

Missouri Office of Special Education Compliance Standards & Indicators

300-Discipline

Legal Requirement	Indicator	Documentation
SHORT TERM SUSPENSIONS:		
<p>300.10 Removal of ten (10) school days or less in a school year:</p> <p>34 C.F.R. §300.530 (b)(1); SP(V)</p>	<p>School personnel may consider any unique circumstances on case-by-case basis when determining whether a change of placement, consistent with other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.</p> <p>School personnel may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) school days in a school year (to the extent such alternatives are applied to children without disabilities).</p> <p>300.10.a. Discipline records include documentation that student did not exceed ten (10) school days of out of school suspension in a school year.</p> <p>NOTE: The public agency is not required to provide services to a child with a disability who has been removed from his/her current placement for ten (10) school days or less in a school year, if services are not provided to a child without disabilities who has been similarly removed.</p>	<p>Agency records; student file</p>
<p>300.20 Any subsequent <u>removals</u> of a student over ten (10) school days <u>cumulatively</u> in a school year when no change of placement is involved (no pattern of suspension has been created):</p> <p>34 C.F.R. §300.530 (b)(1); SP(V)</p>	<p>School personnel determine whether the current removal constitutes a pattern of suspension. If no pattern is created, then school personnel, in consultation with at least one of the child’s teacher’s, determine the extent to which services are required on the 11th school day and thereafter and the location in which services will be provided to enable child to appropriately progress in general curriculum and appropriately advance towards achieving goals set out in IEP. Documentation includes the following:</p> <p>300.20.a. Date on which the decision was made regarding the extent to which services were required on the 11th school day and thereafter and the location in which the services would be provided</p> <p>300.20.b. Listing of participants in the decision</p> <p>300.20.c. Results of the decision</p> <p>NOTE (1): If the removal is for more than 10 days <u>consecutively</u> or if school district personnel determine a pattern of suspension has been created, see long-term suspension.</p> <p>NOTE (2): To determine whether a pattern is created, consider:</p> <ol style="list-style-type: none"> 1) if the series of removals total more than ten (10) school days cumulatively in a school year; 2) if the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and, 	<p>Agency records; student file</p>

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	<p>3) such additional factors as length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.</p> <p>Note (3): 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.</p> <p>Note (4): For any services provided, they must be designed so as to enable the child to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP. As appropriate, the child should have a functional behavior assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.</p>	
LONG TERM SUSPENSIONS/EXPULSIONS (DISCIPLINARY CHANGE OF PLACEMENT):		
<p>300.30 Child removed in excess of ten (10) consecutive school days: OR Removals exceed ten (10) school days cumulatively and constitute a pattern of suspension</p> <p>34 C.F.R. §300.350 (e)(1), §300.536 (a)(1)-(2)(i-iii); SP(V)</p>	<p>300.30.a. Documentation is present that the child was removed in excess of ten (10) school days consecutively or has been subjected to a series of removals that exceed ten (10) school days cumulatively and school personnel have determined that those removals constitute a pattern of suspension.</p> <p>300.30.b. Documentation is present that within ten (10) school days after any decision to change the placement of a child with a disability because of a violation of a code of student conduct, a manifestation determination was conducted.</p>	Student file
<p>300.40 Manifestation Determination:</p> <p>34 C.F.R. §300.350 (e)(2); SP(V)</p>	<p>Documentation is present that the local educational agency, the parent, and relevant members of the IEP team (as determined by the parent and the LEA):</p> <p>300.40.a. Reviewed all relevant information in the student's file, including</p> <p style="padding-left: 20px;">300.40.a.(1) The child's IEP</p> <p style="padding-left: 20px;">300.40.a.(2) Any teacher observations</p> <p style="padding-left: 20px;">300.40.a.(3) Relevant information provided by the parents</p> <p>Documentation is present that the local educational agency, the parent, and relevant members of the IEP team (as determined by the parent and the LEA) made a determination regarding both of the following:</p> <p>300.40.b. Whether the conduct in question was caused by, or had a direct and substantial relationship to the child's disability</p> <p style="text-align: center;">OR</p> <p>300.40.c. Whether the conduct in question was the direct result of the LEA's failure to implement the IEP.</p>	Student file

