

Disciplinary Removal of Students with Disabilities

When removing students with disabilities from their regular school programs, whether as a result of a suspension, an expulsion, or any other removal covered by state and Federal special education laws, it shall be the policy of Fiddlehead School to comply fully with all applicable state and Federal special education laws that govern such removals.

The Executive Director, in consultation with the Special Education Director and the Special Education teacher, may develop and promulgate procedures for implementing this policy, and may from time to time amend those procedures as necessary.

Legal Reference: Ch. 101 § XVII (Me. Dept. of Ed. Rules) (2007) 34 C.F.R. § 300.101, .530 - .536 (2006)

Discipline of a Student with a Disability:

Disciplinary sanctions for children with disabilities. The Board of Directors retain the authority to sanction a child with a disability as defined in section 7001, subsection 1-A for misconduct that violates school rules. Notwithstanding the duties of Schools as described in section 7202, the Board of Directors may authorize the Executive Director to enforce this subsection by allowing the Executive Director to suspend a child with a disability up to a maximum of 10 days individually or cumulatively for infractions of school rules. When a child with a disability is suspended for 10 days or less individually or cumulatively within a school year for a violation of school rules, the Board of Directors is not required to provide a tutor, transportation or any other aspect of the student's special education program. Discipline of children with disabilities must be consistent with the requirements of the Federal Individuals with Disabilities Education

Act, 20 United States Code, Section 1415(k).

Professional services after expulsion for a child with a disability. Nothing in the reentry plan may be interpreted to require payment from the parents of an expelled student for professional services determined by the Executive Director to be necessary to establish the student's readiness to return to school if:

A. The student is a child with a disability who has been determined to be eligible for a free, appropriate public education in accordance with 34 Code of Federal Regulations, Section 300.530, Paragraph (d);

or

B. The Board of Directors did not have knowledge that the student was a child with a disability prior to taking disciplinary measures against the student and, based on a subsequent evaluation, the student is determined to be a child with a disability who is eligible for a free, appropriate public education in accordance with 34 Code of Federal Regulations, Section 300.534, Paragraph (d).

ADOPTED: July 17, 2013

REVIEWED: October 17, 2020