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ABSTRACT

This policy statement from the Michigan Department of Education interprets federal provisions and the laws of the state as they may pertain to children receiving special education services. It describes disciplinary procedures for students already receiving special education services, students not yet eligible for special education, students receiving a suspension for 10 school days or less, students receiving a suspension for more than 10 days, students removed for bringing drugs or weapons to school, and students removed for dangerous behavior not involving drugs or weapons. Flowcharts are provided for illustrating legal requirements for parental notice, manifestation determination, functional behavioral assessments, and behavior intervention plans. (CR)

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Special Education Considerations in Student Discipline Procedures

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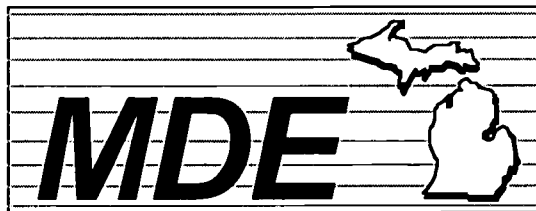
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Michigan Department of Education
*Office of Special Education and
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March 6, 2000

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EC 307952

Whenever a superscript (1, 2, or 3) is used in a box in the following flow charts, the reader may refer to this page for an explanation of the action or decision involved.

¹On the day on which the decision is made to remove the student, the school provides parent notice of special education rights and procedures

This box refers to notice given to the parent whenever the school proposes to begin a discipline procedure that will result in an accumulation of more than **10 school days** of removal in a school year for a student who is receiving special education. Such a removal constitutes a proposed change in placement and triggers a parent notice required for special education action by the school. The notice is given on the day on which the decision to remove the student is made. The parents must be notified of the decision and provided procedural safeguards.

²The individualized educational planning team (IEPT) reviews the need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)

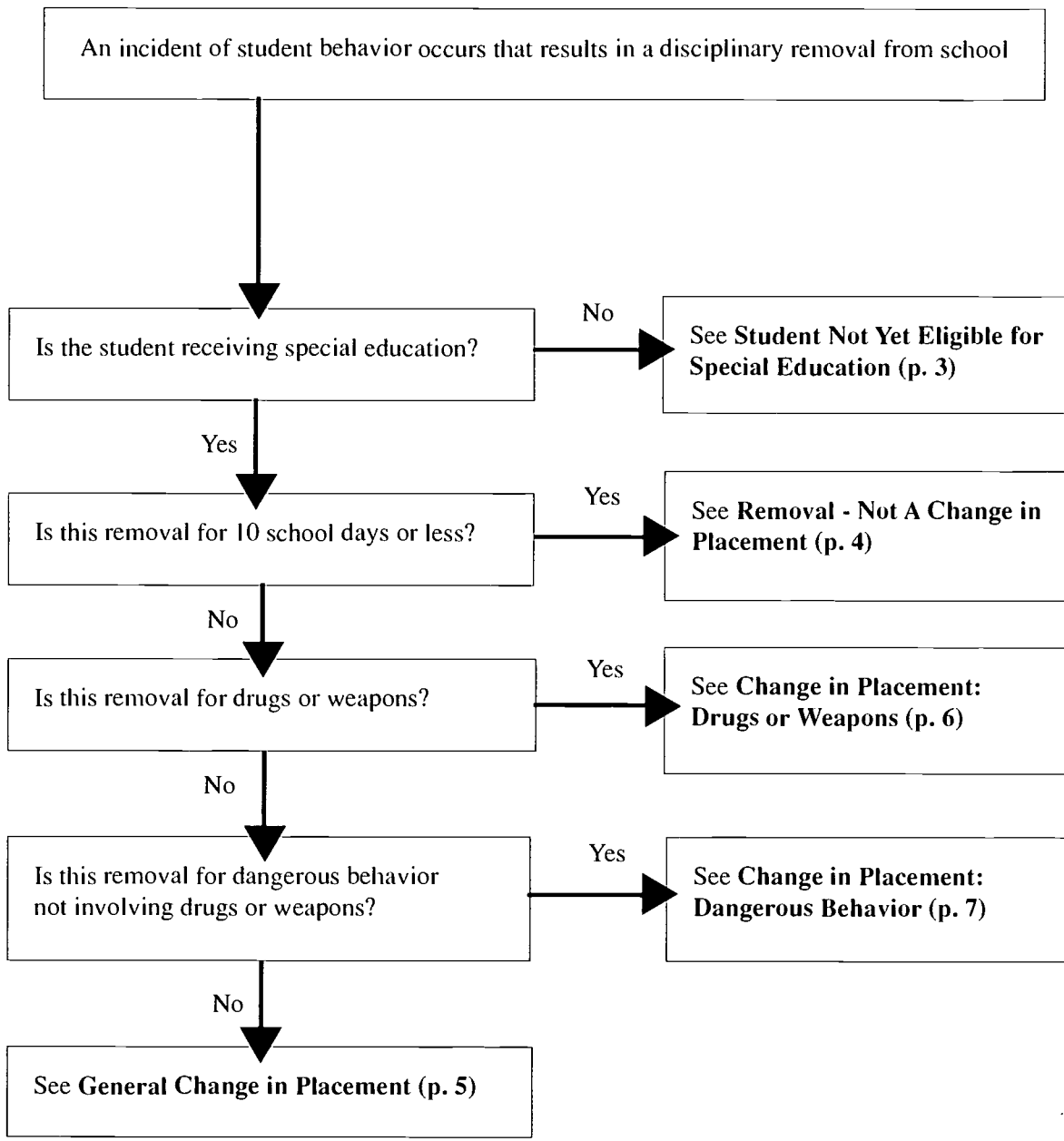
This box refers to an IEPT meeting to consider the status of an FBA and BIP for the student. Within **10 business days** after first removing a student for more than 10 school days, the IEPT must:

