An incident of student behavior (violates student code of conduct) occurs that results in a disciplinary removal from school

Is the student receiving special education?  
YES  
NO  

See 1. Student Not Yet Eligible for Special Education

Is this removal for 10 school days or less?  
YES  

See 2. Removal - Not A Change in Placement

NO  

Is this removal for drugs or weapons or serious bodily injury?  
YES  

See 4. Change in Placement: Drugs or Weapons or Serious Bodily Injury

NO  

Is this removal for dangerous behavior not involving drugs or weapons?  
YES  

See 5. Change in Placement: Dangerous Behavior

NO  

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

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.

Written notice recommendations:
- Charges against student with summary of facts
- Recommended consequences
- Procedural safeguards
- Date, time, place of Manifest Determination Review (within 10 school days of decision to suspend/expel)
- States pending MDR

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

1. Was the conduct caused by or is there a direct causal relationship to disability?
2. Was the conduct the result of the district’s failure to implement IEP

The IEPT first considers all relevant info in a student’s file including:

1. Information provided by parent
2. Observations of the student by teacher
3. The IEP

And then determines that none of the following are true:

1. Was the conduct caused by or is there a direct causal relationship to disability?
2. Was the conduct the result of the district’s failure to implement IEP

\[2^{\text{Does the IEPT consider the behavior a manifestation of the disability?}}\]

- If behavior is not a result of the student’s disability then review need for FBA/BIP as appropriate
- Must complete a FBA/BIP or redo existing to prevent re-occurrence of behavior
1. Student Not Yet Eligible for Special Education
(Student is not currently in referral and does not currently receive special education)

School sends parent notice of disciplinary action according to general education policy.

Are any of the following true?

1. Parent expressed concerns in writing to supervisor/administrator or teacher
2. Parent request for special education evaluation prior to incident?
3. Teacher or other personnel has expressed concern to administration regarding pattern of behavior

Is parent or other requesting an evaluation after the incident?

Immediate evaluation per district procedures

Student may assert protections from procedures for eligible students until eligibility is resolved (see other charts)

District implements general education discipline procedures (during evaluation if requested after the incident)
2. Removals Not A Change of Placement
(10 or less school days per incident)

School sends parent notice of disciplinary action according to general education policy.

Has student accumulated more than 10 school days of removal in the school year?

YES

On 11th school day of removal in a school year, school provides special education services determined by school and special education teacher.

A. Is the current removal 10 consecutive days or longer or
B. Do a series of removals form a pattern of exclusion (change of placement) taking into account:
   1. length of removals
   2. total amount of time removed
   3. proximity of removals to each other?

YES

See 3. General change in Placement

NO

District implements general education discipline procedures.

NO

YES
3. Removals – General Change of Placement

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

Conduct MDR within 10 school days of decision. Must have parent, LEA and others from IEP Team agreed upon by both parent and LEA.

2. IEPT reviews need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) as “appropriate” to prevent reoccurrence of behavior.

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

YES

General disciplinary procedures are terminated. The student returns to placement of last IEP or other placement determined by the IEPT.

- Must do FBA/BIP or
- Review/update current BIP

NO

*IEPT meets to determine services that will occur when the school implements general education discipline procedures. The services must:
1. enable student to appropriately progress in the general curriculum, and
2. appropriately advance toward IEP goals

School and parent agree on manifestation determination and services

Begin IAES and services decided by IEPT.

Parent disagrees and requests due process hearing

Parent may request expedited hearing to appeal the manifestation determination and/or services. During due process, student placement remains in the last uncontested IEP. (Having completed within 20 days – decision within 10 days – total 30 days)
4. Change of Placement: Drugs or Weapons, Serious Bodily Injury

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

Conduct MDR within 10 school days of decision. Must have parent, LEA and others from IEP Team agreed upon by both parent and LEA.

2. Does the IEPT consider the behavior a manifestation of the disability?

- NO
  - IEPT reviews need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) as “appropriate”

- YES
  - Must conduct FBA/BIP or review/revise existing BIP to prevent behavior from reoccurring

IEPT meets to determine services that will occur in the interim alternative educational setting (IAES) for up to 45 school days (and consistent with general education discipline procedures). The IAES must:
1. enable student to continue to progress in the general curriculum, and
2. continue services and modifications to enable the student to meet the goals in the IEP

School and parent agree on manifestation determination, IAES and services

IAES and services decided by IEPT begins.

IAES expires unless:
1. mutually agreed extension by school/parent
2. H.O./Court extends
3. Returns to school w/new IEP (or old) as appropriate.

Parent disagrees and requests due process hearing

Parent may request expedited hearing to appeal the manifestation determination and/or IAES. During due process, student placement remains in the IAES proposed by the school.
5. Change of Placement: Dangerous Behavior

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

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

**IF NO:**
- IEPT reviews need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) as “appropriate” (Refer to * on page 5 General Change Placement)

**IF YES:**
- Must conduct FBA/BIP or review/revise existing BIP to prevent behavior from reoccurring

A hearing officer or court may order placement to an Interim Alternative Educational Setting (IAES) for not more than 45 school days. To do so, the school must demonstrate that:

1. Student is likely to inure self or others
2. The school (in consultation with the special education teacher) proposes an IAES that:
   a. Enable the student to continue to progress in the general curriculum, and
   b. Continue to receive services and modifications to enable the student to meet the goals on the IEP, and
   c. Include services and modifications that are designed to prevent the behavior from recurring.

**School proposal granted:**
- Placement ordered by hearing officer begins. Other placement may be used if school and parent agree.
- Parent appeal?

**School proposal rejected:**
- Placement ordered by the hearing officer is in effect pending an appeal in court.

- Student continues placement(s) in effect prior to the hearing.