

## **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 has an individualized education program (IEP);
2. The student has not yet been identified as a student with a disability, the district had knowledge that the student had a disability and needed special education.

For a violation of a code of conduct, the district may remove a student with a disability for 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.

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.

In determining whether the student's behavior is a manifestation of the student's disability, the IEP team will follow the procedures set forth in Oregon Administrative Rule (OAR) 581-015-2420.

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 other students.

If the IEP team concludes the misconduct is a manifestation of the student's disability, the student must be returned to their placement unless the interim alternative educational setting (IAES) or IEP team and parent or guardian agree to the changes. The IEP team may review and revise the student's IEP and determine whether a change in placement is needed.

For a violation involving drugs, weapons, 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 teams.

END OF POLICY

---

**Legal Reference(s):**

<a href="#"><u>ORS 326.565</u></a>	<a href="#"><u>ORS 343.177</u></a>	<a href="#"><u>OAR 581-015-2420</u></a>
<a href="#"><u>ORS 326.575</u></a>		<a href="#"><u>OAR 581-015-2425</u></a>
<a href="#"><u>ORS 336.187</u></a>	<a href="#"><u>OAR 581-015-2400</u></a>	<a href="#"><u>OAR 581-015-2430</u></a>
<a href="#"><u>ORS 339.240</u></a>	<a href="#"><u>OAR 581-015-2405</u></a>	<a href="#"><u>OAR 581-015-2435</u></a>
<a href="#"><u>ORS 339.250</u></a>	<a href="#"><u>OAR 581-015-2410</u></a>	<a href="#"><u>OAR 581-015-2440</u></a>
<a href="#"><u>ORS 339.252</u></a>	<a href="#"><u>OAR 581-015-2415</u></a>	

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(k) (2012).  
Assistance to States for the Education of Children with Disabilities, 34 C.F.R. § 300.507, § 300.508(a)-(c); §§ 300.510-300.514;  
§§ 300.530-300.536 (2017).