

SECTION: PROGRAMS

TITLE: DISCIPLINE OF STUDENTS WITH DISABILITIES

ADOPTED: June 28, 2012

REVISED:

# NORTHERN TIER CAREER CENTER

<p>1. Purpose Title 22 Sec. 14.133 Pol. 113, 113.2</p> <p>Title 22 Sec. 14.133, 14.143 34 CFR Sec. 300.530 Pol. 218, 233</p> <p>2. Definitions Pol. 113</p> <p>Title 22 Sec. 12.6 Pol. 233</p> <p>Title 22 Sec. 12.6 Pol. 233</p>	<p style="text-align: center;">113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES</p> <p>The center shall implement positive Behavior Support Plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.</p> <p>Students with disabilities who violate the Code of Student Conduct, or engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others, which would typically result in corrective action or discipline of students without disabilities, shall be disciplined in accordance with state and federal law and regulations and Joint Operating Committee policy and, if applicable, their Individualized Education Program (IEP) and Behavior Support Plan.</p> <p><b>Students with disabilities</b> - school-aged children who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services.</p> <p><b>Suspensions from school</b> - disciplinary exclusions from the center for a period of one (1) to ten (10) consecutive school days.</p> <p><b>Expulsions from school</b> - disciplinary exclusions from the center by the Joint Operating Committee, for a period exceeding ten (10) consecutive school days and may include permanent exclusion from the center. The center shall coordinate actions involving expulsions with the school district of residence as required by law or the agreement between the sending school district and Joint Operating Committee.</p>
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<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p>	<p><b>Interim alternative educational settings</b> - removal of a student with a disability from his/her current placement. Interim alternative educational settings may be used by school personnel for up to forty-five (45) school days for certain infractions committed by students with disabilities. The IEP team shall determine the interim alternative educational setting; however, this does not constitute a change in placement for a student with a disability.</p>
<p>3. Authority Title 22 Sec. 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530</p>	<p>The Joint Operating Committee directs that the center shall comply with provisions and procedural safeguards of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations, and shall coordinate with the school district of residence when disciplining students with disabilities for violations of Joint Operating Committee policy or center rules or regulations. No student with a disability shall be subjected to a disciplinary change in placement if the student's particular misconduct is a manifestation of his/her disability. However, under certain circumstances, in coordination with the school district of residence, a student with a disability may be placed in an interim alternative educational setting by school personnel or the IEP team could, if appropriate, change the student's educational placement to one which is more restrictive than the placement where the misconduct occurred.</p> <p><u>Provision Of Education During Disciplinary Exclusions</u></p>
<p>Title 22 Sec. 12.6(e) 20 U.S.C. Sec. 1412(a) 34 CFR Sec. 300.530(b), (d)</p>	<p>During any period of expulsion, or suspension from school for more than ten (10) cumulative days in a year, or placement in an interim alternative educational setting for disciplinary reasons, a student with a disability shall continue to receive a free and appropriate education, in accordance with law. The school district of residence shall be responsible to provide such education in the event of an expulsion from the center.</p>
<p>4. Guidelines  Title 22 Sec. 12.6, 14.143 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530, 300.536</p>	<p><u>Suspension From School</u></p> <p>A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year, for the same reasons and duration as a student without a disability. Such suspension shall not constitute a change in the student's educational placement.</p>

