

## 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.*



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