

**Special Education Discipline  
Documentation Form  
(Use for Out of School Suspension [OSS] Only)**

Student Name: \_\_\_\_\_ Date of infraction: \_\_\_\_/\_\_\_\_/\_\_\_\_

Description of Infraction: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Number of OSS days for this infraction \_\_\_\_\_  
Is the total number of days for this infraction greater than 10?  
 Yes. Go to #2.  
 No. Go to #3.
  
2. Is this a 45 school day suspension or interim alternative placement for drugs/weapons/serious bodily injury or for a violent/dangerous student?  
 Yes for drugs/weapons/serious bodily injury. Go to Section E.  
 Yes for a violent/dangerous student. Go to Section F.  
 No. Go to Section B. (Manifestation Determination)
  
3. Number of OSS days this school year **prior** to this infraction \_\_\_\_\_
  
4. Total number of OSS days this school year (1 + 3) \_\_\_\_\_
  
5. Total OSS days (Line 4) is greater than 10?  
 Yes, proceed to next question.  
 No—STOP. No special procedures required.
  
6. Has a pattern been created?  
*In determining if a pattern has been created, school staff must consider the following:*
  - *If the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and,*
  - *Additional factors such as length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.* No. Proceed to Section A.  
 Yes. Go to Section B. (Manifestation Determination)

<p><b>SECTION A</b></p> <p><b><u>Removal of a student over ten school days when no long-term suspension is involved</u></b></p> <p><b><u>(no pattern created)</u></b></p>
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School personnel, in consultation with at least one of the child’s teachers, determines the extent to which services are required on the 11<sup>th</sup> school day and thereafter in which the child is in OSS for this infraction and the location of those services.

Factors considered in making this decision include:

- Length of the removal: \_\_\_\_\_
- Extent to which the student has been removed previously: \_\_\_\_\_
- Student’s needs and educational goals: \_\_\_\_\_

Decision:  Services are NOT required on the 11<sup>th</sup> day of school and thereafter  
 Plan: \_\_\_\_\_

\_\_\_\_\_

Services ARE required on the 11<sup>th</sup> day of school and thereafter  
 Plan: \_\_\_\_\_

\_\_\_\_\_

Date of Decision: \_\_\_\_/\_\_\_\_/\_\_\_\_

Name(s) and role(s) of individual(s) making the decision:

<b>NAME</b>	<b>ROLE</b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**SECTION B**  
**Documentation of MANIFESTATION DETERMINATION**

- Documentation is present that within 10 school days of any decision to implement a long-term suspension, the local educational agency, the parent and relevant members of the IEP team met to conduct a manifestation determination.

Manifestation Determination meeting:

Step 1:

Team reviewed the following:

- All relevant information in the student’s file  yes  no
- Child’s IEP  yes  no
- Any teacher observations  yes  no
- Relevant information provided by parents  yes  no

Step 2:

Team determined that:

- Conduct in question was caused by, or had a direct and substantial relationship to the child’s disability; or  yes  no
- The conduct in question was the direct result of the LEA’s failure to implement the IEP.  yes  no

Finding of the team:

- Conduct is not a manifestation of the disability. Go to Section C.
- Conduct is manifestation of the disability. Go to Section D.

**SECTION C**  
**(Long-term suspension—conduct was not a manifestation of the disability)**

Documentation is present that:

- Relevant IEP team members found the conduct was not a manifestation of the disability.

- The IEP team determined placement (except for a 45 day interim alternative educational setting that is an LEA decision)

School personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except that the IEP team must determine services that will enable the child to:

- Continue to receive educational services to continue to participate in the general education curriculum, although in another setting.
- Progress toward meeting goals in the IEP
- Receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services and modifications designed to address the behavior violation so that it does not recur.

