

Updated 2022

# SPECIAL EDUCATION OPERATING PROCEDURES

## Discipline

### AUTHORITY OF SCHOOL PERSONNEL

June 2022



# **AUTHORITY OF SCHOOL PERSONNEL**

## **What is Required**

Under the IDEA, a student with a disability is entitled to certain procedural requirements before being removed from his/her current placement for disciplinary reasons. This section also applies to any student who has not yet been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct if the District had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. *See* [PROTECTIONS FOR CHILDREN NOT YET DETERMINED ELIGIBLE].

### **Authority to Remove for Not More than 10 Consecutive School Days**

Campus Administration may remove a student with a disability who violates the student code of conduct from the student's current placement to an appropriate interim alternative educational setting ("IAES"), another setting, or suspension for no more than 10 consecutive school days to the extent such discipline is applied to children without disabilities. Campus Administration can remove the student for additional removals of not more than 10 consecutive school days during that same school year for separate incidents of misconduct, so long as the removals do not constitute a disciplinary change of placement.

A disciplinary change of placement occurs if the removal is for more than 10 consecutive school days or the child has been subjected to a series of removals that constitute a pattern:

- Because the series of removals total more than 10 school days in a school year;
- Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
- Because of additional factors such as the length of the removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

*See* [DISCIPLINARY CHANGE OF PLACEMENT].

### **Authority to Remove for More Than 10 Consecutive School Days**

To apply relevant discipline procedures in accordance with the Student Code of Conduct to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities for more than 10 consecutive school days (or for a removal that constitutes a change of placement), Campus Administration may only do so in certain circumstances and only after providing certain procedural protections to the student with a disability.

Specifically, Campus Administration may only remove a student with a disability for more than

10 consecutive days (or less if the removal constitutes a change in placement) if it is determined by the student’s ARD Committee in a Manifestation Determination Review (“MDR”) ARD that the behavior giving rise to the violation of the student code of conduct is not a manifestation of the student’s disability. *See* [MANIFESTATION DETERMINATION] and [WHEN BEHAVIOR IS NOT A MANIFESTATION]. The student must still be provided special education and related services during the period of removal. This is considered a disciplinary change of placement.

In addition, on the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of the Student Code of Conduct, the parent/adult student must be notified of the decision and provided a copy of the *Notice of Procedural Safeguards*. *See* [SERVICES DURING PERIODS OF REMOVAL] and [DISCIPLINARY CHANGE OF PLACEMENT]. The notice must also inform the parent of the Campus’s obligation to provide the student with the opportunity to complete the coursework required for graduation and of all methods available for completing the coursework. The notice must further state that the methods available for completing the coursework are available at no cost to the student. For students who are homeless or in substitute care, Campus Personnel must provide this notice to the student’s educational decision-maker and caseworker.

After completing the Manifestation Determination Review ARD and providing the appropriate notice, Campus Administration may remove the student to an alternative setting for not more than 45 school days regardless of whether the behavior is determined to be a manifestation of the student’s disability if the student:

- Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the District;
- Knowingly 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 under the jurisdiction of the District; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District.

*See* [SPECIAL CIRCUMSTANCES].

If disciplinary action that constitutes a change of placement (i.e. removal for 10 or more days or removal that constitutes a “pattern” of removals), is taken for a student with a disability, the district must, no later than 10 school days after the change in placement is made:

1. Seek consent from the parent to conduct a Functional Behavioral Assessment (FBA) if the student has never had an FBA or the existing FBA is more than one year old;
2. Review any previously conducted FBAs and any Behavior Intervention Plans (“BIPs”) developed for the student based on that FBA; and
3. As necessary, develop a BIP, if the student does not have a plan, or revise the existing BIP.

## **Limitation on General Authority – Bullying, Harassment, or Making a Hit List**

A student with a disability cannot be disciplined for bullying, harassment, or making a hit list until the ARD Committee convenes to review the conduct.

“Bullying” is a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means (including cyberbullying), or physical conduct and that:

- Has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- Infringes on the rights of the victim at school.

“Harassment” means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student’s physical or emotional health or safety.

