## Discipline of Students with Disabilities



This chart describes actions the IEP or 504 team must take in response to discipline of students with disabilities\* but does not describe the steps a district should take in deciding the appropriate discipline measures. Disciplinary decisions must be made on a case-by-case basis and should consider a variety of factors such as: the incident; individual factors such as the student's age, ability to understand consequences, capability of the student to carry out a threat, the student's discipline history; and effect of the conduct on the school environment.

In Illinois, discipline decisions must also comply with SB 100:

- 1) A suspension of three days or less is allowed only if the student's continuing presence in school would pose a threat to school safety or a disruption to the school environment.
- 2) A suspension longer than three days, expulsion, or disciplinary removal to an alternative school is only allowed if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would pose a threat to safety or substantially disrupt, impede, or interfere with the operation of the school or the learning opportunities of others.

Is the current out-of-school disciplinary removal more than 10 days or part of a pattern of disciplinary removals totaling more than 10 days in this school year? special education or other supervisory personnel. \*\*IEP/Section 504 Team must complete a Manifestation Determination Review (MDR) and ask the following questions: The student may be disciplined in the same manner as a non-disabled student without the provision of IEP 1) Was the conduct caused by or does it have a direct and substantial relationship to the child's disability? OR services or change of placement during the exclusion. Was the conduct in question a direct result of the LEA's failure to implement the IEP? The student may be suspended or expelled, but the student must still be provided with a Free Appropriate No Public Education (FAPE). In Illinois, even if the conduct was not a manifestation of the student's disability or failure to implement the

- Complete a Functional Behavioral Assessment (FBA) or revise the Behavior Intervention Plan (BIP).
- Student must be returned to prior placement unless LEA and parent agree to a change of placement.

\*These protections also apply to students who have not yet been determined eligible if prior to the disciplinary incident the parent requested an evaluation or expressed in writing to an administrator or teacher that the student needs special education services, or school staff expressed concern to the director of

These protections do not apply if the child has been evaluated and determined ineligible or the parent refused to consent to an evaluation or services.

- IEP, if the conduct results in more than 10 days of exclusion in one year, the LEA must develop or review/ revise the student's BIP.
- \*\*Note: A student may be removed to an Interim Alternative Educational Setting (IAES) for no more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability if the child:
- Carries or possesses a weapon;
- Knowingly possesses or uses illegal drugs, or sells/solicits sale of a controlled substance:
- Has inflicted serious bodily injury upon another person.

The IAES is determined by the IEP team.

