

SPECIAL EDUCATION PROCEDURE	
District Name	Warren Woods Public Schools
Subject/Topic of This Procedure	<p>Disciplining Students with Disabilities: GENERAL PROVISIONS</p> <p>See separate but related procedures for more specific guidance and detailed information relative to <i>Analysis of the Pattern of Removals/Determination of a Disciplinary Change of Placement, 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, if those removals do not constitute a change of placement under §300.536. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the student. 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>§§300.530-537 of the Individuals with Disabilities Education Act (IDEA) go on to describe several specific provisions relative to discipline, including determining a change of placement, provision of services after a removal, conducting manifestation determination reviews, appealing the decision of the manifestation determination review, and referrals to law enforcement.</p>
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<p>Under what circumstances will this procedure be used?</p>	<p>By administrators and other school personnel when disciplining students with disabilities and taking the resulting required actions.</p>
<p>Who will implement this procedure?</p>	<p>Building administrators and other school personnel involved in disciplinary removals</p>
<p>Describe the steps in this procedure.</p>	<p>A disciplinary "removal" means that, as a result of a behavioral violation, the student is denied the opportunity to progress in the general curriculum, progress in the annual goals or short-term objectives of the IEP, and/or to receive a free, appropriate, public education (FAPE) as defined in the IEP. A disciplinary removal may include in or out of school suspension, expulsion, placement in an alternative setting without benefit of the IEP process. A disciplinary removal also may include informal/undocumented "send homes" or any other removal which denies the student access to a FAPE.</p> <p>A student with an IEP may be removed for not more than ten school days in one school year to the extent that students without disabilities would be removed for similar behavioral infractions. 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> <ul style="list-style-type: none"> 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. 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>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 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</p>

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.

When a student with a disability violates the school code of conduct, all the following steps shall apply:

1. If the student will be removed from the current placement for **more than 10 consecutive school days, or more than 10 days cumulatively** for the school year, the disciplinary removal may be implemented to the same extent that it would be implemented for students without an IEP. School personnel must 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.
2. If the student is removed from the current placement for **more than 10 consecutive school days, or more than 10 days cumulatively** in one school year, all the following shall apply:
 - a. The school district must first conduct an analysis of the pattern of removals to determine whether the current removal constitutes a change of placement. See separate procedure regarding ***Analysis of the Pattern of Removals/Determination of a Disciplinary Change of Placement*** for more detailed information.
 - b. If the Analysis of the Pattern of Removals determines that the current removal does not constitute a change of placement, the district may proceed with the disciplinary removal. However, FAPE must be provided for any **days of removal beyond the 10th** (i.e., beginning with the 11th day of removal or any fraction thereof) and must continue to be provided for every subsequent day of removal within one school year. See separate

procedure for ***FAPE after Removal*** for more detailed information.

- c. If the Analysis of the Pattern of Removals determines that the current removal does constitute a change of placement, the disciplinary removal may proceed, but the district must provide prior written notice of this change of placement to the parent on the date the decision is made to implement the removal. On that same date the district must provide the parent with a copy of the procedural safeguards available to parents under IDEA. See separate procedure regarding ***Analysis of the Pattern of Removals/Determination of a Disciplinary Change of Placement*** for more detailed information.
- d. If it is determined that the current removal does constitute a change of placement, within ten school days of the decision to implement the removal, the district must conduct a Manifestation Determination Review (MDR). See separate procedure regarding ***Manifestation Determination Review*** for more detailed information.
- e. If the MDR determines that the behavior driving the removal was a manifestation of the student's disability, the student must immediately return to the placement identified in the current IEP, unless the district and the parent agree to modify the IEP.
- f. If the MDR determines that the behavior driving the removal was not a manifestation of the student's disability, the district may move forward with the disciplinary removal. However, FAPE must be provided for any **days of removal beyond the 10th** (i.e., beginning with the 11th day of removal or any fraction thereof) and must continue to be provided for every subsequent day of removal within one school year. See separate procedure for ***FAPE after Removal*** for more detailed information.

	<p>g. If the MDR determines that the behavior driving the removal was a manifestation of the student’s disability, the district must develop (or review, as appropriate) the student’s Functional Behavior Assessment and Behavior Support Plan.</p> <p>h. The district may unilaterally remove the student to an Interim Alternative Educational Setting for not more than 45 school days, without regard to whether the behavior is a manifestation of the student’s disability if the student does one of the following:</p> <ul style="list-style-type: none"> i. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district; ii. 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 the school district; or iii. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district. <p style="text-align: center;">See separate procedure regarding <i>Interim Alternative Educational Setting</i> for more detailed information.</p>
<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 • Forms to conduct and document the decision regarding Analysis of Pattern of Removals and whether there is a Change of Placement (such as the MISD Discipline Review Worksheet housed on the general education side of PowerSchool) • Prior written notice of change of placement (letter or form) • Copy of the procedural safeguards available to parents • Manifestation Determination Review form • Student’s educational record • Information provided by the parents to the MDR team. • Form for documenting the determination of FAPE after removal (who participated in the decision and what services will constitute FAPE)

	<ul style="list-style-type: none"> • Form documenting the delivery of FAPE after removal. • Form for documenting the determination of an Interim Alternative Educational Setting
<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 district-approved electronic data system and notifies the Special Education Administrator.</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 Educator Administrator.</p> <p>The provision of prior written notice of change of placement and procedural safeguards to the parent will be documented by the administrator who is making the removal.</p> <p>The determination of the MDR will be documented by the Special Education Administrator using the Manifest Determination Review form in PowerSchool SE.</p> <p>The decision about what services will constitute FAPE after removal will be documented by the Special Education Administrator and the student’s special education case manager using the district- approved forms.</p> <p>The development/review, as appropriate, of the FBA/BIP will be documented by the Special Education Administrator and the student’s special education case manager, using district-approved forms.</p>
<p>How, when and by whom will this procedure be routinely supervised?</p>	<p>Documentation of the decision to make a disciplinary removal 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. Any changes will be communicated annually or as a result of MDE guidance.</p> <p>Changes will be communicated by posting on the district website, providing a hard copy to staff and during scheduled professional development.</p>