1. Review the appropriateness of a BIP if one already exists.
2. If a BIP does not exist, plan an FBA to complete a BIP as soon as practicable.
3. When further removals occur during the school year, meet to review the BIP upon request of any IEPT member.

³Does the IEPT consider the behavior a manifestation of the disability?

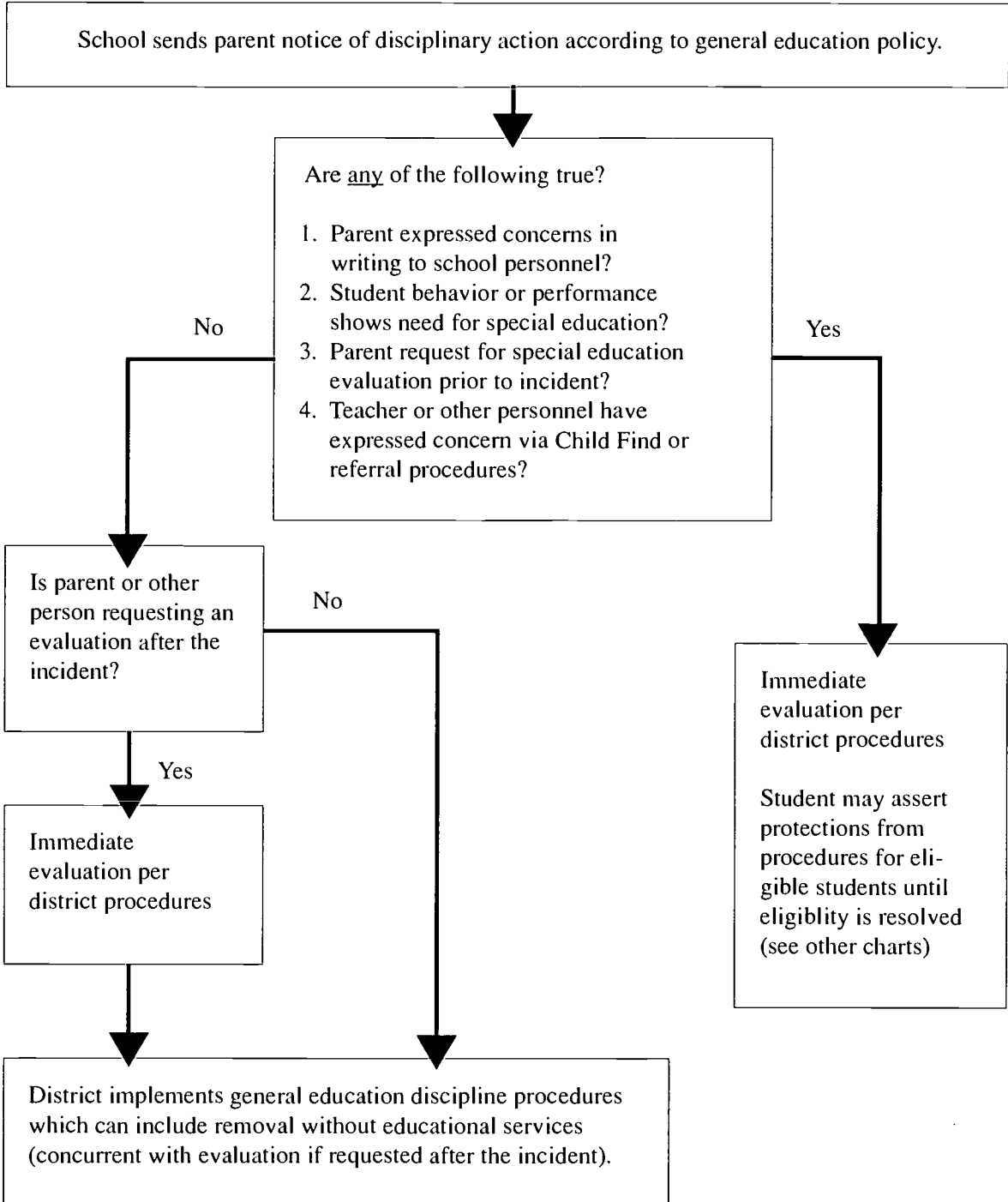
This box refers to an IEPT meeting (held within **10 school days** of the decision to remove a student from school for discipline) in which the relationship between the behavior subject to discipline and a disability are determined. A behavior is **not** considered a manifestation of a disability **only if**:

