

STUDENTS

Discipline of Students Requiring Special Education Services

Special Education Suspension Procedures

1. All disciplinary suspensions shall be conducted in accordance with Board policy and state and federal laws and regulations.
2. A suspension shall be defined as an exclusion from school privileges or from transportation services only for no more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed. Students eligible for special education services may be suspended for the same reasons as students not eligible for special education services.
3. A student requiring special education services (hereinafter referred to as "disabled student") who is suspended from school for less than ten (10) school days cumulative in the school year may not receive special education services during the period of suspension. Student with disabilities who are removed more than once in a school year and whose removals total more than ten (10) school days in the school year, where such removals do not constitute a change of placement under IDEA, shall be provided educational services to the extent necessary to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set forth in the student's IEP. If a removal of a student with a disability constitutes a change of placement, the student shall be provided FAPE.
4. If the District contemplates disciplinary action which would exclude a disabled student from school in excess of ten (10) consecutive school days, or for less than ten (10) consecutive days but when counted with other removals, totals more than ten (10) days cumulative for the school year and such removals constitute a change of placement, the District shall, immediately if possible, but in no event later than ten (10) school days after the decision to take such action, convene meeting which shall include the PPT and other qualified personnel to review the relationship, if any, between the student's disability and the behavior which is subject to discipline ("manifestation determination"). Manifestation determinations shall be conducted in accordance with paragraph five under the heading "Special Education Expulsion Procedures."
3. Manifestation determinations are not required when a disabled student is excluded for less than ten (10) consecutive school days or for more than ten (10) days cumulative for the school year where such removals do not constitute a change of placement. Whenever disciplinary action is contemplated which will result in a student with a disability being excluded for more than ten (10) days cumulative in a school year, no later than ten (10) business days after the initial decision is made to take such disciplinary action, the District shall convene the PPT to review and, as necessary, modify the student's behavioral intervention plan to address the student's behavior. If no behavioral intervention plan is in place, the District shall conduct a functional behavioral assessment within ten (10) business days after the eleventh (11th) day of removal or after commencing a removal that constitutes a change in placement, and implement

Discipline of Students Requiring Special Education Services

Special Education Suspension Procedures (continued)

a behavioral intervention plan as soon as practicable after completing the assessment to address the student's behavior.

1. For purposes of disciplinary removals, "Change of Placement" occurs if: (1) the removal is for more than ten (10) consecutive days; or (2) the student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year, and because of factors such as the length of the removal, the total amount of time the student is removed and the proximity of the removals to each other.

Special Education Expulsion Procedures

1. All disciplinary expulsions shall be conducted in accordance with Board policy and state and federal laws and regulations.
2. An expulsion shall be defined as an exclusion from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year.
3. If action is contemplated involving a removal of a student that constitutes a change of placement, the District shall notify the student's parent(s)/guardian(s) no later than the date on which the decision is made to take action of the decision. All procedural safeguards shall be contained in such notice, along with the following:
 - A. That a PPT shall be convened to determine the relationship, if any, between the student's disability and the behavior subject to the disciplinary action. The PPT shall convene as soon as possible, but in no event later than 10 (ten) school days after the date on which the decision to recommend expulsion was made;
 - B. That the student's parent(s)/guardian(s) are requested to attend the PPT meeting, and the date, time, and location of the meeting; and
 - C. The procedures for placement in an interim alternative setting, if appropriate.
4. The manifestation review shall be conducted by the PPT and other qualified personnel.
5. The PPT and other qualified personnel may determine that the student's behavior was not a manifestation of the student's disability only if the PPT and other qualified personnel
 - A. First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:

Discipline of Students Requiring Special Education Services**Special Education Expulsion Procedures (continued)**

- (i) Evaluation and diagnostic results, including such results or other relevant information supplied by the student's parents;
 - (ii) Observations of the student; and
 - (iii) The student's IEP and placement; and
- B. Next determines that:
- (i) In relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;
 - (ii) The student's disability did not impair his or her ability to understand the impact and consequences of the behavior subject to disciplinary action; and
 - (iii) The student's disability did not impair the student's ability to control the behavior subject to disciplinary action.
6. If the PPT and other qualified personnel determines that any of the standards set forth in paragraph 5.B. above were not met, the student's behavior must be considered a manifestation of his or her disability, and the student may not be expelled.
7. If the PPT and other qualified personnel determines that the student's behavior was not a manifestation of his or her disability, the student shall be disciplined in the same manner as students without disabilities, except as provided in paragraph number nine below. The parent(s)/guardian(s) shall receive notice as specified by applicable statute and Board policy of the opportunity for a hearing to consider the expulsion recommendation.

