

## **Students**

### **Misconduct By Students With Disabilities**

#### **Behavioral Interventions**

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The District will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities. The committee shall review the State Board of Education's guidelines on the use of behavioral interventions and use them as a non-binding reference. This policy and the behavioral intervention procedures shall be furnished to the parent(s)/guardian(s) of all students with individual education plans within 15 days after their adoption and/or presentation to the Board or at the time an individual education plan is first implemented for a student; all students shall be informed annually of the existence of this policy and the procedures.

#### **Suspension and Expulsion**

The following procedure shall be used when a student with a disability is alleged to have engaged in disobedience or misconduct:

##### *I. Suspension for a Cumulative Period Not to Exceed 10 School Days in Any School Year*

The District's regular suspension procedures shall be used to suspend a student with a disability, as long as the District does not invoke a series of suspensions creating a pattern constituting a change in placement.

##### *II. Suspension Beyond 10 Days, or Expulsion*

A. The District shall promptly notify the student's parent(s)/guardian(s) of the disobedience or misconduct and whether the student will be suspended. All procedural protections pertaining to notice provided under the regular education discipline policy shall apply to this notice. This information shall be confirmed in writing and the parent(s)/guardian(s) shall be advised as follows:

1. That the multidisciplinary conference (MDC) team shall meet as soon as possible, but at least 10 calendar days after this notice was sent, unless such 10-day notice is waived by the parent(s)/guardian(s), to determine whether a causal relationship exists between the student's disabling condition and the student's alleged disobedience or misconduct; and
2. That the student's parent(s)/guardian(s) are requested to attend the multidisciplinary team meeting and the date, time and location of the meeting.

#### B. MDC Determination

The MDC team may determine that the cause of the student's disobedience or misconduct is not related to the student's disabling condition. In that case, the student may be disciplined under the District's discipline policy for regular education students by measures up to and including expulsion. If the Board imposes expulsion or other disciplinary measures altering the student's special education program, an IEP meeting shall be convened to determine appropriate alternative means of service delivery.

- C. The Board may not expel a disabled student if the MDC team determines that the student's gross disobedience or misconduct is causally related to the student's disabling condition. The MDC team is responsible to address placement changes which may be appropriate in light of misconduct found to be disability-related.

Parent(s)/guardian(s) may object to a proposed change in their child's educational placement. If so, if the Superintendent believes that the student's behavior in the current placement poses a continuing physical danger to the student or to others, the Superintendent is authorized to seek a court order to change the placement or to suspend the student for more than 10 days.

#### Possession of a Firearm

In accordance with the above procedures, the Board may take one or more of the following steps when a student with a disability brings a firearm to school:

1. Suspend the student from school for 10 school days or less.
2. Convene an MDC team to consider placement in an interim alternative education setting for up to 45 calendar days. If the parent(s)/guardian(s) disagree with the alternative educational placement or with the District-proposed placement, and the parent(s)/guardian(s) initiate a due process hearing, the student must remain in the alternative educational setting during the authorized review proceedings, unless the parent(s)/guardian(s) and the District agree on another placement.
3. Convene an MDC team to determine whether or not the bringing of a firearm to school was a manifestation of the student's disability. If the student's conduct is a manifestation of the student's disability, the District may initiate a change in placement. If the student's conduct is not a manifestation of the student's disability, the District may expel the student under the District's discipline policy.
4. Seek a court order to remove the student from school to change the student's current educational placement if the District believes that the student's continued presence in the classroom is substantially likely to result in injury to the student or to others.

### Psychotropic or Psychostimulant Medication

No disciplinary action shall be taken or behavioral intervention shall be utilized that is based, in whole or in part, on the refusal of a student's parent or guardian to administer or consent to the administration of psychotropic or psychostimulant medication to the student. This policy does not prohibit disciplinary action or the use of behavioral interventions, to the extent otherwise permitted by law, when a student violates a Board of Education Policy, school or class rule, and/or federal, State or local law, while at school, on school property, or at a school-related activity or event.

Inservice training of certified school personnel and administrators shall be conducted at least once every two years which includes training on current best practices regarding the identification and treatment of attention deficit disorder ("ADD") and attention deficit hyperactivity disorder ("ADHD"), the application of non-aversive behavior interventions in the school environment, and the use of psychotropic or psychostimulant medication for school-age children. The Board of Education authorizes the Superintendent or his/her designee to develop an inservice training program or programs and/or identify outside training programs which meet these requirements.

- LEGAL REF.: Individuals With Disabilities Education Act, 20 U.S.C. § 1400 et seq.  
Gun-Free Schools Act, 20 U.S.C. § 3351 et seq.  
105 ILCS 5/10-22.6 and 5/14-8.05.  
23 Ill. Admin. Code §§ 226.40 and 226.520.  
Honig v. Doe, 108 S.Ct. 592 (1988).  
School Board of the County of Prince William, Virginia v. Malone, 762 F.2d 1210 (4th Cir. 1985).  
S-1 v. Turlington, 635 F.2d 342 (5th Cir. 1981).  
Kaelin v. Grubbs, 682 F.2d 595 (6th Cir. 1982).  
Victoria I v. District School Board, 741 F.2d 369 (11th Cir. 1984).
- CROSS REF.: 2:150 (Committees), 6:120 (Special Education), 7:130 (Student Rights And Responsibilities), 7:190 (Student Discipline), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct)
- ADOPTION: January 15, 2003