Discipline of Students with Disabilities

Administrative Guidelines
# Discipline of Students with Disabilities
## Administrative Guidelines, Procedures and Forms

**Table of Contents**

- In-School/Out-of School Suspension ................................................................. 1
- Change of Placement ............................................................................................ 2
- Functional Behavior Assessment .......................................................................... 2
- Behavior Intervention Plan .................................................................................. 3
- Interim Alternative Educational Placement ......................................................... 3
- Expulsion .............................................................................................................. 5
- Flowcharts ........................................................................................................... 7
  - Suspension or Removal to Alternative Educational Setting
  - Causal Relationship Determination
  - Change in Placement by Hearing Officer of a Student who is Dangerous
  - General Considerations (Figure 1)
  - Student not yet Eligible for Special Education (Figure 2)
  - Removals – Not a Change in Placement (Figure 3)
  - Removals – General Change of Placement (Figure 4)
  - Change of Placement: Special Circumstances (Weapons/Drugs/Serious Bodily Injury) (Figure 5)
  - Change of Placement: Dangerous Behavior (Not Special Circumstance) (Figure 6)
- Referral To and Action by Law Enforcement and Judicial Authorities ................. 17
- Quick Reference Guides for Teachers, Administrators and Parents ...................... 18
- Discipline Forms and Sample Letters .................................................................. 21
- Other Support Documents
  - Discipline Procedures – MDE
    [http://www.michigan.gov/mde/0,4615,7-140-6530_6598_36168-226602--,00.html](http://www.michigan.gov/mde/0,4615,7-140-6530_6598_36168-226602--,00.html)
  - Questions and Answers on Discipline Procedure
  - IDEA Regulations DISCIPLINE
  - Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint
These administrative guidelines and supporting forms are written in accordance with LCISD policy and guidelines provided by Neola and pertaining to Discipline of Students with Disabilities, including:

Policy #2461
Policy #5630.01

Local Districts wishing to utilize this document should consult their Board Policy and Guidelines

This document and related forms may be accessed electronically by visiting the website:

www.lcisd.k12.mi.us
**DISCIPLINING STUDENTS WITH DISABILITIES (IDEA ELIGIBLE)**

When the behavior of a student eligible under the IDEA is such to justify serious disciplinary action, three (3) possible courses of action may be available depending upon the nature and severity of the behavioral problem. The first is in-school or out-of-school suspension. The second is an Interim Alternative Education Setting (IAES) for possession of a weapon, illegal drugs at school or committing serious bodily injury. The third is expulsion from school. Each will be dealt with in the following guideline.

**In-School/Out-of-School Suspension**

The principal may remove a student from his/her current placement for short-term periods not to exceed ten (10) consecutive school days. The principal may impose additional removals of the student of not more than ten (10) school days in a row in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

Short-term suspensions of up to ten (10) cumulative school days are not considered a change in educational placement and the procedural safeguards associated with the change of placement are not required. The principal, however, should stay alert to the possible need to convene a student’s I.E.P.T. to review the appropriateness of the current IEP and its implementation and to determine whether or not the behavior and its frequency creates the need for a Functional Behavioral Assessment and Behavioral Intervention Plan (see below).

The School District is only required to provide services to a student with a disability who has been removed from his/her current placement for ten (10) school days or less in that school year, if it provides services to a student without disabilities who has been similarly removed.

Once a student with a disability has been removed from his/her current placement for a total of ten (10) school days in the same school year, the School District must, during any subsequent days of removal in that school year, provide services to the extent required below.

A student with a disability who is removed from the current placement for more than ten (10) school days must:

A. continue to receive educational services, so as 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; and

B. receives, as appropriate, a Functional Behavioral Assessment (FBA), and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not happen again.

After a student with a disability has been removed from his/her current placement a) for ten (10) school days in that same school year, b) the current removal is for ten (10) school days in a row or more, and c) the removal is a change of placement (see definition below), the student’s IEPT must determine the appropriate services 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 his/her IEP. The services that must be provided to a student with a disability who has been removed from the current placement may be provided in an interim alternative educational setting.
Change of Placement

A removal of a student with a disability from the current educational placement is a change of placement if:

A. the removal is for more than ten (10) school days in a row; or

B. the student has been subjected to a series of removals that constitute a pattern because:

1. the series or removals total more than ten (10) school days in a school year;

2. the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and

3. any additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the School District and, if challenged, is subject to review through due process and judicial proceedings.