“Hit List” is a list of people targeted to be harmed using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

### **Referral to Law Enforcement and Courts**

Campus Administration may report a crime committed by a student with a disability to appropriate authorities in the same manner they would for students without disabilities. Likewise, state law enforcement and judicial authorities may exercise their responsibilities regarding the application of federal and state law to crimes committed by a student with a disability. However, when reporting a crime committed by a student with a disability, Campus Administration must ensure that copies of the student’s special education and disciplinary records are provided to the appropriate authorities to whom the crime is reported, but only to the extent allowed under the Family Educational Rights and Privacy Act (“FERPA”). *See* [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION]. In addition, if the student is homeless or in substitute care, Campus Administration must provide notice to the student’s educational decision-maker and case worker concerning any citation issued for Class C misdemeanor offenses on school property or at school-sponsored activities.

The criminal procedures, including the filing of a criminal complaint, regarding students who commit a school offense under Texas Education Code Chapter 37 apply to students with disabilities in the same manner as they do to students without disabilities. A school offense means

an offense committed by a student who is at least 10 years of age and younger than 18 years of age that is a Class C misdemeanor other than a traffic offense that is committed on District property. Campus Administration must include a statement of whether the student is eligible for or received special education services in the complaint. If the District commissions peace officers under the Texas Education Code, it may also develop a system of graduated sanctions that the District may require be imposed on the student before a complaint is filed against the student with a criminal court for the following school offenses:

- Intentionally disrupting the conduct of classes or other school activities as defined by Texas Education Code 37.124;
- Intentionally disrupting, preventing, or interfering with the lawful transportation of students to or from school on a vehicle owned or operated by a county or the District or to or from an activity sponsored by a school on a vehicle owned or operated by the county or District;
- Intentionally or knowingly using abusive, indecent, profane, or vulgar language in a public place, and the language tends to incite an immediate breach of the peace;
- Intentionally or knowingly making an offensive gesture or display in a public place that tends to incite an immediate breach of the peace;
- Intentionally or knowingly creating, by chemical means, a noxious and unreasonable odor in a public place;
- Intentionally or knowingly abusing or threatening a person in a public place in an obviously offensive manner; or
- Intentionally or knowingly making an unreasonable noise in a public place (other than a sport shooting range) or in or near a private residence that the student has no right to occupy.

### **Additional Procedures**

Discipline is part of the educational process and prepares a student to work with other people in a socially acceptable manner. A student with a disability is subject to the school's Student Code of Conduct unless otherwise stated in the student's IEP. Students with disabilities are expected to obey school rules. They are also subject to disciplinary action if those rules are broken. However, because of the possibility that a student's disability may interfere with his/her ability to understand and/or obey school rules and because of the need to ensure that the student's educational program is not disrupted inappropriately, more care must be taken to protect the rights of the student with disabilities during disciplinary actions. The procedures in this section are designed to provide guidelines to follow when unacceptable behaviors occur and ensure that any disciplinary action necessary is administered with regard to the student's disability.

Most students with disabilities are capable of adhering to the Student Code of Conduct. However, Campus Administration must review the student's IEP and BIP to determine whether there might be special circumstances that would prevent the use of a particular disciplinary action with the student with a disability. Decisions regarding the removal of a student with a disability will be determined on a case-by-case basis, considering the student's unique needs and the circumstances surrounding the conduct. In determining whether a change in placement that is otherwise

permitted under disciplinary procedures is appropriate for a student with a disability, Campus Personnel may consider any unique circumstances, including, but not limited to, the student's:

- Disciplinary history;
- Ability to understand consequences;
- Expression of remorse; and/or
- The supports provided to the student prior to the violation of the Student Code of Conduct.

The District does not need to provide special education or related services to a student with a disability removed for less than 10 cumulative days. However, once the student has been removed for 10 cumulative school days, Campus Personnel will need to provide services for any subsequent removal. Campus Personnel shall consult with the student's general and special education teacher(s) to determine the extent to which services must be provided to ensure that the student can access the general education curriculum and make progress towards IEP goals.

### **Summary of Disciplinary Steps for Students with Disabilities**

1. Student commits offense that violates Student Code of Conduct.
2. Campus Administrator determines whether the student has been identified or referred as a student with a disability.
3. Campus Administrator makes a preliminary decision and conducts a formal hearing.
4. Campus Administrator with input from Campus Special Education Personnel makes a determination as to whether or not the disciplinary action constitutes a change of placement. If the disciplinary action is for more than 10 consecutive school days or is a pattern of removals of more than 10 school days in a school year, it constitutes a change of placement.
5. If the disciplinary action does not constitute a change in placement, regular discipline procedures apply as long as these procedures are in accordance with the student's BIP, should the student have one.
6. If the disciplinary consequence constitutes a change in placement an MDR ARD meeting will be scheduled (within 10 school days for long term removals).
  - If the behavior is determined to be a manifestation of the student's disability, the student is not subject to removal from school, unless special circumstances exist.
  - If the behavior is determined not to be a manifestation of the student's disability, the student will be removed to an IAES.

