

Special Education Student Discipline

A. Conditions and Limitations

1. Special education students are subject to the Riverview School District's Board Policy 3100, Student Rights and Responsibilities, in the same manner as non-special education students, except as specifically provided otherwise.
2. Notwithstanding any other provision of Policy No. 3100, no disciplinary exclusion shall be imposed upon any special education student for any behavior which is an element of or related to the student's disability unless provision for such discipline has been included in that student's individualized education program (IEP), except when the student's conduct is considered to be an immediate and continuing threat to the student, to others, or threatens a substantial disruption of the educational program.

B. Disciplinary Exclusion of Special Education Students

Special education students are not to be improperly excluded from school for disciplinary reasons. In order to accomplish this, the district shall comply with the following procedures:

1. Prior to a disciplinary action which constitutes an out-of-school suspension, or a significant change of placement in a disabled student's educational placement, a MDT will determine whether the misconduct for which the student is being excluded from school is a manifestation of the disability and/or due to an inappropriate placement.
2. If the misconduct is a manifestation of the disability and/or due to an inappropriate placement, the proposed disciplinary action, resulting in a significant change of placement, may not be implemented. Instead, the district must convene an IEP meeting for the purposes of developing an appropriate program. The district has a continuing responsibility to provide special education to the student.
3. If the misconduct is neither a manifestation of the disability nor due to an inappropriate placement, the proposed disciplinary action may be implemented. The district must convene an IEP meeting for the purposes of developing an alternative educational program for the student during a long-term suspension or expulsion.
4. The district must provide the parents with written notice regarding the MDT decision as to whether the misconduct for which the student is being excluded from school is a manifestation of the disability or due to an inappropriate placement. The notice shall include:

- a. Date, time and place of the MDT meeting;
- b. Participants in the MDT;
- c. Conclusion reached at the meeting; and
- d. Sources of information used in reaching the decision(s).

In determining whether misconduct is a manifestation of the disability, the MDT shall base decisions on evaluation data related to behavior which must be recent enough to afford an understanding of the student's current behavior. A team may not make a determination that misconduct is or is not a manifestation of the disability on the basis of a student's special education eligibility category. Determination by the MDT shall document in a written narrative the basis for such determination, including any relevant data or evaluation procedures utilized. The district must provide the parents with written notice regarding the MDT decision.

A significant change in placement means any suspension, in or out of school, or expulsion for disciplinary reasons which excludes a special education student from school for more than ten consecutive school days in a school year or a series of suspensions that are each of ten days or fewer which create a pattern of exclusion. Patterns of exclusion are determined on an individual basis by a MDT, considering length of suspension, proximity of suspensions to each other, and amount of time the student is excluded. The MDT will document this in a written narrative and provide written notice regarding their decision.

A special education student who poses an immediate and continuing danger to him or herself, other students, or school personnel or an immediate and continuing threat of substantial disruption may be expelled pursuant to WAC 392-400-295. Prior to an exclusion exceeding ten school days, the district must complete the procedures defined in special education regulations. A parent (or adult student) may request a hearing.

During the pendency of the hearing, unless the parent(s) of the student (or the adult student) agree to an alternative placement, the student involved in the complaint shall return to the educational placement he or she was in at the time of the expulsion. The district may obtain a court order (a temporary restraining order or injunction) during pendency of a hearing to extend the exclusion from school for a dangerous student beyond ten school days or to place the student in an alternative setting. An alternative educational program must be provided during any exclusion.

A student with a disability who brings a dangerous weapon as defined in Section 921 of Title 18 of the US Code to school or who is in possession of and use of illegal drugs or selling or soliciting the sale of a controlled substance may be placed in an interim alternative educational placement determined by the school district for up to 45 calendar days. The placement must be developed in accordance with an IEP meeting. Prior to the expiration of the interim alternative educational placement, the district will complete the procedures defined in state special education regulations. In the event of disagreement, the parent (or adult student) may request a hearing. During the pendency of the hearing, the student must remain in the interim alternative educational placement.