match EDUCATION | Match Charter Public School

Discipline for Students with Disabilities Policy for:

MATCH CHARTER PUBLIC SCHOOL

Match Charter Public School ("Match") will operate in accordance with all local, state, and federal laws and regulations, including the Individuals with Disabilities Education Act (IDEA) , 603 CMR 28.11, and §504 of the Rehabilitation Act, with respect to students with disabilities, and will ensure that procedures for suspending, removing or otherwise disciplining students with disabilities are consistent with all legal requirements. This policy shall be read together with Match's Student Discipline Policy, and Match will utilize alternative remedies and proactively seek to decrease out of class discipline referrals for all students, including students with disabilities, in accordance with that policy. However, students with disabilities are afforded the additional due process rights described herein. As used herein, the term "parent" or "parents" shall mean the parent or legal guardian of a student, as set forth in 34 C.F.R. § 300.30.

In each discipline incident involving a student with disabilities in which the Principal or the Principal's designee ("responsible administrator") has decided to take disciplinary action, including any removal that constitutes a change in placement (a change of placement occurs when a student is removed for more than ten (10) consecutive school days, or has been subjected to a series of removals totaling more than ten (10) cumulative days over the course of the school year), the responsible administrator will ensure that the parent is notified no later than the date on which the decision is made and provide the parent with the procedural safeguards notice.

In general, students with disabilities may be excluded from their programs for up to ten (10) school days per school year just as any other student. However, if Match seeks to make a removal which constitutes a change in placement, the student's special education Individual Education Plan (IEP) or 504 Team must first conduct a manifestation determination by examining whether the student's behavior was (1) caused by, or was directly and substantially related to the student's disability or (2) was the direct result of Match's failure to implement the student's IEP or 504 Plan. To make the manifestation determination, Match, the parents, and the IEP or 504 Team will meet to review all relevant information in the student's file within ten (10) school days of the decision to change the placement of a student with a disability due to misconduct. In determining whether a removal that constitutes a change in placement is appropriate, the responsible administrator may consider any unique circumstances on a case-by-case basis.

If it is determined the behavior <u>was not</u> a manifestation of the student's disability, Match may discipline the student just as it would any other student under the Student Discipline Policy.

If it is determined that the student's conduct <u>was</u> a manifestation of the child's disability, the IEP or 504 Team will conduct a functional behavioral assessment if one has not yet been conducted and develop a behavior plan (or review and modify an existing behavior plan and IEP or 504 Plan, if necessary), and, except in the special circumstances described below, return the student to the student's current program, unless the student's parents and Match agree to a change in placement.

In addition to the foregoing, if it is determined that the student's conduct was a direct result of Match's failure to implement the student's IEP or 504 Plan, the Director of Special Education will implement a corrective action plan to ensure that such student's IEP or 504 Plan is implemented in the future.

In the event a student, while at school, on school premises, or at a school function, carries or possesses a dangerous weapon, knowingly possesses or uses illegal drugs, sells or solicits the sale of a controlled substance, or inflicts serious bodily injury upon another person, a special education student may be removed to an interim alternative educational setting, determined by the student's Team, for up to 45 school days regardless of the behavior's relationship to the student's disability. The terms dangerous weapon, illegal drugs, controlled substance, and serious bodily injury have the meanings given to them in 603 CMR 28.11(1)(g)(2). Hearing officers may also order the placement of a student in an appropriate interim setting for up to 45 school days upon the determination that the current placement is substantially likely to result in injury to the student or others.

Services

An eligible student who is removed from their current placement must receive educational services during periods of removal consistent with M.G.L. c. 71, §§ 37H and 37H½ and 603 CMR 53.00, regardless of the length of the removal. In the event of a change in placement where the student's behavior is determined to not be a manifestation of the student's disability, or if a student has been removed for special circumstances related to drugs, weapons or serious bodily injury, Match will continue to provide the student with a free appropriate public education (FAPE) and, if appropriate, conduct a functional behavior assessment and provide intervention services and modifications to prevent the conduct from recurring.

Appeals

If a parent disagrees with the IEP or 504 Team's decision on the manifestation determination or with a decision regarding placement, the parent has a right to request an expedited due process hearing from the Bureau of Special Education Appeals. Match may also request an expedited due process hearing where it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, and may renew that request to continue an interim alternative educational setting ordered by a hearing officer. If an appeal is filed, the student remains in the disciplinary placement, if any, until the hearing officer orders otherwise or the time period for the disciplinary action comes to an end, whichever comes first, unless the parent and the school agree otherwise.

Reporting a Crime

Match may report a crime committed by a child with a disability to appropriate authorities, and subject to the Family Educational Rights and Privacy Act and state privacy and student records laws, shall ensure that copies of the special education and disciplinary records of the student are transmitted to the appropriate authorities for consideration.

Procedures for Students Not Determined Eligible for Special Education

If prior to the disciplinary action, Match had knowledge that the student may be a student with a disability, then Match will make all protections available to the student until and unless the student is subsequently determined not to be eligible. Match may be considered to have prior knowledge if:

1. Parent has expressed concern in writing to supervisory or administrative personnel/child's teacher that child is in need of special education;
2. Parent has requested evaluation to determine eligibility for special education; or
3. Child's teacher (or other school personnel) has expressed specific concerns about the pattern of behavior of the child to the Special Education Director or other school or district administrators.

However, if the parent has refused to consent to an evaluation by Match, has refused special education services, or if the child has been evaluated and determined to be ineligible for SPED, Match will not be considered to have prior knowledge. In the absence of prior knowledge, the student may be subjected to the same disciplinary measures applied to students without disabilities who engage in comparable behaviors.

If Match had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, Match will conduct an expedited evaluation to determine eligibility. Until the evaluation is completed, the student will remain in the educational placement determined by Match, which may include suspension or expulsion, provided that for disciplinary action taken pursuant to M.G.L. c. 71, §§ 37H, 37H½, 37H¾ or 603 CMR 53.00, the student shall have the opportunity to make academic progress during the period of removal. If the student is found eligible, then the student will receive all procedural protections subsequent to the finding of eligibility.