

# CARBON CAREER & TECHNICAL INSTITUTE

SECTION: PROGRAMS

TITLE: DISCIPLINE OF STUDENTS  
WITH DISABILITIES

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113.1. DISCIPLINE OF STUDENTS WITH DISABILITIES	
<p>1. Purpose Title 22 Sec. 14.133</p>	<p>The school shall implement positive behavior support plans and programs for students with disabilities who require specific interventions to address behaviors that interfere with learning.</p> <p>Students with disabilities are school-aged children who have been evaluated and found to have one or more disabilities as defined by law, and who require, because of such disabilities, special education and related services pursuant to an IEP or accommodations pursuant to a Section 504 plan and are residents of participating school districts.</p> <p>Students with disabilities, who violate the code of conduct, engage in inappropriate behavior, disruptive or prohibited activities and/or actions injurious to themselves or others shall be disciplined in accordance with their Individualized Education Program (IEP), and/or positive behavior support plan, Joint Operating Committee policy and federal and state laws and regulations.</p> <p>Suspensions are disciplinary exclusions from school for a period of one (1) to ten (10) school days.</p> <p>Expulsions are disciplinary exclusions from school by the Joint Operating Committee, for a period exceeding ten (10) consecutive school days and may include permanent expulsion from the school.</p>
<p>2. Authority 20 U.S.C. Sec. 1400 et seq 34 CFR 300.519-300.529 Title 22 Sec. 14.143</p>	<p>The Joint Operating Committee directs that the school shall comply with provisions of state and federal laws and regulations when disciplining students with disabilities for violations of Joint Operating Committee policy or school rules and regulations.</p>
<p>3. Guidelines Title 22</p>	<p>A student with a disability may be suspended for ten (10) consecutive and fifteen (15) cumulative days of school per school year. Such suspension does not constitute</p>

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Sec. 14.143	<p>a change in the student’s educational placement. During suspension from school for more than ten (10) cumulative days in a year, a disabled student must continue to receive a Free Appropriate Public Education (FAPE).</p>
Title 22 Sec. 14.143	<p>Suspension for fifteen (15) cumulative days of school per year constitutes a change of placement when there is a pattern of substantially identical behaviors.</p>
	<p>Any removal from school is a change of placement for a student identified with mental retardation.</p>
	<p>An expulsion constitutes a change in placement.</p>
	<p>For discipline exclusions that constitute a change of placement, a manifestation determination must be held. Manifestation determinations shall be conducted by the school district of residence. No student with a disability shall be expelled if the student’s particular misconduct is a manifestation of his/her disability. The school district of residence is responsible for providing a FAPE for all students with disabilities who are expelled from the school.</p>
34 CFR 300.524 Pol. 218, 233	<p>A student with a disability whose behavior is not a manifestation of his/her disability may be expelled pursuant to Joint Operating Committee policy and school procedures in the same manner and to the same extent as students without disabilities.</p>
34 CFR 300.521, 300.522	<p>A hearing officer may order removal of a student with a disability to an alternative setting for forty-five (45) days where the school demonstrates by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or others.</p>
34 CFR 300.527, 300.528	<p>Students who have not been identified as disabled may be subject to the same disciplinary measures applied to students without disabilities if they are “thought to be exceptional” in accordance with federal and state law and regulations. If a request for evaluation is made during the period the student is subject to disciplinary measures, the evaluation by the sending school district shall be expedited.</p>
	<p><b><u>Interim Alternative Educational Settings for certain offenses:</u></b></p>
	<p><u>Weapons Violations</u></p>
	<p>A weapon includes, but is not limited to, any knife, cutting instrument, cutting tool,</p>

<p>34 CFR 300.520 18 U.S.C. Sec. 930(g)</p>	<p>nunchaku, firearm, shotgun, rifle, pepper spray or mace, and any other tool, instrument or implement capable of inflicting serious bodily injury. This definition does not include a pocket knife with a blade of less than 2-1/2 inches.</p> <p>A student with a disability who carries a weapon to school, on school property, or at school functions may be removed from his/her current placement and placed in an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student’s disability, in cooperation with the student’s district of residence</p> <p><u>Serious Bodily Harm and Disfigurement</u></p> <p>A student with a disability who has inflicted serious bodily injury on another person may be removed from his/her current placement and placed in an interim alternative educational setting for no more than forty-five (45) school days, without regard to whether the behavior is determined to be a manifestation of the student’s disability, in cooperation with the school district of residence.</p>
<p>34 CFR 300.520</p>	<p><u>Drugs/Controlled Substances Violations</u></p> <p>A student with a disability who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school property, or at school functions may be removed from his/her current placement and placed in an interim alternative educational setting for no more than forty-five (45) school days, without regard to whether the behavior is determined to be a manifestation of the student’s disability, in cooperation with the school district of residence.</p>
<p>22 Pa. Code. Sect.14.133, 10.2, 10.21 – 10.23, 10.25, 20 U.S.C. 1415 24 P.S. 1302.1-A, 1303-A 35 P.S. 780-102</p> <p>22 Pa. Code 14.133, 10.23 34 C.F.R. 300.530</p>	<p>The school shall report to law enforcement incidents involving acts of violence; the possession of a weapon; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the PA Controlled Substance, Drug, Device and Cosmetic Act; possession, use or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act committed by students with disabilities in accordance state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Joint Operating Committee policies.</p> <p>For a student with a disability who does not have a positive behavior support plan, subsequent to notification to law enforcement, the school shall notify the student’s school district of residence to convene the IEP team to consider whether a positive behavior support plan should be developed to address the student’s behavior in accordance with federal and state laws and regulations.</p> <p>When reporting an incident to law enforcement, the school, in coordination with the</p>

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student's school district of residence shall provide the information required by federal and state laws and regulations and shall ensure that copies of the special education and disciplinary records of the student are transmitted. The school shall transmit copies of the student's special education and discipline records only to the extent permitted by the Family Educational Rights and Privacy Act.

Physical Restraints

Restraints to control acute or episodic aggressive behavior may be used only when the student is acting in a manner that presents a clear and present danger to the student, other students or employees, and only when less restrictive measures and techniques have proven to be or are less effective.

The Director of Special Education or designee shall notify the parent/guardian as soon as practicable of the use of restraints to control the aggressive behavior of the student and shall convene a meeting of the IEP team within ten (10) school days of the use of restraints, unless the parent/guardian, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student needs a functional behavioral assessment, re-evaluation, a new or revised positive Behavior Support Plan, or a change of placement to address the inappropriate behavior.

The use of restraints shall not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment. Restraints may be included in an IEP only if:

1. The restraint is used with specific component elements of a positive Behavior Support Plan.
2. The restraint is used in conjunction with teaching socially appropriate alternative skills or behaviors.
3. Staff are authorized to use the restraint and have received appropriate training.
4. Behavior Support Plan includes efforts to eliminate the use of restraints.

Mechanical Restraints

Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents/guardians.

	<p>Mechanical restraints shall prevent a student from injuring him/herself or others or promote normative body positioning and physical functioning.</p> <p>Restraints are the application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student's or eligible young child's body.</p> <p>References:</p> <p>Individuals With Disabilities Education Act - 20 U.S.C. Sec. 1400 et seq</p> <p>Individuals With Disabilities Education Act Federal Regulations Part 300, Sec. 300.519-300.529</p> <p>Title 18, U.S.C. Sec. 930</p> <p>State Board of Education Regulations - 22 PA Code Sec. 14.133, 14.143</p>
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