- Parent provided with prior written Notice of Action for change of placement/services
- Parent provided a copy of the Procedural Safeguards

**SECTION D**  
**(Long-term suspension—conduct is manifestation of the disability)**

Documentation is present that:

- Relevant IEP team members found the conduct a manifestation of the child’s disability
  
- The IEP team:
  - Conducted a functional behavioral assessment (FBA)
  - OR**
  - FBA was conducted prior to this behavioral incident
  
- The IEP team:
  - Developed a behavior intervention plan (BIP),
  - OR**
  - Reviewed an existing BIP,
  - AND/OR**
  - Modified an existing BIP, as necessary, to address the behavior related to this incident.
  
- The IEP team made the following placement decision:
  - Agency returned child to the placement from which the child was removed.
  - OR**
  - Parent and LEA agreed to a change of placement as part of the modifications of the BIP.
  - OR**
  - In the case of a 45 school day placement for drugs, weapons, or serious bodily injury:
    - Continued the child’s placement in the interim alternative educational setting as determined by the LEA.
    - AND**
    - Determined services that would enable the child to:
      - Continue to participate in the general education curriculum, although in another setting.
      - Progress toward meeting goals set out in the IEP
      - Receive, as appropriate, behavior intervention services and modifications designed to address the behavior violation so that it does not recur

Documentation is present that:

- If the IEP team determines a change of placement/services is required, parent is provided with a prior written Notice of Action for the proposed change of placement/services.

## **SECTION E**

### **45 School Day Interim Alternative Educational Placement (IAEP) – Weapons/Drugs/Serious Bodily Injury**

Documentation is present that on the date on which the decision to make a removal that constitutes a change of placement was made:

- The parent was notified of the decision.
- Parent was provided a copy of the Procedural Safeguards.

Documentation is present that within 10 school days after the date of the decision to take the disciplinary action, relevant members of the IEP team met to:

- Conduct a Manifestation Determination. Go to Section B.

Documentation is present that relevant members of the IEP team determined the conduct was:

- Not a manifestation of the disability. Go to Section C (See Note 1).
- OR
- A manifestation of the disability. Go to Section D (See Note 1).

