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*What Every Administrator Needs to Know About Disciplining Students with Disabilities:
Legal Considerations and Practice Consideration.*

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Consider...

- Identify aims of IDEA 2004 regarding safety
- Can principals unilaterally exclude students
- Legally, when do schools have to have a MD and an FBA?
- What' s involved in an MD
- Who has the authority to place students in an IAES?
- What are the requirements of an IAES
- How is "prior knowledge" established

Major Areas of Emphasis

IDEA 2004 emphasizes the use of positive behavioral interventions and supports for students with disabilities who exhibit problem behavior

IDEA 2004 expanded the authority of school officials

IDEA 2004 "simplified" the discipline process

Discipline should be addressed through the IEP process

Interim Alternative Education Setting

- School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child--
 - (i) carries or possesses a weapon
 - (ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale
 - (iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function allows for participation in the general curriculum

Services

- A child with a disability who is removed from the child's current placement because of weapons, drugs, or infliction of injury and because of school code violation (irrespective of whether the behavior is determined to be a manifestation of the child's disability) continue to receive educational services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

OSEP

- IDEA 1997 does not specify the particular alternative setting in which services must be provided;What constitutes an appropriate alternative setting depends upon the individual circumstances of the case. **Letter to Anonymous, 30 IDELR 710 (OSEP 1998)**
- IDEA 1997 gives school administrators the right to protect the safety of students while giving the students with disabilities ample rights and protection. Continued educational services during

disciplinary actions ensure that the student with disabilities does not fall behind and attains the skills to modify behavior. **Letter to Spiropulos, 30 IDELR 709 (OSEP 1998)**

•A student with a disability is not excused from discipline unless the behavior is a manifestation of the disability. **Letter to Anonymous, 30 IDELR 978 (OSEP 1997)**

Case law-IAES

•Montgomery County Bd. of Educ., 43 IDELR 73 (SEA AL 2005)

•The district did not violate the IDEA's LRE requirement when it placed the 16-year-old student with a specific learning disability in a 45-day homebound interim setting as part of disciplinary proceedings.

•An impartial hearing officer determined that because the MD hearing concluded his actions were not a manifestation of his disability, the school was permitted to discipline him as it would any other student. Also, the placement decision was based on school policy and the IHO concluded it had "no authority" to overturn such a policy. On the LRE continuum, homebound placement is one of the most restrictive environments. The district was not required to consider less restrictive alternatives for the 45-day placement as it would normally be obligated to do because the placement was part of a districtwide disciplinary policy.

Case law-IAES

•Milton Pub. Schs., 49 IDELR 236 (SEA MA 2008)

•If a district fails to follow proper procedures in changing the student's placement, it could find itself liable for IDEA violations.

•The student, who was suspended after an altercation with a teacher, was substantially likely to harm himself or others. However, the IHO explained that the district could not place the student on homebound instruction without requesting an expedited due process hearing.

•Consider

–Conduct a manifestation determination

–Request an expedited hearing

–Know the scope of statutory exceptions. The IDEA permits a district to place a student in an alternative educational setting for up to 45 days, regardless of whether his misconduct is related to his disability, if his misconduct involves weapons, drugs, or the infliction of serious bodily injury against another person

Manifestation Determination

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members of the IEP Team (as determined by the parent and the local educational agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

IDEA 97-Manifestation

•The IEP team may determine that the behavior of the student was not a manifestation of his disability if

–the disability did not impair his ability to understand the impact and consequences of the behavior subject to disciplinary action

–(b) the disability did not impair his ability to control the behavior subject to disciplinary action.

- The IEP team must consider
 - all relevant information (e.g., evaluation and diagnostic results, observations of the student, and parent and child reports)
 - whether the special education services, supplementary aids and services, and behavior intervention strategies provided were consistent with the student’s IEP and placement.

Landmark Court cases (MD)

- Before a disruptive child with a disability can be expelled, it must be determined whether the disability is the cause of the child's propensity to disrupt

•**Prince William County Board v. Malone, 762 F.2d 1210 ((4th Cir. 1985)** - This case also addressed the issue of knowing right from wrong as sufficient grounds to exclude a connection between a student’s misconduct and disability. The court held that although the student probably understood that involvement with drugs was wrong, his learning disability prevented him from comprehending or giving long term consideration to the consequences of his actions.

