

STUDENTS

RIGHTS AND RESPONSIBILITIES - MISCONDUCT BY STUDENTS WITH DISABILITIES

Behavioral Interventions

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors, in accordance with Board Policy 630.05. The District will also establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities, in accordance with Board Policy 255. The committee shall review the State Board of Education's guidelines on the use of behavioral interventions and use them as a non-binding reference. This policy and the behavioral intervention procedures shall be provided to parents and guardians of all students with individualized education plans within fifteen (15) days after they are adopted by the Board of Education, or within fifteen (15) days after they are amended by the Board. Copies of such policies and procedures shall also be provided to the parents and guardians of a student at the time an individualized education plan is first implemented for the student. In addition, the Principal of each school shall be responsible for informing students of the existence of such policies and procedures on an annual basis. At the annual individualized education plan review, the Board shall:

- explain those policies and procedures;
- furnish a copy of the policies to parents and guardians; and
- make available, upon request of any parents and guardians, a copy of those procedures.

Suspension and Expulsion

The following procedure shall be used when a student with a disability is alleged to have engaged in disobedience or misconduct:

1. Suspension for a Cumulative Period Not to Exceed 10 School Days in Any School Year

The District's regular suspension procedures shall be used to suspend a student with a disability, as long as the District does not invoke a series of suspensions creating a pattern of constituting a change in placement.

2. Suspension Beyond 10 Days, or Expulsion

- a. The District shall promptly notify the student's parent(s)/guardian(s) of the disobedience or misconduct and whether the student will be suspended. All procedural protections pertaining to notice provided under the regular education discipline policy shall apply to this notice.

This information shall be confirmed in writing and the parent(s)/guardian(s) shall be advised as follows:

STUDENTS

RIGHTS AND RESPONSIBILITIES - MISCONDUCT BY STUDENTS WITH DISABILITIES

- 1) That the relevant members of the IEP team shall meet as soon as possible, but at least 10 calendar days after this notice was sent, unless such 10-day notice is waived by the parent(s)/guardian(s), to determine whether the student's alleged disobedience or misconduct was a manifestation of the student's disability; and,
- 2) That the student's parent(s)/guardian(s) are requested to attend the meeting and the date, time and location of the meeting.

b. Determination

The team may determine that the student's disobedience or misconduct is not a manifestation of the student's disabling condition. In that case, the student may be disciplined under the District's discipline policy for regular education students by measures up to and including expulsion. If the Board imposes expulsion or other disciplinary measures altering the student's special education program, an IEP meeting shall be convened to determine appropriate alternative means of service delivery.

- c. The Board may not expel a disabled student if the team determines that the student's gross disobedience or misconduct is a manifestation of the student's disabling condition. However, the IEP team may initiate a change in placement, if warranted.

Parent(s)/guardian(s) may request a due process hearing regarding a proposed change in their child's educational placement. If the Superintendent believes that maintaining the student's current placement is substantially likely to result in injury to the student or to others, the Superintendent is authorized to seek an order to change the placement.

Certain Specific Offenses

In accordance with the above procedures, the District may take one or more of the following steps when a student with a disability commits a weapons offense, a drug offense, or serious bodily injury, as defined in the IDEA regulations:

1. Suspend the student from school for 10 schools days or less.
2. Implement placement in an interim alternative education setting for up to 45 school days. If the parent(s)/guardian(s) disagree with the alternative educational placement or with the District-proposed placement, and the parent(s)/guardian(s) initiate a due process hearing, the student must remain in the alternative educational setting during the authorized review proceedings, unless the parent(s)/guardian(s) and the District agree on another placement.

STUDENTS

RIGHTS AND RESPONSIBILITIES - MISCONDUCT BY STUDENTS WITH DISABILITIES

3. Convene a manifestation determination team to determine whether or not the conduct was a manifestation of the student's disability. If the student's conduct is a manifestation of the student's disability, the District may initiate a change in placement. If the student's conduct is not a manifestation of the student's disability, the District may expel the student under the District's discipline policy.
4. Seek an order to change the student's current educational placement if the District believes that maintaining the current placement is substantially likely to result in injury to the student or to others.

LEGAL REF.: Individuals With Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*;
Gun-Free Schools Act, 20 U.S.C. § 3351 *et seq.*;
Illinois School Code, Sec. 10-22.6 and 14-8.05 (105 ILCS 5/10-22.6 and 5/14-8.05);
23 Ill. Admin. Code §§ 226.40 and 226.40;
Honig v. Doe, 108 S. Ct. 592 (1988);
School Board of the County of Prince William, Virginia v. Malone, 762 F.2d 1210
(4th Cir. 1985);
S-1 v. Turlington, 635 F.2d 342 (5th Cir. 1981);
Kaelin v. Grubbs, 682 F.2d 595 (6th Cir. 1982); and
Victoria I v. District School Board, 741 F.2d 369 (11th Cir. 1984).

CROSS REF.: 255 (Committees), 630.01 (Special Education), 630.05 (Behavioral Interventions for Students With Disabilities), 710.01 (Student Rights and Responsibilities), 715.01 (Student Discipline), 715.04 (Suspension Procedures), 715.05 (Expulsion Procedures), and 710.08 (Bus Conduct).

Adopted: May 12, 1983
Revised: December 10, 1998
Revised: March 26, 2009