

7:230 Misconduct by Students with Disabilities

Behavioral Interventions

Behavioral interventions shall be used with students with disabilities to promote and strengthen desirable behaviors and reduce identified inappropriate behaviors. The District will establish and maintain a committee to develop, implement, and monitor procedures on the use of behavioral interventions for children with disabilities. A fundamental principle is that positive, nonaversive interventions designed to develop and strengthen desirable student behaviors should be used whenever possible and are preferable to the use of aversive and more restrictive interventions. While positive approaches alone will not always succeed in managing extremely inappropriate behavior, the use of more restrictive interventions should be considered temporary and approached with caution. The committee shall review the State Board of Education's guidelines on the use of behavioral interventions and use them as a non-binding reference. The Superintendent may designate at least one staff member as a behavioral intervention consultant who shall oversee the implementation of this policy. This policy and the behavioral intervention procedures shall be furnished to the parents/guardians of all students with individual education plans within 15 days after their adoption or amendment by, or presentation to, the Board or at the time an individual education plan is first implemented for a student; all students shall be informed annually of the existence of this policy and the procedures. At the annual individualized education plan review, a copy of this policy shall be given to the parents/guardians. The policy and procedures shall be explained. A copy of the procedures shall be available, upon request of the parents/guardians.

Development of Procedures

The District's designated Special Education Coordinator, together with the Director of the Black Hawk Area Special education District and with the advice and consent of the district superintendent, is authorized to develop procedures that comply with the requirements of Public Act 89-191 and Section 14-8.05 of the School Code pertaining to the use of behavioral interventions for students with disabilities receiving special education and related services. The procedures will reflect consideration of the guidelines of the State Board of Education. The procedures will promote the use of positive behavioral interventions designed to develop and strengthen desirable behaviors and includes, as required and appropriate, the following components:

- a. Incorporation of procedures and methods consistent with generally accepted practice in the field of behavioral intervention;
- b. Designation of restrictive behavioral interventions and procedures for monitoring their use;
- c. Criteria for determining when a student with disabilities may require a behavioral intervention plan;
- d. Procedures for the development of behavioral management plans for students who require restrictive interventions;
- e. Provisions for parent involvement;
- f. Provisions for staff training and professional development; and
- g. Provision of the address of the State Board of Education so that copies of the State Board of Education guidelines may be requested.

Discipline of Special Education Students

The District shall comply with the provisions of the Individuals With Disabilities Education Act (IDEA) when disciplining students. No special education student shall be expelled if the student's particular act of gross disobedience or misconduct is a manifestation of his or her disability. Any special education student whose gross disobedience or misconduct is not a manifestation of his or her disability may be expelled pursuant to the expulsion procedures, except that such disabled student shall continue to receive educational services as provided in the IDEA during such period of expulsion.

A special education student may be suspended for periods of no more than 10 consecutive school days each in response to separate incidents of misconduct, regardless of whether the student's gross disobedience or misconduct is a manifestation of his or her disabling condition, as long as the repeated removals do not constitute a pattern that amounts to a change in placement (considering factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another) and provided that such student receives educational services to the extent required by the IDEA during such removals.

Any special education student may be temporarily excluded from school by court order or by order of a duly appointed State of Illinois hearing officer changing the student's placement to an appropriate interim alternative educational setting for up to 45 days, if the District demonstrates that maintaining the student in his or her current placement is substantially likely to result in injury to the student or others.

A special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be removed from his or her current placement. Such a student shall be placed in an appropriate interim alternative educational setting for no more than 45 days in accordance with the IDEA. The length of time a student with a disability is placed in an alternative educational setting must be the same amount of time that a student without a disability would be subject to discipline.

LEGAL REF.: Individuals With Disabilities Education Improvement Act of 2004, 20 U.S.C. §§1412, 1413, and 1415.

Gun-Free Schools Act, 20 U.S.C. §7151 *et seq.*

34 C.F.R. §§300.101, 300.530 - 300.536.

105 ILCS 5/10-22.6 and 5/14-8.05.

23 Ill.Admin.Code §226.400.

Honig v. Doe, 108 S.Ct. 592 (1988).

CROSS REF.: 2:150 (Committees), 6:120 (Education of Children with Disabilities), 7:130 (Student Rights and Responsibilities), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 7:220 (Bus Conduct)

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