

Discipline Children with Disabilities

- Case by Case Basis
- Short-term Suspensions
- Long-term Suspensions
- Special Circumstances

What is Discipline?

- Removal from the current educational placement in response to a violation of the student code of conduct
 - To an interim alternative educational setting
 - To another setting
 - Suspension
- When is a removal a change of placement?
 - It is for more than 10 consecutive school days or
 - A series of removal that exceed 10 days cumulatively and constitute a pattern

Case-by-Case Basis

- Should the discipline be the same for all students?
 - No, the school should consider the unique circumstances of each child with a disability when determining appropriate discipline.

Short-term Suspensions

- What constitutes a short-term suspension
 - Less than 10 days and no change of placement
- What education services must be provided when child with a disability is short-term suspended?
 - None
- What must a public agency do when a child with a disability is short-term suspended but has been suspended cumulatively more than 10 days?
 - Provide services starting on day 11

Long-Term Suspension

- What constitutes a long-term suspension?
 - More than 10 consecutive days or
 - 10 days cumulative with a pattern
- What is a pattern of suspension?
 - Repeated suspensions with common factors
- What are the immediate steps a public agency must take when long-term suspending a student?
 - Hold a manifestation determination meeting

Manifestation Determination

- When must a Manifestation Determination be held?
 - Within 10 days of a disciplinary change of placement
- Who must attend a Manifestation Determination meeting?
 - Parent, district, relevant IEP members

- What is the purpose?
 - Determine if the behavior was related to the disability or
 - Was a result of the failure to implement the IEP
- What information is reviewed?
 - IEP, teacher observations, parent information

Behavior Is A Manifestation of the Disability

- What steps are taken if the behavior is found to be a manifestation of the disability?
 - No suspension or expulsion
 - Implement a behavior intervention plan
- What if the behavior is a manifestation of the disability but is a behavior that falls under special circumstances?
 - Student placed in an interim alternative educational setting

Behavior is NOT a Manifestation of the Disability

- What steps are taken when the behavior is not a manifestation of the disability?
 - Discipline imposed with services
- Is a FBA or BIP required?
 - Yes, if appropriate

Special Circumstances for Long-Term Suspension

- What are special circumstances?
 - Weapons, drugs, serious bodily injury
- What discipline can be imposed in special circumstances?
 - 45 day interim alternative educational placement

Dangerous and Violent Students with Disabilities

- How can the safety of all students be ensured if a child with a disability is likely to injure herself/himself or others?
 - Remove the child from the school
- Can a school report a crime committed by a child with a disability?
 - Yes

- What steps can be taken to remove a child with a disability who is likely to injure herself/himself or others?
 - Obtain a court injunction or
 - Initiated an expedited due process hearing or
 - Long term suspension or expulsion if not related to the disability or
 - Change of placement through the IEP process

Knowledge of Disability

- When is a public agency deemed to have knowledge that a child is a child with a disability?
 - Parent expressed concern in writing
 - Parent requested an evaluation
 - Teacher or staff have expressed a concern
- When is a public agency deemed NOT to have knowledge that a child is a child with a disability?
 - Evaluation showed no disability
 - Parent refused an evaluation
 - District determined evaluation was not needed and gave parents a notice of action

- What about a child who is receiving early intervening services?
 - Does not mean the district had knowledge of a disability
- What happens if a student violates the code of conduct while they are in the process of being evaluated for a disability?
 - Disciplined as a child with disability
 - Manifestation determination can be held after the evaluation is completed

Stay-Put in Today's Public Agency Setting

- What is stay-put?
 - Child remains in the current educational setting
- How does it apply to discipline?
 - Child remains in the 45 day interim alternative educational placement during appeal of the discipline or manifestation determination

Be Pro-Active

- What can public agencies do to meet the needs of children with disabilities who are struggling with behavior problems?
 - Institute school wide Positive Behavioral Support programs
 - Work with the Regional Professional Development Centers
 - Train staff to perform FBA and develop BIP

Additional Resources

- Resources on Discipline are available on the DESE website at <http://www.dese.mo.gov/divspeced/Compliance/Guidance/Discipline.htm>
 - Q & A on Discipline
 - Overview sheet on Discipline under IDEA
 - Checklist for Discipline Procedures

- Resources and handouts for each of the presentations in the series can be found at the following website <http://www.dese.mo.gov/divspeced/Compliance/index.html>.
- The Division of Special Education welcomes questions that participants may have after viewing the presentations. Questions can be submitted to the following mailbox webreplyspe@dese.mo.gov or by calling the Division of Special Education at 573-751-0699.
