

## **DISCIPLINE OF SPECIAL NEEDS STUDENTS**

The Individuals with Disabilities Education Act (IDEA) and related regulations provide eligible Acton and Acton-Boxborough students with certain procedural rights and protections in the context of student discipline. A brief overview of these rights is provided below.

In general, Acton and Acton-Boxborough special education students may be excluded from their programs, just as any other student can be, for up to ten school days per year. However, when a special education student is excluded from his/her program for more than ten school days in the school year, school staff may be required to provide alternative educational services for the student. In addition, in many instances, the student's special education Team must convene to determine whether the student's behavior was a direct result of his/her disability (a "manifestation determination").

If the Team determines the behavior was not a direct result of the student's disability, the school may discipline the student according to the school's code of student conduct, except that the district must continue to provide the student with educational services during the period of suspension or expulsion. However, if the Team determines that the behavior was a direct result of the disability, the student may not be excluded from the current educational placement (except in the case of weapons, drugs, or serious bodily injury) until the Team develops and the parent(s)/guardian(s) consent(s) to a new Individualized Educational Program. The Team also must conduct a functional behavioral assessment and develop or revise a behavioral plan for the student.

In the event a student possesses, uses, sells or solicits a substance or possesses a weapon, or seriously injures an individual at school or a school function, a school may place a student in an interim alternative education setting for up to 45 days. Hearing officers may also order the placement of a student in an appropriate interim setting for up to 45 days upon determination that the current placement is substantially likely to result in injury to the student or others.

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

Additional information regarding the procedural protections for special education students can be obtained from the Director of Pupil Services who can be reached at 978-264-4700, extension 3265.

### Discipline of Students Subject to Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act provides eligible students some of the same procedural rights and protections as does IDEA. Additional information regarding the procedural protections for students eligible for services under laws providing for services for students with disabilities can be obtained from the Director of Pupil Services who can be reached at 978-264-4700, extension 3265.