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	NOTE: The conduct must be determined to be a manifestation if either of these conditions is met.	
<p>300.50 Conduct is found not to be a manifestation of a disability:</p> <p>34 C.F.R. §300.530 (c)(d)(1), SP(V)</p>	<p>Documentation is present that the local educational agency, the parent, and relevant members of the IEP team (as determined by the parent and the LEA):</p> <p>300.50.a. Found the conduct in question was not caused by, or had a direct and substantial relationship to the child’s disability</p> <p style="text-align: center;">AND</p> <p>300.50.b. The conduct in question was not the direct result of the LEA’s failure to implement the IEP</p> <p>Documentation is present that the IEP team:</p> <p>300.50.c. Determined services that would enable the child to:</p> <p style="padding-left: 20px;">300.50.c.(1) Continue to receive educational services to continue to participate in the general education curriculum, although in another setting.</p> <p style="padding-left: 20px;">300.50.c.(2) Progress toward meeting goals set out in the IEP.</p> <p style="padding-left: 20px;">300.50.c.(3) Receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</p> <p>300.50.d. Determined placement.</p> <p>Documentation is present that the LEA:</p> <p>300.50.e. Provided the parent with Prior Written Notice for change of placement.</p> <p>300.50.f. Provided a copy of the Procedural Safeguards Notice</p> <p>NOTE (1): Services can be provided through alternative schools, homebound services, contractual arrangement with other agencies or private agencies, mutually agreed sites off school grounds or other settings <u>as determined by the IEP Team</u>.</p> <p>NOTE (2): If the parent disagrees with the team’s decision and requests due process, “stay-put” shall be in the interim alternative educational setting pending the decision of the hearing officer, unless the parent and local educational agency can agree otherwise.</p>	
<p>300.60 Conduct is found to be a manifestation of the disability.</p> <p>(N/A if conduct is found NOT to be a manifestation of the disability)</p>	<p>Documentation is present that local educational agency, the parent, and relevant members of the IEP team:</p> <p>300.60.a. Found the conduct in question was caused by, or had a direct and substantial relationship to the child’s disability</p> <p style="text-align: center;">OR</p> <p>300.60.b. The conduct in question was the direct result of the LEA’s failure to implement the IEP.</p> <p>Documentation is present that the IEP team:</p>	Student file

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<p>34 C.F.R. §300.530 (f)(1)(i – ii)(2), SP (V)</p>	<p>300.60.c. Conducted a Functional Behavior Assessment (FBA), unless the LEA had conducted a FBA assessment before the behavior that resulted in the change of placement occurred</p> <p style="text-align: center;">AND</p> <p>300.60.d. Implemented a Behavioral Intervention Plan (BIP) or if a BIP already has been developed, reviewed the BIP and modified it as necessary to address the behavior.</p> <p>Documentation is present that the:</p> <p>300.60.e. Agency returned the child to the placement from which the child was removed,</p> <p style="text-align: center;">OR</p> <p>300.60.f. The parent and LEA agreed to a change of placement as part of the modifications to the Behavior Intervention Plan (BIP)</p>	
SPECIAL CIRCUMSTANCES/FORTY-FIVE (45) SCHOOL DAY INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT:		
<p>300.70 Forty-five (45) day removal – weapons/drugs/serious bodily injury:</p> <p>34 C.F.R. §300.350 (g)(1-3), (h); 34 C.F.R. §300.350 (f)(1)(i – ii), (2); SP(V)</p>	<p>Whether or not the behavior was a manifestation of the child’s disability, school personnel may remove a student to an interim alternative educational setting (determined by the child’s IEP team) for up to forty-five (45) school days if the child:</p> <p>300.70.a. Carries or possesses a weapon to school, or has a weapon at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district.</p> <p style="text-align: center;">OR</p> <p>300.70.b Knowingly has or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district; or,</p> <p style="text-align: center;">OR</p> <p>300.70.c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State Educational Agency or a school district.</p> <p>Documentation is present that on the date the superintendent or designee issued the 45 school day suspension the parent(s) and/or majority-aged student was:</p> <p>300.70.d. Notified of the decision</p> <p>300.70.e. Provided a copy of the Procedural Safeguards Notice</p> <p>Documentation is present that within ten (10) school days after any decision to change the placement of a child with a disability because of a violation of a code of student conduct:</p> <p>300.70.f A manifestation determination was conducted.</p>	<p>Student file</p>

