

STUDENTS

DISCIPLINE – Gross Disobedience or Misconduct by a Disabled Student

When a disabled student is guilty of gross disobedience or misconduct, the Regional Office of Education shall notify the student's home district and parents/guardian of the gross disobedience or misconduct immediately (within 24 hours). At the time of this notification, the ROE will inform the parent/guardian of the disciplinary action that is being considered and the time and location of a meeting that will include the student's Individualized Education Program (IEP) team. This information shall be confirmed in writing, and the parents/guardian shall be advised as follows:

1. that a written report of the student's gross disobedience or misconduct has been prepared and is attached to the student's records;
2. that the IEP team shall meet as soon as possible to determine whether a relationship exists between the student's disabling condition and the student's gross disobedience or misconduct;
3. that the student's parents/guardian are requested to attend the IEP team meeting and the date, time, and location of the meeting;
4. that no later than ten (10) days after the student's gross disobedience or misconduct occurred and the review of the student's gross disobedience or misconduct by the IEP team, a report regarding the student's appropriate placement shall be given to the Director of Alternative Education and parents/guardians;
5. that from the time of the occurrence of gross disobedience or misconduct through the time the IEP team meets and a report is given to the Director of Student Services, one or a combination of the following disciplinary actions may be taken against the student:
 - a. restricted to a study carrel;
 - b. restricted to an alternative classroom
 - c. restricted from participation in extra-curricular activities
 - d. suspended from attending school for a period not to exceed ten (10) school days.

If the IEP team determines that the student's gross disobedience or misconduct is not related to the student's disabling condition, the student shall be disciplined under the

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ROE's discipline policy for regular students. Disciplinary action taken against the student may include but not limited to:

1. expulsion by the home school
2. suspension (in-school and out-of-school)
3. removal from the classroom
4. denial of privileges (such as open lunch, loss of free time, etc.)
5. detention(s)

If the IEP team determines that the student's gross disobedience or misconduct is related to the student's disabling condition, the IEP team, in cooperation with the parents/guardian, shall reevaluate the student's IEP to consider the need for additional or alternative services/programs. If the decision of the IEP conference indicates a change in the educational placement of the student is appropriate, the multidisciplinary conference must be reconvened prior to any change in placement being implemented. The parents/guardians shall be informed of their right to object and the procedures to be followed to make such an objection.

If the parents/guardian object to a proposed change in the educational placement of their child, and if the ROE contends that the student's behavior poses a continuing physical danger to himself/herself or to others in the school, the ROE shall seek a court order for the purposes of either changing the student's placement or suspending the student for a period to exceed ten (10) days.

LEG. REF.: Education of the Handicapped Act (now IDEA), 20 U.S.C. Sect. 1400.
 Et seq. Honig v. Doe, 1987-880EHLR DEC. 559:231.
 School Board of the County of Prince William, Virginia v. Malone, 762 F.2d 1216 (4th Cir. 1985).
 S-1 v. Turlington, 635 F.2d 342 (5th Cir. 1981).
 Kaetin v. Gruble, 682 F.2d 595 (6th Cir. 1982).
 Victoria I v. District School Board, 741 F.2d 369 (11th Cir. 1984).