

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

Chesterfield County School District follows the provisions provided by South Carolina Department of Education, Office of Special Education Services as outlined in the Special Education Process Guide for South Carolina (revised March 20, 2013) and according to any subsequent revisions.

The Individuals with Disabilities Education Act (IDEA) allows the parents of a child who has not been determined eligible for special education and related services to assert IDEA protections, including the use of due process, in circumstances when the LEA/District had knowledge that the child was a child with a disability before the occurrence of the behavior that caused the disciplinary action. (34 CFR§ 300.534(a))

When a child with a disability violates the LEA/Student Code of Conduct, that behavior could result in suspension or expulsion. Such removals from school are subject to the disciplinary provisions of special education law. Therefore, the LEA/District officials must consider suspension and expulsion for children with disabilities very carefully.

A student defined under IDEA as having a disability or a student defined under Section 504 as having a handicap may not be suspended for more than 10 school days unless an IEP or a 504 school-based team of professionals who have knowledge of the student and handicapping condition meets to first determine that the behavior is not a manifestation of the student's disability/handicap. In such cases, if suspension is imposed, the Individual Education Plan (IEP) team is obligated to provide an educational program for students with disabilities as defined in the Special Education Process Guide for South Carolina. A student with a disability may be removed by school/district administrators to an interim alternative education setting for 45 school days for drugs, weapons and serious bodily injury offenses. However, a meeting of the IEP team must be held to determine what special education and related services are needed by the student in order to enable him or her to participate in the general education curriculum, although in another setting, and to progress towards meeting his or her IEP goals. Under no other circumstances can a school/district administrator, including district hearing officer, remove a student. It is the IEP team that determines where and how students with disabilities will be served. The district may not be obligated to provide services in an alternative setting for Section 504 students for drugs, weapons, and serious bodily injury offenses.