Discipline of IDEA/Section 504 Eligible Students with Disabilities

Student protected under IDEA/Section 504 violates the Broward County Code of Conduct

A. Up to 10 Days without FAPE: Disciplinary removal for out of school misconduct is for less than 10 consecutive school days and removals total less than 10 cumulative school days in the school year.

B. Over 10 Days Without FAPE: Disciplinary removal for current misconduct is for 11 or more consecutive school days.

C. Special Circumstances (Applies to IDEA Eligible Students Only): If the conduct that the student is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances or serious bodily injury, school personnel may remove the student to an interim alternative setting (I AES) for up to 45 school days, regardless of the manifestation determination.

D. Expellable Act: Student's violation of the Code of Conduct is a possible expellable act.

A1. School may exclude student from the current placement without obligation to provide FAPE unless the school provides services for students without disabilities who are similarly removed.

A2. Types of exclusion may be suspension, removal and assignment to an alternative educational setting (AES) or in-school suspension. These may be considered a change in placement if FAPE is not provided.

B1. School must notify parents immediately of decision to change placement for disciplinary reasons, and of procedural safeguards under IDEA/Section 504.

B2. Within 10 school days of decision to remove student for disciplinary reasons the school, the parent and the IEP/504 Team must review relevant information and conduct a Manifestation Determination.

C1. School Principal consults with the District Assistant Director for Expulsion and designated ESLS Curriculum Supervisor regarding removal of student for up to 45 school days to a AES.

C2. The student's IEP Team must hold a Manifestation Determination Meeting within 10 days of the student being placed at the AES.

E. Manifestation Determination* An IEP/504 committee meets to make a manifestation determination answering the following: Is the conduct a direct result of the district's failure to implement the IEP/504? Does the conduct have a direct and substantial relationship to the student's disability? 34 CFR § 300.530(e).

EN1. Student's conduct is not a manifestation of his/her disability. 34 CFR § 300.530(c).

EN2. May apply relevant disciplinary procedures in the same manner and for the same duration as to students without disabilities. However, the student will continue to have the provision of FAPE. 34 CFR § 300.530(c).

EN3. IEP/504 Team determines extent to which services are needed to enable the student to address the newly suspected disability. 34 CFR § 300.530(c).

EN4. And return student to placement unless parent and district agree to a different placement. 34 CFR § 300.530(g)(1)(i)(4). 34 CFR § 300.530(c)(2).

EN5. Student returns to the setting in which the infraction occurred when the disciplinary period (45 days) expires unless parent and school agree.

D1. School completes an Expulsion Packet and forwards it to the District Assistant Director for Expulsions.

D2. District Assistant Director for Expulsions reviews the packet and determines if the violation of the Code of Conduct is an expellable act.

D3. District Assistant Director for Expulsions holds a pre-expulsion conference with the parents and student.

D4. At pre-expulsion conference the District Assistant Director for Expulsions explains the consequences for the violation of the Code of Conduct as if the student was a general education student and completes the pre-expulsion conference form.

NOTE: 20 U.S.C. § 1415(k) and 34 CFR §§ 300.530-300.536

*In the event that there is an additional area of suspected disability at the time of the Manifestation Determination, evaluate IEP/504 plan:

- If the current plan DOES NOT address the newly suspected behaviors related to an additional disability THEN the answer must be YES to Box E

- If the current plan DOES address the behaviors related to the additional area of suspected disability the team can proceed based on the Manifestation Determination