

SUSPENSION/EXPULSION OF SPECIAL EDUCATION STUDENTS

Except as provided by federal law, no identified special education student shall be expelled or suspended in excess of 10 cumulative days in the school year for misconduct related to the student's disability. If expulsion or suspension in excess of 10 cumulative days is to be considered, the student's pupil evaluation team ("PET") shall make the determination whether the misconduct in question, including any past incidents of misconduct which may be considered in making the disciplinary decision, is related to the student's disability.

For misconduct that is related to the student's disability, the student's PET may determine what programming or placement alterations are warranted beyond the 10 cumulative days of suspension permitted under this policy.

For misconduct unrelated to the student's disability, the school unit may proceed with a suspension or expulsion consistent with law and with school policy. During any such removal in excess of 10 cumulative days in the school year, the PET shall offer free and appropriate educational services to the special education student off school grounds.

The school unit shall comply with all applicable state and federal laws governing suspension and expulsion of students with disabilities.

Legal Reference: 20-A MRSA § 1001(9); (9-B)
20 USC § 1415(k)(1)(A), (3)(B), (5)(A)

Cross Reference: JKF-R – Suspension/Expulsion of Special Education Students –
Administrative Regulation
JKF-E – Manifestation Determination Checklist

Adopted: April 27, 1999