Functional Behavior Assessment

If a student engages in behavior which impedes his/her learning or the learning of others, and such behavior is likely to recur, it is essential that the I.E.P.T. meet to complete a Functional Behavior Assessment (FBA). A FBA should be conducted as appropriate, where a student has been suspended for behavior which is not a manifestation of the student's disability. A FBA must be conducted, and a Behavior Intervention Plan implemented, if the student's behavior was a manifestation of the student's disability.

The FBA should include:

A. the specific behavior(s) of concern, including the intensity, frequency, and duration;

B. the setting where the behavior usually occurs, e.g. cafeteria, transition periods, bus, regular classroom, etc.

C. the circumstances antecedent to the behavior;

D. the consequences of the behavior;

E. conditions that may impact the behavior, e.g. medications, diet, schedule, etc.
F. the apparent purpose of the behavior;

G. modifications/interventions attempted to change the behavior;

H. behaviors that would serve as functional alternatives to the target behavior.

**Behavioral Intervention Plan**

In addition, a Behavior Intervention Plan (BIP) should be developed to supplement the positive behavior supports identified in the student’s IEP. The BIP should be referenced in the student’s IEP.

The BIP should clearly describe the target behavior(s), the appropriate behavior that is sought, the reinforcements that will be used to modify the target behavior, and the progressively intrusive consequences that will be invoked if the target behavior does not change. The plan should address methods such as time-out, safe-haven, drawing a student back into a special education room from a regular classroom when conditions warrant, etc., all of which focus on remediating or improving a student's behavior rather than on disciplining behavior. The plan should also describe who will be involved in the intervention (classroom teacher, aide, and specialists), their respective roles and responsibilities, and how the data will be collected to assess the effectiveness of the intervention.

If the FBA and BIP cannot be completed prior to the student's suspension, they must be completed within the ten (10) days of the beginning of the suspension.

**Interim Alternative Educational Placement**

A student may be placed in an Interim Alternative Educational Setting under one of the following conditions:

A. An IAES has been made a part of the student's I.E.P. and its use is limited so that it does not constitute a change in placement.

B. The student has been found to possess a weapon, illegal drugs in school (see below) or have inflicted serious bodily injury.

C. The student is considered to be dangerous to himself/herself and/or others as determined by an independent hearing officer. The I.E.P.T. may, however, choose to go directly to a court to obtain authority for an IAES without involving a hearing officer.

The Superintendent or Superintendent’s Designee may unilaterally place a student in a forty-five (45) school day Interim Alternative Educational Setting (IAES) if the student is found to have violated the Code of Conduct by carrying a weapon to school or a school function, by possessing, using, distributing, or soliciting illegal drugs at school or school function or by inflicting serious bodily injury upon another person.
The definitions are as follows:

A dangerous weapon means a weapon, device, instrument, material, or substance animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2 and 1/2 inches long.

A drug refers to a controlled substance or other substance identified under section (c) of the Controlled Substances Act, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority.

Serious bodily injury is defined as injury that involves substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

On the day a student is placed in an IAES for violation of the weapon, drug or serious bodily injury provision, the Administration shall notify the parent of the decision and provide the parent with a copy of the procedural safeguards to which they are entitled.

The student's I.E.P.T. is to convene as soon as possible and no later than ten (10) days after the placement begins to determine whether or not the weapon, drug or serious bodily injury provision violation is related to the student's disability. If the I.E.P.T. determines that the behavior is causally related to the disability, it should review the Behavioral Intervention Plan (BIP) and make any modifications necessary to deal more effectively with the inappropriate behavior and prevent its reoccurrence. If there is no BIP, one should be developed and a Functional Behavioral Assessment performed.

If the I.E.P.T. finds no causal relationship between the student's disability and the weapon or drugs violation, the school may continue the forty-five (45) school day interim alternative educational setting and proceed with expulsion. Should the student's parents dispute the existence of a causal relationship, they have a right to request a special education due-process hearing. However, the school may ask that the hearing be expedited and a decision be issued by the hearing officer within ten (10) business days of the request for the hearing.

A student is to remain in the IAES until a hearing and appeal decision is rendered or the forty-five (45) school days expires, whichever happens first. If Administration believes that a student is too dangerous to be returned to the school setting, and the forty-five (45) day placement expires before due process is complete, the Superintendent or Superintendent’s Designee may request another expedited hearing to decide the student's placement during the pendency of proceedings.

