**School Discipline for Children with Disabilities**

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Children with disabilities who receive special education services can be suspended and expelled from school. However, special rules apply if a school wants to expel a child with an Individualized Education Program (IEP) or suspend such a child for more than ten (10) school days during the school year.

**Disciplinary Actions of 10 Days or Less**

* A child with a disability, who has an IEP in effect, can be disciplined like any other student for 10 consecutive school days or less if he or she violates a code of student conduct.
* A child with a disability who violates a code of student conduct may be removed from their current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than ten (10) school days.

**Disciplinary Actions of More Than 10 Days**

* If school personnel recommend a change in placement, an Admissions and Release Committee (ARC) will be held as soon as possible, but no later than within ten school days, to determine whether the behavior that gave rise to the violation of a code of student conduct was a manifestation of the child’s disability.
* A child’s conduct is a manifestation of his or her disability if it: (1) was caused by, or had a direct and substantial relationship to the child’s disability; or (2) If the conduct in question was the direct result of the school’s failure to implement the IEP.
* If the ARC determines that the child’s behavior was a manifestation of his or her disability, or an improperly implemented IEP, the ARC must: (1) Conduct a functional behavioral assessment; or (2) Review the behavioral intervention plan, (if one had already been developed) and modify it, as necessary, to address the behavior. In addition, the child must be returned to the placement from which he or she was removed.
* If the ARC determines that the student’s behavior was NOT a manifestation of his or her disability, school personnel may apply disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities.
* School personnel may remove a child with a disability to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is a manifestation of the child’s disability, if the child: (a) Carries or possesses a weapon at school, on school premises, or to or at a school function; or (b) Possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function; or (c) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.