Landmark Court cases (MD)

•**S-1 v. Turlington, 635 F.2d 342 (5th Cir. 1981)** - the court found that the school officials who determined that the misconduct was unrelated to the student's disability was made by school board officials who lacked the necessary expertise. The court also rejected the district's argument that a disability besides a behavioral disability precludes any relationship between the misconduct and the student's disability. Finally, the court rejected the assertion by the district that a determination that the student knew the difference between right and wrong was sufficient to exclude that the behavior was a manifestation of the disability.

Hearings-MD

•Fort Smith Public Schools (1998). In filling for a hearing, the parents were able to convince the hearing officer that the student was not able to control his behavior and prevailed over an ensemble of district experts. The hearing officer agreed that the student was able to differentiate right from wrong but disagreed with the district’s position that he was able to control his behavior. Specifically, the student would frequently become agitated and red-faced before attacking a person attempting to intervene during a behavioral incident. Consequently, the hearing officer ruled that the student’s disability impaired him from controlling his action and therefore the behavior was a manifestation of his disability.

Case law-MD

•Traverse City Area Pub. Schs.,45 IDELR 47 (SEA MI 2005).
 –A ninth-grade student, who wrote several classmates names on the bathroom wall stating that they would all die three days later, didn't write the death threat as a result of his OHI and learning disability
 – Testimony of district personnel revealed that the student deliberated before writing the death threat against four students on the bathroom walls, was aware of the possible consequences, and strategized by including his own name on the list.

Case law-MD/Section 504

•Tulsa (OK) Pub. Schs., 46 IDELR 49 (OCRVI, Dallas (OK) 2005).
 –The parent of a high school student who was suspended and then expelled for exposing himself to teachers and students and stealing students' backpacks complained to OCR the student was inappropriately disciplined, thereby denying him FAPE.
 –Section 504 requires districts to establish and implement procedures with respect to the identification, evaluation and educational placement of students with disabilities. Manifestation determinations are subject to the requirements for educational placements.

-The district showed OCR that it complied with the requirements of OCR and conducted a manifestation hearing prior to the student's expulsion. The team consisted of individuals knowledgeable about the student and determined "the complainant's son's disability doesn't keep him from knowing it is inappropriate to expose himself."

Case law-MD

- Glendora (CA) Unified Sch. Dist., 49 IDELR 263 (OCRIX, San Francisco (CA) 2007).
- A California district discriminated against a student with ADHD by expelling him without conducting a reevaluation or a manifestation determination. Noting that the student had since returned to school, OCR advised the district to develop policies and procedures for disciplining students with Section 504 plans.
- There is no express provision in the Section 504 regulations that requires a district to hold an MD hearing prior to a disciplinary removal. However, the provisions regarding evaluation, placement decisions and procedural safeguards suggest that such a requirement exists. Districts should thus consider holding MD hearings for students with 504 plans who commit behavioral offenses.
- The district in this case could have avoided a Section 504 investigation by evaluating whether the student's ADHD led him to bring a knife to school.

Case law-MD/Section 504

- Case name: Kansas City (MO) 33 Sch. Dist., 43 IDELR 117 (OCR 2005).
- There was insufficient evidence that a Missouri district violated Section 504 when it disciplined a student for various altercations.
- Although the suspensions were a "significant change" in the student's educational placement, the district held two hearings and determined that his misconduct was not a manifestation of his disability.
- If the conduct is unrelated to the student's disability, the district may discipline a special education student as it does the general education population. Here, the suspensions changed the student's placement. But OCR determined they were legitimate and did not violate Section 504 because they were unrelated to his disability.

