

300-Discipline

Legal Requirement	Indicator	Documentation
	<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