

### **Discipline of Students with Disabilities\*\***

When considering student disciplinary procedures that may result in removal of the student, the district follows all special education procedures and ensures the parent and the student are afforded the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) if:

1. The student is receiving individualized education program (IEP) services; or
2. The student has not yet been identified as a student with a disability but the district had knowledge that the student had a disability and needed special education.

When students receiving IEP services or in the referral process for special education services engage in conduct which would warrant suspension of more than 10 days or expulsion for a nondisabled student, the student's parents will be notified immediately (within 24 hours) of the circumstances of the misbehavior, and the time and location of the student's manifestation determination meeting.

For a violation of a code of conduct, the district may remove a student with a disability from a current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for up to 10 school days in a school year to the same extent, and with the same notice, as for students without disabilities, if the removals do not constitute a pattern. The district may remove a student with disabilities for additional periods of up to 10 days if the removals do not constitute a pattern. The determination regarding whether a series of removals constitutes a pattern is subject to review in an expedited due process hearing.

Disciplinary removal of a student with a disability constitutes a change in the student's educational placement when the removal is for more than 10 consecutive school days, or the removal is for more than 10 cumulative school days and constitutes a pattern of removals. When considering whether to order a disciplinary change of placement the district may consider any unique circumstances on a case-by-case basis. Any decision to initiate a disciplinary change in placement requires a determination of whether the conduct leading to the disciplinary removal was caused by, or was substantially related to, the student's disability or was a direct result of the district's failure to implement the student's IEP.

Should the IEP team conclude the misconduct is not a manifestation of the student's disability, the student may be disciplined in the same manner as would other students.

If the IEP team concludes the misconduct is a manifestation of the student's disability, the team may review and revise the student's IEP and determine whether a change in placement is needed.

For a violation involving drugs<sup>1</sup>, weapons (see RSD Policy JFCJ) or the infliction of serious bodily injury, the district may remove a student with a disability from the student's current educational placement to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 school days in a school year without regard to whether the behavior is a manifestation of the student's disability. This removal is considered a change in placement.

The district will provide educational services to a student who is suspended or expelled for more than 10 school days in a school year. These services may be provided in a different location or interim alternative educational setting as determined by the IEP and placement teams.

END OF POLICY

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**Legal Reference(s):**

[ORS 326.565](#)  
[ORS 326.575](#)  
[ORS 336.187](#)  
[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.252](#)

[ORS 343.177](#)  
  
[OAR 581-015-2400](#)  
[OAR 581-015-2405](#)  
[OAR 581-015-2410](#)  
[OAR 581-015-2415](#)

[OAR 581-015-2420](#)  
[OAR 581-015-2425](#)  
[OAR 581-015-2430](#)  
[OAR 581-015-2435](#)  
[OAR 581-015-2440](#)

Individuals with Disabilities Education Act (IDEA, 20 U.S.C. § 1415 (k)) (2006).

Assistance to States for the Education of Children with Disabilities, 34 CFR § 300.507 and § 300.508(a)-(c); §§ 300.510 - 300.514; §§ 300.530 - 300.536.

**Cross Reference(s):**

IGBAG - Special Education - Procedural Safeguards  
JGAB - Use of Restraint and Seclusion

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<sup>1</sup>“Drugs” is defined as an illegal drug or controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other Provision of federal law.