

SCHOOL DISCIPLINE FOR STUDENTS WITH DISABILITIES

School officials can remove any child with a disability from his or her regular school placement for up to 10 school days at a time, even over the parents' or legal guardians' objections, whenever discipline is appropriate and is administered consistent with the treatment of non-disabled children {(Sec. 300.520 (a)(1)}.

After a child is removed from his or her current placement for more than 10 cumulative school days in a school year, services must be provided to the extent required under Sec. 300.121 (d), which concerns the provision of Free and Public Education (FAPE) for children suspended or expelled from school.

If the child has brought a weapon, firearm or destructive device to school or to a school function, or knowingly possessed or used illegal drugs or sold or solicited the sale of controlled substances while at school or a school function, the child may be removed from his/her regular placement for up to 45 days at a time. {(Sec. 300.520 (a)(2)} Pursuant to state law and disciplinary regulations, suspensions and/or expulsions may occur as indicated in NRS 393.466. For more information regarding firearms, weapons, or destructive devices, please refer to Gun Free Schools Act for additional procedures.

If school officials believe that a child with a disability is substantially likely to injure self or others in the child's regular placement, they can ask an impartial hearing officer to order that the child be removed to an interim alternative educational placement setting for up to 45 days (Sec. 300.521). If at the end of an interim alternative educational placement of up to 45 days, school officials believe that it would be dangerous to return the child to the regular placement because the child would be substantially likely to injure self or others in that placement, they can ask an impartial hearing officer to order that the child remain in an interim alternative educational setting for an additional 45 days (Sec. 300.526).

If necessary, school officials can also request subsequent extensions of these interim alternative educational settings for up to 45 days at a time if school officials continue to believe that the child would be substantially likely to injure self or others if returned to his or her regular placements {(Sec. 300.526 (c)(4)}.

At any time, school officials may seek to obtain a court order to remove a child with a disability from school or to change a child's current educational placement if they believe that maintaining the child in the current educational placement is substantially likely to result in injury to child or others.

School officials can report crimes committed by children with disabilities to appropriate law enforcement authorities to the same extent as they do for crimes committed by non-disabled students (Sec. 300.529).