

SUSPENSION AND EXPULSION OF STUDENTS WITH DISABILITIES

A student with a disability shall be entitled to the same due process rights that all students are entitled to under the Code of Virginia as well as the protection afforded below.

Short-Term Suspension

A short-term suspension (10 days or less) is not considered a change of placement for a student with disabilities in a special education program. In the case of short-term suspensions, a student with disabilities is subject to normal disciplinary procedures whether or not the misconduct may have been manifestation of the student disabling condition.

If a student with disabilities' short-term suspensions total more than 10 days when added together in a given school year, a **Manifestation Determination Committee** will convene to review all current relevant information to determine whether or not the misconduct was a manifestation of the student's disability.

Pending the results of a manifestation decision, the student with disabilities may receive a short-term suspension. If the committee determines the student with disabilities misconduct was a manifestation of the disabling condition, a short-term suspension will not be imposed and the student may return to school.

If the **IEP Committee** finds the student's misconduct was not caused by the disabling condition, the student with disabilities may receive a short-term suspension and be disciplined as if not disabled. During the course of a short-term suspension, students with disabilities will continue to be provided with a free appropriate public education, including access to the general curriculum.

Long-Term Suspension and Expulsions

When a student with disabilities in a special education program is being recommended for a long-term suspension (more than ten days) or expulsion, a determination must be made as to whether or not the misconduct was a manifestation of a student's disabling condition. This determination is made by an **IEP Committee** within 10 days of the decision to suspend. The committee will review current, relevant information when making its determination. Pending the results of the manifestation decision, the student with disabilities may receive a short-term suspension. If the committee determines the student with disabilities' misconduct was a manifestation of the disabling condition, the long-term suspension or expulsion will not be imposed and the student may return to school.

If the **IEP Committee** finds the student's misconduct was not a manifestation of the disabling condition, the student with disabilities may receive a long-term suspension or expulsion and be disciplined as if not disabled. During the course of a long-term suspension, the student with disabilities will continue to be provided with a free appropriate public education including access to the general curriculum.

Dangerous Students with Disabilities

During the process of manifestation determination, a student who is dangerous to himself or herself or to others in the school may receive a more restrictive setting through revision of the IEP with signed approval from the parent. If the parent(s) disagrees with the more restrictive placement, the school may use normal disciplinary measures for a student who exhibits dangerous behaviors to include, for example, time-outs or suspension of up to 10 days, or the school division may also order a change of placement to an alternative educational setting for up to 45 days for certain offenses involving weapons or drugs.

Suspension and/or expulsion of students with disabilities will be in compliance with state regulations and federal law.