



## School Discipline & Students with Disabilities

This fact sheet shares information about the discipline of students with disabilities. Specifically, students with disabilities should not be punished for behaviors caused by their disabilities; instead, schools must provide appropriate supports and services to address the students' behaviors. These rights come from the Individuals with Disabilities Education Act, but may also apply to students receiving services through Section 504 of the Rehabilitation Act.

### Important Terms

Manifestation: Adverse behavior caused by, or related to, a student's disability is considered a manifestation of that disability.

Placement: A placement is the environment in which a student is receiving education.

Removal: A removal happens when a student's placement is changed for disciplinary reasons.

### How often can a school remove a student with a disability without having to review the student's needs?

A change in placement for any part of the school day, including a bus suspension or lunch detention constitutes a day of removal. A "disciplinary change of placement" happens when the school orders that a student with a disability is subject to:

- 10 **consecutive** days of disciplinary removal; or
- 10 **cumulative** days of removal, if the student's behavior is substantially similar to their behavior that caused previous removals.

When considering whether 10 cumulative days of removal constitute a disciplinary change of placement, look at the similarity of the student's behavior in each incident, as well as the length of each removal, the total amount of time the student was removed, and how closely in time the removals occurred.

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## **How is it determined that a student's behavior is a manifestation of their disability?**

Within 10 instructional days of any disciplinary change of placement, a case conference must occur so participants can determine whether the student's behavior is a manifestation of their disability. Specifically, participants must decide whether the behavior prompting the removals was:

1. caused by, or had a direct and substantial relationship to, the student's disability; or
2. the direct result of the school's failure to implement the student's individualized education program (IEP).

## **What if a student's behavior is a manifestation of their disability?**

The school must return the student to their previous placement, conduct a Functional Behavior Assessment (FBA) of the student, and implement a Behavior Intervention Plan (BIP).

## **What if a student's behavior is not a manifestation of their disability?**

The school may apply relevant disciplinary procedures that would be applied to a student without a disability. However, even if the student is removed, the school must continue providing appropriate services to the student. The student should continue participating in the general curriculum, make progress toward their IEP goals, and receive appropriate supports and services pursuant to their FBA and BIP.

## **What is a FBA?**

A FBA, or "functional behavioral assessment," identifies patterns in a student's behavior and its purpose or function for the student.

## **What is a BIP?**

A BIP, or "behavioral intervention plan," is a plan that describes:

- The pattern of behavior that impedes the student's, or others', learning;
  - The purpose or function of the behavior, as identified in an FBA; and
  - Positive interventions, supports, and other strategies to address the behavior.
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## **Why would a student be placed in an Alternative Education Setting?**

A school can place a student in an Interim Alternative Education Setting (IAES) for 45 days, regardless of a manifestation determination, if the student:

- Carries a weapon to school or has a weapon;
- Knowingly has or uses illegal drugs or participates in the sale of a controlled substance; or
- Inflicts serious bodily injury upon another person.

Importantly, if a student is placed in an IAES, the school must continue providing appropriate services. The student must be permitted to continue participating in the general curriculum, make progress toward their IEP goals, and receive supports and services pursuant to their FPA and BIP.

## **Do the procedures described in this fact sheet apply within the juvenile justice system?**

No, school disciplinary procedures apply only to the education setting and do not necessarily apply in the juvenile justice system.

## **Where can I get help if my child with a disability has been removed for behaviors caused by their disability?**

If you would like assistance advocating for a student whose disciplinary rights are being violated, you may contact Indiana Disability Rights. To ask for help, please call 317-722-5555 or 800-622-4845. You may also contact us at:

<https://in.accessgov.com/idr/Forms/Page/idr/for-help-fill-this-out/0>.