

DISCIPLINE OF STUDENTS WITH DISABILITIES

It is the goal of the Phelps Co. R-III School District to provide a safe and productive learning environment for all students. The district does not believe in a double standard for misbehavior and holds the welfare and safety of all persons in the district in highest regard. Students with disabilities will be disciplined in accordance with the district's discipline code applicable to all students, subject to the modifications mandated by law. All students, including those with disabilities, will be referred for law enforcement action when required by law and when their conduct constitutes a crime.

The district will comply with all state and federal laws governing the discipline of students with disabilities, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, applicable regulations and state and local plans for compliance with the law. In addition to the process outlined in special education law, students with disabilities will receive the same due process afforded other students.

The Board delegates to the superintendent or designee the authority to seek the removal of a student with a disability as allowed by federal or state law to an alternative educational setting through the state hearing process or to seek a court injunction ordering removal or a different educational placement.

The superintendent or designee will provide all district employees training on violence prevention, the district's discipline code and the legal requirements for disciplining students with disabilities. The Board delegates to the superintendent or designee the authority to contact the district's legal counsel for legal advice or training on the district's responsibilities.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: IGBA, Programs for Students with Disabilities

Legal Refs: §§ 160.261, 162.680, .955 - .963, 167.161 - .171, RSMo.
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417
34 C.F.R. Part 300
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
34 C.F.R. Part 104
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213

28 C.F.R. Part 35
21 U.S.C. § 812(c); 18 U.S.C. § 930
Honig v. Doe, 484 U.S. 305 (1988)
Light v. Parkway C-2 Sch. Dist., 41 F.3d 1223 (8th Cir. 1994)

Phelps Co. R-III School District, Edgar Springs, Missouri

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