IDEA Disciplinary Procedures for Students With Disabilities

Is suspension for less than **11 cumulative days** in a school year? Note: In counting days of removal for change in placement purposes, a partial day counts as a full day of removal.

Yes → May suspend up to and including 10 school days without services. District implements school's general education discipline procedures for comparable behaviors. Services are provided, if provided to students without disabilities per LEA policy or practice.

No ↓

Does the conduct involve drugs, weapons or serious bodily injury?

Yes → May place unilaterally in an interim alternative educational setting (IAES) for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability. 300.530

No ↓

Does the LEA believe that returning the student to the original placement is substantially likely to result in injury to self or others?

Yes → May request an order from a hearing officer or a court ordering an alternative placement for not more than 45 school days. 300.532

No ↓

Does the conduct involve other expellable offenses or involve a suspension of more than **10 consecutive days**?

Yes → A suspension of more than 10 consecutive school days or a suspension resulting in a pattern of removal is considered a **change in placement**.

Notify the parents immediately of decision to change placement for disciplinary reasons and provide a copy of procedural safeguards under IDEA.

Student is entitled to FAPE services which must be determined by the IEP team. Complete a FAPE log.

Review/Conduct FBA/BIP to ensure behavior doesn't reoccur.

No ↓

Pattern of Removal:

Does the conduct involve a suspension resulting in more than 10 cumulative days that is a pattern of removal?

Consider:

- Similar behavior
- Length of each removal
- Total amount of time removed
- Proximity of removals

Document on Pattern of Removal Worksheet

Yes → A suspension of more than 10 consecutive school days or a suspension resulting in a pattern of removal is considered a **change in placement**.

No ↓

No change in placement: On the 11th cumulative school day of removal in the same school year, the district must consult with at least one of the student's teachers to determine the extent to which FAPE services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting IEP goals. Complete FAPE Log.

Manifestation Determination

Convene MDR meeting with relevant members of IEPT (as determined by the district and parents) within 10 school days of decision to change placement.

Ask 2 questions:

1. Was the conduct in question caused by the disability, or does it have a direct and substantial relationship to the disability?
2. Was the conduct a direct failure of the LEA's failure to implement the IEP?

If yes to either question ↓

Return student to the placement from which he/she was removed unless

1. Unilateral IAES
2. Court/Hearing officer ordered removal
3. Parent agrees to a change in placement

Must do a **functional behavior assessment (FBA) and a behavior intervention plan (BIP)** or revise existing FBA/BIP.

If no to both questions ↓

A student may be disciplined as a student without a disability, but the school must continue educational services. FAPE log. If student is not being returned to school, the IEP team must convene to develop an educational plan via an IEP or IAES plan.