



## **DISCIPLINARY POLICY – for students with Disabilities J-37**

1. Prior to the administration of discipline to any student, the school official authorized to administer discipline shall ascertain, on the basis of reasonably available data, whether the student has been classified as a student with a disability within the meaning of The Individual with Disabilities Education Improvement Act of 2004.
2. Students with disabilities shall be subject to reasonable disciplinary measures in furtherance of the school's legitimate interests in maintaining order and harmony, and in providing an atmosphere conducive to learning for all students. However, disciplinary decisions affecting students with disabilities shall be made with reference to and in consideration of the following factors:
  - a. The nature of the student's disability and the appropriateness of the discipline contemplated in light of that condition;
  - b. The cause or causes of the disciplinary problem;
  - c. The disciplinary history of the child;
  - d. The availability and advisability of alternate disciplinary responses to that contemplated;
  - e. Recommendations, if any, from teachers and appropriate special education staff personnel;
  - f. Such other rules and regulations governing disciplinary practices and procedures needed to comply with state and federal law, rules and regulations;
  - g. Environment and other circumstances ordinarily taken into account in fashioning appropriate discipline for students without disabilities.
  - h. Statements in IEP and Behavior Intervention Plan which affect disciplinary measures.
3. Suspensions of students with disabilities shall conform to generally applicable substantive and procedural criteria, as stated in the Mountain Brook Special Education Plan but shall not exceed ten consecutive school days without reconvening the IEP committee and reviewing alternative options or programs.
4. In no event shall disciplinary action resulting in permanent or indefinite cessation of educational services to a student with disabilities be proposed or approved without prior consultation with the Individualized Education Program Committee.
5. Students with disabilities cannot have special education services ceased if expelled or suspended for more than 10 days.

Legal Ref: Alabama Administrative Code 290-8-9-.09  
IDEIA 2004, 34 CFR § 300.520 and 34 CFR § 300.530-537.

Adopted: April 25, 1989  
Revised: July 13, 1992  
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