

Centre Learning Community Charter School

SECTION: PROGRAMS
 TITLE: DISCIPLINE OF STUDENTS
 WITH DISABILITIES
 ADOPTED: February 21, 2007
 REVISED:

109. DISCIPLINE OF STUDENTS WITH DISABILITIES

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and to reduce identified inappropriate behaviors.

Students with disabilities who engage in inappropriate behavior, disruptive activities and/or actions injurious to themselves or others shall be disciplined in accordance with their Individualized Education Program, a positive behavior support plan and Board policy.

The Board directs that the Centre Learning Community Charter School shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) and Pennsylvania state regulations when disciplining students with disabilities for violations of Centre Learning Community Charter School policy and school rules and regulations.

During any period of disciplinary action, the student shall continue to receive a free and appropriate public education, in accordance with federal and state laws.

A disabled student may be suspended for a total of no more than ten (10) consecutive school days per school year, regardless of whether the student's behavior is a manifestation of his/her disability. The student shall continue to receive appropriate educational services during the period of suspension.

A disciplinary exclusion of a student with a disability for more than fifteen (15) cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.

No student with a disability shall be expelled if the student's behavior is a manifestation of his/her disability.

A removal from school is always a change of placement for a student who is identified with mental retardation.

A change of placement occurs if; a 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 length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

A hearing officer may order removal to an alternative setting for forty-five (45) days where the Centre Learning Community Charter School demonstrates by substantial evidence that maintaining the disabled student's current placement is substantially likely to result in injury to the student or others.

Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if the Centre Learning Community Charter School 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 evaluation shall be expedited.

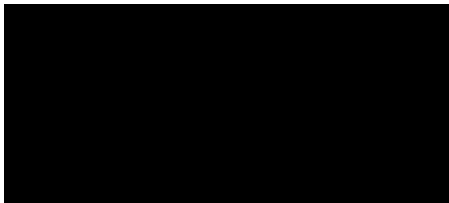
Weapons Violations

A disabled student who carries a weapon to school or a school function may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.

According to statute, **weapon** shall be defined as a 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 2 1/2 inches in length.

Drugs/Controlled Substances Violations

A disabled student who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from his/her current placement. The student shall be placed in an appropriate interim alternative educational setting for no more than forty-five (45) days.



Does suspension constitute a change in placement?

- ! Must at least consider –
- ! length of each suspension; !
- ! proximity of suspensions to each other; and
- ! total time of exclusion

Student remains in existing placement, from the eleventh day onward in the case of expulsion, or from the point at which the total days of suspension add up to a “change in placement,” pending completion of next step

Total days less than fifteen could constitute a change in placement under this standard

Conduct a behavior support review !

- ! develop a plan for completion of a functional behavior assessment; or
- ! review existing behavior support plan, and

Conduct a “manifestation determination review”

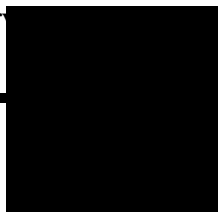
If the team answers “yes” to all three of the following questions, the behavior was *not* a manifestation of disability:

- ! whether IEP in effect was appropriate as it related to the behavior in question, and whether it was appropriately implemented;
- ! whether the child was able to understand the impact and consequences of the behavior in question; and
- ! whether the child could control the behavior in question

Convene IEP team

Within ten business days of the eleventh cumulative day of exclusion either to –

- ! Develop a plan for completion of a functional behavior assessment; or
- ! Review existing behavior inter





revisions

**Implement
revisions, or
proceed to due
process**

**More
restrictive
placement
needed to
implement**

**Begin new
placement, or
proceed to due
process**

**If parents pursue due process, student must
remain in existing placement, unless –**



**Placement
in
expulsion
after
School
Board**

**! the behavior constituted a drug offense,
! the behavior constituted a weapons offense, or !
maintaining the current placement is
“substantially likely to result in injury to the child
or to others”**

**Unilateral
alternative
placement for
up to 45
calendar days
for drug
offense or
weapons**

**Alternative
Placement
Following
Expedited
Hearing
(within 45 days).
Centre Learning
Community
Charter School**

**! substantial
evidence of
likely injury**

**! reasonable efforts
to minimize
risk**

Areas shaded in gray denote the activities and decisions to be made at a single IEP team meeting, if possible.

