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| **Discipline Documentation Form for Students with an Individualized Education Program (IEP)** |
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| **Description of Infraction:** |
| [ ]  Copy of the discipline report is attached to the discipline documentation form. |

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| Students with disabilities can receive discipline. However, when they are removed from their **educational placement** for disciplinary reasons and that action constitutes a **disciplinary removal**, certain procedures must be followed. The following definitions will be helpful in determining whether the removal is one that requires additional action. |
| **Educational Placement** is the setting in which a special education program is provided. For school-aged children, this setting is one of the following: * regular school campus with the student inside the class with his/her peers without disabilities for:
	+ more than 80% of the day
	+ 79% to 40% of the school day
	+ less than 40% of the school day
* separate school
* residential facility
* homebound/hospital
* correctional facility
* private school
 |
| **Disciplinary Removal** is any instance in which a child is removed from his/her educational placement for disciplinary purposes and not receiving special education services as outlined in the IEP. These removals include:* in-school suspension
* out-of-school suspension
* expulsion
* removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury
* removal by a hearing officer for likely injury to self or others.
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| **What type of removal action was taken by the public agency as a result of this infraction?** |
|[ ]  In-School Suspension – Instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Note: ISS will count toward OSS days unless these three conditions are met for the child: 1. continues to have access to and progress in general education curriculum
2. continues to receive the services specified in the IEP
3. continues to participate with non-disabled peers as outlined in current IEP placement
 |
|[ ]  Out-of-School Suspension – Instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less and removals in which the child continues to receive services according to his/her IEP. |
|[ ]  Expulsion – An action taken by the local educational agency removing a child from his/her regular school for disciplinary purposes indefinitely in accordance with local educational agency policy. |
|[ ]  Unilateral Removal – Instances in which school personnel, not the IEP team, ordered removal of the student with an IEP from his/her current educational placement to an appropriate interim alternative educational (IAE) setting for not more than 45 days. This removal may occur when infractions involve drugs/alcohol/serious bodily injury. School personnel determine the use of this option; IEP teams determine the setting of this option. |
| **Answer the following questions to determine if this disciplinary removal is a Long-term Suspension\*.***\*Long-term Suspension – A disciplinary removal for greater than 10 days consecutively or greater than 10 days cumulatively in one school year when a pattern has been created.* |
| 1. Number of disciplinary removal days for **this** infraction - \_\_\_\_\_\_\_\_\_\_\_\_\_\_
 |
|  Is the total number of days for this infraction greater than 10 consecutively? |
| [ ] **YES**, go to line 2 | [ ] **NO**, go to line 3 |
| 1. Is this a disciplinary removal for drugs/weapons/serious bodily injury in which the district is choosing to use the 45 day **Interim Alternative Educational Setting** (IAES)placement option?
 |
|[ ]  **YES**, this disciplinary removal is for drugs/weapons/serious bodily injury. Go **directly** to **Section V**. (Do not use if suspending for more than 45 days. Check **NO** below.) |
|[ ]  **NO**, go **directly** to **Section II**. (Manifestation Determination)  |
| 1. Number of disciplinary removal days this school year prior to this infraction - \_\_\_\_\_\_\_\_\_\_\_\_\_\_
 |
| 1. Total number of cumulative disciplinary removal days this school year (lines 1 + 3) - \_\_\_\_\_\_\_\_\_\_\_\_
 |
| 1. Is the total number of disciplinary removal days (line 4) greater than 10 days cumulatively?
 |
| [ ]  **YES**, proceed to next question. | [ ]  **NO**, **STOP**. No special procedures are required. |
| 1. Has a pattern been created?
 |
| The public agency determines, on a case-by-case basis, if a pattern has been created. In determining this, the two questions below should be used to guide the LEA’s thinking about the existence of a pattern. Document the rationale based on the YES or NO answers to both questions. |
| 1. Is the child’s behavior substantially similar to the child’s behavior from previous incidents that resulted in the series of removals?
 |
| [ ]  **YES** | [ ]  **NO** |
| Rationale: |
| 1. Are there other factors such as length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another that create a pattern?
