

Flowing Wells School District

Disciplining a Student with a Disability on Section 504 Plan

What is the discipline process for a student with a disability on a Section 504 Plan?

- A student with a disability who is on a Section 504 Plan is subject to the same disciplinary action as a non-disabled student, provided that the student's behavior is not a manifestation of his/her qualifying disability.
- A 504 Team must conduct a manifestation determination whenever a 504 student is subject to a suspension of ten (10) or more consecutive school days (because this constitutes a *change in placement*).
- A series of suspensions that cumulatively total ten (10) or more school days also triggers the manifestation determination requirement unless it is determined by the 504 Coordinator and Principal that there is not a pattern of exclusion and a *change in placement* has not occurred (key factors to consider include the length of each suspension, the proximity of one suspension to another, the nature of the behavior, and the total amount of time the student is excluded from school.)
- If the 504 team determines that the misbehavior is a manifestation of the student's qualifying disability, the disciplinary process must end and the 504 team shall review the 504 plan to determine if modifications are appropriate.
- If the 504 team determines that the misbehavior is not a manifestation of the student's qualifying disability, the disciplinary process proceeds.
- *Special Note: Active possession, use, or sale of alcohol or drugs on campus or at a school-sponsored activity cancels 504 protections regarding discipline.*

