

## DISCIPLINE OF STUDENTS WITH DISABILITIES FOR INFLICTION OF SERIOUS BODILY INJURY

### I. GENERALLY

In most situations where Student Code of Conduct violations result in a student with a disability being issued disciplinary consequences, ACPS encourages alternatives to removing the student from the education program whenever possible, and utilizes a Multi-Tiered System of Supports (MTSS) for positive behavioral interventions, including the use of restorative practices. In most cases, the provisions outlined in Policy JGDA: *Disciplining Students with Disabilities* will apply. Only in the most egregious circumstances involving serious bodily injury are the provisions of this policy applicable.

Whether or not it is determined that a student's behavior is a manifestation of their disability, ACPS continues to provide the student with a Free Appropriate Public Education (FAPE) while in an Interim Alternative Education Program. The student will continue to receive the services, enabling them to progress toward the goals in their IEP and participate in the general curriculum.

### II. REMOVAL TO INTERIM ALTERNATIVE EDUCATION PROGRAM

A student with a disability may be removed without parent/guardian consent and assigned to an ~~interim~~ Interim alternative ~~Alternative education~~ Education program Program (IAEP) by school personnel for not more than forty-five (45) school days when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. An IAEP may be a different class in the same school building, in a different school, or may include virtual instruction. **Theis option to remove the student to an IAEP is available regardless of whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent that a student without disabilities would be disciplined, and ACPS will provide special education services in accordance with state and federal regulations.**

In addition, the applicable procedures of policies JGDA: *Disciplining Students with Disabilities* and JGD/JGE: *Student Suspension/Expulsion* will be followed.

### III. DEFINITIONS

~~The term serious bodily injury has the same meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of Title 18 of the United States Code.~~ **Serious bodily injury**, as defined in 18 USC 1365 (h)(3), involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

**IV. COMMUNICATION WITH PARENT(S)/GUARDIAN(S)**

All incidents in which a student with a disability has inflicted serious bodily injury upon another person are documented by school administrators in collaboration with the Office of Specialized Instruction. All such required documentation is maintained by ACPS. Incident reports and all communications to the student’s parents/guardians will be in the parents’/guardians’ preferred language. In addition, ACPS will provide written notification of a student’s rights throughout the entirety of the removal process to the parents/guardians. This includes, but is not limited to, procedural steps and safeguards involved in the removal process and Manifestation Determination Review (MDR), the right to appeal, and the right to legal representation. ACPS will also provide parents/guardians with a list of pro bono legal resources.

**V. DATA COLLECTION AND REPORTING**

The Superintendent will annually provide the School Board with the prior school year’s data reflecting all occurrences of discipline of ACPS students with disabilities for infliction of serious bodily injury. This will include disaggregated, demographic data for any students receiving exclusionary discipline and/or the resulting MDR outcome, administrative responses or consequences issued in accordance with the Student Code of Conduct, and any referrals to law enforcement. (The report will not include personally identifiable information regarding students.)

As outlined in the current Memorandum of Understanding (MOU) between the Alexandria City School Board and the Alexandria Police Department (APD), any incident in which a law enforcement officer(s) makes official contact with a student(s) will be documented, tracked and reviewed by the Office of Safety and Security Services by using the ACPS Law Enforcement Occurrence Report Form.

Adopted: June 15, 2006

Amended: June 11, 2015

Amended:

Legal Refs.: 18 U.S.C. § 1365 (h)(3).  
 20 U.S.C. § 1415 (k)(1)(G)(iii).

Cross Refs: JFCD \_\_\_\_\_ Weapons in School  
 JFCF/JFCI \_\_\_\_\_ Alcohol and Other Drugs (AOD)–in Schools  
 JFCF-R/JFCI-R \_\_\_\_\_ Alcohol and Other Drugs (AOD)in Schools  
 JGD/JGE \_\_\_\_\_ Student Suspension/Expulsion  
 JGD-R/JGE-R \_\_\_\_\_ Student Suspension/Expulsion Regulations  
 JGDA \_\_\_\_\_ Disciplining Students with Disabilities