 |
| [ ]  **YES** | [ ]  **NO** |
| Rationale: |
|[ ]  If both A and B above are NO, the disciplinary removal likely does not constitute a pattern and would not be a long-term suspension under IDEA. Proceed to **Section I**. (Manifestation Determination is **NOT** required) |
|[ ]  If both A and B above are YES, the disciplinary removal likely does constitute a pattern resulting in a long-term suspension under IDEA. Proceed to **Section II**. (Manifestation Determination IS required) |
| [ ]  | If A and B above are a split decision, then LEA must determine, based on the individual circumstances, whether or not this removal has created a pattern:  |
|  | [ ]  If the LEA determines that it DOES create a pattern, proceed to **Section II** because a Manifestation Determination is required.  |
| OR |
|  | [ ]  If the LEA determines that it does NOT create a pattern, proceed to **Section I** because no long-term suspension has occurred  |
| **SECTION I**: Removal Greater than 10 Days in a School Year – No Change in Placement |
| School personnel, in consultation with at least one of the child’s teachers, determines the extent to which services are required on the 11th school day and thereafter when the child is removed from the current educational placement for this infraction. Services should be designed to enable the child to continue to participate in the general education curriculum and to progress toward meeting the goals set in the child’s IEP. The location of these services must also be determined. |
| Document any relevant information regarding the factors that must be considered in making this decision: |
| 1. Length of the removal:
 |
| 1. Extent to which the student has been removed previously:
 |
| 1. Student’s needs and educational goals:
 |
| Decision: |
|[ ]  Services **ARE** **NOT** required on the 11th day of school and thereafter until student returns to school. |
| Plan: |
|[ ]  Services **ARE** required on the 11th day of school and thereafter until student returns to school. |
| Plan: |
| Date of decision: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Name(s) and role(s) of individual(s) making the decision: |
| Name | Role |
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|  **SECTION II**: Manifestation Determination for any Long-term Suspension |
|[ ]  Documentation is present that within 10 school days of any decision to implement a long-term suspension, the public agency, the parent, and relevant members of the IEP team met to conduct a manifestation determination.  |
| Date of infraction:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| Date of decision to long-term suspend:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| Date of manifestation determination meeting:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Manifestation Determination Meeting (must complete all three steps) |
| **Step 1:** |
| Team reviewed the following material from the student’s record and noted relevant information:  |
| * Child’s IEP [ ]  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Any teacher observations [ ]  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Relevant information provided by parents [ ]  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Other: [ ]  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| **Step 2:** |
| Team determination: |
| 1. Was the conduct in question caused by, or does it have a direct and substantial relationship to, the child’s disability?
 |
| [ ]  **YES** | [ ]  **NO** |
| Rationale: |
| 1. Was the conduct in question the direct result of the LEA’s failure to implement the IEP?
 |
| [ ]  **YES** | [ ]  **NO** |
| Rationale: |
| **Step 3:** The team conclusion: |
|  |
|[ ]  If both A and B above are **NO**, conduct is not a manifestation of the disability. Document decision below and go to **Section III**. |
|[ ]  If either A or B above is **YES**, conduct is a manifestation of the disability. Document decision below and go to **Section IV**. |
| Date of decision: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Name(s) and role(s) of individual(s) making the decision: |
| Name | Role |
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| **SECTION III:** Long-term Suspension, Conduct **NOT** a Manifestation of the Student’s Disability. |
| Must complete all three steps: |
| **Step 1:** Documentation is present in **Section II** that relevant members of the IEP team found the conduct was not a manifestation of the disability |
| [ ]  **YES** | [ ]  **NO** (Go back to **Section II** to complete) |
| **Step 2:** School personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except that the IEP team must determine services that will enable the child to: |
| * Continue to receive educational services, which allow the student to participate in the general education curriculum, although in another setting
 | [ ]  IEP team considered |
| * Make progress toward meeting goals in the IEP
 | [ ]  IEP team considered |
| * Receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services and modifications designed to address the behavior violation so that it does not recur
 | [ ]  IEP team considered |
| **Step 3:** |
| Date of the IEP team meeting: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Describe the services the IEP team determined will be provided to the student during the long-term suspension:  |
| Describe the educational setting and placement the IEP team determined will be provided to the student:  |
| Name(s) and role(s) of individual(s) making the decision: |
| Name | Role |
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|[ ]  Parent provided with Prior Written Notice (PWN) for change of placement/services. Date: \_\_\_\_\_\_\_\_\_\_\_ |