### **In School Suspensions (ISS)**

In school suspensions are counted in the total number of removal days unless the student is afforded an opportunity to continue to appropriately participate in the general curriculum, the student continues to receive all the special education and related services specified in his/her IEP, and the student continues to participate with his/her nondisabled peers to the extent he/she would have participated in his/her current placement. However, once a student has been placed in ISS for 10 or more cumulative days in a school year, even if services are provided, an ARD Committee meeting should be held to determine if the behaviors should be addressed through the student's

IEP or BIP. Campus Administration should work closely with the Campus Special Education Personnel to ensure that the services specified in the student's IEP can be effectively delivered in the ISS setting.

### **Interim Alternative Educational Setting (“IAES”)**

The ARD Committee will determine whether an IAES placement is appropriate, and if so, which IAES placement the student will attend. A student may not be placed in an IAES setting solely for educational purposes. When the ARD Committee decides to place a student at an IAES, the Campus Personnel will provide the parent of the student with written notice of the Campus's obligation to provide the student the opportunity to complete the coursework for graduation at no cost to the student. Any teacher in an IAES with a special education assignment must be appropriately certified or otherwise permitted to teach special education. *See* [DISCIPLINARY CHANGE OF PLACEMENT].

### **Subsequent Short-Term Removals**

For subsequent short term removals (of less than 10 school days) after the student has already been removed for more than 10 school days in the school year and an MDR ARD has been held, the Campus members of the ARD Committee will review the student's IEP and BIP and its implementation to determine if modifications are necessary. If one or more members of the ARD Committee believe that modifications are needed, an ARD Committee meeting must be held to modify the IEP and/or BIP. If a parent requests a review of the student's IEP or BIP, Campus Special Education Personnel shall schedule and hold an ARD Committee meeting.

Each campus must have in place a process for the IEP/BIP review of students who experience short term removals following an MDR ARD. The student's special education case manager should be in close contact with the Campus Administrator in charge of discipline in order to determine when an examination of additional removals is needed by the ARD Committee.

### **Bus Suspension of a Student with Disabilities**

A student with a disability may be suspended from the school bus for violations of the Student Code of Conduct. However, such suspension will count as a removal if the special transportation is a part of the student's IEP. If special transportation is not a related service as part of the student's IEP, a bus suspension would not be considered a removal, as long as the student can still access his/her special education and related services during this interval. If the student's behavior on the bus is similar to behavior addressed in the student's IEP, the ARD Committee should consider whether the bus behavior needs to be also addressed in the student's IEP and/or whether the student needs special transportation as a related service.

### **Teacher Removal of a Student with a Disability**

A teacher may send a student with a disability to the Campus Administrator's Office to maintain effective discipline in the classroom. The Campus Administrator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct and the student's IEP/BIP that can reasonably be expected to improve the student's behavior before

returning the student to the classroom.

A teacher may remove a student from class in accordance with Texas Education Code 37.002. However, before a teacher removes a student with disabilities, the teacher should carefully review with special education support personnel and with school administrators:

- The student's IEP;
- The student's BIP; and
- Appropriate documentation to assure that all elements of the IEP and BIP have been properly implemented.

If the teacher's written reports of violations of the District's Board-approved Student Code of Conduct indicate a pattern of inappropriate behaviors or an increase in the frequency of inappropriate behavior, an ARD Committee should be convened to consider any needed changes in program or behavior intervention strategies as soon as there is evidence that the student's placement and/or BIP are no longer effective in meeting the student's individual needs.

If a teacher requests that a student with a disability be removed from a class, the Campus Administrator will arrange for an interim placement pending a conference. Following the conference, which must be held within three school days, the Campus Administrator can:

- Place the student in another appropriate setting that is compatible with the requirements in the student's IEP and BIP; or
- Return the student to the same classroom with the teacher's consent.

If the student's IEP/BIP is appropriate, and the teacher refuses to consent to the principal's decision to return the student to his/her classroom, the principal or designee may:

- Place the student in another comparable classroom (i.e., regular classroom, resource room, PE class, etc.) that is consistent with the placement specified in the student's IEP; or
- Convene a placement review committee to consider the teacher's refusal. The placement review committee may return the student to the teacher's class without the teacher's consent if the committee determines that such placement is the best or only alternative available. Such determination is subject to the requirements of the IDEA and federal regulations, state statutes, and agency requirements necessary to carry out the laws or regulations relating to special education.

