

Descriptor Term:

**JDH**

**STUDENT DISCIPLINE  
(STUDENTS WITH DISABILITIES)**

ISSUE DATE: **1-5-04**

It is the policy of the Jackson County School District to provide education to children with disabilities and to establish, maintain and implement procedural safeguards regarding disciplinary procedures for these students and their parent (s) as mandated by IDEA and the Mississippi Department of Education Policies and Procedures.

**Removals**

School personnel may order the removal of a child for not more than ten (10) consecutive school days to the extent that such removals would be applied to children without a disability for the same offense or when the child's behavior is deemed to be dangerous behavior.

Additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct may be ordered as long as those removals do not constitute a change in placement. A change in placement occurs when a serial of removals is made that constitute a pattern due to the child being removed for more than ten (10) school days in a year, and because of factors such as length of each removal, the total amount of time the child is removed and the proximity of the removals to one another. When a change of placement occurs, the IEP Committee will meet and review and revise the IEP to consider behavioral assessments and an intervention plan.

**Services**

Services must be provided during removals as follows:

1. Services are not required during the first ten (10) days of removal.
2. During any subsequent days of removals, services **must** be provided.
3. If a student is removed for twenty days (20) cumulative, services must be provided **within the school unless the child represents a danger to himself or others.**
4. In all cases, services will be provided to the extent necessary for the child to **appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP.**

**Manifestation Determination Review**

When a disciplinary action is contemplated to change a child's placement to an interim alternative setting due to a drug or weapon violation or due to a hearing officer's decision, or if a disciplinary action involving a change in placement is contemplated for other behavior that violated any rule of conduct of the district that applies to all children, the following must occur:

1. Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision to take that action is made, a review by the IEP committee and other qualified personnel will be conducted to determine the relationship between the child's disability and the behavior subject to disciplinary action.

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2. The IEP committee will consider whether the behavior was or was not a manifestation of the child's disability by reviewing evaluation/diagnostic results, observations, current IEP, current placement and relevant information supplied by the parent.
3. The IEP committee will then determine whether the behavior is a manifestation of the child's disability and will determine if all standards were met according to the Mississippi Department of Education Policies and Procedures. The relevant disciplinary procedures applicable to children without disabilities may be implemented in the same manner, except services must be provided as outlined in the Mississippi Policies and Procedures.
4. If any of the standards were not met, the IEP committee will determine the behavior was a manifestation of the child's disability and review and revise the IEP in order to remedy the deficiencies and will implement the revisions to the IEP without unnecessary delay.
5. If the district initiates disciplinary procedures applicable to all children, the district will ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

**Parent Appeal of Decision**

Parent(s) may request a due process hearing when there is a disagreement regarding the determination that the child's behavior was not a manifestation of the child's disability or any decision regarding a child's placement due to disciplinary action. All procedures mandated by the Mississippi Department of Education Policies and Procedures for expedited due process hearings and placement during appeals will be followed by the district.

**Referral to and Action by Law Enforcement and Judicial Authorities**

The Jackson County School District will follow district procedures for reporting a crime committed by a child with a disability to appropriate authorities. The district will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime in accordance with the Family Educational Rights and Privacy Act of 1974.

**Knowledge of Disability**

The district will follow all procedures mandated in the Mississippi Policies and Procedures when the parent of a child has expressed concern in writing (or orally if the parent(s) do not know how to write or has a disability that prevents a written statement) that the child is in need of special education and related services.

The district will follow all procedures mandated by the Mississippi Department of Education when the parent, of a child, has requested an evaluation of their child to determine if the child has a disability and is in need of special education and related services.

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The teacher of a child or other personnel of the Jackson County School District may express concern about the behavior or performance of a child in the district to the Director of Special Education for implementation of Child Find procedures.

**Protection for Children Not Yet Eligible**

The Jackson County School District will follow all procedural safeguard mandated in the Mississippi Policies and Procedures for Special Education for children who have not been determined to be eligible for special education and related services but whose parents assert such protections.

**No Basis of Knowledge**

If the Jackson County School District does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child (based on the requirements of the Knowledge of a Disability section above), the child may be subject to the same disciplinary measures applied to children without disabilities who engaged in comparable behaviors. However, the district will follow all procedures mandated by the Mississippi Department of Education Policies and Procedures for expedited evaluations in the event that a request is made for an evaluation. The district will also follow all Child Find procedures, and procedures regarding placement and the provision of special education and related services.