

II. REMOVAL FOR DRUG OR ALCOHOL OR WEAPONS

In the event a student with a disability has been removed to an Alternative Education Program for 45 calendar days or more for possessing a weapon at school or a school function or for using or possessing illegal drugs or selling or soliciting the sale of a controlled substance at school or a school function, the school:

- A. ARD committee meeting — convenes a meeting of the student's ARD committee and complies with items I, B, (1-5) above — except that the student may be placed by school personnel at the Alternative Education Program for not more than 45 calendar days (provided a child without a disability would be subject to such discipline for a similar amount of time) regardless of the results of the ARD committee meeting.
- B. Placement during appeals — if the student's parent requests a due process hearing, the student's placement pending the resolution of the hearing is:
 1. The AEP if the assignment of the student to AEP is for 45 calendar days or less;
 2. The student's placement before the misconduct in question if the AEP assignment is for more than 45 calendar days or if the school proposes to change the student's placement after the end of the 45 calendar days.
 3. The AEP if the school obtains a ruling of a due process hearing officer or a judge of competent jurisdiction permitting the school to place the student in the AEP pending the resolution of the due process hearing.
- C. Disciplinary Determination made by administrator — special education and disciplinary records of the student with a disability are available for consideration by the school administrator making the final determination regarding the disciplinary action