

RENUMBERED/REVISED GUIDELINE FROM AG 2461B, VOL. 26, NO. 2

DISCIPLINING A SECTION 504 STUDENT

If a student with a disability who has a Section 504 Plan violates the Code of Conduct and is subject to suspension that results in a change of placement or expulsion, a meeting of the student's Section 504 Team will be convened to determine whether the student's behavior is a manifestation of the student's disability.

Prior to such a meeting, the ___Principal_____ shall ensure that a recent evaluation (not more than one (1) year old) is available for use by the Team to help them make a manifestation determination. If no recent evaluation is available, then one is to be completed prior to the conference.

If the Section 504 Team determines that the student's behavior is a manifestation of the student's disability, then the student may not be suspended or expelled and must be returned to the student's placement prior to the removal.

If the 504 Team establishes a causal relationship between the behavior and the disability, then the student may not be suspended for more than ten (10) days in a school year or expelled.

Emergency removal of a Section 504 student from his/her current placement may take place through parental agreement to an interim placement or through injunctive relief from a court, when the current placement presents a substantial likelihood of resulting in injury to the student or others.