<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530</p>	<p><u>Changes In Educational Placement/Manifestation Determinations</u></p> <p>For disciplinary exclusions which constitute a change in educational placement, the center, in coordination with the school district of residence and IEP team, shall first determine whether the student’s behavior is a manifestation of his/her disability. Expulsion, or exclusion from school for more than fifteen (15) cumulative days in a year, or patterns of suspensions for substantially identical behaviors constitute changes in educational placements requiring a manifestation determination. For students with mental retardation, any disciplinary suspension or expulsion is a change in educational placement.</p>
<p>Title 22 Sec. 14.143 34 CFR Sec. 300.530(c) Pol. 218, 233</p>	<p>A student with a disability whose behavior is not a manifestation of his/her disability may be disciplined in accordance with Joint Operating Committee policy, center rules and regulations in the same manner and to the same extent as students without disabilities.</p>
<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.532</p>	<p><u>Parent/Guardian Appeals From Disciplinary Actions/Request For Hearing By Center For Students Who Are A Danger To Themselves Or Others</u></p> <p>A due process hearing may be requested by a parent/guardian of a student with a disability who disagrees with a disciplinary placement or manifestation determination, or by the center, in coordination with the school district of residence, if the center believes that the current placement is substantially likely to result in injury to the student or others. On parent/guardian appeal, or when the center, in coordination with the school district of residence, requests a due process hearing, the hearing officer may return the student to the placement from which s/he was removed or order his/her removal to an appropriate interim alternative educational setting for up to forty-five (45) school days if the hearing officer determines that maintaining the child’s current placement is substantially likely to result in an injury to the student or others.</p>
<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.533</p>	<p>Placement during appeals of disciplinary actions shall be in the interim alternative educational setting pending the decision of the hearing officer or expiration of the time period set for the disciplinary exclusion from the student’s regular placement unless the center, school district of residence and the parent/guardian agree otherwise.</p>
<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.534</p>	<p>Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the center did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the center shall contact the school district of residence and an evaluation shall be expedited.</p>

<p>20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(g)</p> <p>18 U.S.C. Sec. 930 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i) Pol. 218.1</p> <p>20 U.S.C. Sec. 1415(k) 21 U.S.C. Sec. 812(c) 34 CFR Sec. 300.530(i) Pol. 227</p> <p>18 U.S.C. Sec. 1365(h)(3) 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.530(i)</p>	<p><u>Administrative Removal To Interim Alternative Educational Setting For Certain Infractions</u></p> <p>Center personnel shall contact the school district of residence and notify it of the need to remove a student with a disability, including mental retardation, to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student’s disability if the student:</p> <ol style="list-style-type: none"> <li>1. Carries a weapon to or possesses a weapon at the center, on center property, or at center functions. For purposes of this provision, <b>weapon</b> is defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half (2 ½) inches in length.</li> <li>2. Knowingly possesses or uses illegal drugs, as defined by law, or sells or solicits the sale of a controlled substance, as defined by law, while at the center, on center property, or at center functions.</li> <li>3. Has inflicted serious bodily injury upon another person while at the center, on center property, or at center functions. For purposes of this provision, <b>serious bodily injury</b> means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.</li> </ol> <p>Center personnel shall provide the school district of residence with the supporting information necessary for the school district of residence and the student’s IEP team to determine the interim alternative educational setting for the student.</p>
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<p>SC 1302.1-A 20 U.S.C. Sec. 1415(k) 34 CFR Sec. 300.535</p> <p>20 U.S.C. Sec. 1415(k)(6) 34 CFR Sec. 300.535 Pol. 216</p> <p>5. Delegation of Responsibility SC 1303-A Pol. 218.1, 218.2, 222, 227</p>	<p><u>Referral To Law Enforcement And Reporting Requirements</u></p> <p>The center shall report crimes committed by a student with a disability to the appropriate authorities in the same manner as it reports crimes committed by students without disabilities and in accordance with applicable law.</p> <p>When reporting a crime committed by a student with a disability to the appropriate authorities, the center, in coordination with the school district of residence, shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by these authorities. The center shall transmit copies of the student’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.</p> <p>The Administrative Director shall report incidents committed by students with disabilities to the Office of Safe Schools in accordance with Joint Operating Committee policy, law and regulations.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1302.1-A, 1303-A</p> <p>State Board of Education Regulations – 22 PA Code Sec. 12.6, 14.133, 14.143</p> <p>Crimes Code, Possession of Firearms and Dangerous Weapons – 18 U.S.C. Sec. 930</p> <p>Crimes Code, Definition, Serious Bodily Injury – 18 U.S.C. Sec. 1365(h)(3)</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</p> <p>Controlled Substances Act – 21 U.S.C. Sec. 812</p> <p>Individuals With Disabilities Education, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Joint Operating Committee Policy – 113, 113.2, 113.3, 216, 218, 218.1, 218.2, 222, 227, 233</p>
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