## **Referral to Law Enforcement and Courts**

Although the IDEA does not specify how much information the Campus Administrator must provide the authorities when making a referral, the Campus Administrator will provide sufficient information to provide the authorities an accurate picture of the student's current level of functioning and performance. The Campus Administrator will first attempt to seek parental consent to provide records to the authorities. However, if the parent refuses to consent, the Campus Administrator may only release the records to the extent allowed under FERPA. *See*

[CONFIDENTIALITY OF INFORMATION] and [CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION] and [WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION].

The District may not prohibit an employee from reporting a crime witnessed at the Campus to any peace officer with authority to investigate the crime.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Student Code of Conduct
- *Notice of Procedural Safeguards*
- ARD/IEP
- MDR ARD
- FIE
- BIP
- Behavior Documentation
- Prior Written Notice
- Documentation of Communication With Parents
- Parental Consent Disclose Confidential Information to Authorities
- Special Education Discipline Flow Chart
- FBA Consent
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Authority of School Personnel – Region 18](#)

[Discipline and School Removals - Texas Education Agency](#)

[Special Education Discipline Q&A - Region 13](#)

[OSEP Questions and Answers on Discipline Procedures \(Revised June 2009\) - U.S. Department of Education](#)

[Chapter 37 Discipline Chart - Texas Association of School Boards](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[U.S. Department of Education - School Climate and Discipline](#)

## **CITATIONS**

Board Policy FOF, FOC, and FFB; 34 CFR 300.530, 300.535, 300.536(a); Texas Education Code 25.007, 37.001, 37.002, 37.0022, 37.003, 37.008, 37.124, 37.126, 37.141, 38.144–38.146, 37.148; Texas Penal Code 42.01(a)(1)–(5)

## **STAFF RESPONSIBLE**

For questions about Discipline: Authority of School Personnel please contact:

The Department of Special Education.

(281) 396-2630

**IKA\*Y**

# SPECIAL EDUCATION OPERATING PROCEDURES

## Discipline

### DISCIPLINARY CHANGE OF PLACEMENT

June 2022



# DISCIPLINARY CHANGE OF PLACEMENT

## What is Required

### **Disciplinary Change of Placement**

A placement is not a physical location. Rather, placement is the instructional arrangement/setting that has been decided by the ARD Committee based on the individual needs and IEP of an eligible student receiving special education services. A change of placement happens if there is a substantial change in the student's educational program, arrangement or setting.

A disciplinary change of placement occurs when a student with a disability is removed from the student's current educational placement because of a violation of the Student Code of Conduct if:

- Such removal is for more than 10 consecutive school days; or
- The student has been subjected to a series of removals that constitute a pattern:
  - Because the series of removals totals more than 10 school days in a school year;
  - Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
  - Because of additional factors such as length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

If the removal from the student's current placement is for 10 or less school days in that school year, the removal does not constitute a disciplinary change of placement, and the District is only required to provide the student with services during the period of the removal that it would provide to students without disabilities who are similarly removed.

However, if the removal is for more than 10 consecutive school days or if the removal constitutes a pattern, the removal constitutes a disciplinary change of placement, requiring the ARD Committee to conduct a Manifestation Determination Review ("MDR") and provide the student FAPE during the removal. *See* [MANIFESTATION DETERMINATION] and [SERVICES DURING PERIODS OF REMOVAL].

### **Decision**

When determining whether a change of placement is appropriate for a student with a disability who violates the Student Code of Conduct, Campus Administration, in consultation with Special Education Personnel, must consider any unique circumstances on a case-by-case basis. Campus Administration, in consultation with Special Education Personnel, must first decide if removing the student will constitute a change of placement and, if so, whether a change of placement is

appropriate. Campus Administration will consider all relevant information regarding the student's behavior and, where appropriate, review the student's IEP when making this determination. This decision is subject to review through due process and judicial proceedings.

## **Notification**

On the day that a decision is made to make a disciplinary removal which constitutes a change of placement, Campus Special Education Personnel must notify the parent of the decision and provide the parent the *Notice of Procedural Safeguards*. Campus Special Education Personnel must also provide notice to the student's educational decision-maker and caseworker for a student who is homeless or in substitute care regarding disciplinary actions for which parental notice is required.