A student who is considered to be too dangerous to himself/herself or others may also be placed in a forty-five (45) school day IAES but only after there has been a hearing to determine whether such placement is appropriate, unless the parents agree to the placement. The Superintendent or Superintendent’s Designee should request an expedited hearing and provide the hearing officer with sufficient data for him/her to determine that:

A. the school has demonstrated that keeping the student in the current placement would prove substantially likely to result in injury to the student or to others;

B. the current placement is appropriate;
C. the school has made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aids and services;

D. the IAES meets the following requirements:

1. it has been designed by the student's I.E.P.T

2. it will enable the student to continue to participate in the general curriculum, although in another setting, and continue to receive the related services and modifications in the student's IEP that are designed to enable him/her to meet the IEP goals

3. it includes services and modifications designed to address the behavior which caused the request for the IAES or any other behavior that results in the student being removed from his/her educational placement

The services and modifications must be so designed as to prevent the behavior from recurring.

If the student has been placed in an IAES by a hearing officer because of danger to the student or others, the student is to continue in that placement pending the outcome of any appeal hearing or the expiration of the forty-five (45) school days, whichever happens first. If the forty-five (45) day placement expires prior to a decision by the hearing officer concerning the causal relationship dispute, the school may ask for an expedited (ten (10) day) hearing in order to determine whether the student should continue in another forty-five (45) interim alternative educational setting. The school cannot unilaterally lengthen a forty-five (45) school day placement.

Should the student's behavior be so serious that the I.E.P.T. believes that the student cannot continue to be educated in a public school setting, and the parents agree, a forty-five (45) school day IAES may be used to submit an application for "wrap around" services within the community or for placement of the student in a residential setting which could appropriately address his/her needs.

**Expulsion**

If the Administrator recommends the student be expelled from school, the parents are to be notified on the date the administrator makes the request for the expulsion accompanied by a notice of parent rights, which delineates all of the rights and procedural safeguards to which the parents and students have access in connection with an expulsion. Within ten (10) school days following the decision to seek expulsion, the I.E.P.T. is to convene to conduct a Manifestation Determination. Both IDEA '04 and the implementing regulations now contain guidance as to the steps which are to be followed in reaching a determination of causal relationship. Prior to making its determination, the I.E.P.T. must consider at least the following items:

A. evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student

B. observations of the student (this requirement can probably be fulfilled by comment sheets from teachers who have the student in class on a daily basis or can be formal observations done by special education staff, behavioral consultants, school psychologists, etc.)

C. the student's current IEP and placement
These three (3) items are to be considered "in terms of the behavior subject to disciplinary action". Therefore, a disagreement about something in the current IEP which is unrelated to the misbehavior under consideration would not require the finding of a causal relationship.

The I.E.P.T. will have established a causal relationship if it decides:

A. the conduct in question was caused by, or had a direct and substantial relationship to the student’s disability, or

B. the conduct in question was the direct result of the LEA’s failure to implement the IEP.

If a causal relationship between the student's disability and the misbehavior is determined, the expulsion cannot go forward. The school should immediately proceed to remedy any deficiencies in the IEP, the placement of the student, or the implementation of the IEP.

If the I.E.P.T. determines that the behavior is not a manifestation of the student's disability, the student is subjected to the same discipline as students without disabilities.

If the parents appeal the causal relationship determination, the "stay put" provision provides that the student remains in the setting determined by the school personnel until a decision is reached through the due process or expiration of the forty-five (45) school day IAES.

If the student is expelled, the District has a continuing responsibility for providing alternative educational services to the student. The I.E.P.T. shall consider the nature and extent of educational services to be provided in order to make available a free and appropriate education (FAPE) to the student.
SUSPENSION* OR REMOVAL TO ALTERNATIVE EDUCATIONAL SETTING**

No further discipline contemplated and removal is for ten (10) days or less (strong encouragement to review and address behavior and IEP if necessary).

Further discipline contemplated within ten (10) days of suspension or removal.

I.E.P.T. convenes to develop a Functional Behavior Assessment (FBA) and appropriate Behavioral Intervention Plan (BIP).

In the cases of removal to alternative educational setting for more than ten (10) school days, the I.E.P.T. must also consider causal relationship (manifestation determination).

* Suspensions of ten (10) school days or less cumulating to no more than ten (10) days per school year may be unilaterally levied by the school without parent consent. If accumulating to more than ten (10) days, must assess if it constitutes a change in placement.

