

**SUSPENSION AND/OR EXPULSION OF STUDENTS DETERMINED TO BE DISABLED UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 (STUDENTS WITH SECTION 504 ACCOMMODATION PLANS)**

SUSPENSION AND/OR EXPULSION OF SECTION 504 DISABLED STUDENTS WHO COMMIT ACTS DEFINED IN THE CODE OF STUDENT CONDUCT AS SUSPENDABLE OR EXPELLABLE ACTS SHALL BE GOVERNED BY THIS POLICY, ITS RULES, AND APPLICABLE SECTIONS OF POLICY 5006. SUSPENSION INCLUDES INTERNAL SUSPENSION, EXTERNAL SUSPENSION, AND SUSPENSION OF SPECIALIZED TRANSPORTATION SERVICES WHICH LEAD TO A CESSATION OF SERVICES NECESSARY FOR THE STUDENT TO APPROPRIATELY PROGRESS IN THE GENERAL EDUCATION CURRICULUM.

THE EXTENDED SUSPENSION OR EXPULSION OF A STUDENT WITH DISABILITIES CONSTITUTES A SIGNIFICANT CHANGE IN PLACEMENT UNDER SECTION 504. SUCH A DISCIPLINARY ACTION THEREFORE TRIGGERS THE RE-EVALUATION REQUIREMENT.

ADMINISTRATIVE GUIDELINES ARE AVAILABLE IN THE SECTION 504/ADA SCHOOL LIAISON MANUAL.

AUTHORITY: F.S. 230.22 (1)(2)

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**RULES**

**Suspension (1 – 10 Days)**

1. A Section 504-disabled student may be suspended for up to 10 school days cumulatively for infractions as defined by the Student Conduct and Discipline Code. Suspension from a student's current educational setting for more than 10 school days cumulatively within a school year constitutes a change in placement. (34 C.F.R. § 104.35(a))
1. Implementation of a 1 to 10 day suspension requires that Notice of Suspension be provided within twenty-four hours by certified or registered mail or hand-delivered to the parents/guardian (**receipt of the delivery must be obtained**). If the student is 18 years of age or older, notice must also be sent to the student. (Board policy 5006)
2. In conjunction with the delivery of the Notice of Suspension to the parent, the school must input the required suspension data on the appropriate TERMS panel

3. If the relevant provisions of a student's Section 504 Accommodation Plan are implemented while the student participates in an alternative to suspension education setting, these days are not counted toward the 10 day limit because a Free and Appropriate Public Education (FAPE) has been maintained. (IDEA 300.520 and 34 C.F.R. § 104.35(a))

### **Suspension (More Than 10 Days)**

1. Whenever a Section 504-Disabled Student is suspended from educational services for a cumulative total in excess of ten (10) days within a school year, a Child Study Team or Intervention Assistance Team (CST/IAT) must be convened to review the student's Section 504 Accommodation Plan following the procedures for such reviews (as outlined in the district's Section 504/ADA Procedures Manual). A copy of the "Notice of Parents' Rights" afforded by Section 504 must be given to parents. The review team collects appropriate data regarding the student's problem behavior(s) and makes a determination regarding whether the behavior is a manifestation of the student's disability. (34 C.F.R. § 104.35(a) and 34 C.F.R. § 104.36)
2. If the review team determines that the behavior is a manifestation of the student's disability, the student may no longer be suspended for that offense. When the behavior is determined to be a manifestation of the student's disability, the review team creates or revises a Behavior Intervention Plan.
3. If the review team determines that the behavior is not a manifestation of the student's disability, suspension may be applied to this offense as it would for a non-disabled student (as per Board Policy 5006).

### **Expellable Acts (Level III, IV, and V in the Code of Student Conduct)**

1. In cases of a Section 504-Disabled Student carrying a weapon to school or school functions, knowingly possessing or selling or soliciting the sale of a controlled substance at school or school functions, the provisions of Policy 5006 shall be applied except that a manifestation determination meeting must be conducted as described in #1 above (Suspension for more than 10 days). If the review team determines that the behavior is a manifestation of the student's disability, the student may not be expelled for that offense. **A Section 504-Disabled Student found currently to be engaged in the illegal use of drugs may be disciplined as would a student without a disability.**
2. In cases of a Section 504-Disabled Student carrying a weapon to school or school functions, knowingly possessing or selling or soliciting the sale of a controlled substance at school or school functions the student may be unilaterally placed in an interim alternative educational setting for up to 45 calendar days. (*OSEP Memorandum 95-16, 22 IDELR 531 (OSEP 1995)*) A written notice of Suspension must be provided within twenty-four hours by certified or registered mail or hand-delivered to the parents/guardian (**receipt of the delivery must be obtained**). Within 10 business days of such placement, the school Child Support Team or Intervention Assistance Team must collect appropriate data regarding the student's problem behavior(s) and make a

determination regarding whether the behavior is a manifestation of the student's disability. (34 C.F.R. § 104.35(a) and 34 C.F.R. § 104.36). If the review team determines that the behavior is a manifestation of the student's disability, the student may not be expelled for that offense.

3. All interim alternative educational settings must enable the student to continue to receive a free appropriate public education (FAPE) and any accommodations as specified in the Section 504 Accommodation Plan.
4. The Superintendent/designee may obtain a court order to remove a student with a disability from school or to change the current educational setting if evidence suggests that maintaining the student in his/her current educational setting is substantially likely to result in injury to self or others.

### **Due Process Hearing**

If, at any time, the parent of a Section 504-Disabled Student disagrees with the school regarding any suspension and/or expulsion decisions, he/she may request an impartial due process hearing. (34 C.F.R. § 104.36)