

Discipline Checklist

Discipline options and procedures...

Student is suspended or placed in disciplinary program for ten or less school days in a school year

- ✓ No special education 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 if necessary to enable student to appropriately progress as determined by school staff (not IEP team).

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

- ✓ Immediate notification to parent with copy of procedural safeguards notice.
- ✓ Manifestation determination by relevant members of the IEP team and parent within 10 school days but the 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 to receive a free appropriate public education (FAPE) with continued progress in the general education curriculum. The student will receive, as appropriate, a functional behavioral assessment, behavior intervention services and modifications, designed to address the behavior violation so that it does not reoccur.

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

- ✓ Immediate notification to parent with copy of procedural safeguards notice.
- ✓ Parent or school may file request for expedited hearing with TEA.
- ✓ 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 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 FAPE and continued access to general education curriculum.
- ✓ Hearing officer can extend for additional 45 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.
- ✓ The student should receive, as appropriate, a functional behavioral assessment, behavior intervention services and modifications, designed to address the behavior violation so that it does not reoccur.
- ✓ If conduct is found related to disability, then no disciplinary change of placement allowed (unless drugs, weapons, serious bodily injury).
- ✓ If conduct is found unrelated to disability, then a long-term placement in a disciplinary alternative education placement can be implemented and the IEP team must determine alternative educational setting to serve student during period of long-term suspension or expulsion and determine services which will enable the student to continue to receive a FAPE and continued access to general education curriculum.
- ✓ Immediate notice to parent with copy of procedural safeguards notice is required.

Court injunction for dangerous/violent students

- ✓ Hire lawyer.
- ✓ Lawyer files 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 the school district's attorney who will generally prepare court order for judge's signature with desired provisions/limitations.

** A long-term suspension is a removal of a child with a disability from their current educational placement in excess of 10 consecutive school days, or in excess of 10 school days cumulatively in a school year where a pattern of removals is created. Determination of whether a pattern of removals constitutes a change of placement is based on factors such as length of each removal, total amount of time child is removed, and the proximity of the removals to one another. A long-term suspension or expulsion is a change of placement.*



The contents of this factsheet were developed under a grant from the US Department of Education, H328M120025 (PEN), H328M120026 (TEAM), & H328M120027 (PATH). However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer, Greg Knollman.



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