

*All procedures set forth in the “Student Suspension” policy and the “Student Expulsion” policy will be followed when it is necessary to discipline students with disabilities as defined by the Individuals with Disabilities Education Act (IDEA). The following additional procedures will also be adhered to when disciplining students with disabilities.*

## **DISCIPLINARY ACTIONS**

### **Ten-day disciplinary removal**

School personnel may order a disciplinary removal of a student with disabilities for not more than ten (10) cumulative school days per infraction to the extent suspension would apply to students without disabilities. Cumulative suspensions, if over 10 school days in a school year must not constitute a significant change in placement.

In determining whether a significant change in placement has occurred, school personnel, *through the multi-disciplinary team process*, will review whether the student is subjected to a series of removals that constitute a pattern of exclusion because they cumulate to more than ten (10) school days in a school year, and because the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another indicate such a pattern of exclusion.

Any time a student is suspended for more than ten (10) school days in a school year the student will be provided services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out on his or her IEP, as determined by school personnel, in consultation with the student’s special education teacher *or as determined by the student’s IEP Team*.

### **Forty-five day disciplinary removal**

1. The Superintendent or designee may order a change in placement of a student with a disability to an appropriate interim alternative educational setting, as determined by the IEP Team, for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days if:
  - a. The student carries or possesses a weapon to or at school, on school premises, or to a school function. “Weapon” for the purposes of this policy is defined as any weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. This term does not include a pocket knife with a blade of less than two and one-half (2½) inches in length.
  - b. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

2. School personnel may request a change in placement to an appropriate interim alternative educational setting from a hearing officer for not more than forty-five (45) days if it is determined by personnel that a student with a disability is substantially likely to cause injury to himself or herself, or to others in the current educational placement.
3. School personnel may petition the court for an injunction to remove any student with a disability from school or to change the student's current educational placement if personnel believe that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

### **FUNCTIONAL BEHAVIORAL ASSESSMENT/BEHAVIORAL INTERVENTION PLAN**

If a student with a disability is suspended for ten (10) school days or more in a school year, or placed in an interim alternative educational setting for not more than forty-five (45) days for disciplinary reasons, the following will occur within ten (10) days after taking the disciplinary action:

1. If school personnel have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student prior to the behavior that resulted in the interim alternative educational setting, an IEP Team meeting will be convened to develop an assessment plan to address the behavior; or
2. If the student has a behavioral intervention plan, the IEP Team will review the plan and modify it, as necessary to address the behavior.
3. In subsequent removals in a school year of a student who already has a functional behavioral assessment and behavioral intervention plan, the IEP Team members can review the behavioral intervention plan and its implementation in light of the student's behavior, without a meeting, and must only meet if one or more of the team members believe that the plan or its implementation need modification.

### **MANIFEST DETERMINATION**

Prior to submitting an expulsion recommendation to the board for a student with a disability, the IEP Team will conduct a manifestation determination. A manifestation determination will occur within ten (10) school days after the date on which a decision was made to recommend the expulsion.

### **EXPULSION**

If a student on an Individualized Education Program (IEP) is expelled from school after a manifestation determination has found that the student's behavior was not a manifestation of the student's disability, educational services, consisting of services necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP, will be provided to that student at an alternative setting.



**LEGAL REFERENCE:**

IDEA Amendments of 1997

20 U.S.C. Chapter 33, Section 1415(k)

34 C.F.R. Part 300

*Honig v. Doe*, 484 U.S. 686, 108 S. Ct. 592 (1988)

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*\*Language in text set forth in italics is optional.*