

Classroom Management, Corrective Actions or Punishment: Student with Disabilities

Discipline

A student with disabilities is subject to the same treatment under the Clover Park School District Student Guidelines for Success as the student without disabilities, with the modifications indicated below.

Emergency Removal and Short-Term Suspensions

Procedures outlined in the Student Guidelines for Success are applicable when the action proposed or taken does not exceed the short-term timelines set forth in Chapter 180-40 WAC.

Long-Term Suspension/Expulsion

When considering the imposition of a long-term suspension or expulsion for a student with disabilities, which would constitute a significant change in placement, a multidisciplinary team meeting which complies with the following criteria must be held prior to imposing the action:

- A. Persons to be present must be:
 - 1. Knowledgeable about the particular student who is the subject of the contemplated action.
 - 2. Knowledgeable about the meaning of the evaluation data regarding the student, the data being drawn from a variety of sources.
 - 3. Knowledgeable about the placement options.
- B. The purpose of the meeting will be to:
 - 1. Determine whether the student's behavior is an element of or related to the student's handicap.
 - 2. Determine whether the student's behavior is the result of an inappropriate placement.
 - 3. Consider the sanction or action to be taken.
- C. This meeting must be fully documented.
- D. If the behavior is not an element of or related to the handicapping condition and is not the result of an inappropriate placement as determined at the meeting, the sanction can be imposed.
 - 1. The team members must also consider whether the sanction will deny the student a free appropriate public education.
 - 2. The sanction may be applied following written notice to the parent.
- E. If the behavior is an element of or related to the handicapping condition or is the result of an inappropriate placement, a different placement or revised program must be considered and offered. If necessary, a placement for evaluation purposes can be invoked during the period of time the new placement or program is being developed.
- F. Following the meeting, the parent will be provided written notice, which shall include:

1. Date, time, and place of the group meeting.
 2. Members of the group meeting.
 3. Sources of information used in reaching the decision(s).
 4. The decision(s) regarding the relationship of the handicap to the behavior, the appropriateness of the placement, and the proposed action or sanction.
 5. Due Process.
 - a. Notice of the right to a (WAC 392-171-531 through 576) due process hearing in cases where the handicapped condition or placement has been determined to relate to the behavior, or
 - b. Notice of the right to a hearing, as described in Chapter 180-40 WAC, in cases where the disability or the placement has been determined not to relate to the behavior, giving due consideration to the other obligations set forth in paragraph III-D.
- G. The multidisciplinary team shall include: special education teacher, school psychologist, counselor, principal or vice principal, and a district special education administrator. Additional members of the team may include parents, regular teacher, and other support personnel.
- H. Students who have been made a focus of concern for special education are held to have all the rights under WAC 392-168, 171, 173, and 175 that eligible disabled students have. Therefore, when a student is being considered for long-term suspension or expulsion, a Multidisciplinary Team shall meet to consider what actions need to be taken while awaiting the assessment.
- I. Emergency Expulsion
- Notwithstanding the aforementioned provisions, if a handicapped student's behavior is such that his or her presence creates an immediate and continuing danger to the student, other students or school personnel, or an immediate and continuing threat of substantial disruption of the educational process, the student may be sent home. When this action constitutes a significant change in placement, it requires the implementation of the procedural safeguards set forth in section 504 of the Rehabilitation Act of 1973. The school shall provide and monitor homework during this period of time.

Obligations to Students Pending Hearing

During the time period from the initiation of a request for a P.L.94-142 due process hearing (WAC 392-171-531 through 576) through the appeal process, the district is required to continue providing educational services to a handicapped student. However, depending upon the circumstances, these services may not have to be provided within the school setting. The principal of the school proposing the disciplinary sanction may instruct the appropriate teacher(s) to assign and monitor homework as well.

IEP Discipline Plans

Within the IEP process, which includes a meeting of the parent, teacher, and district representative who is qualified to provide or supervise special education services, a plan may be established for the discipline of a specific behavior in order to reach behavior goals. This plan may include removal from school for specified amounts of time as a part of the IEP. The Student Guidelines for Success are not to be used when following the IEP plan as the IEP itself will prescribe the disciplinary procedures. Either school personnel or the parent may request a new IEP meeting if either finds that the plan is not satisfactory or in need of revision.

CHECKLIST FOR MDT REVIEW

- ___ 1. What is the nature of the student's disability? What is the disability category?
- ___ 2. What is the behavior for which disciplinary action is being considered?
- ___ 3. Is that behavior related to or a manifestation of the handicap? How do you know? Was there a staffing held to determine this? Did those attending have sufficient knowledge to know? Have you consulted with anyone familiar with the particular disability condition and with the particular student?

NOTE: The answer to this question is crucial to the options which may be taken.

- ___ 4. If the behavior is a manifestation of or directly caused by the disability condition, then the student should not be expelled or suspended for more than a brief period of time. In the absence of an emergency situation, due process rules from WAC 393-171-531 through 576 apply, and an MDT must consider:
 - ___ a. What other options are available to correct behavior short of seeking change in educational placement?
 - ___ b. Is the current placement appropriate? To assess appropriate placement, hold staffing, consult parents, reconvene IEP team.
- ___ 5. If professional determination establishes that the behavior in question is NOT a manifestation of or directly related to disability, it may be possible to utilize suspension or expulsion remedies, if properly implemented. CHECK with special education supervisor. Remember: There will still exist the special notice and hearing provisions as provided in WAC 180-40.
- ___ 6. Regardless of outcome of option selected for student, documentation of all incidents of student action related to disciplinary rule violation should be carefully made and kept; this documentation may well affect availability of options for actions at a later time.

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