

**DISCIPLINE OF STUDENTS
SUBJECT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

The Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq. and its implementing regulations, 34 C.F.R. § 300 et seq., provide eligible students with certain procedural rights and protections in the context of student discipline. A brief overview of these rights is provided below.

Exclusions for More Than 10 Cumulative School Days

In general, special education students may be excluded from their programs, just as any other student may be, for up to ten school days per school year. However, once a special education student is excluded from his/her program for more than ten cumulative school days in the same school year, the student's Special Education Team, which includes the parent(s), must convene a manifestation determination. If the disciplinary conduct is a manifestation of a student's disability, the Team must propose a functional behavioral assessment and then use that assessment to develop a behavioral intervention plan. When the student is excluded for more than the ten cumulative days, the District also must provide a free and appropriate public education to allow progress in the curriculum and in his/her IEP goals.

Exclusions That Constitute a Change of Placement

When a student is excluded (1) for more than ten consecutive school days or (2) for shorter periods that accumulate to more than ten cumulative school days and constitute a pattern because of factors such as the length, total time, and proximity of the removals, the student's exclusion constitutes a "change in placement."

If the Team determines that the student's behavior was not a manifestation of the disability, the school may discipline the student according to the school's code of conduct, except that the district must provide the student with educational services once the student has been excluded from school for more than ten cumulative school days in the same school year. These educational services must enable the student to progress in the curriculum and in the IEP goals. However, if the Team determines that the behavior was a manifestation of the disability, the student may not be excluded from the student's current educational placement (except in the case of weapons, drugs or dangerousness) until the Team develops, and the parent(s) consent(s) to, a new Individualized Education Plan.

When a parent disagrees with the Team's decision on the "manifestation determination" or regarding an alternative placement related to discipline, the parent has a right to request an expedited due process hearing from Bureau of Special Education Appeals.

In the event a student possesses, uses, sells or solicits a controlled substance or possesses a weapon at school or a school function or causes serious bodily injury, a school may place a student in an interim alternative education setting determined by the Team for up to 45 days. Additionally, hearing officers may order the placement of a student in an appropriate interim setting for up to 45 days upon determination that the student's continued participation in the



current placement is substantially likely to result in injury to the student or others. Courts may also order a change in the student's placement.

Additional Information Available

Additional information regarding the procedural protections for students who have been identified as eligible for services under the IDEA or who are suspected of having a disability that would qualify them for such eligibility may be obtained from the Director of Pupil Services who may be reached at (978) 567-6111.

Adopted by Hudson School Committee: January 21, 2020