Case law-MD

- Houston Indep. Sch. Dist., 43 IDELR 264 (SEA TX 2005). Although a Texas district appropriately conducted a manifestation determination after a 14-year-old with learning disabilities was caught with marijuana, it denied her FAPE earlier in the school year by not having an IEP in place at her new high school.
- After the student transferred to another school within the district, her new school failed to implement the IEP in effect at her previous high school or develop a new IEP, denying her FAPE for the first 113 days of the school year.
- The student, who failed most of her courses during the 113 days she was without an IEP, was entitled to appropriate compensatory education to provide her the special education instruction she missed.

Case law-MD

- Muskegon Pub. Schs., 45 IDELR 261 (SEA MI 2006).
- A 10th-grader with a learning disability in written expression and reading hadn't been a discipline problem at school and didn't attend school the day he jumped on the back of an administrative student specialist who was trying to break up a fight between gang members. Because there was no evidence the student had become frustrated at school the day of the attack or his disability was related in any other way to his conduct, the IHO affirmed the team's decision his behavior wasn't a manifestation of his disability.

- The student made a conscious decision to attend the fight and help one of his friends when he attacked the administrator, who had fallen on the ground after losing his balance in trying to separate the boys.

Case law-MD

- Lancaster Elementary Sch. Dist., 49 IDELR 53 (SEA CA 2007)

–A 14-year-old claimed frustration with his LD prompted him to bring tobacco and marijuana to school. Although few students prove in hearings that their substance abuse is directly linked to their LD, addressing the underlying issues that incite such breaks in discipline can ensure that students maximize their education.

–Many students become frustrated with school. But the struggle to succeed can be especially aggravating for those who are very bright and have learning disabilities. These students' motivation may dwindle. They may become angry. They may also turn to drugs to ease their angst.

MD Process

- Does the student possess the requisite skills to engage in an appropriate alternative behavior?

The team would break the behavior down into its subcomponents using task analysis

- Is the student able to analyze the problem, generate solutions, evaluate their effectiveness, and select one? This question can be answered by interviewing the student.

Can the student define the problem to be solved? Can the student set realistic and concrete goals to solve the problem? Can the student generate a wide range of possible alternative courses of action? Can the student imagine and consider how others might respond if asked to deal with a similar problem? Can the student evaluate the pros and cons of each proposed solution and rank order the solutions from least to most practical and desirable?

MD-Process

- Does the student interpret the situation factually or distort it to fit some existing bias? This question is aimed at discovering whether the student displays any cognitive distortions related to the situation. A cognitive distortion exists when a student does not factually interpret aspects of a situation.

- Can the student monitor his behavior? This deficit area is perhaps the most difficult to evaluate because assessment and intervention techniques are identical

Considerations-MD

- In IDEA 2004, conduct shall be determined to be a manifestation of a child's disability if the local educational agency, the parent and relevant members of the IEP team convene.

Behavior Intervention Plans

- If the conduct was a manifestation of the child's disability, the IEP Team shall--

–conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement [because of school code violations or in connection with misconduct involving weapons or illegal drugs, or infliction of serious bodily injury]

–in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior

Case law-BIP

- Indiana Area Sch. Dist. v. H.H., 45 IDELR 155 (W.D. Pa. 2006)

–The district's failure to develop a BIP for a student with severe behavioral issues, resulting in the parents' unilateral placement of the student in a private school, denied the student participation in and the benefit of his education, thereby violating Section 504 and the ADA.

–Although the parents received tuition reimbursement for their private placement, they weren't entitled to a compensatory education award because the student was in the district's program for only nine days

Case law-BIPs

- Hillsborough County (FL) Sch. Dist., 49 IDELR 167 (OCRIV, Atlanta (FL) 2007)

•An appropriate BIP is a district's best defense to allegations that it improperly disciplined a child with behavioral problems. Unless the BIP exempts the student from the district's code of conduct, the district can discipline the student for behavior unrelated to his disability in the same manner it would discipline the student's nondisabled peers.

•BIP strategies included: posting clear reminders of the consequence hierarchy at the student's desk, calling the [parent] at a designated step in the consequence sequence so that she can speak to the student or come to school if necessary, teaching anger management strategies to the student, and using positive reinforcement strategies

Recent Legal Activity

•Procedural violations regarding the presence or implementation of BIP are not automatically considered a FAPE violation

•Absent substantive requirements regarding BIPs, courts have refused to establish specific components associated with BIPs.

