Discipline Flowchart for Students with Disabilities

This course gives an overview about what happens when a student with a disability gets in trouble and the student is suspended due to a behavioral problem. The course provided a flow chart that details the steps to take when making a disciplinary decision. The school must use this flow chart carefully and make sure to consider unique circumstances on a case by case basis when determining the disciplinary consequences. One of the considerations made in this course is the removal of the student for ten days or more of their current placement. In other words, the student can be placed in a IAES (Interim Alternative Educational Setting) and personnel can discipline a student with a disability as they would a non-disable student. During these 10 days of removal, LEA (Local Education Agency) does not have to provide services to the student with a disability.

One preventive measure is the following consideration: if the child’s behavior impedes the child’s learning or that of others, the IEP Team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

In a non-change of placement situation, for any days of removal that go beyond 10, the district must provide services that:

* enable the student to continue to participate in the general education curriculum and
* to progress toward meeting the goals in the student’s IEP.

The services can be provided in a different setting than the educational setting that the student was in prior to the removal.

The next decision point involves the question,

* “**Does the offense involve drugs, weapons, or serious bodily injury?**”
* **Why do we care about these special circumstances?**

If the offense involves one of these circumstances, the law gives some flexibility in the disciplinary consequence. These are such serious offenses that the legislators probably felt that schools needed to be able to remove students immediately and have some time to get supports in place for their eventual return to campus.

The school personnel may remove a student to an interim alternative educational setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the child's disability.

Notice that the time of removal is now 45 **school days**. In IDEA ’97 it was 45 **calendar days**.

**What constitutes serious bodily injury?**  
• A substantial risk of death,  
• Extreme physical pain,  
• Protracted and obvious disfigurement, or  
• Protracted loss or impairment of the function of a bodily   
 member, organ, or mental faculty.

The typical fight would not meet this standard.

The manifestation determination is a critical event in the discipline of students with disabilities. Therefore we must take a closer look at how to make this decision in a data-driven and legal manner.

In the student’s file, the relevant information to review includes:

* The IEP;
* Teacher observations; and
* Relevant information provided by the parent.

In order to make a manifestation decision, the team needs to have a good understanding of two elements:

* the behavior subject to disciplinary action, and
* the student’s disability (or disabilities).

If either of these elements is unclear, then the team would need more information to clarify that issue.

The IEP team may conduct a functional behavioral assessment (FBA) that simply consists of a review of existing data and determines no additional data is needed to develop the behavior intervention plan (BIP).

The following website is a good resource for Positive Behavior Support:

<http://www.esc19.net/programs_and_services.php?service_id=34&program=Positive+Behavior+Support>