## **Functional Behavioral Assessment and Behavior Intervention Plan**

If disciplinary action that constitutes a change of placement (i.e., removal for 10 or more days or removal that constitutes a "pattern" of removals), is taken for a student with a disability, the district must, no later than 10 school days after the change in placement is made:

1. Seek consent from the parent to conduct a Functional Behavioral Assessment ("FBA") if the student has never had an FBA or the existing FBA is more than one year old;
2. Review any previously conducted FBAs and any Behavior Intervention Plans ("BIPs") developed for the student based on that FBA; and
3. As necessary, develop a BIP, if the student does not have a plan, or revise the existing BIP.

## **Additional Procedures**

### **Disciplinary Change of Placement**

Prior to any disciplinary change of placement, Campus Administration will investigate the alleged violation of the student code of conduct and determine whether a removal will occur in accordance with the procedures applicable to students without disabilities. *See* [AUTHORITY OF SCHOOL PERSONNEL]. This decision should involve a review of the student's special education file, including the student's IEP and BIP where applicable.

A disciplinary change of placement occurs if either:

- The removal proposed is more than 10 consecutive school days; OR
- The student has been subjected to a series of removals that constitute a pattern.

Removals of a student for less than 10 days, when considered with prior removals of the student during the same school year, may create a pattern of removals. If the student's behavior is

substantially similar to the behaviors that resulted in the series of previous removals, this would be considered a pattern. Campus Personnel must determine whether such a pattern exists, on a case-by-case basis, based on such additional factors as:

- Length of each removal
- Total amount of time the student is removed
- Proximity of the removals to one another
- Similarities or differences in the types of infractions involved

If a disciplinary change of placement occurs as a result of a removal, an ARD Committee meeting must be convened before or not later than ten (10) school days after the decision to change the student's placement. At this meeting, the ARD Committee must determine if the behavior subject to the disciplinary action is a manifestation of the student's disability. *See* [MANIFESTATION DETERMINATION].

In preparation for this ARD Committee meeting, Campus Personnel should:

- Review the circumstances surrounding the student's removal as soon as possible
- Consider whether the student was receiving services in accordance with his/her IEP; and
- Consider whether the student's behavior could be addressed through minor classroom adjustments.

### **Short-Term Removals – No Change in Placement**

Only where necessary and appropriate, the District will remove a student with a disability who violates the student code of conduct from the Campus to either an interim alternative education setting ("IAES"), another setting, or suspension for not more than 10 consecutive school days. The District is only required to provide services during the period of short-term removal if it provides services to the student without disabilities who is similarly removed. However, the District is still obligated to consider the student's behavioral needs and the effects of the use of suspensions or other short-term removals when ensuring the provision of FAPE. Thus, the ARD Committee should review any discipline removals at the annual ARD meeting and consider whether the student needs new or different behavioral interventions and supports.

The parent or adult student's procedural safeguards under the IDEA are not triggered for a removal lasting less than 10 consecutive days. Thus, while the Campus Administration will communicate the short-term removal with the student's parent, Campus Special Education Personnel do not need to provide Prior Written Notice of a short-term removal that does not constitute a change of placement to the student's parent.

### **Long-Term Removals – Change in Placement**

A long-term removal, which constitutes a disciplinary change of placement, is any removal for more than 10 consecutive school days in a school year and for additional removals of up to 10 school days in the same school year for separate incidents of misconduct. Campus Administration

will monitor the total number of removals for students with disabilities.

All decisions related to long-term removals will be made following careful analysis and review of the student's IEP. Campus Administration must be aware of the fact that other short-term exclusionary disciplinary measures, such a pattern of office referrals, time outs, extended restrictions in privileges, bus suspensions, in-school suspensions, conditioning a student's return to school on a condition, and requiring a student to leave school early, could rise to the level of a change of placement if implemented repeatedly.

The District will ensure that all students continue to receive special education and related services during long-term removals. This will help Campus Personnel understand the causes of the behavior and develop interventions to help the student improve the behavior. *See* [SERVICES DURING PERIODS OF REMOVAL]

Campus Administration will work in conjunction with District Special Education Administration to ensure that the Campus is complying with all procedures related to disciplinary changes of placement.

### **Decision**

When making a case-by-case analysis as to whether a change of placement is appropriate, the Campus Administration will consider any unique factors related to the student that are relevant to the analysis, including the student's disciplinary history, ability to understand actions and consequences, and ability to make constructive decisions related to improving the student's behavior. Further, the Campus Administration will consider whether the District provided appropriate supports to the student prior to the student's misbehavior.