•BIPs should be developed when the student's behavior warrants it

•BIPs should reflect student's needs and be based on assessment data.

•Development of BIPs should involve individuals with knowledge of students

•BIPs should include positive behavioral interventions.

•BIPs should be consistently implemented in the least restrictive environment and interventions should be implemented in a timely manner and carefully documented

Functional Assessment

•It is the process of analyzing contextual factors related to the occurrence of inappropriate behaviors in order to draw conclusions about the purpose or intent the behavior .

•Determining the intent of the behavior allows the teacher to identify contextual modifications that may reduce the inappropriate behavior and teach the student appropriate replacement behaviors (Maag, 1997)

Purposes of FBAs

•To predict *when* the problem behavior will and will not occur

•To understand *what* maintains the problem behavior

•To determine *why* the problem behavior occurs

Outcomes of an FBA

A clear description of problem behavior

Identification of the events, times, and situations that predict the behaviors

Identification of the consequences that maintain the problem behaviors

Developing a hypothesis regarding the problem behavior

Collection of direct observation data that support the hypothesis

The FBA data & hypothesis form the basis of the BIP

Discipline: Excessive Force

- In *M. H. by Mr. and Mrs. H v. Bristol Board of Education* (2002), the court concluded that the physical restraint of a 14-year old with Down syndrome (chair restrain), and a teacher's intervention of spitting water on the child did not violate the child's rights.
- The court also listed a number of considerations regarding the "legality" of physical interventions: the need to apply force; the relationship between the need and the amount of force used; the extent of any injury inflicted; and whether the force was applied in a good-faith effort to maintain and restore discipline or was maliciously or sadistically to cause harm.
- Further, although the teacher acted inappropriately by spitting water on the child, the physical management techniques were applied only when the student became violent and in a professional manner.

Disciplinary Actions

- Jones County (GA) Sch. Dist., 49 IDELR 199 (OCRIV, Atlanta (GA) 2007).
- Ruling: A Georgia district did not violate Section 504 or the ADA when it disciplined a fifth-grader with a specific learning disability by making him walk laps. Unless a student has a behavior intervention plan that identifies specific sanctions for behavioral infractions, a district is free to discipline the student in the same manner as his nondisabled peers. Districts can minimize their chances of being found liable for retaliation by providing written documentation of their disciplinary policies.
- OCR noted that the district recorded all of the student's behavioral incidents, which included throwing a plastic bottle, throwing a backpack on the floor, and pinching a classmate

Disciplinary Actions

- Ray (AZ) Unified Sch. Dist., 49 IDELR 292 (OCR Denver 2007)
- OCR condemned a policy that required students to serve lunchtime detentions for failing to complete work in a timely manner.
- OCR noted that the policy had a disproportionate impact on students with disabilities. District records showed that 63 percent of students with IEPs were given academic detentions during the 2006-07 school year. Only 8 percent of the general education population received academic detentions.
- Also,
 - IEPs, Section 504 plans are not considered.
 - No academic supports are provided
 - Disciplinary measures are excessive

Disciplinary Actions

- *W.E.T. by Tabb v. Mitchell*, 49 IDELR 130 (M.D.N.C. 2008).
- A 10-year-old boy with asthma and cerebral palsy could pursue a Section 1983 action against the therapist who allegedly taped his mouth shut as a disciplinary measure
- Educators should think twice before using any type of physical restraint to discipline children with disabilities. If an educator's actions are so outrageous that a reasonable person would view them as a violation of the child's constitutional rights, the educator will likely find herself defending a Section 1983 action for any injuries the child suffers.
- The student maintained that the therapist forcefully and maliciously taped his mouth shut after he was seen talking in class. Because the student had breathing problems and mental difficulties, the therapist could not claim she was unaware that her alleged conduct was illegal.

ISS-Considerations

ISS shouldn't be considered as part of the days of suspension addressed in Section 300.530 of the IDEA, as long as the student is given the opportunity to:

Appropriately participate in the general curriculum.

