

# CATASAUQUA AREA SCHOOL DISTRICT

No. 113.1

SECTION: Programs

TITLE: Discipline of Students  
with Disabilities

ADOPTED: June 13, 2012

	<b>#113.1 — Discipline of Students with Disabilities</b>	<b>1</b>
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I. <u>Purpose</u>	Whenever behavior interferes with the learning of a child with disabilities or with the learning of others, the IEP team of that child shall consider and shall include in the IEP of the child, as needed, appropriate positive behavioral interventions, strategies, and supports to address the behavior.	<b>3</b>
22 Pa. Code, § 14.133		<b>4</b>
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	Students with disabilities who engage in conduct that violates district policy or school rules and regulations in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others shall be disciplined in accordance with their Individualized Education Program (IEP), behavior support plan, and Board policy.	<b>8</b>
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II. <u>Authority</u>	The Board directs that the district shall comply with provisions of the Individuals With Disabilities Education Act (IDEA) and federal and state regulations when disciplining students with disabilities for violations of district policy or school rules and regulations.	<b>14</b>
20 U.S.C. § 1400 <i>et seq.</i> ;		<b>15</b>
34 CFR 300.530 through 300.536;		<b>16</b>
22 Pa. Code § 14.143.		<b>17</b>
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III. <u>Guidelines</u>	A. <u>Disciplinary Exclusions from School — In General</u>	<b>23</b>
22 Pa. Code § 14.143;		<b>24</b>
34 CFR 300.530;		<b>25</b>
CASD Policy 233.		<b>26</b>
	1. A student with a disability who violates a code of student conduct may be suspended from school for up to ten (10) consecutive school days, and for additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, in accordance with regular District policy and procedures and regardless of whether the behavior is a manifestation of the student's disability, <i>so long as</i> any such suspensions do not constitute a change of placement.	<b>27</b>
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	2. A disciplinary suspension or expulsion which constitutes a change of placement may only be imposed in accordance with the procedural and substantive requirements of federal and state law and regulations, including, but not limited to, meetings of the student's IEP team, notices to the student's parents, and a determination whether the student's conduct was a manifestation of the student's disability.	<b>34</b>
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	3. No student with a disability shall be expelled if the student’s behavior is determined to be a manifestation of his/her disability.		<b>3</b>
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	4. After a student with a disability has been removed from his/her current placement for ten (10) school days in the same school year, during any subsequent days of removal, regardless of whether the removal constitutes a change of placement, the student shall receive educational services, and, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, in accordance with federal and state law and regulations, including 34 CFR § 300.530(d).		<b>6</b>
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	<b>B. <u>Change of Placement</u></b>		<b>16</b>
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34 CFR 300.536; 22 Pa. Code § 14.143	For purposes of removals of a student with a disability from the student’s current education placement, a “change of placement” occurs if—		<b>18</b>
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	1. The removal is for more than ten (10) consecutive days;		<b>20</b>
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	2. The removal will result in exclusion from school for more than fifteen (15) cumulative school days in a school year;		<b>23</b>
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	3. The student is identified with an intellectual disability; or		<b>26</b>
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	4. The student has been subjected to a series of removals that constitute a pattern because (a) they total more than ten (10) school days in a school year; (b) the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and (c) such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.		<b>28</b>
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	<b>C. <u>Special Circumstances</u></b>		<b>37</b>
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34 CFR 300.530(g)	A student with a disability may be removed to an interim alternative educational setting for not more than forty-five (45) school days, without parental consent and without regard to whether the behavior is determined to be a manifestation of the student’s disability, if the student—		<b>39</b>
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	1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function;		<b>45</b>
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	2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or		<b>48</b>
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	3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.		3
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	The terms “controlled substance,” “illegal drug,” “serious bodily injury,” and “weapon” have the meanings given them at 34 CFR § 300.530(i).		6
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	D. <u>Protections for Students Not Determined Eligible for Special Education and Related Services</u>		10
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	1. A student who has not been determined to be eligible for special education and related services at the time he/she engaged in behavior which violated a code of student conduct, may assert the protections provided to students with disabilities under this policy if the school district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. See 34 CFR § 300.534(b) and (c) for criteria to determine whether the school district had such knowledge.		13
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2. If the school district does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the disciplinary measures applied to students without disabilities who engage in comparable behaviors.		22	
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3. If a request is made for an evaluation of the student during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by the school district, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, the school district shall provide special education and related services as required by federal and state law and regulations, including the protections set forth in this policy.		28	
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