When the Campus Administration recommends a disciplinary change of placement, a Change of Placement Analysis will be made. To make this analysis, the Campus Administration will first need to calculate the number of days of disciplinary removal. This calculation should include portions of a school day that the student has been suspended, unless the student has been able to appropriately progress in the general curriculum during that time, has continued to receive the services specified in the student's IEP, and has continued to participate with nondisabled students to the extent the student would have in the current placement. If a student whose IEP requires transportation has been suspended from the bus and not otherwise provided alternate means of transportation, the days the student is suspended from the bus will be included in the calculation. Then, the Campus Administration will use this calculation to determine whether the disciplinary removal constitutes a change of placement. The Campus Administration will also consider the proximity of multiple removals to one another and any similarities or differences in the types of infractions involved to determine a pattern. If the Campus Administration determines that the removal is a change of placement, the Campus Administration will provide the parent with proper notice, including the *Notice of Procedural Safeguards*, on the day the decision is made. The ARD Committee will then hold an MDR within 10 school days of the decision. *See* [MANIFESTATION DETERMINATION].

### **Notification**

On the day that a decision is made to make a disciplinary removal which constitutes a change of placement, Campus Personnel must notify the parents of that decision and provide the parent with the *Notice of Procedural Safeguards*.

If a change of placement is determined by the ARD Committee in accordance with the MDR process, Special Education Personnel shall also provide the parent with Prior Written Notice regarding its decision to change the student's placement. *See* [PRIOR WRITTEN NOTICE]. This notice, at a minimum, will describe the proposed change of placement, explain why the District is seeking the change of placement, and describe the information the District considered in making the decision to propose the change of placement. Campus Personnel will also notify Behavior and/or Assessment Personnel of the removal to begin the process to attain consent for a FBA and/or review an existing FBA or BIP.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Functional Behavioral Assessment and Behavior Intervention Plan**

If a disciplinary change of placement occurs for a student, and that student has an FBA that is less than one year old, Special Education Personnel will review any previously conducted FBA, as well as any BIP developed for that student, no later than the 10<sup>th</sup> school day after the change of placement. As necessary, the ARD Committee will revise the BIP.

If consent is required to conduct an FBA, Special Education Personnel will seek consent to conduct the FBA from the student's parent no later than the 10<sup>th</sup> school day after the change of placement. Special Education Personnel will document the parent's consent and discuss a timeline of completion of the FBA. The FBA will be completed expeditiously once consent is obtained. Once the FBA is completed, the ARD Committee, including the parent, will review the results of the FBA and determine if a BIP is needed based on the outcomes of the FBA and any other relevant factors.

### **Evidence of Implementation**

- Student Code of Conduct
- *Notice of Procedural Safeguards*
- ARD/IEP
- MDR ARD
- FIE
- BIP
- Behavior Documentation
- Prior Written Notice

- Documentation of Communication With Parents
- Consent for FBA
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Disciplinary Change of Placement - Region 18](#)

[The Legal Framework for the Child-Centered Special Education Process: Services During Periods of Removal - Region 18](#)

[Discipline and School Removals - Texas Education Agency](#)

[Behavior and Discipline - SPEDTex](#)

[Questions and Answers on Serving Children with Disabilities Eligible for Transportation \(Nov. 2009\) - U.S. Department of Education](#)

[OSERS Letter to Sarzynski \(June 21, 2012\) - U.S. Department of Education](#)

[OSERS Questions and Answers on Discipline Procedures \(Revised June 2009\) - U.S. Department of Education](#)

[OSERS Dear Colleague Letter \(Aug. 1, 2016\) - U.S. Department of Education](#)

[OSEP Letter to Owoh \(Aug. 21, 2009\) - U.S. Department of Education](#)

[House Bill \(HB\) 785: Frequently Asked Questions - Texas Education Agency](#)

## **CITATIONS**

Board Policy FO and FOF; 34 CFR 300.504, 300.530, 300.536; Texas Education Code 25.007(b)(10)(D), 37.004

## **STAFF RESPONSIBLE**

For questions about Discipline: Disciplinary Change of Placement, please contact:

The Department of Special Education.

(281) 396-2630

# SPECIAL EDUCATION OPERATING PROCEDURES

## Discipline

### MANIFESTATION DETERMINATION

June 2022



# MANIFESTATION DETERMINATION

## What is Required

Within 10 school days of any decision to make a disciplinary change of placement of a student with a disability due to a violation of the student code of conduct, the ARD Committee must conduct a Manifestation Determination Review (“MDR”) to determine if the student’s conduct is a manifestation of his/her disability. *See* [DISCIPLINARY CHANGE OF PLACEMENT]. Specifically, this will take place during an MDR ARD meeting.