** Removal to an Interim Alternative Educational Setting (IAES) for a maximum of forty-five (45) school days unilaterally if the student brings a weapon to school, knowingly possesses or uses illegal drugs, sells, or solicits the sale of a controlled substance while at school, or inflicts serious bodily injury upon another person.
CAUSAL RELATIONSHIP DETERMINATION*

Student violates code of conduct

School decides to request expulsion or change to Interim Alternative Educational Setting (IAES) for more than ten (10) days

Same day school notifies parent of decision and provides procedural safeguards

Within ten (10) school days Causal Relationship Conference (MDR) considers:

1.) Evaluation and diagnostic results (including relevant information from parents and staff)
2.) Observations of student
3.) Student’s IEP and placement

Causal Relationship Conference (MDR) determines:

A.) The conduct in question was caused by or had a direct and substantial relationship to the student’s disability.

B.) The conduct in question was the direct result of the school district’s failure to implement the current IEP.

* This determination may be made at the same conference where the Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP) are discussed.
Causal relationship exists if I.E.P. T. answers "yes" to #A or #B

I.E.P. T. determines if change in services is warranted

Follow school's expulsion procedures
(See AG 5610) Send special education records and disciplinary records to expulsion examiner

Parent files request for due process hearing. (If the student has been placed in an Interim Alternative Educational Setting (IAES) for weapons, drugs or for inflicting serious bodily injury

The student remains there unless the forty-five (45) school day period expires).

Hearing officer reviews the causal relationship (MDR) decision (according to above criteria).
Change in Placement by Hearing Officer of a Student who is Dangerous

Hearing officer may assign student to an appropriate interim alternative educational setting for not more than forty-five (45) school days IF school can demonstrate by substantial evidence:

A. current placement is substantially likely to result in injury to self/others;

B. appropriateness of current placement;

C. school has made reasonable efforts to minimize risk of harm in current placement, including the use of supplementary aids and services;

D. interim alternative educational setting is:

1. determined by the I.E.P.T.;

2. will enable the student to continue to participate in the general curriculum (although in another setting) and continue to receive services and modifications to enable student to meet IEP goals;

3. will include services and modifications designed to address behavior so that it does not re-occur.

The hearing is an expedited procedure.
An incident of student behavior occurs that results in a disciplinary removal from school.

- **Yes**: Is the student receiving special education?
  - **Yes**: Is this removal for 10 school days or less?
    - **No**: See Student Not Yet Eligible for Special Education (Figure 2)
    - **Yes**: See Change in Placement: Dangerous Behavior (Figure 6)
  - **No**: Is this removal for drugs or weapons?
    - **Yes**: See Change in Placement: Drugs / Weapons / Serious Bodily Injury (Figure 5)
    - **No**: Is this removal for dangerous behavior not involving drugs or weapons?
      - **Yes**: See Change in Placement: Dangerous Behavior (Figure 6)
      - **No**: See General Change in Placement (Figure 4)
School sends parent notice of disciplinary action according to general education policy.

Is there “prior knowledge” of a suspected disability?

1. Prior knowledge exists if:
   a. Parent expresses concern in writing to school administrative staff or teacher that the child is in need of special education and related services (or the parent verbally expresses concern and staff can corroborate); or
   b. Parent request for special education evaluation, or an evaluation is otherwise in process prior to incident; or
   c. Teacher or other personnel have expressed concern about a pattern of behavior directly to the Director of Special Education or supervisory personnel of the district. §300.534(b)

2. Prior knowledge does not exist if the parent:
   a. Has not allowed an evaluation of the child.
   b. Has refused special education services.
   c. A previous evaluation has found the student to be ineligible. §300.534(c)

Is parent or other person requesting an evaluation after the incident?

NO

Immediate evaluation per district procedures – afford the student the same protections as students with a disability until the question of eligibility is resolved.

Have parent sign consent for evaluation, if not already signed. Provide parent copy of Special Education Procedural Safeguards.

Immediately evaluate per district procedures.

Parent may assert protections for student until eligibility is resolved.

District implements general education discipline procedures for comparable behaviors which can include removal without educational services.

Yes, prior knowledge does exist

NO

“Prior Knowledge” excerpt adapted from Discipline Procedures Document, MDE, January 2011.
Figure 3

Removals - Not a Change in Placement

(10 or less school days)

School sends parent notice of disciplinary action according to general education policy.

