

# Step by Step

# 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

### 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?

IF NO

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.

IF YES

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.

IF YES

### 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

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.

Rather than continue in short-term removals, consider review and revision of the BIP.

## Definitions of some common terms:

**Behavioral Intervention Plan(s)** 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. In addition, for students whose behavior prompts disciplinary action, the behavioral intervention plan addresses the behavior of concern.

**Change in Placement** occurs under the following circumstances; (1) the removal is for more than ten consecutive school days; or (2) the child has been subjected to a series of removals that constitute a pattern. 41.536(1)

**Expulsion**, defined as 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 Assessment(s)** enhances an understanding of the purpose and function of a student's behaviors and subsequently provides information leading to 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 defined as "instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision." *OSEP Data Fact Sheet – Discipline* (October 2006), p. 3

**Interim Alternative Education Settings** are outside of the school. In this setting the child must receive the following:

- Educational services that enables the child to participate in the general education curriculum and progress toward meeting their IEP goals.
- As appropriate, a functional behavioral assessment and behavior intervention plan that addresses the behavior(s) of concern. 41.530(4)

**Out-of-School Suspension** is defined as "instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the child continues to receive services according to his/her IEP." *OSEP Data Fact Sheet – Discipline* (October 2006), p. 3

**Pattern** refers to removals of a child that constitute a pattern based on: (1) a series of removals of more than 10 school days in a year, (2) the behavior that caused the removal is similar to the behavior that caused previous removals, and (3) additional factors such as the length, time and proximity of the series of removals. 41.536(1)

**Removal.** Disciplinary actions will not be considered removals if all three of the following questions are YES:

1. Will the student be able to appropriately participate in the general education curriculum?
2. Will the student be able to receive the services specified in the student's IEP?
3. Will the student be able to participate with students without disabilities to the extent provided in the student's current placement? 41.536(3)



MetroWest Kids

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