

## DISCIPLINE

[34 CFR §300520 -.529 (relating to Discipline Procedures), TEC Chapter 37, Subchapter A (Alternative Settings for Behavior Management, 19 TAC §89.1050(f))]

All disciplinary actions regarding students with disabilities shall be conducted in accordance with the most current federal and state laws.

### I. REMOVAL FOR VIOLATION OF STUDENT CODE OF CONDUCT

A. Short term removals - totaling more than 10 school days in a school year which do not constitute a change of placement:

1. 10 days or less removal - student commits code of conduct violation for which the disciplinary consequence results in removal from the student's placement for 10 consecutive school days or less. School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed 10 consecutive school days
2. No services provided -Services may not be provided to the students if non-disabled student would not receive services for the same consequence, at administrator's discretion

B. Subsequent short term removals -School personnel may continue to remove the student for disciplinary reasons for up to 10 school days at a time throughout the same school year for separate incidents of misconduct, without conducting a manifestation determination review or ARD, so long as the short term removals do not constitute a change of placement reg. 300.519(b), and are those which would be applied to non-disabled students.

1. Change of placement consideration - However, a series of disciplinary short term removals, each for 10 consecutive school days or less, may result in a change of placement if they cumulate to more than 10 school days in one school year and certain factors weigh in favor or treating the removal as a change of placement.
2. School personnel analyze the length of each removal, the proximity of the removals to each other, the total amount of time the child is removed;

3. if a short term removal results in a change of placement, a manifestation determination review is done and the IEP team meets to address behavioral issues through a functional behavioral assessment and a behavior intervention plan, if no plan has previously been developed.
- C. 11th day ARD - Beginning with the 11th day of disciplinary removals in a school year, the extent to which educational services are necessary during a disciplinary removal must be determined by ARD committee meeting.
1. If the removal does not result in a change of placement, school personnel, in consultation with the student's special education teacher, determine the extent of the services to be provided.
  2. The extent of educational services to be provided must be those necessary to meet the standard of enabling the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP.
  3. Functional Behavioral Assessment - Beginning the 11th day of short-term disciplinary removals in a school year, and in any case of a disciplinary change of placement, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within 10 business days of first removing the student for more than 10 school days in a school year to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal.
  4. Behavior Intervention Plan - After the functional behavioral assessment is completed, the IEP Team meets as soon as practicable to develop a behavioral intervention plan to address the behavior and implement the plan.
  5. If the student's IEP already includes a behavior intervention plan, within 10 school days of first removing the student for more than 10 school days in a school year, the IEP Team must meet to review the behavior intervention plan and its implementation, and modify the plan and its Implementation as necessary to address the behavior.

- D. Informal BIP Review - If the student is assigned subsequent disciplinary removals in a school year for 10 school days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary.
- E. Short term removals - totaling more than 10 school days in a school year which do constitute a change of placement:
1. Procedural Safeguards - no later than the date on which the decision which resulted in the change of placement was made, the school notifies the student's parents of the decision and provides the parents with notice of procedural safeguards.
  2. ARD Meeting — no later than 10 school days after the date on which the decision which results in a change of placement is made, the school convenes a meeting of the student's ARD committee.
  3. Functional Behavioral Assessment — the ARD committee conducts a functional behavioral assessment and, as soon as practicable after completing the FBA, develops appropriate interventions (BIP) to address the behavior, if the FBA and BIP have not already been in place.
  4. Review BIP — if the student already has a BIP in place, the ARD committee meets to review the BIP and its implementation, and modified the BIP and its implementation as necessary to address the behavior.
  5. Manifestation determination review — ARD committee conducts this review immediately, if possible, but not later than 10 school days after the date of the disciplinary action, and considers evaluation and diagnostic results and any relevant information supplied by the parents of the student, observations of the student, and the student's IEP and placement, and that:
    - a. The student's IEP and placement are appropriate
    - b. Special education services, supplementary aides and services, behavior intervention strategies are consistent with IEP
    - c. Whether the disability impaired the student's ability to understand the impact and consequences of the behavior subject to disciplinary action
    - d. Whether the student's disability impaired the ability of the student to control the behavior subject to disciplinary action

- e. If the committee determines that the behavior is a manifestation of the student's disability and identifies deficiencies in the student's IEP or placement or in their implementation, the school will take immediate steps to remedy any deficiencies found in the student's IEP or placement or their implementation.
  - f. If the committee determines that the behavior is not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner they are applied to students without disabilities.
6. Services provided - for any days of removal of student in excess of 10 school days, the school has provided the student with services necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.
  7. AEP placement — if assigned to the Alternative Education Program, needed services as determined by the IEP will be made available and continue in that setting. In that setting, the student will continue to participate in the general curriculum, and be provided services which allow the student to progress in the general curriculum and advance toward the goals in his or her IEP. Needed services include those services and modifications designed to address the behavior so that it does not reoccur.