

Discipline of EC Students

Students with special needs have safeguards and rights by federal and state laws and cannot be excluded from their educational program without following federally mandated procedures. It is important to work with students early to prevent misbehavior and to provide appropriate behavioral intervention plans and goals through the IEP process.

Students with special needs cannot be suspended from school for more than 10 cumulative days in a school year without following specific procedures. Services must be provided starting with day 11 and the IEP team must meet to determine if a manifestation determination has occurred.

Schools should first try to intervene with student behavior in the school setting. Repeated problematic behavior should be addressed early through the IEP process; teams should analyze the behavior through a Functional Behavior Analysis (FBA) and then develop a Behavior Intervention Plan (BIP) and/or behavioral goals. Suspension should always be a last resort and used sparingly; it rarely improves behavior.

When Exclusion Is Required:

If a student's behavior is so severe that the student needs to be removed from school, you have these options:

- School personnel may suspend a special needs student up to 10 school days in a school year as any student. However, day 11 triggers need for service and decisions, so 10 days should be used very cautiously for students with special needs.
- Students who are considered for long term suspensions or for whom pattern is determined must have a Manifestation Determination.
- If the behavior is not related to the disability, the student may receive normal disciplinary action (suspension). However, the student will need a continuation of special education services.
- If the behavior is related to the disability, the student may NOT be suspended.
- At all stages the IEP team may meet to determine an alternative placement. The new placement would then not be considered as removal or suspension. The team will need to meet again to change placement back to the original school setting when or if a change is warranted.

All disciplinary removals are counted as suspensions unless the IEP team meets for that situation and changes the student's special education placement.

Change of Placement

A Change in Placement for Disciplinary Reasons Occurs if:

- The removal is for more than 10 consecutive school days; **or**
- The student has been subjected to a series of removals that constitute a pattern (students sent home early) that totals more than 10 school days in a school year.

On the date of the decision to remove a student that is a change of placement for disciplinary reasons, the LEA must notify parents of that decision and provide due process (Parent Handbook). A manifestation determination must be completed within 10 school days. An FBA and BIP must be completed or reviewed if already completed.

Changes in special education placements are **NOT** suspensions:

Any change in special education placement must be documented on:

- IEP (DEC 4): either by amendment or a new IEP
- DEC 5 (Prior Written Notice)

When a special education placement changes through the IEP process (for example, to modified day or homebound), the new placement does not count as school removal and is not counted as suspension.

The student will need to have the same staffing process (DEC5 and IEP addendum) to return back to the original placement when or if that is appropriate.

Examples of changes that might be considered by the IEP team based on behavior:

- Separate to modified day
- Regular to homebound services
- Homebound services to regular
- Separate to regular (when students are placed from STAR Program back to general ed classroom)