Campus Special Education Personnel must provide the parent with written notice of the MDR ARD meeting at least 5 school days before the meeting unless the parent agrees to a shorter timeframe. The notice must indicate the purpose, time, and location of the meeting and inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the student. *See* [PARENT PARTICIPATION]. For students who are homeless or in substitute care, Campus Special Education Personnel must also provide this notice to the student’s educational decision-maker and case worker.

During the MDR ARD meeting, the ARD Committee must review all relevant information in the student’s file, including the student’s IEP, any teacher observations, and any relevant information provided by the parent. This does not replace the ARD Committee’s responsibility to conduct an annual review of the IEP, including the student’s Behavior Intervention Plan (“BIP”), where applicable.

## **Determination**

The ARD Committee will determine whether or not the student’s conduct is a manifestation of the student’s disability. *See* [WHEN BEHAVIOR IS A MANIFESTATION] and [WHEN BEHAVIOR IS NOT A MANIFESTATION]. The ARD Committee must find that the conduct is a manifestation of the student’s disability if:

- (1) the ARD Committee determines that the conduct was caused by, or had a direct and substantial relationship to, the student’s disability, OR
- (2) the conduct in question was the direct result of the District’s failure to implement the student’s IEP.

If the district takes disciplinary action that constitutes a change of placement for a student with a disability (i.e., removal for 10 or more days or a series of removals that constitute a “pattern” of removals), the district must, no later than 10 school days after the change in placement is made:

1. Seek consent from the parent to conduct a Functional Behavioral Assessment (“FBA”) if the student has never had an FBA or the existing FBA is more than one year old;
2. Review any previously conducted FBAs and any BIPs developed for the student based on that FBA; and.

3. As necessary, develop a BIP, if the student does not have a plan, or revise the existing BIP.

### Additional Procedures

A student's ARD Committee will conduct an MDR following the disciplinary hearing in which a special education student has been recommended for a disciplinary change of placement in an IAES. *See* [DISCIPLINARY CHANGE OF PLACEMENT]. In addition, if the removal is due to conduct related to bullying, harassment, or making a hit list, regardless of whether or not the removal constitutes a change in placement, the MDR must be conducted prior to the student's removal. Campus Special Education Personnel must provide the parent notice of the MDR ARD meeting and a copy of the *Notice of Procedural Safeguards* at least 5 school days prior to the meeting unless the parent agrees otherwise in writing.

Campus Special Education Personnel will document all efforts to provide notice to the parent regarding the MDR ARD meeting, including phone calls, emails, written communications, and visits to the parent at the parent's home or place of employment. If the parent fails to respond or refuses to attend the MDR ARD meeting, the ARD Committee may convene the meeting without the parent, so long as Campus Special Education Personnel has properly documented the communication attempts. *See* [PARENT PARTICIPATION]

Prior to the MDR ARD meeting, Campus Administration will schedule a staffing with the Campus Special Education Personnel and the District Assessment Personnel who will attend the MDR ARD meeting to review the evaluation and provide input in the manifestation determination. District Assessment Personnel are responsible for determining if any evaluations are pending or needed prior to the MDR. The MDR ARD meeting cannot take place unless District Assessment Personnel are present.

At the staffing, the team will also ensure that proper documentation is in place showing that the IEP, and the BIP where applicable, has been followed. Where appropriate, Campus Special Education Personnel should consult with the Campus Principal to determine whether District Special Education Administration or District Legal Services should also be involved in the MDR process. If it is decided at the staffing that placement in an IAES is not appropriate, the MDR ARD meeting will not need to be held.

During the MDR ARD meeting, the two key questions that the ARD Committee will consider are (1) whether the student's conduct was caused by or had a direct and substantial relationship to the student's disability **and** (2) whether the conduct in question was the direct result of the District's failure to implement the student's IEP. If **either** question is answered in the affirmative, then the misconduct **must** be determined to be a manifestation of the student's disability. *See* [WHEN BEHAVIOR IS A MANIFESTATION]

At a minimum, the ARD Committee will make the following considerations as part of the analysis:

- Does the student have a history of misconduct that violates school policies or procedures? Specifically, is this an isolated instance of misconduct or a recurring pattern?

