



# Discipline Guidelines For Students with Disabilities

- ❖ Individual Education Plan
- ❖ Section 504 Plan

2022-2023

EVERYSCHOOL. EVERYCLASSROOM. EVERYSTUDENTEVERYDAY.

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current IEP, as well as consider the need and if determined necessary, obtain consent for conducting a *Functional Behavior Assessment (FBA)* and development of a





- *Positive Behavior Support Plan* is implemented and documented
- FBA/BIP, if developed, is implemented, and documented
- Accommodations are provided and documented
- ESE and Related Services are provided and documented
- receives accommodations /services as specified in the § 504 Plan and the *Positive Behavior Support Plan* has been implemented and documented
- is afforded the opportunity to continue to appropriately progress in the general curriculum
- has the opportunity to continue to participate with non -disabled peers to the same extent as s/he does in his/her current placement

If ATOSS is an available option and the ATOSS site to which the student is assigned/attends does NOT have a teacher and/or Related Service provider with the appropriate ESE certification provided 0.7 (d)-3 (i)-0(0.7 (d)-t.8 ( (8l3)5.(e)3.6 (.8 (r)-8.4 (968h72 (i)- (t)-3 dd

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the student/parent to request makeup work that may be required as a result of the student's suspension. Students who are absent shall receive a grade of zero (0) for work missed for the day(s) in which the absence(s) occur. Students shall receive appropriate grades for the make-up work to replace the zero (0). The make-up work should be made up within a specific time period, as determined by the current IEP/ §504 Plan and the instructor(s) as appropriate.

School personnel should prepare for the return of the student to the classroom or other appropriate placement by reviewing the current IEP/§ 504 Plan and *Positive Behavior Support Plan* and/or, as appropriate, schedule a meeting to revise the current plan. School personnel may counsel with the student and parent/guardian/educational surrogate\* to assist in a positive return to school.

\* In the case of a student in foster care for whom an educational surrogate has been appointed, notice MUST be provided to the surrogate and\_\_\_\_ the foster parent.

NOTE:

- The period of suspension cannot be extended pending a parent conference.
- Refer to page 5 regarding the use of ATOSS as it relates to # of OSS days.

## Out of School Suspension Procedures (IEP/§504)

Days 1 – 3 of suspension:

- Administrator responsible for discipline MUST review the current IEP/§504 Plan including the documentation of the implementation of the student's *Positive Behavior Support Plan*





Days 8 – 10 of suspension:

- Administrator responsible for discipline MUST review the current IEP/§504 Plan - including the documentation of the implementation of the student's *Positive Behavior Support Plan*

- the *Notice of Procedural Safeguards* as specified by 6A-6.03011 – 6A-6.0361, FAC.
2. Provide the parent /guardian/educational surrogate \* with the *Informed Notice of*

- b. If not already involved, contact the EE/SS Support Team Office for additional assistance.

\* In the case of a student for whom an educational surrogate has been appointed, notice MUST be provided to the surrogate and \_\_\_\_\_ the foster parent.

### Suspension - If the IEP or §504 Plan Does Not Include a Behavior Plan

A student with disabilities whose IEP/§504 Plan does not include a *Positive Behavior Support Plan* may be suspended for up to three (3) days in-school, from the Bus or out-of-school, provided an IEP /§504 meeting is scheduled within seven (7) to ten (10) days to include a *Positive Behavior Support Plan*.

In accordance with the *Code of Student Conduct*, the principal/designee will provide written notice of the suspension and alleged infraction(s) to the parent /guardian /educational surrogate \* and student .

The purpose of the IEP /§504 meeting is to:

- assess the student behavior(s)
- develop a behavior plan to effectively address the behavior (s) that lead to suspension
- determine the need for or revision of current FBA/BIP
- update the §504 Plan or IEP PLOP, Goals, Objectives, and Services to align with the behavior plan

\*

- If the district Conduct Review Committee/ §504 Team determines that the infraction was not a manifestation of the student's disability, the student may be disciplined in the same manner as a student without a disability; however, it cannot result in a complete cessation of services. A student with a disability is guaranteed a right to FAPE. School staff MUST contact the EE/SS Support Team Office for assistance.

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*Code of Student Conduct* OR a student in grades 6 – 12 incurs a third code infraction from the group of Multiple Aggressive Infractions indicated in the *Code of Student Conduct* AND the principal/designee is seeking to pursue referral to the Hearing Office , a manifestation determination meeting MUST be scheduled PRIOR to referral to the Hearing Office (Refer to pages 11-14).

The manifestation determination meeting MUST be held PRIOR to referral to the Hearing Office .

