

## DISCIPLINING STUDENTS WITH 504 (IDEA)

538

### SUSPENSION

A student with a disability, as defined by Section 504 of the 1973 Rehabilitation Act, may be suspended for ten (10) school days. Whenever a school considers suspending a student with a disability for more than ten (10) school days under this section, a Multi-Disciplinary Team (MDT) shall be convened to determine if the cumulative suspension constitutes a significant change in placement by reviewing the following factors:

1. The length of each suspension;
2. The proximity of the suspensions to one another;
3. The total amount of time the student is excluded from school.

If the MDT determines that the exclusion constitutes a significant change in placement, the school will conduct a manifest determination as set forth below.

### EXPULSION

Prior to submitting an expulsion recommendation to the board for any student with a disability as defined by Section 504 of the 1973 Rehabilitation Act, an MDT shall make a “manifest determination.” A manifest determination involves a review of the student’s misconduct, the student’s disability and the services provided to determine:

1. Is the misconduct a manifestation, or result of, an inappropriate placement or educational program for the student?
2. Is the misconduct a manifestation, or result of, the student’s disability?

If either manifest determination question answer is “yes,” the student will not be expelled. However, the MDT may determine that a placement change is necessary for that student.

If the answers to both the questions set forth above are “no,” the school may proceed with the recommendation of expulsion to the board.

The student’s parent or guardian may ask for a hearing under this district’s Section 504 hearing procedure. However, although the parent or guardian may disagree with the manifest determination findings, the student may nevertheless be expelled after following the proper procedures. Educational services cease after expulsion.

### LEGAL REFERENCE:

Section 504 of the 1973 Rehabilitation Act  
29 USC Ch. 16 Secs 706(8) and 794-794b  
34 CFR Part 104  
Idaho Code Section 33-205  
Akron (OH) City School Distr., OCR Letter, 19 IDELR 542 (1992)

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