

Figure 13-1

PROCEDURES FOR DISCIPLINARY VIOLATIONS FOR CODE OF STUDENT CONDUCT INCLUDING WEAPONS, DRUGS, SERIOUS BODILY INJURY

LENGTH OF REMOVAL	SERVICES REQUIRED	IEP MEETING REQUIRED	SERVICES DETERMINED BY WHOM	IF CHALLENGED, STAY PUT
1. Short term removals, not exceeding <b>10</b> consecutive school days, and not cumulating to more than 10 school days. 300.530(B)	None 300.530(d)(3)	No	N/A	N/A
2. All subsequent short term removals which includes the 11 <sup>th</sup> cumulative day (but does not constitute change of placement)	Beginning on the 11 <sup>th</sup> cumulative day, services necessary to enable the child to: 1) Participate in the general education curriculum (although in another setting); and 2) Progress toward meeting the goals in the IEP 300.530(d)(4)	<b>No.</b> No manifestation determination is required. 300.530(e) – <b>Also see row 3 if long term suspension/expulsion is anticipated.</b>	School officials, (General. Ed. Administrator, Director. of Sp. Ed. and the child's Sp. Ed teacher).300.530(d)(4). 91-40-33(b) 91-40-36(a)	N/A
3. 1) A removal for more than 10 consecutive days, or 2) another removal that cumulates to more than 10 school days, and shows a pattern of removal constituting a change of placement. 300.536(a)(1)(2); 300.530(c)	Same as above. 300.530(d)(5)	Yes, to: 1) Make a manifestation determination* (Notice of action and Parent Rights immediately, and meeting within 10 school days.) 300.530(e), 300.530(h); and 2) If the behavior is a manifestation of the disability, (a) develop a FBA and BIP, or review existing BIP, and make any changes needed to address behavior and (b) return student to IEP placement unless parent and school agree otherwise. 300.530(f)	IEP Team determines services and place where the services will be provided. 300.530(d)(5) 300.531  Parental consent is <u>not</u> required for this change in placement.	Disciplinary Placement. 300.533
4. 45 school day alternative educational setting (IAES) (weapons, drugs, serious bodily injury)	Same as above, but services begin immediately. 300.350(d)(1)	Yes to: 1) Determine IAES setting and services, and 2) Determine if FBA and BIP are appropriate. 300.530(d)(1) and (d)(5), 300.531	Same as above	Same as above
5. 45 school day alternative educational setting (IAES) ordered by H.O. (dangerous behavior) 300.532(a) and (b)	Same as above.	Yes to: 1) Determine IAES services, and 2) Determine if FBA and BIP are appropriate.	Services determined by the IEP team. 300.530(d)(5) 300.536(a)	Same as above