The IEP team considers if a series of removals form a pattern of removal (change of placement)? IEP team must take into account:

1. Length of removals
2. Total amount of time removed
3. Proximity of removals to each other

The IEPT reviews the need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)

YES

District implements general education discipline procedures.

NO

See General Change in Placement (Figure 4)
Figure 4

Removals - General Change of Placement

(11 or more days or pattern of removals constituting a change in placement)

On the day on which the decision is made to remove the student, the school provides parent notice of special education rights and procedures.

Within 10 school days of decision to change the placement of student due to a violation, district holds a Manifestation Determination Review (MDR). The district, parent and relevant members of the IEP Team must determine: Is the behavior a manifestation of the disability?

The IEP team reviews the need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)

Manifestation Determination Review held - does the IEP team consider the behavior a manifestation of the disability?

YES

General disciplinary procedures are terminated. The student returns to placement of last IEP or other placement determined by

IEP team takes immediate steps to remedy any deficiencies in the implementation of the current IEP.

NO

The IEP team meets to determine services that will occur when the school implements general education discipline procedures. The services must:

1. Enable student to appropriately progress in the general curriculum, and
2. Appropriately advance toward IEP goals

Parent may request expedited hearing to appeal the manifestation determination and/or services. During due process, student placement remains in the last uncontested IEP.
Figure 5

Change of Placement: Special Circumstances
(Weapons/Drugs/Serious Bodily Injury)

On the day on which the decision is made to remove the student, the school provides parent notice of special education rights and procedures.

Within 10 school days of decision to change the placement of student due to a violation, district holds a Manifestation Determination Review (MDR). The district, parent and relevant members of the IEP team must determine: Is the behavior a manifestation of the disability?

The IEP team reviews the need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP).

Manifestation Determination Review held - does the IEP team consider the behavior a manifestation of the disability?

YES

The district may use general discipline procedures and place the student in an interim alternative education setting (IAES). Setting and services are determined by the IEP team. The IAES must:

1. enable the student to continue to progress in the general curriculum;
2. continue services and modifications to enable the student to meet the goals in the IEP;
3. include services and modifications that are designed to prevent the behavior from recurring.

NO

Parent may request expedited hearing to appeal the manifestation determination and/or IAES. During due process, student placement remains in the IAES proposed by the school.
Figure 6

Change of Placement: Dangerous Behavior
(Not Special Circumstance)

On the day on which the decision is made to remove the student, the school provides parent notice of special education rights and procedures.

The IEP team reviews the need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP).

Within 10 school days of decision to change the placement of student due to a violation, district holds a Manifestation Determination Review (MDR). The district, parent and relevant members of the IEP team must determine: Is the behavior a manifestation of the disability?

YES

Student returns to placement of last uncontested IEP. Agency must take immediate steps to remediate any deficiencies in the IEP.

NO

Relevant disciplinary procedures applicable to children without disabilities may be used. (Service standards are the same as for General Change of Placement, see Figure 4.

If it is believed that maintaining the student in the current placement is substantially likely to result in injury to the student or others, the district may seek a court order for an alternative placement for 45 school days. Other placement may be used if school and parent agree.
Referral to and Action by Law Enforcement and Judicial Authorities

34 CFR §300.535

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or

2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Transmittal of Records

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child’s special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and

2. May transmit copies of the child’s special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

Authority of an Administrative Law Judge (ALJ)

An administrative law judge that meets the requirements described under the sub-heading, impartial administrative law judge must conduct the due process hearing and make a decision. The ALJ may:

1. Return the child with a disability to the placement from which the child was removed, if the ALJ determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the child’s behavior was a manifestation of the child’s disability; or

2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the ALJ determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

**QUICK REFERENCE GUIDE TO DISCIPLINE**

The following chart delineates the roles of the administrator, teacher and parent in the disciplinary process:

**10 DAYS OR LESS SUSPENSION**
(Short-term Suspension)

If the Discipline Referral is initiated by a general education teacher the student’s case manager must be notified.

