

School Discipline and Special Education

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*Advancing the rights of
Marylanders with disabilities*

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- Overview of the School Discipline Process and changes for 2014-2015
 - Discipline of Student with Disabilities

Discipline of Students with Disabilities

- A student with disabilities may be removed from school for up to 10 consecutive days just as a non-disabled student.
- When student with disabilities is removed from school for more than 10 cumulative days, or has been subjected to a series of removals, there should be a manifestation meeting.

Manifestation Meeting

- The IEP team must review all relevant information in the student's file, any teacher observations, any relevant information provided by the parents and the IEP and determine:
 - 1) if the conduct was caused by, or had a direct and substantial relationship to the student's disability; or
 - 2) if the conduct was the **direct** result of the school's failure to implement the IEP (including the BIP).

If Manifestation Found → student returns to school

EXCEPTION: drugs, weapons or serious bodily injury

What is NOT manifestation?

- Student knows right from wrong
- Student is not sorry
- Student intended to break the rules
- School staff need a “break”

IEP Team Finds No Manifestation

- The School may remove a student with disabilities for more than 10 school days.
 - Students with disabilities should continue to continue to receive educational services and work towards IEP goals.
- The team should **STILL** consider completing or revising existing FBA and BIP to address the behaviors that lead to the suspension.

Manifestation-- Summary

If manifestation → return to school unless weapons, drugs, serious bodily injury

If no manifestation or exception → get services and work for credit while out of school

Development of a Behavior Intervention Plan (BIP)

- A Behavior Intervention Plan (BIP) is a concrete plan of action for managing a student's behavior. A BIP may include ways to change the environment to keep behavior from starting in the first place, provide positive reinforcement to promote good behavior, employ planned ignoring to avoid reinforcing bad behavior, and provide supports needed so that the student will not be driven to act out due to frustration or fatigue.
- When a behavior plan is agreed to, the school and staff are legally obligated to follow it. The BIP is PART of the IEP.
- A Functional Behavior Assessment (FBA) is an integral part of developing an effective behavior plan.

Credit During Suspension– All Students

- New statewide discipline regulations provide additional protections for suspended students for 2014-2015.
- For ALL students, suspension is an excused absence (as it has always been)
- For ALL suspended students, schools should provide class and homework.

Educational Services During Suspension (new for 2014-2015)

- All students “shall receive daily classwork and assignments from each teacher which shall be reviewed and corrected by teachers on a weekly basis and returned to the student.”
- Students can complete work without penalty
- Schools shall appoint a liaison for coordination and provide liaison’s contact information

When should I call MDLC?

- Student with IEP is suspended for behaviors related to his disability, whether or not manifestation is found
- Team incorrectly finds No Manifestation
- Student is sent home, or asked to stay home without being suspended “illegal send-home/unofficial suspension”
- Student with IEP is suspended for more than 10 days and is not receiving IEP services

Contact Information

Maryland Disability Law Center

410-727-6352

1-800-233-7201

For new case referrals, ask for intake.

For questions, e-mail
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