A manifestation of the disability is defined as the determination that there exists a causal relationship between the student's disability and specific behavior that may result in disciplinary action .

of the student being charged with the infraction, to schedule a manifestation determination (conduct review) meeting. The manifestation determination (conduct review) meeting MUST be scheduled within 10 school days, unless there are scheduling conflicts with the family and/or family's advocate/attorney and the district's legal counsel. (Refer to page 18, *Checklist for School Personnel*)

- The district Conduct Review office is responsible for informing the appropriate EE/SS staff of the meeting time and place.
- School personnel are responsible for:
  - Ensuring the parent/guardian/ educational surrogate \* is aware of the infraction (s) for which the student has been suspended PRIOR to the manifestation determination meeting
  - Providing the parent/guardian /educational surrogate \* with a written invitation(s) to the Conduct Review Committee or §504 Team manifestation determination meeting. Document all attempts to schedule the meeting.
    - Purpose of the meeting must be indicated on the invitation –  
“Manifestation Determination ”
- The principal/designee should be prepared to attend the meeting and present all required documentation for review.

\* In the case of a student in foster care for whom an educational surrogate has been appointed, notice MUST be provided to the surrogate and      the foster parent.

If there is insufficient information available, or the student, at the time the violation occurred, is in the process of initial evaluation or re-evaluation under IDEA/Section 504, the committee may recommend deferring the decision and request additional information or the evaluation/re-evaluation results. After the requested information is obtained, a second manifestation determination meeting will be held to determine whether the behavior is/is not a manifestation of the student's disability.

The Conduct Review Committee may also recommend as appropriate:

- return to assigned school and request assistance from the EE/SS District staff
- consideration of referral to the school CPST/MTSS team
- IEP/§504 meeting to be held to review and update the plan, as appropriate
- IEP/§504 meeting to obtain consent for or revise a comprehensive FBA/BIP

### Following the manifestation determination meeting

The school administrator may refer the student to the DCPS Hearing Office, as a disciplinary action/intervention referenced in the *Code of Student Conduct*, ONLY if the infraction was determined not to be a manifestation of the student's disability. The Hearing Officer may consider, as appropriate, an alternative school placement. The student must receive appropriate educational services as outlined in the IEP or §504 Plan while in attendance at the alternative school.

As indicated in 6A -6.03312(3)(c) FAC, if the school district, the parent and relevant

members of the IEP Team determine that the conduct was a manifestation of the student's disability, the IEP Team MUST :







The *Notice of Procedural Safeguards for Parents of Students with Disabilities* must be provided to the parent/guardian/educational surrogate \* when a student with an IEP is recommended for expulsion. An IEP meeting must be scheduled to update the IEP to reflect the change in placement and FAPE as a result of the expulsion.

The *Notification of Student Rights & Procedural Safeguards* and *Section 504 Due Process Procedures* must be provided to the parent/guardian/educational surrogate\* when a student with a §504 Plan is recommended for expulsion . For a student with a §504 Plan , a §504 Team meeting must be scheduled to update the §504 Plan, as appropriate.

\* In the case of a student in foster care for whom an educational surrogate has been appointed, notice

# CHECKLIST FOR SCHOOL PERSONNEL SUSPENSIONS EXCEEDING 10 DAYS LEVEL 2/3/ 4 INFRACTIONS AND POINTS/MULTIPLE AGGRESSIVE INFRACTIONS

All required documentation, as listed below, must be provided for review in order to conduct the manifestation determination meeting for a student with a §504 Plan, IEP or a student suspected of having a disability. Refer to pages 11 – 14.

## Prior to the Manifestation Determination Meeting:

- Contact district Conduct Review Office (858-6365) to schedule manifestation determination meeting OR schedule school based §504 Team manifestation determination meeting
- Inform the parent(s) /guardian(s)/educational surrogate \* in writing of the date, time, and location of the manifestation determination meeting. Document all attempts.
- Prepare documentation to be reviewed by the Manifestation Determination Review Team (see below)

## Documentation required for the Manifestation Determination Meeting:

- Written invitation (s) to parent /guardian/ educational surrogate \* regarding the manifestation determination meeting
- Individual Education Plan (IEP) or §504 Plan
- Positive Behavior Support Plan with IEP or §504 Plan, current FA/BIP (if developed) and P documentation of implementation for the behavioral plan (s)
- Cumulative Folder
- Disciplinary Record ( all referrals for the current school year )
- Written Teacher Statement(s) regarding student's behavior (if the teacher cannot attend the manifestation determination meeting)
- Copy of *Informed Notice of Change in Placement and/or Free Appropriate Public Education (FAPE)* form provided to parent(s) on the 11<sup>th</sup>+ day of suspension (Students with an IEP only)
- Copy of *Plan for the Continued Provision of Services* (Students with an IEP only) – if over 10 days of suspension
- Written invitation(s) to parent/guardian/ educational –

# APPENDIX

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