

# BANKS SCHOOL DISTRICT

## Statement of Policy

### DISCIPLINE OF DISABLED STUDENTS

File Code: JGDA/JGEA

When students being serviced by an individualized education program (IEP) engage in conduct which would warrant suspension of more than 10 days or expulsion for a non-disabled student, the student's parents will be notified immediately (within 24 hours) of the circumstances of the misbehavior, and the time and location of the student's IEP team meeting addressing the infraction and its relationship to the disability.

If the IEP team concludes the misconduct is not a manifestation of the student's disability, the student may be disciplined in the same manner as would other students.

If the IEP team concludes the misconduct is a manifestation of the student's disability, the team may review and revise the student's IEP and determine whether a change in placement is needed.

The following prohibitions apply:

1. The district may not suspend for more than 10 days or expel a disabled student for any behavior which is a manifestation of the disability.
2. The district may seek a court or hearings officer order to remove a student to an interim alternative education setting if:
  - a. the student is substantially likely to injure self or others in the school,
  - b. the district has made a reasonable effort to minimize the risk of harm; and
  - c. the district has developed an interim alternative educational placement that allows the student to participate in the general curriculum and continue to receive special education and related services, including services to address the misconduct
3. If a student carries a weapon to school or school function or knowingly possesses or uses illegal drugs or knowingly sells or solicits the sale of controlled substances, the district can remove the student to an interim alternative educational placement for up to 45 calendar days.

As used in this policy weapons means a weapon, 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 2½ inches in length. Illegal drugs are defined as a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Date Adopted: June 8, 1998

Legal Reference: ORS 326.565, ORS326.575, ORS 336.187, ORS 339.240, ORS 339.250, ORS 339.260, ORS 343.177, OAR 581-212-065(5), OAR 581-21-070

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. sections 1400-1427, (West 1988), as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, Stat 1130 (1990) as amended P.L. 105-17 1997 [P.L. 94-142 is a well known "short" reference to this federal legislation.]

Honig v. Doe, 484 U.S. 305, 108 S. Ct. 592 (1988)