

TJS Discipline Guidelines for Students with Disabilities under State Laws and Federal Regulations

(When a student with a disability is considered for an Out-of-School suspension, the IEP case manager should be consulted before a final decision is made. This chart is not a substitute for special education regulations. Always check the federal or state regulations for clarification.)

| Within a school year, student with a disability is removed¹ | IEP Team Meeting Required | Manifestation Determination Required: Behavior is/is not related to disability or IEP not implemented as written. 34 C.F.R. § 300.530 (e) | Functional Behavioral Assessment (FBA) or Review Required 34 C.F.R. § 300.530 (f) | Disciplinary Change of Placement: Legal term for 11 consecutive or cumulative days of removal. Must give parent Rights & Procedural Safeguards. 34 CFR § 300.536 | Interim Alternative Educational Setting (IAES): A setting different than the student's placement that allows the student with a disability to: (1) continue to participate in the general education curriculum, (2) make progress towards meeting IEP goals and objectives and (3) receive services designed to prevent the behavior from recurring. The determination of an appropriate IAES is made by a student's IEP team on a case-by-case basis. 34 CFR §300.530(d)(1)-(5) |
|---|----------------------------------|--|---|---|--|
| Removed for 1-10 cumulative days ^{2, 3} | NO | NO | NO | NO | N/A |
| Removed for 6 OR MORE consecutive days ^{2, 3} | YES | YES, if suspension is longer than 10 consecutive days | YES, if suspension is longer than 10 consecutive days and behavior was manifestation ³ | NO | TJS must provide alternative educational services in an IAES during 6 or more consecutive days of removal. The number of days of removal should follow the current TJS Rights & Responsibilities Handbook for the behavior that the student displayed. |
| Removed for 11 cumulative days ³ | YES | YES for every dismissal or suspension for rest of school year | YES (or review existing FBA) | YES | TJS must provide alternative educational services in an IAES after every dismissal or suspension for the rest of each school year. The number of days of removal should follow the current TJS Rights & Responsibilities Handbook for the behavior that the student displayed. CANNOT use up to 45 days unless one of the 3 behaviors below as a "special circumstance" occurred. |
| Placed in-school suspension ⁴ | NO | NO | NO | NO | N/A |
| Removed due to Special Circumstances ⁶ (Serious discipline incident) | YES | YES | Best practice | YES | An Interim Alternative Educational Setting (of up to 45 school days) can ONLY be used if a student with a disability does the following at school, on school premises or at a school function (34 CFR § 300.530(g)): (1) Carries a dangerous weapon or possesses a dangerous weapon (defined as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length) 18 USC §930(g)(2) (definition); (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance (34 C.F.R. § 300.530 (definition)); or (3) Inflicts serious bodily injury upon another person (defined as a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty) 18 USC §1365(h)(3) (definition). This 45-day unilateral change in placement may be effectuated regardless of whether the conduct is a manifestation of the student's disability. |