



quick tips...

Essential information and/or interesting facts from Special Education Services, Alabama State Department of Education.

## Quick Tips for Discipline



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## GENERAL DISCIPLINE RULES FOR STUDENTS WITH DISABILITIES

- **All students, those with and without disabilities, are entitled to certain rights before they can be excluded for any period of time from public school for disciplinary reasons.**
- School personnel should consider unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate for a student with a disability who violates the code of student conduct.
- **School personnel may remove a student with a disability who violates the code of student conduct from the current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days.**
- Any disciplinary removal of a student with a disability from the current placement for more than 10 consecutive school days is a “change of placement” for the student.
- **Disciplinary removals of a student with a disability for more than 10 days total in a school year might be a “change of placement” for the student if there is a pattern of removals.**
- Disciplinary removals of a student with a disability that are not necessarily called “suspension” might be counted as “change of placement” days for that student.
- **Care should be taken to ensure that a student is not denied access to their specially designed instruction due to frequent disciplinary removals.**
- If a student is placed in ISS (in school suspension) and no special education services are provided, that day is counted as a day of removal.
- **If transportation is a related service on the IEP and the student is suspended from the bus and alternative transportation is not provided, the bus removal is counted as an out of school suspension.**
- School personnel have the authority to remove a student with a disability from the current placement for up to ten school days and for additional days for subsequent incidents, as long as a change of placement does not occur.
- **Before a change of placement occurs, unless under special circumstances, the IEP Team must meet to make a manifestation determination.**
- If the student’s behavior is found to be a manifestation of the child’s disability, the IEP Team shall ensure that a Functional Behavioral Assessment (FBA) is conducted unless the Local Education Agency (LEA) had conducted a FBA in the past before the behavior resulted in change of placement occurred. School personnel shall implement a Behavioral Intervention Plan (BIP) for the student, or if a BIP already has been developed, review the BIP, and modify it, as necessary, to address the behavior and return the student to original placement unless the school and parent(s) agree to a change in placement through the IEP process.
- **Even where no manifestation is determined and placement is changed, the student must continue to receive a Free Appropriate Public Education (FAPE) and, if appropriate, a FBA must be conducted and BIP must be developed.**

- **After a student with a disability has been removed for 10 school days in the same school year, the student must receive “FAPE” during subsequent removals.**
- Basically, no matter how dangerous or disruptive a student is, a school system must follow the change of placement procedures.
- **When the behavior that violates the school’s code of conduct is not a manifestation of the student’s disability and leads to expulsion for regular education students who exhibit that behavior, it is technically possible to expel the student with a disability. However, the school system is still required to provide FAPE so as to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student’s IEP.**
- School personnel may remove a student with a disability to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student’s disability in cases involving weapons, drugs or serious bodily injury.
- **The parent of a child with a disability who disagrees with a disciplinary decision or a school system that believes that maintaining the current placement of a student with a disability is substantially likely to result in injury may request an expedited due process hearing.**
- A hearing officer may order the return of the student to the placement from which the student was removed or order a change of placement to an appropriate interim alternative educational setting for not more than 45 school days.
- **When a hearing is initiated, by either the parent or LEA, the student remains in the interim alternative educational setting pending the expedited decision of the hearing officer or until the expiration of a placement change, whichever occurs first, unless the parent and the school system agree otherwise.**