|[ ]  Parent provided a copy of the Procedural Safeguards. Date: \_\_\_\_\_\_\_\_\_\_\_ |
|[ ]  Parent provided a copy of amended IEP (if appropriate). Date: \_\_\_\_\_\_\_\_\_\_\_ |
| **SECTION IV**: Long-term Suspension, Conduct was a Manifestation of the Student’s Disability. |
| Must complete all four steps: |
| **Step 1:** Documentation is present in Section B that relevant members of the IEP team found the conduct was a manifestation of the disability |
| [ ]  **YES** | [ ]  **NO** (Go back to **Section II** to complete) |
| **Step 2:** The IEP team conducted or reviewed a functional behavioral assessment (FBA) of the student. |
|[ ]  Took steps to conduct an FBA. |
| Date of Review of Existing Data (RED) meeting: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date of PWN for evaluation (if required): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **OR** |
|[ ]  Reviewed an FBA conducted prior to behavioral incident.  |
| Date of previous FBA: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Describe any changes: |
| **Step 3**: The IEP team developed or reviewed a behavior intervention plan (BIP) for the student. |
|[ ]  Developed a BIP to become part of the IEP. |
| Date of PWN for BIP: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **OR** |
|[ ]  Reviewed existing BIP and modified, as necessary, to address behavior related to this incident. |
| Date of PWN for BIP (if required): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| Describe any changes: |
| **Step 4:** Placement decision for the student is made. |
|[ ]  Agency returned child to placement from which the child was removed. |
| Date copy of amended IEP provided to parent (if appropriate): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **OR** |
|[ ]  Parent and LEA agreed to a change of placement as part of the modification of the BIP. |
| Date of PWN for change of placement: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| Date copy of amended IEP provided to parent: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **OR** |
|[ ]  The child’s placement continues in the interim alternative educational setting. IEP team determined the location of that setting (in the case of a 45 day unilateral removal). |
| **AND** |
|[ ]  The IEP team has determined services that would enable the child to continue to participate in the general education curriculum, progress toward meeting goals set out in the IEP, and to receive, as appropriate, behavior intervention services and modifications designed to address the behavior violation so that it does not recur. These services will take place in the alternate setting. |
| Date of PWN for change of placement and placement: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date copy of amended IEP provided to parent: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Describe any changes: |
| **SECTION IV**: (continued) |
| Date of the IEP team meeting: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Name(s) and role(s) of individual(s) making the decision: |
| Name | Role |
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| **SECTION V**: Unilateral Removal of up to 45 School Days in an Interim Alternative Educational (IAE) Setting. |
| 1. **Weapons/Drugs/Serious Bodily Injury**:
2. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
3. Knowingly possesses 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 an SEA or an LEA; or
4. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.
 |
| Date of decision to make a disciplinary removal to an IAE setting: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|[ ]  Parent/guardian was notified of the unilateral removal decision when it was made.  |
| Date and method of notification: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Person making notification: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|[ ]  Parent/guardian was provided a copy of the Procedural Safeguards.  |
| Date and method of provision: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|[ ]  Within 10 school days of decision to unilaterally remove the student, a Manifestation Determination is conducted. Complete **Section II** and either **Section III** or **IV** of this form depending upon decision. |
| 1. **Violent/dangerous student**:

There are certain circumstances in which the LEA can file for an expedited due process hearing or file for a court injunction to keep a student out of the school environment. If an LEA feels that a student with a disability is too dangerous to himself/herself and/or others to be in the school environment, the decision to request an expedited due process hearing or to seek a court injunction should be made with the district superintendent and the district legal counsel.  |
|[ ]  LEA files a request for expedited due process hearing with DESE (attach copy of request).  |
| Date of request: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|[ ]  Parent/guardian was notified of the decision to seek an expedited due process hearing when it was made.  |
| Date and method of notification: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **SECTION V**: (continued) |
|[ ]  Parent/guardian was provided a copy of the Procedural Safeguards.  |
| Date and method of provision: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| If a child continues to present a danger to self or others: |
| The Administrative Hearing Commission may extend placement for an additional 45 school day increment(s) through an additional expedited due process hearing.  |
| Date of hearing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **OR** |
| Agency files for an injunction with a court of competent jurisdiction for removal of a student (attach copy of request). |
| Date of injunction: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |