

What is the Discipline Procedure for a Student with an Individualized Education Plan (IEP)?

Local educational agency (LEA) personnel must follow specific procedures when they discipline children with disabilities. Removals of children by LEA officials refer to out-of-school suspensions (OSS), expulsions, or other disciplinary actions resulting in children not receiving a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). Each school system has discipline procedures to ensure the safety of staff and students and promote an environment for learning. School systems develop their own Code of Conduct (policies) and rules which all students, including those with disabilities, are expected to follow. You will be given a copy of the student handbook which includes a copy of the Code of Conduct at the start of the school year. However, there are special considerations when a student has an IEP and violates the code of conduct.

The Facts You Should Know:

- The standard school code of conduct applies to students with IEPs except when the IEP requires something different. If different, this may be addressed through the goals and objectives of the IEP or a behavior intervention plan (BIP). A BIP defines the behavior that is not acceptable, defines a new behavior that is acceptable, and describes the positive actions or steps to teach the student the new behavior and prevent the undesired behavior. The BIP may also describe the actions the school will take if the undesired behavior occurs even when all the other steps in the BIP have been followed.
- Just like any other student, a student in special education can be suspended. The principal of your child's school (not the teacher or the special education director) will decide if a student should be suspended for violating school rules.
- For students with IEPs, the principal generally should follow the BIP but may suspend or expel a child for up to ten school days, no matter what the IEP/BIP states. The ten days may be all at once or a series of suspensions within a school year.
- *In-school* suspension does not usually count the same as *out-of-school* suspension as long as your child has access to class work, needed instruction, homework and his/her IEP services.
- Once a student has been suspended for more than 10 school days in a school year, several actions must occur:
 - A manifestation determination must be conducted before the 11th day of suspension. The manifestation determination is to decide if the behavior that got the student in trouble was due to his/her disability and/or whether the IEP, including the BIP, was implemented as written. If the IEP was not implemented appropriately or the behavior was related to the disability, then the behavior is found to be a manifestation of the disability.
 - If the behavior was a manifestation of the child's disability, the student goes back to the placement where he/she was prior to the behavior.
 - If the behavior was NOT a manifestation of the child's disability, the IEP team determines the student's placement. The same disciplinary actions can be used that apply to all students.
- When the behavior that gets the student in trouble is due to illegal drugs, weapons or the *infliction* of serious bodily injury, then the school system may send the student to an interim alternative education setting for up to 45 school days, no matter the outcome of the manifestation determination.
- When a student with an IEP is suspended for more than 10 days or is expelled from school, he or she must continue to receive services. Students are still entitled to receive their free and appropriate education, although in another place. They must have access to the general curriculum and to the services outlined in the IEP.

- Alternative settings may include options such as an alternative program run by the school district, home-based services provided by the school district, virtual (online) courses, after school or night school programs or other options. The IEP team will determine what the appropriate alternative setting is for any student.
- If the parent disagrees with either the results of the manifestation determination, or the actual new placement decided by the IEP team, then they can request a due process hearing to appeal these decisions. Any due process hearing request related to discipline will be expedited or rushed to get to a quick decision.
- In most circumstances, there will also be a tribunal held in a school system. The purpose of the tribunal is to present information and have a panel of school personnel determine the guilt or innocence of the student. Tribunals may be waived if the parent chooses. Tribunals are outside of the control of the IEP team. Sometimes they occur prior to the manifestation determination and sometimes after the manifestation determination. The decision of the tribunal is a separate decision from the manifestation decision and separate from the placement decision.

Tips for Families:

- ✓ Attend IEP meetings with a list that includes strategies that are working well and areas of concern you want to discuss. Behavior and discipline are often emotionally-charged topics, so it is helpful to have written notes.
- ✓ Prepare for meetings by asking yourself several questions about your child's behavior:
 - What are my child's problem behavior(s)?
 - Is there a relationship between my child's disability and his or her behavior?
 - What has worked in the past to stop the problem behavior? At home? In the community? In previous classes?
 - What does my child find rewarding and/or motivating?
 - What has *not* worked to stop the problem behavior?
 - How does the environment (what's going on around him or her) affect my child's behavior?
 - What school-based supports might my child need to learn new behaviors?
 - Does the IEP Team need any more information to address my child's behaviors appropriately?
 - Does my child need a Functional Behavior Assessment (FBA) to help us determine why the behaviors are occurring?
- ✓ Ask school personnel to precisely describe the behavior that occurs in school. Be prepared to precisely describe the behaviors that occur at home. Talk about how these target behaviors occur in each setting.
- ✓ Ask that a functional behavior assessment (FBA) of your child's behavior be completed and the results shared with you prior to the meeting. Be prepared to discuss the results of the FBA. Specifically, you want to know:
 - What happens before the behavior?
 - What happens after the behavior?
 - What has been the consequence or reward?
- ✓ Work with school personnel to brainstorm strategies, rewards and consequences that will be effective in changing your child's behavior at school and at home.
- ✓ Ask school personnel for tips and support so that you can address challenging behaviors at home.
- ✓ Work together with school personnel to address your child's challenging behaviors. By being intentional about teaching new skills and working with your child's school, you will increase your child's chance for behavioral success.

Where to go for more information:

Parent to Parent of Georgia

770 451-5484 or 800-229-2038

www.parenttoparentofga.org

Georgia Department of Education, Divisions for Exceptional Children

404 656-3963 or 800-311-3627 and ask to be transferred to Special Education

<https://gadoe.org/special-education/>

Georgia Department of Education Implementation Manual

[View Special Education Rules Implementation Manual](#)

Additional resources: Contact the **Special Education Director** for your school system.