

Discipline of Students with Disabilities**

When considering student disciplinary procedures that may result in removal of the student, the ESD 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 IEP services;
2. For the student not yet identified as a student with a disability, the ESD had knowledge that the student had a disability and needed special education.

For a violation of a code of conduct, the ESD 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 ESD 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 ESD 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 ESD's failure to implement the student's IEP.

For a violation involving drugs, weapons or the infliction of serious bodily injury, the ESD 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.

** For programs and services provided to students for which the ESD is not considered the local educational agency (LEA), the ESD shall operate in accordance with local district policy.

The ESD 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

Legal Reference(s):

ORS 326.565	OAR 581-015-2400
ORS 326.575	OAR 581-015-2405
ORS 336.187	OAR 581-015-2410
ORS 339.240	OAR 581-015-2415
ORS 339.250	OAR 581-015-2420
ORS 339.252	OAR 581-015-2425
ORS 339.260	OAR 581-015-2430
ORS 343.177	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

JFCJ - Weapons in the Schools

JGAB - Use of Restraint and Seclusion