

SPECIAL EDUCATION PROCEDURE	
District Name	Warren Woods Public Schools
Subject/Topic of This Procedure	<p>Disciplining Students with Disabilities: Analysis of the Pattern of Removals and Determination of a Disciplinary Change of Placement</p> <p>See separate but related procedures for more specific guidance and detailed information relative to <i>Manifestation Determination Review, Provision of FAPE after Removal, Interim Alternative Educational Settings, and Protections for Students Not Yet Eligible for Special Education.</i></p>
Date Procedure was Adopted or Revised	06/19/2023

Legal Requirement with Citation	<p>§300.530 of the Individuals with Disabilities Education Act (IDEA) describes the discipline procedures for students with IEPs. In general, school personnel may remove a child with a disability from school for up to 10 consecutive school days if the student violates a code of student conduct (to the extent that the same discipline would apply to students without disabilities.) School personnel also may implement additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536. IDEA permits school personnel to consider any unique circumstances on a case-by-case basis when determining whether a disciplinary removal from school is appropriate for a student with a disability.</p> <p>§300.536 of IDEA specifically describes how an analysis of the pattern of removals results in a determination regarding whether there has been a change of placement. A change of placement occurs if the removal is for more than 10 consecutive school days, or if the child has been subjected to a series of removals that constitute a pattern. A pattern exists because the series of removals totals more than 10 school days in a school year, because the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals, and because of other factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.</p>
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	<p>The school district must determine on a case-by-case basis whether a pattern of removals constitutes a change of placement.</p>
<p>Under what circumstances will this procedure be used?</p>	<p>This procedure will be used by administrators and other school personnel when disciplining students with disabilities. Specifically, the analysis of the pattern of removals must take place prior to decide whether a series of removals constitutes a change of placement.</p> <p>A disciplinary change of placement occurs in one of two ways:</p> <ol style="list-style-type: none"> 1. The student is removed from school for more than 10 consecutive school days, OR 2. The student is removed from school for more than 10 school days cumulatively in one school year and there is a pattern to the removals. <p>The determination regarding change of placement dictates subsequent actions, such as when prior written notice must be provided to the parent, whether a Manifestation Determination Review is required, and how FAPE during the removal will be determined. See separate procedures regarding these subsequent actions.</p>
<p>Who will implement this procedure?</p>	<p>Building administrators in collaboration with Special Education Administrator.</p>
<p>Describe the steps in this procedure.</p>	<p>An Analysis of the Pattern of Removals must be conducted if the number of days of removal is more than 10, either consecutively or cumulatively, in one school year. When counting days of removal to determine whether there have been more than ten school days of removal in one year, the days of disciplinary removal will be counted as follows:</p> <p>Elementary buildings that record attendance based on half days (a.m. attendance and p.m. attendance) removal for any portion of a half day shall be counted as a half day of removal.</p> <p>Secondary buildings that record attendance based on class periods (attendance reported for each class period) removal for any portion of a class period shall be counted as a full class period of removal.</p> <p>NOTE: A student may experience a denial of FAPE even if the removals do not accumulate to more than ten school days. A denial of FAPE may occur when a student is repeatedly removed from the same class/subject, portion of the day, or learning activity, even if those removals</p>

accumulate to less than 10 school days. If it appears that the student may be experiencing a denial of FAPE prior to the 10th day of removal, it is incumbent upon the IEP Team to reconvene to consider whether the student has behavior that impedes the learning of self or others and, if so, to determine whether the student requires positive behavior interventions and supports. The IEP should be revised accordingly.

When the total number of removals reaches the equivalent of **more than 10 days at one time** or **more than 10 days cumulatively during one school year**, disciplinary protections under IDEA are triggered.

If a student with a disability will be removed from the current placement for **not more than 10 consecutive school days** or **not more than 10 school days cumulatively** in one school year, the disciplinary removal may be implemented to the same extent that it would be implemented for students without an IEP, and no analysis of the pattern of removals is required.

If a student with a disability will be removed from the current placement for **more than 10 consecutive school days** or **more than 10 school days cumulatively** in one school year (i.e., the student is facing any fraction of the 11th day of removal), all of the following steps shall apply:

1. An Analysis of the Pattern of Removals will be conducted by the Special Education Administrator.
2. The Analysis of the Pattern of Removals must consider and document all the following:
 - The type of behavior resulting in the current disciplinary removal.
 - The similarity of the current behavior to past behaviors that resulted in disciplinary removal.
 - The length of the current disciplinary removal.
 - The number and length of other disciplinary removals that the student has experienced during the current school.
 - The proximity of the various disciplinary removals one to another.
 - The total number of days that the student has been removed during the current school year.

	<ul style="list-style-type: none"> • Whether the factors above combine to create a pattern resulting in a disciplinary change of placement. <p>If the Analysis of the Pattern of Removals determines that the current removal does not constitute a disciplinary Change of Placement, the district may proceed with the disciplinary removal. However, FAPE must be provided and documented for any days of removal beyond 10 (i.e., beginning with the 11th day of removal in one school year or any fraction thereof) and must continue to be provided and documented for every subsequent day of removal within one school year.</p> <p>When there is <u>not</u> a disciplinary Change of Placement, FAPE may be determined by an administrator in consultation with at least one of the student’s teachers. See separate procedure for FAPE after Removal for more detailed information.</p> <p>If the Analysis of the Pattern of Removals determines that the current removal does constitute a disciplinary Change of Placement, the disciplinary removal may proceed, but the district must:</p> <ul style="list-style-type: none"> • provide prior written notice of this change of placement to the parent <i>on the date the decision is made</i> to implement the removal that constitutes a change of placement, AND • provide the parent with a copy of the procedural safeguards available to parents under IDEA on the same date, AND • conduct a Manifestation Determination Review within ten school days of the decision to implement the removal, AND • provide and document FAPE as determined by the IEP Team for any days of removal beyond 10 (i.e., beginning with the 11th day of removal or any fraction thereof).
<p>What forms are necessary to implement this procedure?</p>	<ul style="list-style-type: none"> • Discipline report for the student, including record of all disciplinary actions during the school year • Attendance records for the student • Form to conduct and document the decision regarding Analysis of Pattern of Removals and whether there is a Change of Placement (i.e., worksheet from PowerSchool Special Ed) • Prior written notice of change of placement (district-approved letter or form)

	<ul style="list-style-type: none"> • Copy of the procedural safeguards available to parents
<p>How, when and by whom will this procedure be consistently documented?</p>	<p>The decision to make a disciplinary removal will be documented by the administrator who is making the removal, using PowerSchool.</p> <p>The analysis of the pattern of removals, including the decision about whether the current removal constitutes a change of placement will be documented by the Special Education Administrator.</p> <p>The provision of prior written notice of change of placement and procedural safeguards to the parent on the date of the decision to remove will be documented by the administrator who is making the removal, using district-approved forms.</p>
<p>How, when and by whom will this procedure be routinely supervised?</p>	<p>Documentation of the analysis of pattern of removals, the determination regarding change of placement, the decision to make a disciplinary removal, and the provision of procedural safeguards will be supervised by the Special education administrator via monthly review of a random sample of disciplinary records for students with IEPs who have been removed during the preceding month.</p>
<p>How, when and by whom will changes to this procedure be communicated?</p>	<p>Changes to this procedure will be communicated by the Special education administrator.</p> <p>Changes to this procedure will be communicated annually or as a result of MDE guidance.</p> <p>Changes will be communicated using the district website, hard copies provided to staff and during scheduled professional development.</p>