

DISCIPLINE PLAN STUDENTS WITH DISABILITIES

Students with disabilities who attend DATA are not immune from school disciplinary processes, nor are they entitled to remain in a particular educational program when their behavior substantially impairs the education of other students in the program.

The discipline process applied to a student with a disability, depends upon whether or not the behavior in question is a weapon or drug offense, whether the student has inflicted serious bodily harm on another person, whether maintaining the student in his or her placement is substantially likely to result in injury to the student or others, and whether or not the behavior in question is a manifestation of the student's disability.

Unless the student's IEP provides otherwise, a student with a disability may be removed for 10 or fewer consecutive school days without any special considerations, just as would any student without disabilities. The student must be returned to the same educational placement after the temporary or short-term suspension, but for an initial suspension of 10 school days or less DATA does not have to provide the student with any services.

The student's IEP team has the authority to prescribe or prohibit specific disciplinary measures by including appropriate provisions in the student's IEP, and school administrators are required to follow IEP provisions concerning discipline. The IEP team may indicate that the student is not subject to all or part of the school-wide discipline plan. The student's IEP document includes the IEP team's determination as to the applicability or inapplicability of the school-wide discipline plan. The IEP is not, however, permitted to prohibit the initiation of proceedings for long-term suspension or expulsion.

Process for when an infraction occurs:

An administrative conference is held; the purpose of the conference, conducted by DATA administrator, is to:

- Interview witnesses, including staff and other students
- Allow the student an opportunity to explain the behavior
- Determine whether, if there is no IEP, the student should be referred for an evaluation for a suspected disability. Following the informal administrative conference, administration determines, based upon the facts and his or her judgment, what, if any, disciplinary action should be implemented.

The DATA administrator will notify the parents of:

- The misconduct
- Any alternative disciplinary action that will be taken pursuant to provisions included in the student's IEP (or IDP or BIP), and
- The proposed disciplinary action, (if any)

If the student's problem behavior interferes with his or her learning or the learning of his or her classmates, the IEP team may need to consider whether or not specific strategies, including positive behavioral interventions, strategies, and supports (i.e., a BIP) need to be designed and implemented to address the problem behavior. An IEP team meeting is not required at this point in the process. The DATA administrator, in consultation with the student's special

education teacher, may consider convening an IEP team meeting to review and revise the IEP as necessary. If an IEP meeting is scheduled, the parents must be provided notice.

10 Day Rule:

Once a student has been removed from school for more than 10 cumulative days, or is subject to long-term suspension greater than 10 days, in a school year (i.e., the “10-Day Rule” has been met), DATA will ensure that the student is provided with FAPE during his or her removal.

IDEA maintains the rule that if disciplinary removals constitute a “change of placement,” certain procedural protections are triggered, including the requirement that the district conduct a Manifestation Determination Review (MDR) meeting.

If DATA administration determines that the rule violation and planned disciplinary response will result in a change of placement for the student, the school official must prepare for an MDR and provide the parents with notice of the MDR meeting. Notice must be given to the parents on the date on which the decision is made to impose a removal that constitutes a change of placement. DATA is obligated to conduct the MDR meeting within 10 school days of any decision to change the student’s placement.

The following information must be provided to the parents:

- The date and time of the MDR meeting
- A copy of the procedural safeguards notice, including:
 - a) Notice that the parents are entitled to invite relevant persons (including members of the student’s IEP team) to serve as members of the MDR team
 - b) A description of the action proposed or refused by the district (including the length of the proposed exclusionary period, and the start date)
 - c) An explanation of why the district proposes or refuses to take the action (this would include a description of the misconduct)
 - d) A description of other options considered and the reasons why those options were rejected (in other words, what other disciplinary sanctions were considered and rejected, and the reasons why were they rejected)
 - e) A description of the parents’ right to challenge decisions by means of the state-level complaint procedures or a request for due process hearing.

For student conduct to be a manifestation of the student’s disability, there must either be:

- A close relationship between the conduct and the disability (as opposed to a marginal or attenuated relationship). An example of an attenuated, as opposed to close/direct relationship would be when a student with low self-esteem due to a disability misbehaved so as to gain attention from others. OR
- A direct cause and effect relationship between any failure on the part of the district to implement the IEP (and BIP) and the student’s conduct.

If the MDR team determines that the conduct in question was the direct result of the DATA’s failure to implement the IEP (including the BIP), then DATA (likely through the IEP team) will take immediate steps to remedy those deficiencies (in some instances, this may include providing training for teachers in implementation of the IEP and/or BIP).

If the MDR team determines that the student's behavior is **not** a manifestation of his or her disability, then:

- The IDEA specifically provides that relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration as they would be applied to students without disabilities. This includes long-term suspension and expulsion.
- The school must still provide the student with FAPE. This means that, despite the removal or change of placement the student must be provided with:
 - Services necessary to enable the student to participate in the general curriculum
 - Services necessary to enable the student to progress toward meeting the goals set out in his or her IEP, AND
 - As appropriate, a FBA, behavior intervention services, and modifications (such as a BIP) designed to address the behavior violation.

Because at this point the removal is a change of placement, it is the IEP team that determines what services are appropriate during the long-term suspension in an alternative educational setting. Therefore, the IEP team must meet within 10 business days after commencing a long-term suspension or expulsion.

- The parents must be notified of the IEP meeting.
- The full IEP team develops an IEP that reflects the alternative educational services and placement, and includes behavioral services designed to address the behavior violation so that it does not recur.

DATA follows the procedures above when dealing with the discipline of SWD and students with a 504. During short term suspensions, less than 10 days, the student is allowed to meet with teachers and develop a plan for any upcoming projects or homework that may be due during the suspension. Teachers understand that a student who is suspended will contact them through their class website, Discord, Zoom, email or other virtual setting.

Teachers are required to post all assignments and resources necessary for the student to access and complete coursework. Teachers will be available to communicate with the student during the time of suspension to offer educational support.

For students who do not have access to internet, teachers provide written resources and instructions for assignments and classwork. Should a student need additional support, they may schedule a specified time to meet one on one with the special education caseload manager during the suspension, but this will be done on a case by case basis with parent input, and must be approved by administration if the student is coming on campus. During virtual or hybrid learning special education teachers and ancillary staff will meet with students via Zoom or Discord to deliver necessary support and services

Students who meet the "10-Day Rule" will have the above options or if determined appropriate by the IEP team, moved to online learning or a blended learning option. During this time, students will complete coursework via Edgenuity and/or a combination of blended learning options. Courses will be adjusted to meet student required accommodations and students who need additional support may be allowed to meet one on one with their caseload manager to receive additional support. Again, the specified time and date for one on one support will be determined by parents, student, and DATA administration. Students who need ancillary services will be allowed to receive these services at DATA and will be scheduled, with parent, student and administration input, to meet with the necessary service providers. During virtual

or hybrid learning special education teachers and ancillary staff will meet with students via Zoom or Discord to deliver necessary support and services