Teacher/Case Manager

- Ascertain that student is receiving all required support services as determined by the IEP (i.e. school social work services, Behavior Intervention Plan, etc.)
- Check for prior removals to ascertain whether or not a pattern of removal exists; 
  - If a pattern exists, conduct a FBA and develop a BIP
- Prepare classroom work packet, if appropriate
- Monitor for return to school on appropriate return date

Administrator

- Review the disciplinary referral
- Contact special education department head (secondary schools) or case manager
- Identify, investigate and categorize the student misconduct
- Determine appropriate disciplinary action
- Apply appropriate due process procedures
- Contact and communicate with parent or guardian
- Check for prior removals to ascertain whether or not a pattern of removal exists; 
  - If a pattern exists, conduct a FBA and develop a BIP
- Assure the provision of appropriate classroom work packet, if appropriate
- Monitor for return to school on appropriate return date

Parent

- Inform student of importance of adhering to the school’s Code of Conduct and respect of school personnel
- Review and understand IDEA ’04 procedural rights
- Understand the district’s obligations and rights regarding the discipline of students with disabilities
- Share with building administrator and staff information that will help the student
- Assure that classroom work packet is complete and student returns to school on appropriate return date
**SUBSEQUENT REMOVALS FOR 10 DAYS OR LESS**

(Possible Pattern/Series of Removals that Constitute a Change of Placement)

**Teacher/Case Manager**
- Check for prior removals to ascertain whether or not pattern of removal exists which constitutes a change of placement
- Review existing Behavior Intervention Plan and determine if adjustments are needed
  - If one does not exist, conduct a FBA and develop a BIP
  - The plan should be designed to address the misconduct so that it is not a recurring pattern of behavior
- Conduct an MDR within 10 schools days of decision to change the student’s placement. (It is possible that a student returns to school before the MDR is held)
- Prepare classroom work packet, if appropriate
- Monitor for return to school on appropriate return date

**Administrator**
- Review the disciplinary referral
- Contact special education department head (secondary schools) or case manager
- Identify, investigate and categorize the student misconduct
- Determine appropriate disciplinary action
- Apply appropriate due process procedures
- Contact and communicate with parent or guardian
- Review existing Behavior Intervention Plan and determine if adjustments are needed
  - If one does not exist, conduct a FBA and develop a BIP
  - The plan should be designed to address the misconduct so that it is not a recurring pattern of behavior
- Conduct an MDR within 10 schools days of decision to change the student’s placement
- Assure provision of appropriate FAPE
- Monitor for return to school on appropriate return date

**Parent**
- Inform student of importance of adhering to the school’s Code of Conduct and respect of school personnel
- Review and understand IDEA ‘04 procedural rights
- Understand the district’s obligations and rights regarding the discipline of students with disabilities
- Share with building administrator and staff information that will help the student
- Participate in the MDR, Functional Behavioral Assessment and Behavior Intervention Plan
- Participate in any adjustments or revisions of the Behavior Intervention Plan to assure that the misconduct does not occur again
- Understand and assist in the services provided for the continuation of FAPE and assure the student’s return to school on the appropriate return date

**Parent**
- Monitor for return to school on appropriate return date
## REMOVALS FOR MORE THAN 10 DAYS AT A TIME

*(Long-term Suspension)*

### Teacher/Case Manager
- Contact the special education administrator
- Conduct a MDR within 10 school days of decision to change the student’s placement. A MDR is held to determine if the behavior is a manifestation of the student’s disability
- Review existing Behavior Intervention Plan and determine if adjustments are needed
- Make provisions for continuation of FAPE on the 11th day (i.e., continuation of educational program and services outside of the traditional setting)
- Conduct IEP team meeting / or amendment to IEP to assure provision of appropriate educational services
- Prepare classwork
- Monitor for return to school on appropriate return date

### Administrator
- Determine if there are unique circumstances involved in the infraction
- Contact the special education administrator and case manager
- Conduct a MDR within 10 school days of decision to change the student’s placement. A MDR is held to determine if the behavior is a manifestation of the student’s disability
- Review existing Behavior Intervention Plan and determine if adjustments are needed
- Conduct IEP team meeting / or amendment to IEP to assure provision of appropriate educational services
- Assure provision of appropriate FAPE is continued throughout suspension
- Monitor for return to school on appropriate return date

### Parent
- Inform student of importance of adhering to the school’s Code of Conduct and respect of school personnel
- Review and understand IDEA ‘04 procedural rights
- Understand the district’s obligations and rights regarding the discipline of students with disabilities
- Share with building administrator and staff information that will help the student
- Participate in the MDR, Functional Behavioral Assessment and Behavior Intervention Plan
- Participate in any adjustments or revisions of the Behavior Intervention Plan to assure that the misconduct does not occur again
- Understand and assist in the services provided for the continuation of FAPE and assure the student’s return to school on appropriate return date

---

In all cases of long-term suspension, the principal is responsible for involving the special education administrator.