- A. The IEPT first considers:
 1. Evaluation and diagnostic results;
 2. Observations of the student;
 3. The individualized education program (IEP) and placement.
- B. And then determines that all of the following are true:
 1. The IEP and placement were appropriate;
 2. Supplementary aids and services were provided consistent with the IEP;
 3. Behavioral interventions were provided consistent with the IEP;
 4. The student understood and could control the behavior.

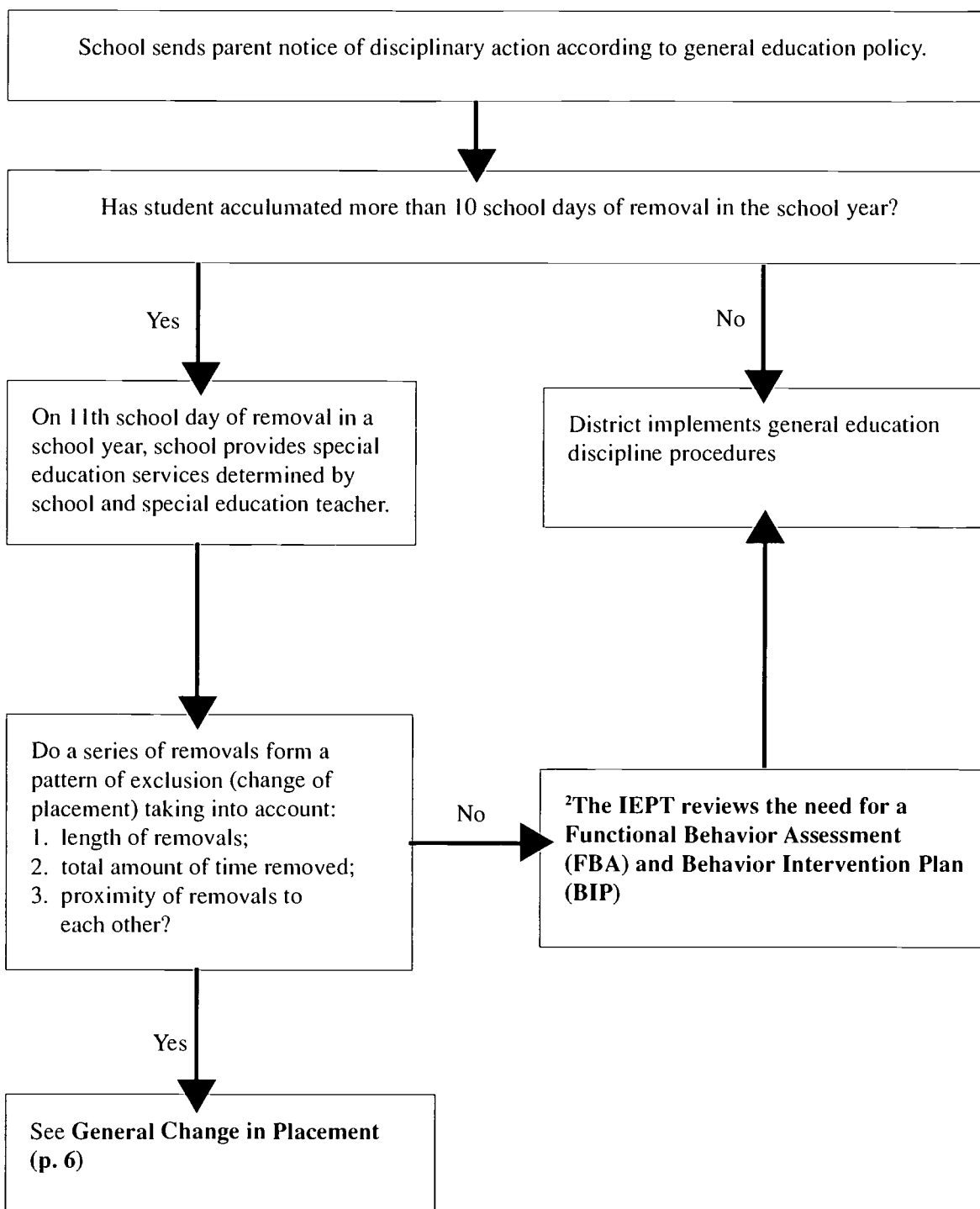


Student Not Yet Eligible for Special Education

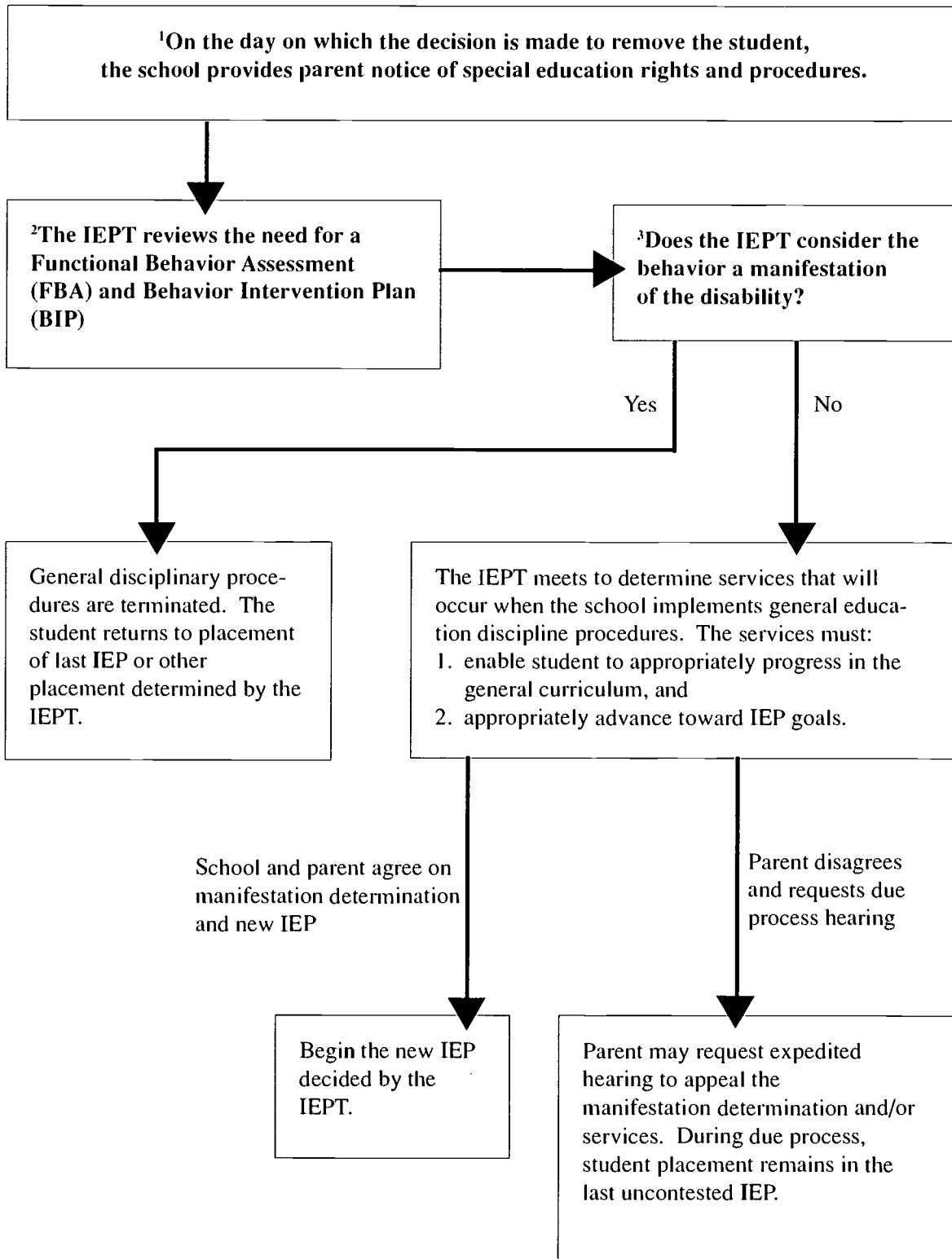
(Student is not currently in referral and does not currently receive special education)



