

# SPECIAL EDUCATION DISCIPLINE STUDENT REMOVAL & PRACTICES

### **DEFINING REMOVAL**

Student removal refers to any situation in which the student is removed from their current placement at school for **any** period of time.

## IN-SCHOOL SUSPENSION

In-school suspension is **not** considered a removal if:

- The school provides services so the student can progress in the general education curriculum and advance their IEP goals;
- The student participates with general education students to the same degree as in their current placement; and/or
- The short-term removal is included within the student's IEP as part of a behavioral intervention plan. This rule also applies to out-of-school suspension.

This resource was developed in alignment with 511 Indiana Administrative Code (IAC) 7-44-1

#### WHAT DOES REMOVAL LOOK LIKE?



**Who:** In most cases, school principals or administrators make this decision, not a case conference committee (CCC) for students with an Individualized Education Program (IEP).



What: Removals are often referred to as suspensions or expulsions. If bus transportation is part of the student's IEP, a suspension from the bus would count as a removal. Removal for any part of the student's day counts as a day of removal.



**When:** For the first 10 days of the removal, students with disabilities are not required to have access to services if the services are not required within their IEP. For discipline beyond 10 days, the school **must** provide services.



Where: Administrators often assign the disciplinary action and must determine whether the series of removals results in a change of placement. These decisions are usually based on the amount of removals and specific causes. If behaviors show similarity, change of placement may be warranted.



**Why:** To ensure schools are best meeting students' needs and providing access to a free and appropriate public education (FAPE), if a student's behavior impedes their or another's learning, the CCC must consider and update the IEP for use of positive interventions, support, and strategies to address the behavior.

### Discipline Flowchart for Students in Special Education

Individuals with Disabilities Education Act (IDEA) discipline protections apply to students who are eligible for special education services under Indiana Article 7 or for whom the school corporation has a basis of knowledge that the student has a disability.

A student with an IEP violates a school code of conduct.

Disciplinary removal for current misconduct is for 10 or removals total 10 or fewer days in the school year.

Disciplinary removal for current misconduct is for 10 or fewer consecutive school days but removals total more than 10 days in the school year.

Disciplinary removal for current misconduct is 11 or more consecutive days in the school year.

The corporation may exclude the student form their current placement without obligation to FAPE unless they provide serves for students without disabilities who were similarly removed.

Does the disciplinary removal

The removal is a change of placement.

represent one in a series that is a pattern of removal, constituting a change of placement?

Parents must be notified the same day of the decision to change placement for disciplinary reasons and be given a copy of the procedural safeguards. The student is entitled to continue to receive FAPE services.

Within 10 school days of the

disciplinary removal decision, the

corporation, parent, and other

By the 10th school day of removal in the same school year, the corporation must consult with at least one of the student's teachers to determine the extent to which FAPE services are needed to enable the student to continue participating in the general education curriculum in another setting. Provisions must provide the student with the opportunity to progress toward their IEP goals.

**Manifestation Determination:** 

Yes

No

Ouestions for the CCC to answer: Is the student's conduct a direct result of the corporation's failure

to implement their IEP? • Does the conduct have a direct and substantial relationship to their disability?

applicable team members must review relevant information and convene a manifestation determination meeting.

The student's conduct is a not manifestation of their disability.

No to both questions

Yes to either question

The student's conduct is a manifestation of their disability.

The corporation may apply relevant disciplinary procedures in the same manner for the same duration as students without disabilities. (Required during removal under 511 IAC 7-44-5 (f))

CCC determines the extent of FAPE services (including functional behavioral assessments. interventions, and modifications) are needed to enable the student to participate in the general education curriculum and progress toward meeting their IEP goals.

If conduct is a direct result of the corporation's failure to implement the IEP, the corporation must take immediate steps to remedy these deficiencies.

Conduct a functional behavioral assessment and implement a behavioral intervention plan or review and modify an existing plan.

Return student to placement unless parent/school agree to a change, hearing officer orders a new placement, or removal is for special circumstances (e.g., weapon, illicit drugs, infliction of serious bodily harm).