

This handout is based on the federal regulations implementing the Individuals with Disabilities Education Act (IDEA 2004).

CHECKLIST: DISCIPLINE OPTIONS AND PROCEDURES

Ten school days or less in a school year

- no services required
- no special procedures
- not considered a change of placement

In excess of ten school days in a school year, but not a long-term suspension or expulsion

- services required on the 11th school day in the school year and thereafter to the extent they are necessary to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP as determined by school personnel, (not IEP team) in consultation with at least one of the student's teachers.

45 school-day placement for drugs/weapons/serious bodily injury

- immediate notification to parent with procedural safeguards
- manifestation determination by relevant members of the IEP team and parent within 10 school days: outcome will not affect the implementation of the 45 school-day placement
- IEP team determines the interim alternative educational setting, and what services will enable the student to continue participation in the general education curriculum, and to progress toward meeting goals set out in the IEP.
- Student will receive, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications, designed to address the behavior violation so that it does not recur.

45 school-day placement, by hearing officer Order, for violent, dangerous students

- immediate notification to parent with procedural safeguards
- file request for expedited hearing with DESE
- manifestation determination by relevant members of IEP team and parent within 10 school days: outcome will not affect the implementation of the 45 school-day placement sought by the school district
- At expedited hearing school district must show that there is a substantial likelihood student will injure himself or others. The proposed 45 school-day placement must provide continued participation in the general education curriculum and continued progress toward IEP goals.

- hearing officer can extend for additional 45 school-day increments if student's return to the current placement would be dangerous.

Long-term suspension/expulsion*

- manifestation determination by relevant members of IEP team and parent
- if conduct is found related to disability, then no disciplinary change of placement allowed
- if conduct is found unrelated to disability, then a long-term suspension or expulsion can be implemented and the IEP team must determine services which will enable the student to continue to participate in general education curriculum, and progress toward meeting the goals of IEP. On date decision to long-term suspend/expel is made, district must notify parent of decision and provide them with procedural safeguards.

Court injunction for dangerous/violent students

- hire lawyer
- lawyer files for injunction with court
- district must prove there is a substantial likelihood student will injure himself or others and that it has taken reasonable steps to minimize risk
- injunction order is tailored to meet specific facts
- injunction order will indicate what services are required, if any, and will indicate an expiration date for the injunction
- this is a flexible remedy guided by school district's attorney who will generally prepare court order for judge's signature with desired provisions/limitations.

* A long-term suspension is a suspension in excess of 10 consecutive school days, or suspensions in excess of 10 school days cumulatively in a school year where a pattern of suspension is created. Determination of whether a pattern is created is based on factors such as length of each removal, total amount of time child is removed, proximity of the removals to one another and whether the student's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals. A long-term suspension or expulsion is a change in placement.