

DISCIPLINING OF DISABLED STUDENTS

The Board of Education of the Sharon Springs Central School District, in order to comply with relevant Federal and State laws and regulations as well as to provide an effective educational program for students who have disabilities, establishes that no student with a disability shall be disciplined except for conduct unrelated to the student's handicapping condition. The Board establishes that the following rules and procedures shall be observed in this regard.

I Suspension of 10 School Days or Fewer

A suspension often (10) days or fewer (a "short-term" suspension) of a student with a disabling condition may be imposed under normal New York Education Law procedures. The Committee on Special Education (CSE) shall be notified of any short-term suspension of a student with a disability, and the student's parent or guardian shall also be notified in writing of the suspension, as is required by the Commissioner of Education for any suspension. Appropriate home instruction or alternative instruction shall be provided to the extent required by law.

II Suspension of More Than 10 Consecutive School Days

Except as otherwise permitted bylaw, a suspension of more than ten (10) consecutive school days (a "long-term" suspension) shall be considered a change in educational placement for the student. As required by the Commissioner of Education, the procedure for a long-term suspension for a student who has a known disability, or who school officials should reasonably suspect to have a disability, shall be as follows:

- A. The student's guilt on the charges shall first be determined in accordance with Sec. 3214 of the Education Law.
- B. There shall be a determination by the Manifestation Team {Manifestation Team is comprised of a representative of the school district, the parent or guardian to the student and relevant members of the CSE as determined by the parent and district} of whether the conduct underlying the charges was related to the student's disability or handicap.
- C. Within 10 school days of any decision to change the placement of a child with a disability because of violation of a code of student conduct, the Manifestation Team must review all relevant information in the student's file, including the child's IEP, any teacher observations and any relevant information provided by

the parents to determine if conduct was:

- Caused by or was in direct and substantial relationship to, the child's disability; or
- A direct result of the LEA's failure to implement the IEP.

If the Manifestation Team determines that the conduct was a manifestation of the child's disability, The IEP team then must conduct a functional behavioral assessment and implement a behavioral intervention plan for the child. If a behavioral intervention plan is in place, it must be reviewed and modified as necessary to address the behavior.

In addition, if the conduct was a manifestation of the child's disability the child may not be suspended or removed from his or her current educational placement, except for:

- Instances when the parents and the school district otherwise agree.
- Removals to interim alternative education settings by the school superintendent for weapons, illegal drugs or controlled substances offenses, or inflicting serious bodily injury upon another person while at school, on school premises, or at a school function.
- Removals by impartial hearing officers when it is determined that maintaining the student's current placement is substantially likely to result in injury to the student or to others.

- D. If the behavior is determined not to be a manifestation of the student's disability, a disciplinary suspension or removal may be imposed to the same extent as for a nondisabled student, except that the student with a disability must receive a free appropriate public education.
- E. IDEA 2004 also specifies that when a hearing has been requested by either the parent of the LEA as a result of disciplinary removal to an IAES, the child remains in the interim alternative educational setting pending the decision of the hearing officer, or until the expiration of the suspension, whichever occurs first, unless the parent and the SEA or LEA agree otherwise.

III A Series of Short Suspensions

Whenever a student with a documented disability is legitimately suspended within any school year for a cumulative total of school days exceeding five (5) days but not yet exceeding ten (10) such days, the CSE shall review the incidents of misconduct. The CSE shall consider whether the misconduct incident previously determined not to be connected with the student's disability are in fact related to that disability. The CSE may also consider reevaluation, reclassification, change in placement, or other appropriate options.

IV Misconduct Related to the Student's Disability

If a student's misconduct is related to his/her disabling condition, then that student shall not be disciplined for his/her misconduct. Appropriate educational measures shall be developed and taken to deal with the student's behavior; including change in programming or placement.

V Court Orders

The Board recognizes that New York State Supreme Court and United States District Court are possessed of plenary power, and may order a change in student placement at any time. A court order for such a change may be sought in any instance where it is deemed reasonably to be appropriate, and, in the District court, where a student can be demonstrated to pose a danger to her/him-self or others.

VI Administrative Regulations

The Superintendent of Schools shall issue such regulations as required for the proper administration of this policy.