



Special Education Discipline

Step by Step Guide to Suspension/Expulsion

Consideration #1

Did the incident requiring disciplinary action involve special circumstances (i.e., weapons, drugs, or serious bodily injury)?

IF YES

School may remove a student with a disability to an interim alternative setting, if special circumstances apply, for no more than 45 school days regardless of manifestation determination results. The school also must:

- 1) notify the parents of the decision to remove & provide the parents with a copy of the procedural safeguards notice on the date of the decision, and
- 2) continue to provide FAPE (Free Appropriate Public Education).
- 3) conduct a manifestation determination for guidance when student returns.

IF NO

Consideration #2A

Do any of the proposed days of the suspension/expulsion result in more than 10 CONSECUTIVE days of suspension/expulsion for this student?

IF NO

Consideration #2B

Do any of the proposed days, when added to other days, result in a cumulative number of suspension/expulsion days of 11 or more?

IF YES

IF NO

IF YES

Consideration #3

Was the behavior a manifestation of the student's disability? To answer, you must conduct a manifestation determination. A manifestation determination answers the questions (using relevant information in a student's file, including the IEP, observations, and parent information):

- 1) Was the behavior caused by, or have any direct and substantial relationship, to the student's disability?
- 2) Was the behavior caused by the school's failure to implement the IEP?

Consideration #2C

Do the days in the cumulative total constitute a pattern? A pattern means the days occurred in the same school year, are a result of similar behaviors, and/or the length, total, and proximity of the suspensions are similar.

IF YES

IF NO

School may apply same discipline procedures used for all students.

School may apply same discipline procedures used for all students. Services outlined by the school must be provided.

IF NO

IF YES

to BOTH questions

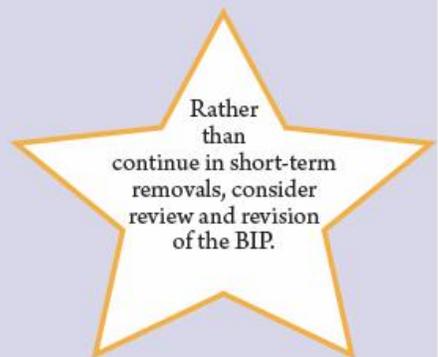
The behavior is **not** a manifestation of the student's disability.

- 1) The school can suspend or expel.
- 2) If considering an alternate setting, continue to provide services to allow the student to continue to participate in the general education curriculum and make progress on IEP goals. Consider a Functional Behavioral Assessment to create or modify an existing Behavior Intervention Plan.

to EITHER question

The behavior **is** a manifestation of the student's disability.

- 1) The student stays in original placement or the IEP team decides that a change of placement should occur.
- 2) Conduct a Functional Behavioral Assessment to create or modify an existing Behavior Intervention Plan.



Behavior Intervention Plan (BIP) is defined as a written, specific, purposeful, and organized plan which describes positive behavioral interventions and supports and other strategies that will be implemented to address goals for a student's social, emotional, and behavioral development. For students whose behavior prompts disciplinary action, the behavioral intervention plan addresses the behavior of concern. Summary FBA results, relevant information, and parent, student, and school personnel input are used to develop an appropriate BIP.

Change in Placement occurs when the student is removed: [41.536]

- For more than ten consecutive school days
- For more than ten school days for separate incidents of behavior that constitute a pattern [41.536(1)]

Disciplinary Action refers to specific procedures surrounding a removal (e.g., suspension, expulsion) of a child with a disability who violates a code of student conduct.

Expulsion is the result of school board action resulting in the removal of a student from the rolls of a district (unless a student has an IEP and requires continuing services) for disciplinary reasons.

Functional Behavioral Assessments (FBA) identify the function(s) of an individual student's behaviors and provide information leading to effective interventions and needed supports. For a student who becomes subject to disciplinary action a functional behavioral assessment is used to develop a behavior intervention plan within the context of the IEP process.

In-School Suspension is an Administrative removal of a student from regular classes or activities for disciplinary reasons to a setting where the student continues to remain under supervision of school personnel. Saturday school does not count as an in-school suspension.

Interim Alternative Educational Setting (IAES) are settings outside of the school. In this setting the child must receive the following: [41.530(4)]

- Educational services that enable the child to participate in the general education curriculum and progress toward meeting their IEP goals
- As appropriate, a FBA and BIP that addresses the behavior(s) of concern

Manifestation Determination is a procedure to determine if the behavior that precipitated removal that constitutes a change in placement is a manifestation of the student's disabilities. A determination should be made as to whether the behavior is an integral feature of the student's disability.

Out-of-School Suspension is an administrative removal of a student from regular classes or activities for disciplinary reasons to another setting (e.g., home, behavior center). If the removal is for more than ten days school board action is required. Saturday school does not count as an out-of-school suspension.

When In-School Suspensions and other Disciplinary Actions Are Not Considered Removals

In-School suspensions (and other disciplinary actions) are not considered removals if the answers to *all three* of the following questions are YES: [41.536(3)]

- Will the student be able to appropriately participate in the general education curriculum?
- Will the student be able to receive the services specified in the student's IEP?
- Will the student be able to participate with students without disabilities (see Note) to the extent provided in the student's current placement?

NOTE: In-school suspension meets the requirement of "able to participate with students without disabilities" if the in-school suspension setting is available to students with and without disabilities [41.51(8)]. If the in-school suspension setting is available to all students, then it constitutes the general education environment even if there are no students without disabilities currently there.

When Do IDEA's Disciplinary Procedures Apply?

The IDEA's disciplinary procedures [41.530] apply when a removal of a student constitutes a change in placement, which occurs when the student is removed: [41.536]

- For more than ten consecutive school days
- For more than ten school days for separate incidents of behavior that constitute a pattern [41.536(1)]



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