Continue to receive the services specified on his IEP.

Continue to participate with children with disabilities to the extent he would have in his current placement (potential problem for small districts).

Keep track of changes that remove a student for part of a school day.

Suspensions of minimal length.

Placement in a time-out room.

Placement in detention after school.

Sending a student to the principal's office.

Disciplinary Actions

- Judicial and administrative decisions consistently have demanded that the duration of a time-out should be reasonable in light of factors such as the student's age, the student's emotional status, and the reason for imposing the discipline. See, e.g., *Rasmus v. State of Arizona*, 24 IDELR 824 (D. Ariz. 1996).

- Ideally, a time-out is an opportunity for a student to regain composure after experiencing a behavioral outburst. In general, districts should not view time-out as an aversive technique or a "punishment" for disruptive behavior. As a matter of best practice, the student should remain in the time-out room only until he becomes sufficiently self-controlled to rejoin the class.

Disciplinary Actions

- Gwinnett County (GA) Pub. Schs., 46 IDELR 291 (OCRIV, Atlanta (GA) 2006).

- A Georgia district didn't violate Section 504 or the ADA when it suspended a high school freshman for one year due to his repeated assaults against female classmates. Because the district conducted manifestation determinations for each suspension exceeding 10 school days and offered alternative education, including homebound instruction, OCR determined that the district offered the student FAPE. Noting the district held manifestation determinations after each incident of harassment and provided homebound instruction during each out-of-school suspension, OCR concluded the district's actions weren't improper. OCR pointed out that the district had a specific disciplinary policy for students with disabilities, and the district followed that policy by placing the student on a behavior contract before resorting to suspension.

Harassment

- In peer-on-peer disability harassment cases, a school district is not held liable for the action of the students, but instead for its own deliberate indifference to the harassing acts. A district can defend against a deliberate indifference charge brought under the ADA and Section 504 by showing that it appropriately responded to all incidents of bullying

- [Davis v. Monroe County Bd. of Educ., 526 U.S. 629](#), 103 LRP 20059 (1999),

- 1) the student is an individual with a disability; 2) that he was harassed based on his disability; 3) that the harassment "was sufficiently severe or pervasive" that it altered his education and created an abusive environment; 4) that the school knew or the harassment; and 5) that the school was deliberately indifferent to the harassment

Harassment

- Los Banos (CA) Unified Sch. Dist., 43 IDELR 146 (OCR 2004).

- A California district responded appropriately when it was notified that a student diagnosed with Asperger's disorder and ADHD was taunted by other students. OCR recommended that the district institute a formal investigative process to deal with future complaints of harassment.

- Districts are responsible for providing students with a nondiscriminatory educational environment. A district's response to harassment allegations must fully address the specific problems and ensure the victimized student is not denied or limited from participating in any programs.
- Otherwise districts condoning "sufficiently severe, persistent, or pervasive" conduct violate Section 504 and Title II of the ADA.

Liability

- Enright by Enright v. Springfield Sch. Dist., 49 IDELR 100 (E.D. Pa. 2007).
- The U.S. District Court, Eastern District of Pennsylvania refused to overturn a \$400,000 jury verdict against a school district that failed to instruct its bus drivers on transportation procedures for students with disabilities.
- Determining that the district created a dangerous situation by transporting a 7-year-old girl with Asperger syndrome on a bus with unruly high school students, the court concluded that there was sufficient evidence to support the jury's verdict. the district violated the child's right to personal safety and security by failing to properly train and supervise its bus drivers.
- Not only did the district fail to instruct drivers on the special needs of students with disabilities, the court observed, it told drivers to use their best judgment in deciding whether to report unruly behavior. The court explained that the district's unilateral decision to modify the child's transportation without regard to the behavior of other students on the bus placed her in a vulnerable situation.

Withdrawal of Parental Permission for Placement

- Plumbly v. Northeast Indep. Sch. Dist., 46 IDELR 126 (W.D. Tex. 2006).
- A Texas district could expel a high school student with ADHD whose behavior disrupted activities in his regular classes.
- Because they agreed to remove their son with ADHD from high school special education classes, the parents of couldn't obtain a stay-put injunction to prevent his expulsion for disruptive activity
- the student had once been classified as a student with a disability, the parents agreed at a due process hearing he would no longer receive special education services and would enroll in the district's regular program.

