

District Policy & Regulations

BOARD OF EDUCATION COLUMBUS SCHOOL DISTRICT

PROGRAM
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SUSPENSION/EXPULSION OF DISABLED STUDENTS

In matters relating to the disciplining of disabled students, the Board of Education shall abide by Federal and State laws regarding suspension and expulsion.

Students with disabilities may be suspended for misconduct under the same policy as non-disabled students provided the suspension does not constitute a change in educational placement. A change in placement occurs when a child with a disability is suspended or expelled for a period of more than 10 consecutive days or 10 cumulative days, when a pattern of such suspensions is evident.

Since no change in a disabled student's educational placement can be made by suspension or expulsion without written consent of the parent or a court order, the Superintendent shall develop administrative guidelines to ensure that the I.E.P. Committee is convened and the review process occurs promptly and efficiently to determine:

- A. that the Individual Education Program (I.E.P.) is current and complete; and addresses the student's needs
- B. that the student has been appropriately placed as indicated by the I.E.P.

Prior to any expulsion or suspension that results in a change of placement, it must be determined by the administration, through an Individual Education Planning Committee (I.E.P. Committee), that the disabled student's disruptive behavior is not a result or manifestation of the student's disability. Pending this determination, the student must remain in his/her current placement, unless the student's behavior poses an immediate danger to the safety of others.

If the behavior calling for suspension is not related to the disabling condition, as determined by the I.E.P. Committee, the student may be disciplined in accordance with Policy 5610 - Removal, Suspension, and Expulsion of Non-disabled Students. Services to provide a Free and Appropriate Public Education (FAPE) must continue during the period of suspension or expulsion.

If the wrongful behavior is disability-related, the student may not be suspended or expelled. The I.E.P. Committee shall recommend either a change in the educational placement of the student or a request for judicial relief, if the student's behavior poses an immediate danger to the safety of others.

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Students served under Section 504 shall have the same rights as those identified with special education needs. If the district suspected that a student had a disability at the time the conduct was demonstrated, the district must complete an evaluation to determine if the student is a student with a disability and if the conduct that results in suspension or expulsion is a manifestation of the disability.

For students with disabilities determined eligible according to Section 504 of the Rehabilitation Act of 1973:

- A. a Section 504 meeting must be convened;
- B. the Section 504 committee must determine that the student's disability would not cause the student to violate school rules;
- C. if this standard is met through decisions of the Section 504 committee, the disabled student may be suspended for more than ten (10) days or expelled using the same procedure the board would follow for a non-disabled student;
- D. if this standard is not met through decisions of the Section 504 committee, the student may not be suspended for more than ten (10) days or expelled.

For conduct involving a weapon, illegal drugs, or controlled substances, the procedures described above will apply except that the I.E.P. Committee may remove the student from his/her assigned school setting to an interim alternative educational setting for forty-five (45) days and the "stay-put" provision of the law does not apply. If a parent requests a due-process hearing, the student shall remain in the interim alternative educational setting pending the results of such a hearing.

Emergency removal of a student with disabilities from his/her current placement may take place through parental agreement for an interim placement or through injunctive relief from a court when the current placement presents a substantial likelihood of resulting in injury to the student or others.

20 U.S.C. Section 1401 et seq.
Section 504, 1973 Rehab. Act;
29 U.S.C. 701 et seq.
U.S. Supreme Court, Honig v. Doe, 56 USLW 4091

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