Discipline Chart 4

IDEA Student: Violates Code of Conduct

IDEA 2004

Special Circumstances Due to a Weapon, Illegal Drugs, or Serious Bodily Injury

School personnel may report crime(s) to law enforcement authorities. If an LEA reports a crime committed by a student with a disability, copies of the special education and disciplinary records must be transmitted for consideration by the authorities to whom the LEA reported the crime to the extent permitted by FERPA. School personnel may obtain a temporary restraining order (TRO).

Whenever law enforcement or judicial authorities are contacted by public agency personnel reporting an alleged crime committed by the student, the IEP Team must within two weeks of the student's return to a school setting:

(1) Conduct a functional behavioral assessment, unless the LEA has conducted one during the previous 18 months prior to the behavior that resulted in the change of placement, and implement a behavior intervention plan for the student.

(2) If a behavioral intervention plan was developed, review the plan and modify it, as necessary, to address the behavior.

School personnel may remove a student to an interim alternative educational setting (IAES) for *not more than 45 school days* without regard to whether the behavior is determined to be a manifestation of the disability. The IEP Team shall determine the IAES and appropriate educational services. Refer to *Discipline Chart 3* (with directions to follow if the behavior is a manifestation or if the behavior is not a manifestation). On (school) *Day 46*, the student returns to the school environment he/she was removed from, unless the IEP Team determines another least restrictive environment is appropriate.

A parent who disagrees with any decision regarding placement or the manifestation determination, or if the LEA believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others may request a DPH. "Stay put" is the IAES pending the hearing officer's decision or the expiration of the time period, whichever occurs first, unless the parent and LEA agree otherwise.