Adequacy of interventions

- Rialto Unified Sch. Dist., 48 IDELR 296 (SEA CA 2007).
- Determining that a California district should have assessed a sixth-grader's behavioral, the IHO ordered the district to provide the student with 250 hours of compensatory education services.
- An LEA cannot turn a blind eye to behavioral problems that interfere with a student's learning. Moreover, when the behavioral support plan developed for the child proves ineffective, the LEA must conduct a functional behavioral assessment and develop a behavioral intervention plan, if necessary. In this case, the district's characterization of the student's pervasive maladaptive behaviors as "extreme" should have prompted the district to evaluate the student's mental health needs

After School Programs

- The parent of a 6-year-old student with a behavioral disability accused the district of discriminating against the student by refusing to provide the student with the support of a behavioral therapist in an after-school program and by expelling the student from the program for misbehavior.

- OCR noted a non-public agency hired by the expert assessed the student and recommended the district provide a behavior therapist to work one-to-one with the student.

IDEA 2004

•Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities” (IDEA, § 1401(c)(1)).

IEP “Consideration of special factors”

•IDEA 2004 provides that the “IEP Team shall in the case of a child whose behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior” (Section 1414 (d)(3)(B) (i)).

•In such cases, the IEP team must include a statement regarding the particular device or service (including an intervention, accommodation, or other program modification) to be provided (34 C.F.R. [§] 300.346(a)(2)(c).

IEP Content

•A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable and a statement of the program modifications or supports for school personnel

•Focus on results!

Decision of Hearing Officer

•SUBSTANTIVE-shall be made on substantive grounds based on a determination of whether the child received a free appropriate public education.

•PROCEDURAL ISSUES- In matters alleging a procedural violation, a hearing officer may find that a child did not receive FAPE only if the procedural inadequacies

–impeded the child’s right to a free appropriate public education;

–significantly impeded the parents’ opportunity to participate

–caused a deprivation of educational benefits.

Authority of School Personnel

•AUTHORITY- School personnel may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

•ADDITIONAL AUTHORITY- If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability, the relevant disciplinary procedures applicable to children without disabilities may be applied (except with regard to FAPE...an IAES may be used)

•OTHER-Students not yet verified-prior knowledge

•Law enforcement referrals

Change of Placement

•A change of placement occurs if a removal is for more than 10 consecutive school days or if a child is subjected to a series of removals that constitute a pattern because:

The series of removals total more than 10 days in the school year;

A child’s behavior is substantially similar to behavior in previous incidents that resulted in series of removals; and

Additional factors such as length of each removal, total time child removed, and proximity of removals to one another.

The final regulations remove the requirement that a child's behavior must have been a manifestation of the disability before determining a series of removals constitutes change in placement.

Key Reminders

- Basically, you get 10 days of removal per year without the need to provide any services
- Change of placement is considered when there is a pattern of removals (total number of days, length, proximity) or a removal for over 10 consecutive days
- IEP teams not in need of conducting manifestation determination for exclusions for 10 days or less or for a total of over 10 days in a year without a pattern
- Schools may request additional 45 school days IAES from hearing officers if student presents danger of injury
- Section 300.121 (d)-For removals over 10 days in a school year, schools must provide services to the extent necessary to enable the child to progress in the general education curriculum and appropriately advance toward achieving IEP goals

A Golden Rule

- For special education students who don't exhibit recurring behavior problems that impede their learning or the learning of others, the regular disciplinary procedures may be most appropriate
- Students with recurring behavior problems, the appropriate disciplinary actions are those that are highly individualized as part of the FBA/BIP process and designed to modify the behavior
- Workshops on everything from implementing and following behavior intervention plans to handling confrontations with students.
- By implementing districtwide training in deescalation techniques and positive behavioral supports, districts will likely reduce the number of incidents before they occur