Code: **JGDA/JGEA**
Adopted: June 24, 2006

Discipline of Disabled Students

When students being served by an individualized education program (IEP) engage in conduct which would warrant suspension of more than 10 days or expulsion for a non-disabled student, the student's parents will be notified immediately (within 24 hours) of the circumstances of the misbehavior, and the time and location of the student's IEP team meeting addressing the infraction and its relationship to the disability.

Should the IEP team conclude the misconduct is not a manifestation of the student's disability, the student may be disciplined in the same manner as would other students.

If the IEP team concludes the misconduct is a manifestation of the student's disability, the team may review and revise the student's IEP and determine whether a change in placement is needed.

The following prohibitions apply:

1. The district may **not** suspend for more than 10 days or expel a disabled student for any behavior which is a manifestation of the disability;
2. The district may seek a court or hearings officer order to remove a student to an interim alternative educational setting if:
    a. The student is substantially likely to injure self or others in the school;
    b. The district has made a reasonable effort to minimize the risk of harm; and
    c. The district has developed an interim alternative educational placement that allows the student to participate in the general curriculum and continue to receive special education and related services, including services to address the misconduct.
3. If a student carries or possesses a weapon to or at school, on school premises or to or at a school function or knowingly possesses or uses illegal drugs or knowingly sells or solicits the sale of controlled substances, the district can remove the student to an interim alternative educational placement for up to 45 calendar days.
    a. As used in this policy "weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2" in length; "drug" is defined as an illegal drug or a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
    b. "Drug violation" means the use, possession, sale or solicitation of drugs at school or a school-sponsored function. "Weapon violation" means carrying a weapon to school or a school-sponsored function or acquiring a weapon at school.

END OF POLICY

Legal Reference(s):

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known "short" reference to this federal legislation.]

Assistance to States for the Education of Children with Disabilities, 34 CFR Section 300.520 (2000).

Honig v. Doe, 484 U.S. 305 (1988).

Possession of firearms and dangerous weapons in federal facilities, 18 U.S.C. Section 930(g)(2).