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	<p>Documentation is present that the local education agency, parent, and relevant members of the IEP team:</p> <p>300.70.g. Found the conduct in question was caused by, or had a direct and substantial relationship to the child’s disability or was the direct result of the LEA’s failure to implement the IEP.</p> <p style="text-align: center;">OR</p> <p>300.70.h. The conduct in question was not caused by, or had a direct and substantial relationship to the child’s disability or was not the direct result of the LEA’s failure to implement the IEP.</p> <p>300.70.i. The IEP determined services that would enable the child to:</p> <p style="padding-left: 20px;">300.70.i.(1) Continue to receive educational services to continue to participate in the general education curriculum, although in another setting.</p> <p style="padding-left: 20px;">300.70.i.(2) Progress toward meeting goals set out in the IEP.</p> <p style="padding-left: 20px;">300.70.i.(3) Receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</p> <p>NOTE (1) The interim alternative educational setting must be determined by the IEP team for removals that are changes of placement and forty-five (45) school day placements described under special circumstances.</p> <p>NOTE (2) If relevant members of the IEP team determine the conduct was not a manifestation of the disability then the agency may impose disciplinary procedures consistent with those applied to children without disabilities.</p>	
<p>300.80 Forty-five (45) day removal – violent/dangerous student:</p> <p>(NA except when ordered by a hearing officer through expedited due process hearing)</p> <p>34 C.F.R. §300.530(g); SP(V)</p>	<p>If a child is likely to injure herself/himself or others, the agency can request an expedited due process hearing to seek a forty-five (45) school day interim alternative educational placement that will allow the child to receive educational services that will enable him/her to:</p> <p style="padding-left: 20px;">300.80.a. Continue to participate in the general education curriculum, although in another setting.</p> <p style="padding-left: 20px;">300.80.b. Progress toward meeting goals set out in the IEP.</p> <p style="padding-left: 20px;">300.80.c. Receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</p> <p>Documentation is present that the agency:</p> <p style="padding-left: 20px;">300.80.d. Notified the parent of the decision to seek this order on the day the decision is made.</p> <p style="padding-left: 20px;">300.80.e. Provided the parent with a copy of the Procedural Safeguards.</p> <p style="padding-left: 20px;">300.80.f. Filed a request for expedited hearing with DESE.</p> <p style="padding-left: 20px;">300.80.g. Local educational agency, the parent, and relevant members of the IEP team (as determined by the parent and the LEA) conducted a manifestation determination.</p>	Student file

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	<p>NOTE (1): Decision that conduct is manifestation of the disability will not affect whether the student receives a forty-five (45) school day placement in an interim alternative educational setting.</p> <p>NOTE (2): Through an additional due process hearing, a hearing officer may extend placement for an additional forty-five (45) school day increment(s) if the student continues to present a danger to himself or others.</p> <p>NOTE (3): Another option for removal of a violent, dangerous student would be to file for an injunction with court of competent jurisdiction.</p> <p>NOTE (4): If the team determines the conduct is not a manifestation of the disability, then the agency may impose disciplinary procedures consistent with those applied to children without disabilities.</p>	