

This policy addresses disciplining students with disabilities, as defined by Section 504 of the 1973 Rehabilitation Act. For those students with disabilities under the Individuals with Disabilities Education Act (IDEA), the disciplinary procedures required by the IDEA will be followed. In the event a student has disabilities under both Section 504 and the IDEA, both policies shall be followed in determining appropriate disciplinary actions.

SUSPENSION

A student with a disability, as defined by Section 504 of the 1973 Rehabilitation Act, may be suspended for not more than ten (10) consecutive school days per incident.

Whenever a school considers suspending a student with a disability for more than ten (10) cumulative school days in a school year, a *Multi-Disciplinary Team (MDT)* will be convened to determine if the cumulative suspensions constitute a significant change in placement by reviewing the following factors:

1. The length of each suspension;
2. The proximity of the suspension to one another; and
3. The total amount of time the student is excluded from school.

The *MDT* will consist of individuals who are knowledgeable about the student, the student's school history, the student's individual needs, the evaluation data, and the placement options.

If the *MDT* determines that the exclusion would constitute a significant change in placement, the school will conduct a manifestation determination as set forth below.

EXPULSION

Prior to submitting an expulsion recommendation to the board of trustees for any student with a disability as defined by Section 504 of the 1973 Rehabilitation Act, an *MDT* will make a "manifestation determination." A manifestation determination involves a review of the student's misconduct, the student's disability and the services provided to determine:

1. Is the misconduct a manifestation, or result, of an inappropriate placement or educational program for the student?
2. Is the misconduct a manifestation, or result, of the student's disability?

In reviewing the questions set forth above, the *MDT* will review information regarding the student's disability that is recent enough to afford an understanding of the student's current behavior. In the absence of reasonably current information about the student's disability, the school district will conduct or cause to be conducted additional evaluation(s) regarding the student's disability before making the manifestation determination. If either manifestation determination question answer is "yes," the student will not be expelled. However, the *MDT* may determine that a placement change is necessary for that student.

If the answers to both the questions set forth above are “no,” the school may proceed with the recommendation of expulsion to the board in the same manner as for similarly-situated students who do not have disabilities.

If the student’s parent/guardian disagree with the *MDT*’s determination of the manifestation determination, a hearing may be requested under this district’s Section 504 hearing procedure. Although the parent/guardian may disagree with the manifestation determination findings, the student may be expelled after following the proper procedures. Educational services may cease after expulsion.



LEGAL REFERENCE:

Section 504 of the 1973 Rehabilitation Act
29 U.S.C. Ch. 16 Sacs 706(8) and 794-794b
34 CFR Part 104

Idaho Code Section 33-205

Akron (OH) City School Distr., OCR Letter, 19 IDELR 542 (1992)

Discipline of Students with Disabilities in Elementary and Secondary Schools, OCR, October 1996

ADOPTED: April 13, 2004

AMENDED: