



## **Discipline of Students with Disabilities**

### **I. Overview**

- A. Discipline in district schools shall be administered in conjunction with the student's family. Early contact with parents/guardians is a strategy for improving student learning and preventing or resolving student discipline problems. District staff is encouraged to inform parents/guardians of problems with academic progress and persistent disruptive behavior and seek their help in working with the student to resolve these issues.
- B. All students, disabled or non-disabled, are subject to the same student conduct guidelines that provide school-wide positive behavior supports, ensure equitable outcomes in discipline, and maximize the instructional time students spend in school.
- C. District staff needs to follow additional procedures when considering excluding a student with disabilities from their learning environment for disciplinary reasons as provided in this directive, the Guide to Policies, Rules, and Procedures on Student Responsibilities, Rights, and Discipline, and other implementing guidelines.
- D. For purposes of this directive, the term "students with disabilities" means students with an Individualized Education Program (IEP) or Section 504 Plan (Section 504 Student Accommodation Plan) and students not yet identified as students eligible for an IEP as defined by Oregon law but for whom the District is deemed to have had knowledge that students had a disability and need special education or 504 Accommodation Plan.

### **II. Notification Requirements**

- A. In cases where disciplinary action of a student with disabilities includes a suspension or expulsion, the principal or designee shall notify parents/guardians of students with disabilities in the same manner as non-disabled students (see 4.30.021-AD).
- B. In all instances where the principal or designee is considering expulsion or suspension pending expulsion of a student with disabilities, the principal or designee shall notify the appropriate Special Education Program Administrator or District Section 504 Coordinator.



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**III. Special Procedures for Students with Disabilities**

- A. If after following the district discipline procedures outlined in 4.30.020 and the suspension and expulsion procedures in 4.30.021-AD, it is determined that the misconduct of a student with disabilities warrants a suspension, the matter shall immediately be referred to the student's Individualized Education Program (IEP) or Section 504 team.
- B. A disciplinary action that is a disciplinary change of placement includes:
  - 1. Removal for more than 10 consecutive school days,
  - 2. Expulsion,
  - 3. Removal for more than 10 cumulative school days that constitutes a pattern of removals, or
  - 4. For students on IEPs, removal to a 45-school day interim alternative placement for drugs, weapons, or inflicting serious bodily injury.
- C. The student's IEP or Section 504 team shall determine whether the student's behavior is related to the disability (manifestation determination).
  - 1. At the Manifestation Determination Meeting for students with an IEP, parents/guardians shall also be provided a copy of the Special Education Parent Rights Booklet. For students with a Section 504 Plan, parents/guardians shall be provided a copy of the Section 504 Statement of Parent/Student Rights. For culturally and linguistically diverse students (CLD) the handbooks will be provided to families, as appropriate, in Spanish, Chinese Mandarin, Russian, Vietnamese, and Somali. Interpretation services will be provided, as needed by the family.
  - 2. If the behavior is related to the student's disability, the district may not make a disciplinary change of placement except for a removal to a 45-school day interim placement as described above. The IEP or Section 504 team may review the IEP or Section 504 Plan and placement and change them if appropriate.
    - a) For students on IEPs, the district will develop a behavior intervention/behavior support plan (including a functional behavior assessment) or, if the student already has such a plan, review the plan and modify, as needed, to address the behavior.



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3. If the behavior of a student with disabilities is not related to the disability as determined by the IEP or Section 504 team:
  - a) A student on an IEP or Section 504 Plan may be suspended or expelled or participate in other programs to the same extent and duration as non-disabled students.
  - b) Under state and federal law, a student on an IEP shall continue to receive educational services, including special education services, although these may be delivered in a different setting. If appropriate, the district will develop a behavior intervention/behavior support plan (including a functional behavior assessment) or, if the student already has such a plan, review the plan and modify, as needed, to address the behavior.
4. A student with an IEP may be placed in a 45-day interim alternative educational setting for violations involving weapons or drugs, or inflicting serious bodily injury, regardless of whether a student's misconduct is related to his or her disability.
- D. Students with disabilities under Section 504 who are current users of alcohol or illegal drugs may be disciplined for drug or alcohol possession or use violations to the same extent as nondisabled students, regardless of whether a student's misconduct is related to his or her disability.
- E. The District shall follow any other procedural requirements under federal and state laws that apply to the removal of students with disabilities.

AD History: Approved 12/10; Amended 3/16