



The Chatfield School | A State School of Excellence

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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 administrator 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 (see next section).

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. Please note that the new Section 1310d Disciplinary Factors must be followed. The principal should stay alert to the possible need to convene a student's IEP TEAM 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 [§300.530(d)(3)]. 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.



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A student with a disability who is removed from the current placement for more than ten (10) schooldays 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 to the extent required in §300.530(d).

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 IEP Team 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 §300.530(d)(1)(i).



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Change of Placement §300.536

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.

Note: 1310d factors not required for possession of firearm

Services provided to Children removed for Disciplinary reasons

§300.530(d) broadly addresses the provision of services to children with disabilities under disciplinary action.

The amount of time a child is removed from his or her regular placement for disciplinary reasons may also affect the nature and extent of services provided during the time of removal. For example:



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...a child who is removed for a short period of time and who is performing at grade level may not need the same kind and amount of services to meet this standard as a child who is removed from his or her regular placement for 45 days under §300.530(g) or §300.532 and not performing at grade level. (Id.).

An LEA is not required to provide children suspended for more than 10 school days in a school year for disciplinary reasons exactly the same services in exactly the same settings as they were receiving prior to the imposition of discipline. However, the special education and related services the child does receive must enable the child to continue to participate in the general curriculum, and to progress toward meeting the goals set out in the child's IEP. (71 Fed. Reg. 46716)



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