SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES

Special education students are neither immune from a school district’s disciplinary process nor entitled to participate in programs when their behavior impairs the education of other students. Students with disabilities who engage in disruptive activities and/or actions dangerous to themselves or others will be disciplined in accordance with their IEP, any behavior intervention plan, and this policy.

A special education student may be temporarily suspended from school if exclusion is warranted because of the student’s disruptive activities and/or actions which present a physical danger to him or herself, other students, school personnel or school property. This suspension may occur for up to 10 school days in any given school year. These 10 days need not be consecutive, and during such suspension, the student shall not receive educational services.

When disciplinary action is warranted that involves a change of placement (more than 10 school days of removal), a manifestation determination meeting shall occur. A special education student whose behavior is determined to be a manifestation of his disability may not be expelled or have a suspension resulting in a disciplinary change of placement, but shall have his or hers individual education plan (IEP) reviewed by the appropriate IEP team. The team shall review the IEP for appropriateness of services and the need for a more restrictive or alternate placement.

A special education student whose behavior creates a threat of physical harm to him or herself or other students may not be expelled if the actions creating the threat are a manifestation of his or hers disability. However, the student shall be removed from the classroom to an appropriate alternative setting for a length of time which is consistent with federal law. Within 10 days, the school in which the student is enrolled shall arrange for a reexamination of his or hers IEP to amend the plan as necessary to insure that the needs of the student are addressed in a more appropriate manner or setting which is less disruptive to other students.

Legal counsel and the special education coordinator shall be consulted prior to consideration of expulsion of a special education student for misbehavior that is not related to his or hers handicapping condition.

LEGAL REFS: CRS 22-33-106(1)(c)

Adopted: August 17, 1993
Revised: September 1996
Revised: August 2007