

La Academia de Esperanza  
Discipline of Students with Disabilities

**A. Authority of District Personnel**

Case by Case Determination

LADE personnel may consider any unique circumstances on a case by case basis when determining whether a change of placement is appropriate for a student with a disability who violates a code of student conduct.

School personnel may remove a student with a disability who violates a code of conduct from the student's current placement to an interim alternative setting, another setting or suspension for not more than ten consecutive school days and for additional removal of not more than ten days in the same year for separate incidents as long as they do not constitute a change of placement.

After a student with a disability has been removed for ten days in the same year, during any subsequent removals LADE provides services to the extent required in the student IEP.

**B. Services**

A student with a disability who is removed from the student's current placement must continue to receive educational services allowing the student to participate in the general education curriculum and progress toward meeting IEP goals.

**C. Manifestation Determination**

Within ten school days of a decision to change placement of a student with a disability because of a violation of a code of student conduct, a representative of LADE, the parent or adult student and relevant members of the student's IEP team will review all relevant information in the student file and IEP as well as teacher, student and parent observation to determine:

- 1) If the conduct in question was caused by or had a direct and substantial relationship to the student's disability or,
- 2) If the conduct in question was the direct result of LADE failing to implement the IEP

If the misconduct was a result of LADE failing to implement the IEP, LADE must take immediate steps to remedy the deficiencies.

If the determination is made that the conduct was a manifestation of the student's disability the IEP team must either:

- 1) Conduct an FBA and BIP for the student
- 2) Review existing BIP and modify it, as necessary, to address the behavior
- 3) Return the student to the placement from which the student was removed unless the team agrees to a change of placement as part of modification of the BIP

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School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student:

- 1) Carries a weapon to or possesses a weapon on school premises or at a school function
- 2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance on school premises or at a school function,
- 3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function

**D. Appeals of Discipline Decisions**

The parent may file a due process complaint to request a due process hearing if the parent disagrees with an IEP placement made under these discipline policies or the manifestation determination.

*Adopted on February 20, 2020, Revised October 3, 2022*