

ADDENDUM-Tyngsborough High School Handbook
2007-2008 School Year

DISCIPLINING STUDENTS WITH SPECIAL NEEDS

M. G. L. c.71B Section 3, The Individuals with Disabilities Education Act (IDEA) and related regulations includes provisions for students who have been found eligible for special education with procedural rights and protections with respect to the school discipline code/code of conduct. In such circumstances where the discipline code has been violated, parent(s)/guardian(s) are provided with written notice of their rights (Notice of Procedural Safeguards). Similar procedural protections are also in place for students who have been found to have a disability that substantially limits a major life activity, as defined under Section 504 of the Rehabilitation Act of 1973.

In general, students may be excluded from their programs for up to ten school days per year. However, when a student is excluded from his/her program for more than ten school days in the school year, district administrators may be required to provide an interim alternative educational setting (IAES placement) for the student in question. In addition, the student's Team must convene to determine whether the student's behavior was a direct result of his or her disability as in a "manifestation determination". It is the district's policy to respond to repeated disciplinary episodes involving special needs students on a proactive basis and to convene the Team before the limit of ten (10) days out of school has been reached.

If the Team determines that the behavior was not a direct result of the student's disability, the school may discipline the student according to the school discipline code (refer to p. 5 Discipline Code-Tyngsborough High School Handbook for related information). The exception to this provision is 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 in question may not be excluded from the current educational placement (except in the case of weapons, drugs, or serious bodily injury) until such time as the Team develops and parent(s)/guardian(s) consent to a new IEP. The Team must also consider conducting a functional behavior assessment to either develop or revise an existing behavior plan for the student when applicable.

In the event that a student possesses, uses, or solicits a controlled substance, possesses a weapon, or seriously injures an individual at school or at a school function, a school may place a student in an interim alternate educational setting for up to 45 school days. If a parent(s)/guardian(s) disagrees with the Team's decision on the "manifestation determination" or with the decision regarding placement, the parent(s) or guardian(s) has the right to request an expedited due process hearing from the Bureau of Special Education Appeals.

Additional information regarding the procedural protections for special education students in the Tyngsborough Public Schools can be obtained by the Administrator of Special Education. The Administrator of Special Education can also provide information concerning disciplinary procedural protections available to students who have identified disabilities and who are not eligible for special education services under IDEA.