to meet the expectations for behavior identified in this handbook. A student on a Section 504 plan may be disciplined like any other non-disabled student. However, if the student is going to be suspended for ten (10) or more consecutive days, expelled or suspended for more than fifteen (15) cumulative days (and there is a change in placement as a result), then a manifestation determination review shall be conducted. The student's 504 team shall convene, and answer two questions, after reviewing relevant documents and the misconduct of the student:

Is the misconduct the result of failure to implement the student's 504 plan?

Is the misconduct caused by or does it have a direct and substantial relationship to the student's disability?

A summary of the manifestation determination review will be written and a copy provided to the parent(s)/guardian(s) as soon as possible after the review but no later than five (5) school days after the review.