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**PARENT INFORMATION CENTER OF DELAWARE**

## **DISCIPLINE & STUDENTS WITH DISABILITIES**

### **AT A GLANCE**

A suspension or removal from school occurs when a child violates the school's student code of conduct. A child who receives special education services can be suspended from school, however, there are certain rules that apply. Removal includes sending the child to an appropriate interim alternative educational setting, another setting or suspension.

### **CAN MY CHILD WITH A DISABILITY BE SUSPENDED FROM SCHOOL?**

#### **1) No more than 10 school days in a row:**

A student may be suspended without any educational services (unless services are provided to children without disabilities during suspension).

**Example:** *Jordan is suspended on Tuesday for two days for disorderly conduct while walking into his classroom. His parent(s) are notified that he cannot come back to school until Friday.*

#### **2) Additional suspensions or removals:**

A student may be suspended for no more than 10 days in a row for separate incidents (as long as removals do not constitute a pattern of behavior).

**Example:** *Jordan, who has already been suspended for two days this month for disorderly conduct, is suspended next month for one day for using foul language. His parent(s) are notified that he cannot come back to school until he serves his one day suspension.*

#### **3) If your child has been suspended or removed from school for a total of 10 days in a row:**

It is considered a change of placement and the following must occur beginning with the 11th day of suspension

- The parent must be notified of the school's decision through **Prior Written Notice**
- The parent must be provided information about their procedural safeguards
- A **manifestation meeting** must be held within 10 school days

**PIC is a statewide non-profit organization with a mission to improve health and educational outcomes for children and youth by empowering them, their families and the professionals who serve them. For more information visit [www.picofdel.org](http://www.picofdel.org) or call 302-999-7394.**





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### **Special Circumstances—Weapons, Drugs or Serious Bodily Injury:**

The school may remove your child to an interim alternative educational setting for up to 45 days without regard to whether the behavior is determined to be a manifestation of the child's disability (or caused by the disability).

### **WHAT IS A MANIFESTATION DETERMINATION MEETING?**

A meeting to determine if the behaviors in question are related to the child's disability

### **A Manifestation Determination Meeting is:**

- Conducted to determine if the child's behavior is related to their disability
- Takes place whenever a decision is made to change the placement of a child with a disability because they violate the school code of conduct

### **What is reviewed during a manifestation meeting?**

- All relevant information in the child's file, including the current IEP
- Child's conduct during the most recent disciplinary incident
- Child's disability (diagnosis, medication, etc.)
- Teacher observations
- Information provided by parents
- School's implementation of IEP

### **WHAT IS CONSIDERED A SUSPENSION FROM SCHOOL?**

An out-of-school suspension means that your child has been removed or "suspended" from school and is not able to appropriately participate in the general education curriculum or continue to receive services specified in the IEP.

An in-school suspension is not considered a suspension or removal from school as long as your child is afforded the opportunity to appropriately participate in the general education curriculum, receive the services specified on their IEP, and continue to participate with non-disabled peers to the extent they would have in their current placement.

A suspension due to behavior on a bus is treated as a suspension or removal from school, unless the school provides a transportation alternative to and from school.



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### **WHAT TWO QUESTIONS MUST BE ANSWERED?**

#### **1. Was the child's conduct in question caused by, or did it have a direct and substantial relationship to their disability?**

If determined **"YES"**, the team should immediately consider:

- Functional Behavioral Assessment (FBA) –Has the child had one? Does one need to be conducted?
- Behavior Intervention Plan (BIP) –Does the child's current BIP need to be revised? Or does the child need a BIP?
- Returning child to the placement from which he was removed (unless behavior involved special circumstances of weapons, drugs or serious bodily injury; or parents and school agree to change child's placement as part of a modification of Behavior Intervention Plan).

If determined **"NO"**:

- The school may apply relevant disciplinary procedures to the child with a disability in the same manner and for the same length of time as would be applied to a child without a disability.
- The child continues to receive educational services in a setting determined by the school.

#### **2. Did the conduct in question result from the failure to implement the IEP or to implement behavior interventions?**

- If determined **"YES"**, the school must take immediate steps to remedy deficiencies.

### **QUESTIONS TO CONSIDER IF YOUR CHILD IS SUSPENDED:**

- Did you receive a written suspension notice that includes the date of your child's violation, a description of the incident and the action your school plans to take?
- Is this a suspension for more than 10 days?
- Do you have a copy of the school's student code of conduct (paper copies are generally distributed in the beginning of the school year and are also posted on school websites)?
- Have you communicated with the school to schedule a meeting if necessary or to confirm your attendance at a manifestation meeting?
- Have you talked to your child about what happened?



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