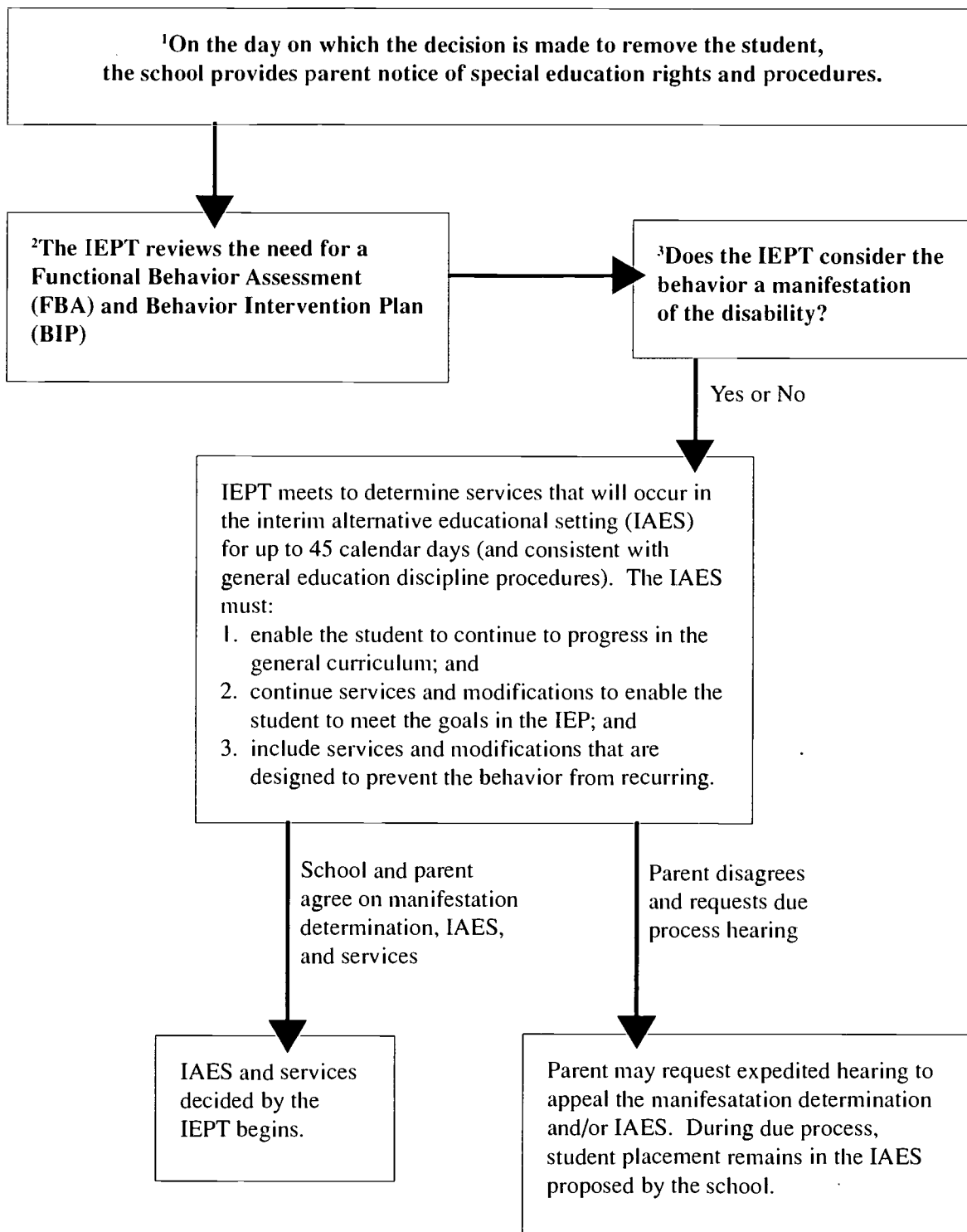
Removals Not A Change of Placement (10 or less school days per incident)



