

Descriptor Term: CONSEQUENCES FOR MISBEHAVIOR – FOR SPECIAL EDUCATION STUDENTS

Descriptor Code: JDDA

Rescinds: JDDA

Board Approved: 3/10/14

Previously Approved: 4/4/1988

In general, all students in the Gulfport School District are expected to comply with district policies, regulations and rules on student behavior, as summarized in the Gulfport School District's Student Handbooks. However, for special education students the policies, regulations, and rules may be adjusted as required by federal and state laws and regulations, and by the student's individual education plan (IEP).

Whenever possible, the staff will develop positive interventions to manage the behavior of special education students rather than administer a punishment.

In the event that a student with a disability has exhibited behavior which represents an immediate danger to himself/herself and/or others and it is determined that the behavior **is not** a manifestation of his/her disability, that student may be expelled. However, all educational services **must not** be ceased.

Discipline Time Lines

1. Authority of the school personnel to remove a child for not more than 10 consecutive school days, for violation of a code of student conduct. 34 CFR 300.530 (b).
2. Manifestation determination review must be conducted no more than 10 school days from the date of any decision to change the placement of a child for violation of code of student conduct. 34 CFR 300.530 (e).

In-School Suspension

1. In-school suspension would not be considered a part of the days of suspension addressed in 34 CFR 300.530, so long as the child is afforded the opportunity to continue to appropriately participate in the general curriculum, continue to receive the services specified on the child's IEP, and continue to participate with nondisabled children to the extent they would have in their current placement.

Out-of-School

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1. An IEP team meeting to initiate a review of the student’s IEP must be held within 10 school days of the beginning of any out-of-school suspension when the student is removed from his/her current placement for five or more consecutive school days, or when the student’s total days of removal from his/her placement during the school year exceeds 10 cumulative days in a school year.

Expulsion/Exclusion

1. An expulsion or exclusion is initiated with an out-of-school suspension.
2. An IEP Team must meet to determine if the student's disruptive behavior was a manifestation of his/her disability and whether there is a need to revise the student's IEP. Below is a list of mandatory IEP Team members:
 - a.) the parents of the child
 - b.) regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
 - c.) special education teacher(s) of the child, or where appropriate, not less than one special education provider of the child
 - d.) public agency representative who is
 - i. qualified to provide/supervise the provision of, specially designed instruction to meet the unique needs of the child with disabilities
 - ii. knowledgeable about the general education curriculum
 - iii. knowledgeable about the availability of resources of the public agency.
 - e.) Person who can interpret instructional implications of evaluation results, who may be a member of the team described above.
 - f.) The student and any other pertinent people may also be invited.
3. If the IEP Team determined that the student's disruptive behavior **is not** a manifestation of his/her handicapping condition and District personnel determine that expulsion is appropriate, a recommendation for expulsion, in accordance with District regulations, will be made to the Board of Trustees. However, if the IEP Team determined that a student's disruptive behavior **is** a manifestation of his/her disability, District personnel will follow state regulations with regard to modification of his/her program so that he/she will receive a free appropriate public education. Expulsion is not appropriate in this case.
4. Using Board policies and procedures for dealing with expulsion, the Board will meet to approve or disapprove expulsion.
5. If expulsion is approved by the Board, the district must notify the parent that their child’s placement has been changed and provide the parent with the required Individuals with Disabilities Education Act (IDEA) procedural safeguard notice. 34 CFR 300.504; 34 CFR 300.530 (h).
6. An IEP Team meeting to initiate a review of the student’s IEP, conduct a review of the relationship between the student’s disability, and the behavior subject to

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disciplinary action, and determine the appropriateness of the student’s education plan must be held before the beginning of the expulsion or exclusion. **Educational services must continue during the expulsion period.**

7. An IEP meeting will occur within five days of the decision to expel the student. Normal IEP procedures (in accordance with federal and state regulations) will be followed.
8. In the event that the parents and school personnel cannot agree on placement during the IEP meeting, either party may request an impartial hearing in accordance with State Special Education regulations.
9. If charges were brought against the student due to the seriousness of his/her behavior and the youth court or some other part of the judicial system has control of the student, then the above steps do not apply. As in other situations, the order of the court must be followed.

45-Day Interim Placement

1. In accordance with the federal law IDEA, a student with an IEP may be placed in an alternative educational setting for 45 school days if the student engages in the following conduct on school premises or at a school function:
 - a. carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a State Educational Agency (SEA) or Local Educational Agency (LEA);
 - b. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or
 - c. has influenced serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or LEA. 34CFR 300.530 (g).