

300-Discipline

Legal Requirement	Indicator	Documentation
<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>300.70.i.(1) Continue to receive educational services to continue to participate in the general education curriculum, although in another setting.</p> <p>300.70.i.(2) Progress toward meeting goals set out in the IEP.</p> <p>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>300.80.a. Continue to participate in the general education curriculum, although in another setting.</p> <p>300.80.b. Progress toward meeting goals set out in the IEP.</p> <p>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>300.80.d. Notified the parent of the decision to seek this order on the day the decision is made.</p> <p>300.80.e. Provided the parent with a copy of the Procedural Safeguards.</p> <p>300.80.f. Filed a request for expedited hearing with DESE.</p> <p>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