

Special Education Removals for Disciplinary Purposes

Category 1	Category 2	Category 3	Category 4
10 Days or Less	More Than 10 Cumulative	More Than 10 Cumulative Days	More Than 10 Consecutive Days
	Days No Change In Placement	Change In Placement	
Disciplinary Action:	Disciplinary Action:	Disciplinary Action:	
Disabled student may be	Disabled student may be disciplined in the same manner as	If the behavior is not a manifestation of the student's disability, the student may be disciplined as a general education student. 20 U.S.C. § 1415(k)(1)(C); 34 C.F.R. §300.530(c) If the behavior is a manifestation of the student's disability, the school district must	
disciplined in the same manner as a non-	a nondisabled student.		
disabled student.	Educational Completes		
34 C.F.R. § 300.530(b)(1)	Educational Services: On the 11th day of removal, school		nent and implement a behavioral intervention ad not conducted such assessment prior to
Educational Services:	personnel must consult with at	the behavior resulted in a change of pla	·
School district need only	least one of the student's teachers to determine the extent to which	previous placement unless the school di	
provide education- al	special education services must be	placement or the student is placed in an interim alternative educational setting. If student already has a behavioral intervention plan, the IEP team must review and	
services to a disabled student if the services	provided to enable the student to	modify it, as necessary, to address the behavior.	
are offered to non-	continue to participate in general education curriculum (although in		20 U.S.C. § 1415(k)(1)(F); 34 C.F.R. § 300.530(f)
disabled students.	a different setting) and progress	Educational Services:	
34 C.F.R. § 300.530(d)(3)	toward meeting the goals delineated in the student's IEP.	On the 11th day of removal, the IEP team must decide on services to (1) enable the student to continue to participate in general education curriculum,	
	34 C.F.R. § 300.530(b)(1)	(2) progress toward the IEP goals, and (3) receive a functional behavioral	
		assessment, as appropriate, and behavio	oral intervention services and modifications.
	20 U.S.C. § 1415(k)(1)(D); 34 C.F.R. § 300.530(b)(2) Determine Whether Removal Constitutes Change in Placement:		
	School district must determine whether a series of removals constitutes a change in placement.		
	Must consider the length of each removal, whether the behavior in each incident is substantially similar, total time		
	removed, and proximity in time of removals. Must be determined on a case-by-case basis.		
	20 U.S.C. § 1415 (k)(1)(A); 34 C.F.R. §§ 300.530, 300.536 Interim Alternative Educational Setting:		
	School officials may remove a student to an interim alternative educational setting for no more than 45 school days regardless of whether the behavior was a manifestation of the student's disability if the student:		
	1. Carried or possessed a weapon on the way to or at school, on school premises, or to/or at a school function;		
	Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises or at a school function; or		
	3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.		
	The IEP team must determine the interim alternative education setting.		
		20 U.S.0	C. §§ 1415(k)(1)(G), 1415(k)(2); 34 C.F.R. § 300.530(g)
	Manifestation Determination:		
	Within 10 days of the decision to change the student's placement for disciplinary reasons, the school district, parent, and relevant IEP team members must meet to determine whether the student's conduct was:		
	 Caused by, or had a direct and substantial relationship to, the student's disability; or The direct result of the school district's failure to implement the IEP. 		
	The parents and the school district determine who qualifies as "relevant IEP team members." The team conducting the manifestation determination must review all relevant information in the student's file, including the student's IEP, teacher observations, and any relevant information provided by the parent.		
	20 U.S.C. § 1415(k)(1)(E); 34 C.F.R. § 300.530(e)		
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