

Procedural Due Process, Disciplinary Action—Handicapped Students

School discipline of student enrolled in the district's programs for the handicapped will be governed by district policy and procedures with the following special procedures:

- A. Short-term suspension may be carried out by the school administrator when there are grounds for such action. The special education case manager will be notified immediately.
- B. Prior to invoking any suspension of more than five (5) consecutive school days, or one which results in the student's being out of school more than the time provided by WAC 180-40-245 (4) and (5), (more than five (5) school days for a student in grades K through 4 or more than fifteen (15) school days for a student in grades 5 or above, during a semester) the student's behavior is to be reviewed with the appropriate special education case manager. A determination will be made as to whether the precipitating behavior is an element of, or related to, the student's handicapping condition or the result of an inappropriate placement. This determination is to be made by a multidisciplinary team consisting of the building administrator proposing the disciplinary action, the special education case manager, and other instructional/assessment personnel as appropriate.
- C. If it is determined that the behavior is related to the student's handicapping condition and/or placement, an Individualized Education Plan (IEP) meeting, which will include the student's parent(s), is to be convened to review the appropriateness of the current placement and to propose any necessary changes in the IEP and resulting placement that may better deal with the student's behavior. If a change in placement is recommended, subsequent procedures as required will be followed.
- D. If it is determined that the behavior is not related to the student's handicapping condition and/or placement, state regulations and district policies regarding discipline of non-handicapped students will apply. However, that decision should be made only if there is strong evidence to support it and the decision has been reviewed by the special education administrator.

Throughout this process, if there are not grounds for emergency expulsion, the handicapped student's placement must remain the same until a change in placement is agreed upon through the IEP process. Handicapped students may be placed on emergency expulsion if they are a danger to themselves or others.

A parent of the handicapped student may appeal any disciplinary action if there is substantial evidence that the action did not follow written procedures and/or the punishment was inappropriate, or in cases in which the students or parents believe they have been wrongly accused (see 3345). At each level of the appeal process the student, parent, or guardian will be notified of their right to appeal to a higher authority and of the time limits within which appeal must be made.

Adopted September 24, 1986