

THE DISCIPLINARY PROCESS FOR STUDENTS WITH DISABILITIES



Students with disabilities, eligible under IDEA or Section 504, have additional rights in the discipline process when their disability is related to disruptive behavior.

Safeguards are in place to make sure students with disabilities receive a Free and Appropriate Education, even if behavior difficulties persist in their current placement. For example, schools must continue to provide service to a student with a disability if they have been suspended for more than ten days. Evaluation and interventions for the behavior must be completed if the student's disability is found to be related to the behavior.



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Disciplinary Removal: When is it a Change of Placement?

If a suspension or an expulsion meets the criteria for a 'change of placement,' certain safeguards come into effect for students with disabilities.

CHANGE OF PLACEMENT OCCURS IF:

THE REMOVAL IS FOR MORE THAN 10 CONSECUTIVE SCHOOL DAYS.

OR

THE STUDENT HAS BEEN REMOVED FOR MORE THAN 10 CUMULATIVE SCHOOL DAYS AND THE REMOVALS ARE A PATTERN.

OR

SPECIAL CIRCUMSTANCES APPLY

Is there a pattern?

Consider whether the behavior is similar to previous incidents which resulted in removal, and the length, total time, and proximity of removals.



**DISCIPLINARY
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CIRCUMSTANCES**

For up to *ten days* a student with a disability may be suspended or expelled under the same guidelines as a general education peer.

AFTER THE 10TH DAY OF REMOVAL:

THE DISTRICT MUST PROVIDE SERVICES ADDRESSING THE GENERAL CURRICULUM AND THE STUDENT'S IEP GOALS.

AND

THE DISTRICT CONSULTS WITH THE STUDENT'S TEACHER TO DETERMINE THE SERVICES THAT THE STUDENT WILL RECEIVE DURING THE REMOVAL.

SPECIAL CIRCUMSTANCES:

Removal by a school district for weapons, drugs, or serious bodily injury.

Removal by an Administrative Law Judge for injurious behavior.

Student may be removed to an interim alternative educational setting for up to 45 school days.

IF A CHANGE OF PLACEMENT OCCURS:

A manifestation determination is required from the district within 10 school days.

Give Prior Written Notice of Special Education Action for change in placement

IF THE STUDENT'S BEHAVIOR IMPEDES THE STUDENT'S LEARNING OR THAT OF OTHERS, THE IEP MUST ADDRESS BEHAVIOR.

THE IEP TEAM MUST CONSIDER THE USE OF POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS, AND OTHER STRATEGIES, TO ADDRESS THAT BEHAVIOR.

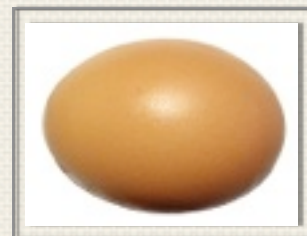
MANIFESTATION DETERMINATION

Is the behavior related to the child's disability?

Did the behavior occur because the district failed to implement the IEP?

The district must hold a meeting to determine whether the student's behavior is a manifestation of the student's disability. The I.E.P. team members participate.

This meeting must happen "within 10 days of any decision to change the placement of a child with a disability because of a violation of a code of conduct."



Behavior is Related to Disability

Student returns to their normal placement.

Complete a Functional Behavior Assessment.

Develop a Behavior Intervention Plan.

Behavior is **Not** Related to Disability

May discipline student under the same guidelines as a general education student.

Must provide services (determined by IEP team).

Notify parent/guardian, provide a copy of procedural safeguards information.

Behavior is Related to the Failed Implementation of an IEP

District must immediately take steps to provide the student instruction as outlined in the IEP.



**MANIFESTATION
DETERMINATION**

**FUNCTIONAL
BEHAVIOR
ASSESSMENT**

**BEHAVIOR
INTERVENTION PLAN**

FUNCTIONAL BEHAVIOR ASSESSMENT

Directly observe and assess the student's behavior in different settings.

What behavior plan is in place, and how is it working for the student?



BEHAVIOR INTERVENTION PLAN

A Behavior Intervention Plan sets guidelines for accomplishing a student's individual behavior goals.

It includes supports, positive interventions, and strategies to work with the student.

SUGGESTIONS FOR TEACHERS

A central image of a tree with a thick trunk and a full canopy of green leaves, many of which are small red fruits. The tree is shown growing from a cross-section of dark brown soil. The roots are visible, spreading out horizontally and then turning downwards. Above the soil, a thin layer of green grass is visible, and the background is a clear blue sky with some light, wispy clouds. The overall scene is bright and clear, suggesting a healthy and well-nourished plant.

KEEP A WELL-DOCUMENTED RECORD OF
BEHAVIOR INTERVENTIONS.

HAVE CLEAR POLICIES REGARDING
DISCIPLINARY ACTION AT DISTRICT, SCHOOL,
AND CLASSROOM LEVELS.

BE CONSISTENT IN THE WAYS YOU DEAL WITH
DISRUPTIVE BEHAVIOR.

A CLEAR BEHAVIOR PLAN IS A WAY TO
DIFFERENTIATE FOR A STUDENTS' INDIVIDUAL
NEEDS.

COMMUNICATE WITH MEMBERS OF THE IEP TEAM
ABOUT THE STUDENT'S PROGRESS.

SEEK OUT SUPPORT IF AN INTERVENTION ISN'T
WORKING FOR THE STUDENT.

BE SURE TO ALLOW AN INTERVENTION ENOUGH
TIME TO TAKE ROOT.