## **SECTION F**

### **45 School Day Removal – violent/dangerous student:**

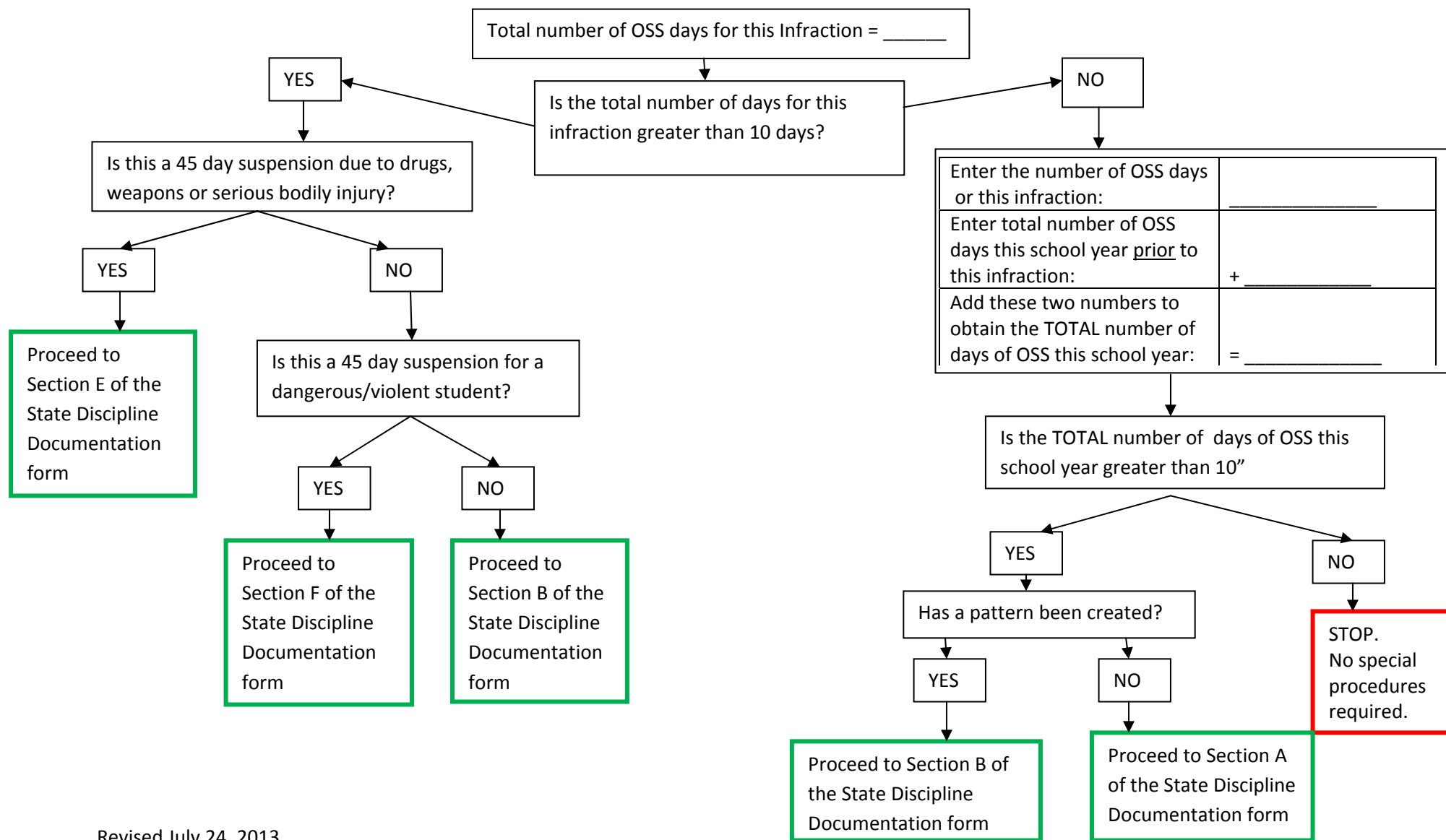
Documentation is present that:

- Agency filed a request for expedited due process hearing with the Department (Date \_\_\_/\_\_\_/\_\_\_) Attach copy of request.
- Parent is notified of the decision to seek an expedited due process hearing on the date the decision was made.
  - Parent provided copy of the Procedural Safeguards with notification of decision.
  - Within 10 school days of the decision to seek an expedited due process hearing, the IEP team conducts a Manifestation Determination. Go to Section B.

Notes:

1. Decision that conduct is a manifestation of the disability will not affect whether the student receives a 45 school day placement in an interim alternative educational setting.
2. If a child continues to present a danger to self or others, a hearing officer may extend placement for an additional 45 school day increment(s) through an additional expedited due process hearing.
3. Another option for removal of a student who continues to present a danger to self or others is to file for an injunction with a court of competent jurisdiction. If the team determines the conduct is not a manifestation of the disability, the agency may impose disciplinary procedures consistent with those applied to children without disabilities.

## Special Education Discipline Process



## Discipline Decision Maker Chart: Who is Involved in Making the Discipline Decisions

<b>Type of discipline procedure occurring</b>	<b><i>Who is involved in making the discipline decisions</i></b>
<b>Cumulative short term suspensions &gt;10 days in a school year</b>	<b>School personnel in consultation with at least one of the child's teachers</b>
<b>Conducting a manifestation determination</b>	<b>The local education agency (LEA), the parent and relevant members of the IEP team</b>
<b>Long term suspension – conduct was not a manifestation of the disability</b>	<b>School personnel and relevant IEP team members</b>
<b>Long term suspension – conduct is manifestation of the disability</b>	<b>School personnel and relevant IEP team members</b>
<b>45 day IAEP – weapons/drugs/serious bodily injury</b>	<b>School personnel</b>
<b>45 day removal – violent/dangerous student</b>	<b>Designated school personnel file for an expedited due process hearing</b>