

DISCIPLINE FOR STUDENTS WITH DISABILITIES

Students with disabilities are subject to the discipline rules adopted by the board of school trustees and, therefore, may be suspended or expelled for any violation(s) of such rules. In accordance with I.C. 20-33-8 and 511 IAC 7-15, administrators may take the following discipline actions:

SUSPENSION

A suspension is defined as a unilateral, temporary cessation of educational or related services. A short-term removal of a student pursuant to the student's individualized education program is not a suspension. Students with disabilities may be suspended up to ten (10) consecutive school days, but no more than ten (10) cumulative school days in a school year.

Before a student with disabilities can be suspended, the student must be afforded a meeting with the principal, wherein the student is entitled to: (1) a written or oral statement of the charges against the student; (2) if the student denies the charge, a summary of the evidence against the student; and (3) an opportunity to explain the student's conduct.

This meeting shall precede the suspension of the student unless the nature of the misconduct requires the immediate removal of the student.

EXPULSION

An expulsion is defined as separation from school attendance or a related service for more than ten (10) consecutive school days.

Before a student with disabilities can be expelled from school, the student and the student's parent must be afforded the opportunity to attend an expulsion meeting before an appointed expulsion examiner. However, prior to any expulsion meeting, the case conference committee must meet to review the student's behavior and determine whether the behavior is caused by, or is a manifestation of, the student's disability. If the committee determines there is such a causal relationship between the student's behavior and the student's disability, the student may not be expelled. If, however, the committee determines there is no causal relationship between the student's behavior and the student's disability, the parent may: (1) request the appointment of an independent hearing officer to contest the committee's determination; (2) request an expulsion meeting; or (3) waive the right to an expulsion meeting.

In the event of the expulsion of a student with disabilities, educational and related services may not cease. The case conference committee shall determine the educational services that will be provided during the expulsion period and where the services will be provided.

EXPULSION FOR POSSESSION OF A FIREARM

If a student with disabilities is in possession of a firearm on school property, the principal may suspend the student in accordance with the above provision on suspension or exercise in-school

measures or any other discipline actions set forth in the student's individualized education program.

A case conference committee meeting shall be convened as soon as possible to determine an appropriate alternative educational setting for the student. The student may be placed in the alternative educational setting for no more than forty-five (45) calendar days. The parent of the student has the right to initiate a due process hearing regarding the committee's determination, but during the pendency of any such hearing, the student shall remain in the alternative setting.

The case conference committee shall also determine whether a causal relationship exists between the student's behavior and the student's disability. If there is a causal relationship, the student cannot be expelled. If the case conference committee determines there is no causal relationship, the student must be expelled for a period of at least one calendar year, subject to modification only by the superintendent. During the expulsion period, the student shall continue to receive educational services as determined by the case conference committee.

Legal Reference: 20 U.S.C. 1415
 I.C. 20-33-8
 511 IAC 7-15-1
 511 IAC 7-15-2

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