POLICY

INSTRUCTION

SPECIAL EDUCATION

§5-55 Disciplinary Procedures for Students with Disabilities

A. Purpose

The purpose of this policy is to establish procedures, consistent with applicable law, for the discipline of students with disabilities.

B. General

School personnel shall, on a case-by-case basis, consider any unique circumstances or harmful effects when deciding whether or not to discipline a student with a disability that violates a code of student conduct. In reviewing the disciplinary incident, school personnel should review the child’s Individualized Education Program (IEP) and any behavioral intervention plan, and consult with the child’s special education teacher(s) to provide further guidance in considering any unique circumstances or harmful effects related to the incident.

C. In-School Disciplinary Measures

School personnel are authorized to use in-school disciplinary measures in accordance with §8-26 of these policies. A student’s IEP or 504 plan will be reviewed to ensure all accommodations and necessary support services are in place to allow the student to access any assigned work.

D. Exclusion from Extracurricular Activities

School personnel are authorized to use exclusion from extra-curricular activities in accordance with §8-29 of the policies.

E. Short-Term Suspension

School personnel are authorized to use short-term suspension in accordance with Policy 8220 of these policies. The Director of Special Education shall be notified of all suspensions of disabled students.

F. Involuntary Transfer, Long-Term Suspension, and Expulsion

Any principal who considers recommending to the Division Superintendent long-term suspension, involuntary transfer for adjustment purposes, or expulsion of a disabled student, shall convene an IEP Committee, which includes the Director of Special Education or designee, to determine whether or not there is a manifestation between the child’s disability and the misconduct that led to the recommendation. This determination must be made by the IEP committee pursuant to the change of placement procedures. A series of suspensions
which aggregate to more than 10 days may be considered a significant change in placement requiring re-evaluation and procedural protection. Factors to consider in determining whether aggregate suspensions of 10 days or more are long-term suspensions include length of each suspension, proximity of suspensions, and total amount of time suspended. If there is a manifestation or if the child was inappropriately placed at the time of the misconduct, the child may not be expelled. If there is no manifestation determination or if the child was appropriately placed at the time of the misconduct, the child may be disciplined in the same manner as a non-disabled child. In the case of an expulsion, parental consent is not required prior to expelling the child.

G. Dangerous Disabled Student

Although Loudoun County Public Schools recognizes that it may not unilaterally change the placement of a student with dangerous behavior when the misconduct is determined to be a manifestation of the student's disability, school officials may use normal disciplinary measures for a child who exhibits dangerous behavior to include time outs or suspension up to 10 days.