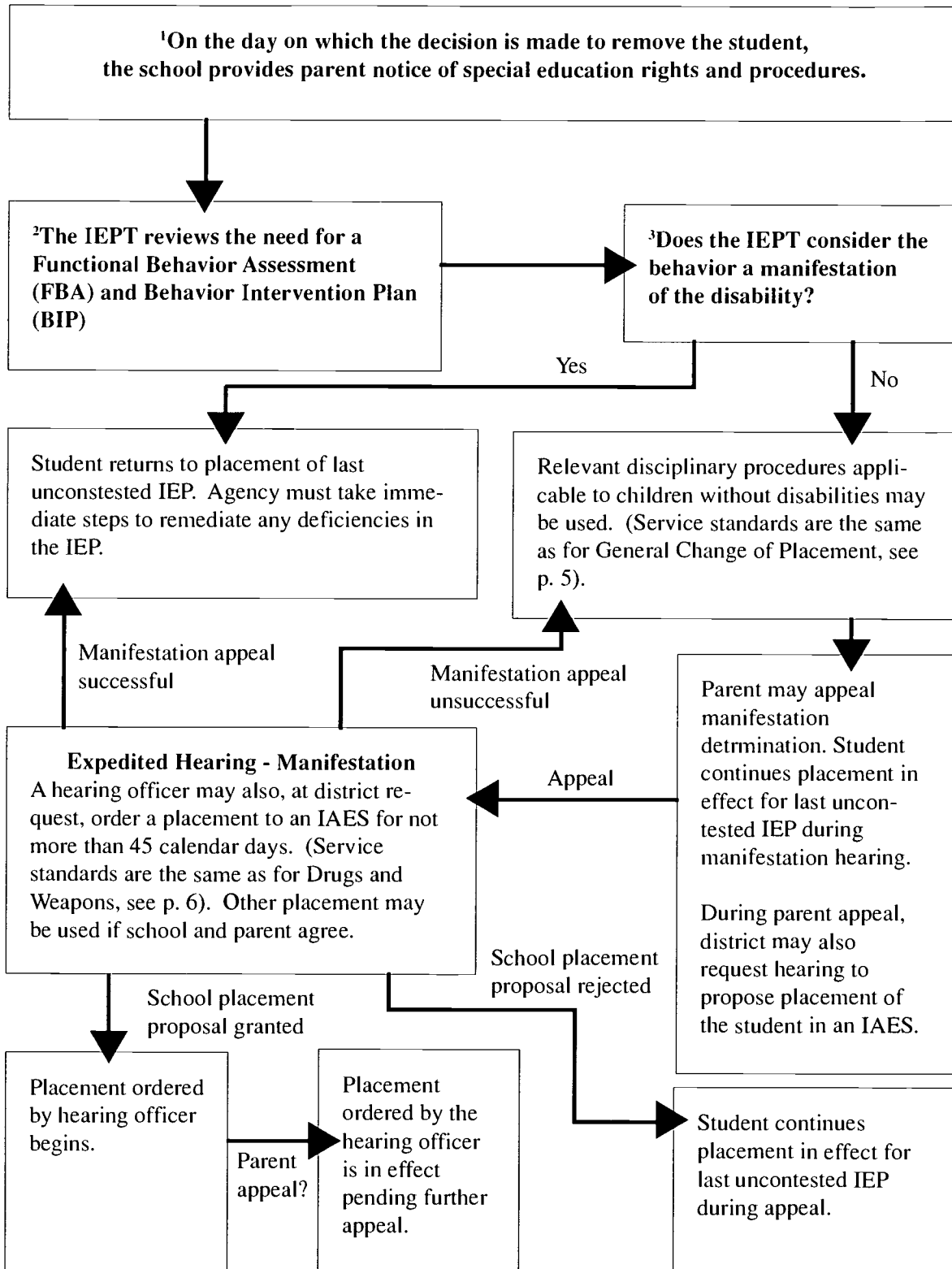
Removals - General Change of Placement



Change of Placement: Drugs or Weapons



Change of Placement: Dangerous Behavior



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