The expulsion notice to the parent(s)/guardian(s) of a disabled student shall also include the following provisions:

- A. That parent(s)/guardian(s) are entitled to all rights provided under the IDEA and a copy of the procedural safeguards.
- B. In addition to issues regularly determined at an expulsion hearing, the authorized administrator must present evidence that the PPT and other qualified personnel met and concluded that the student's misconduct was not a manifestation of his or her disability, which shall be duly noted by the Board.

Discipline of Students Requiring Special Education Services

Special Education Expulsion Procedures (continued)

- C. The administration shall ensure that the disabled student's special education and disciplinary records are provided for consideration by the Board in making its decision regarding the disciplinary action
8. If a student's parent(s)/guardian(s) disagree with a determination that the student's behavior was not a manifestation of the student's disability, the parent(s)/guardian(s) may request an expedited due process hearing.
 9. If a special education student is expelled from school in accordance with the procedures set forth above, the student shall continue to receive special educational services consistent with his or her IEP.

Weapon and Drug Offenses

For purposes of this section, the following definitions apply:

- "Weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, 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.
- "Illegal drug" means a controlled substance but does not include a substance that is legally possessed or used, e.g., under the supervision of a licensed health-care professional.
- "Controlled substance" means a drug or other substance identified under schedules I through V in section 202 (c) of the Controlled Substance Act, as amended from time to time.

If a disabled student carries a weapon to school or to a school function, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the District may

- A. Change the placement of the student for the same amount of time that a student without a disability would be subject to discipline, but not for more than forty-five (45) calendar days. This removal to an interim alternative educational setting shall be determined by the PPT. The setting must: (1) be selected to enable the student to continue to progress in the general curriculum and to continue to receive those services and modifications, including those described in the student's IEP, that will enable the student to meet the goals set out in his/her IEP and (2) include services and modifications to address the behavior precipitating placement in the interim alternative setting that are designed to prevent the behavior from recurring.

Discipline of Students Requiring Special Education Services

Weapon and Drug Offenses (continued)

If the parent(s)/guardian(s) disagree with the decisions of the PPT, the parent(s)/guardian(s) may initiate a due process hearing. The student must remain in the alternative educational setting pending the decision of the hearing officer or until the expiration of the forty five (45) calendar day period, whichever occurs first, unless the parent(s)/guardian(s) and the District agree otherwise; or

- B. Seek an order from a court of competent jurisdiction or a State of Connecticut hearing officer to change the student's educational placement, to an appropriate interim alternative educational setting for up to forty-five (45) calendar days if hearing officer, in an expedited hearing:
1. Determines that the District has demonstrated by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or the others;
 2. Considers the appropriateness of the student's current placement;
 3. Considers whether the District has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
 4. Determines that the interim alternative educational setting proposed by the District is:
 - a. selected to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's IEP, that will enable the student to meet the goals set out in his/her IEP; and
 - b. include services and modifications to address the behavior precipitating the change of placement to the interim alternative placement and to prevent the behavior from recurring.

A PPT may determine that the student's original placement (placement prior to in the interim alternative setting) will change upon expiration of the forty-five (45) day alternative educational placement. If the parent(s)/guardian(s) disagree with such change of placement, the parent(s)/guardian(s) may request a due process hearing. During the pendency of the hearing, the student shall remain in his/her original placement (placement prior to placement in the interim alternative setting) unless the District request an expedited due process hearing because it feels it would be dangerous for the student to return to his/her original placement during the pendency of the hearing. The hearing officer will determine whether the student shall remain in the interim alternative educational setting or in another placement.