

DISCIPLINING OF STUDENTS WITH DISABILITIES

The Maggie L. Walker Governor's School Regional Board recognizes that federal law requires that students with disabilities be afforded certain procedural protections when disciplinary action is considered. A student with a disability remains subject to the school's student conduct policy, rules, and regulations, but discipline shall be administered in accordance with applicable federal and state law, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and applicable Virginia statute and regulations.

The Regional School Board also recognizes that a disciplinary decision for a student with a disability requires consideration of the student's disability-related needs and legal protections. Accordingly, when disciplining students with disabilities, the division will:

- provide required procedural safeguards affording the same due process rights that all children are entitled to under the law;
- conduct manifestation determinations when required by law;
- provide educational services during discipline removals when required by law;
- permit placement in interim alternative educational settings when authorized by law;
- protect the due process rights of students and parents.

The executive director shall develop regulations to implement this policy, including procedures governing:

- positive behavior interventions and supports to address the behavior;
- functional behavioral assessments;
- changes in placement;
- short-term removals and services during those removals;
- long term removals;
- manifestation determination reviews;
- interim alternative educational placements;
- appeals;
- protection for children not yet eligible for special education and related services; **and**
- referral to and action by law enforcement and judicial authorities

Nothing in this policy prohibits school officials from reporting criminal conduct to appropriate law enforcement authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a child with a disability to the extent such action applies to a student without a disability.

Adopted: September 14, 2017

Amended: October 15, 2020

Amended: October 21, 2021

Amended: September 19, 2024

Amended: September 17, 2026

Legal Refs.: 20 U.S.C. § 1415.
29 U.S.C. § 705

34 C.F.R. 300.530-300.536.

Code of Virginia, 1950, as amended, § 22.1-279.6.

8 VAC 20-81-160

Cross Ref.:	Pol 8002	Student Conduct
	Pol 2024	Weapons in School
	Pol 8090	Student Suspensions/Expulsions
	Pol 4009	Drugs in School
	Pol 6016/8034	Weapons on School Property