

Wilson Area School District

Discipline of Students with Disabilities

- Purpose** This policy establishes guidelines for student discipline when students who are eligible for special education services are involved, consistent with the Individuals with Disabilities Act (“IDEA”) and federal and state regulations.
- Authority** The Board directs that the district shall comply with provisions of the IDEA and federal and state regulations when disciplining students with disabilities. No student with a disability shall be expelled if the student’s particular misconduct is a manifestation of his/her disability.
- References** Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, Code of Federal Regulations (IDEA), 34 CFR 300.530 *et seq.*
State Board of Education Regulations, 22 Pa. Code 14.133; 22 Pa. Code 14.143 *et seq.*
- Guidelines** A student with a disability other than mental retardation may be suspended when warranted, for up to ten (10) consecutive and no more than fifteen (15) cumulative days of school per school year, regardless of whether the student’s behavior is a manifestation of his/her disability. A disciplinary exclusion of a student with a disability that exceeds ten (10) consecutive school days or fifteen (15) cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.
- Any removal from school is a change of placement for a student identified with mental retardation.
- If the suspension of a student constitutes a change in placement, or if otherwise appropriate, the student’s IEP team shall meet and conduct a manifestation determination to determine if the behavior in question was a manifestation of the student’s disability. Consistent with the IDEA, when conducting this meeting, the IEP team should focus on the following questions: (1) Whether the conduct was caused by or had a direct and substantial relationship to the student’s disability?: and (2) Whether the conduct was a direct result of the district’s failure to implement the student’s IEP?

A student with a disability whose behavior is not a manifestation of his/her disability may be suspended/expelled pursuant to district policy and procedures.

Students who have not already been identified as disabled at the time they commit the misconduct or behavior may be subject to the same disciplinary measures applied to students without disabilities if the district did not have knowledge of the disability. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation shall be expedited.

Pursuant to state regulations, restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself/herself, to other students or to employees, and only when less restrictive measures and techniques are less effective. The use of restraints to control the aggressive behavior of an individual student shall cause the district to notify the parent of the use of restraint and shall cause a meeting of the IEP Team within 10 school days of the inappropriate behavior causing the use of restraints, unless the parents, after written notice, agree in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student or eligible young child needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan, or a change of placement to address the inappropriate behavior.

Weapons Violations

A student with a disability who carries a weapon to school or at a school function may be removed from his/her current placement and be placed in an appropriate interim alternative educational setting for no more than forty-five (45) school days without parent permission.

Drugs/Controlled Substances Violations

A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from his/her current placement and be placed in an appropriate interim alternative educational setting for no more than forty-five (45) school days without parent permission.

Serious Bodily Injury

A student with a disability who inflicts serious bodily injury upon another person while at school, on school premises, or at a school function may be removed from his/her current placement and be placed in an appropriate interim alternative education setting for no more that forty-five (45) school days without parental permission.