- Is there reason to believe that the student’s disability or disabling condition may have changed since the most recent evaluation?
- Is the student’s conduct a known feature of the disability? And has the student exhibited misbehavior tied to features of the disability in the past?
- Would similarly situated students without the disability react similarly?
- Is the student able to control behavior? Was the behavior premeditated or impulsive?
- Does the student have an impaired ability to understand consequences due to the disability?

During this analysis, the ARD Committee will review all relevant information in the student’s special education file, including but not limited to the student’s IEP, any assessments and evaluations, medical information, teacher observations, previous discipline reports, and relevant information provided by the parent. The ARD Committee should pay attention to any patterns relating to attendance, discipline, and grades, as well as other behavioral data, to determine if there was a developing pattern of conduct that should have been detected and addressed. In reviewing the student’s IEP, the ARD Committee will determine if it was legally and appropriately developed based on the student’s unique needs. The ARD Committee will also discuss how the student’s IEP has been implemented to determine whether the District failed to implement the IEP. This analysis will require a review of the student’s educational progress and schedule of services to determine if the services have been provided consistent with the IEP within a reasonable time. If the ARD Committee determines that the IEP was not consistently implemented, the ARD Committee will decide whether the inconsistencies had a direct impact on the student’s behavior in question.

Because this is a case-by-case analysis, the ARD Committee will also consider the circumstances surrounding the incident. This includes looking at whether there were any antecedents, the individuals involved in the incident, any history surrounding specifics with the incident, and the environment the student was in when the incident occurred.

To ensure that all areas are discussed, the ARD Committee will follow an agenda. The ARD Committee will document this decision-making through a Manifestation Determination form and/or in the ARD minutes, but the ARD Committee’s final determination and reasons for the determination must be noted in the ARD minutes. If a Manifestation Determination form is utilized, it shall be attached to the IEP as part of the ARD documentation. If the ARD Committee has determined that the student should be placed in an alternative setting, the number of days for the placement should also be indicated in the ARD minutes.

While a student removed for weapons, drugs, or other serious bodily injury may remain in an interim alternative educational setting (“IAES”) for not more than 45 school days regardless of whether the violation was a manifestation of the disability, the ARD Committee must still conduct an MDR within 10 school days of any decision regarding the change of placement. *See [DISCIPLINARY CHANGE OF PLACEMENT].*

### **Where the Student Poses a Threat or Serious Behavioral Concern**

If the student poses a significant threat or serious behavioral concern where safety is an issue, Campus Special Education Personnel should contact District Special Education Administration regarding the incident immediately. District Assessment Personnel or Campus Personnel will work

in conjunction to conduct a threat assessment and schedule an MDR ARD meeting where appropriate. Campus Special Education Personnel may need to develop an interim plan for the student to return to Campus safely until the MDR ARD can be conducted.

## **Expulsion**

A student with a disability receiving special education or related services cannot be expelled for more than 10 consecutive or cumulative school days without conducting an MDR. During an MDR ARD meeting related to possible expulsion, the ARD Committee will review the student's special education file, including current IEP documentation and evaluation data. The ARD Committee will also determine whether a new evaluation is warranted and should temporarily return the student to the student's current placement after 10 days if additional assessments will be conducted. Following the MDR, a student with a disability can only be expelled for engaging in severe conduct that would warrant expulsion for students without disabilities, if the ARD Committee determines that the behavior is not a manifestation of the student's disability or the parent agrees to the expulsion.

If the student is expelled, the ARD Committee must also determine instructional and related services that will be provided to the student during the time of expulsion and to implement appropriate IEP goals and objectives. If the student is expelled to a Juvenile Justice Alternative Education Program ("JJAEP"), Campus Administration must invite a JJAEP Administration to the ARD meeting where placement and services are discussed. *See* [ARD COMMITTEE MEMBERSHIP]. In addition, such expulsion is a change of placement and as such the procedures regarding a change of placement shall be followed. *See* [DISCIPLINARY CHANGE OF PLACEMENT].

## **Disagreement and Appeal**

If a parent disagrees with the decision of the ARD Committee for an MDR, a 10-day recess does not have to be offered in most cases. Specifically, if the student's presence on the campus presents a danger of physical harm to the student or others or if the student has committed an expellable offense or an offense which may lead to a placement in a disciplinary alternative education program ("DAEP"), the ARD Committee does not have to offer the 10-day recess even if the parent disagrees with the decisions of the ARD Committee. Instead, the ARD Committee must make the determination and provide the parent with Prior Written Notice regarding the decision. *See* [PRIOR WRITTEN NOTICE].

The parent of a student with a disability may appeal a manifestation determination by requesting mediation and/or filing a due process hearing complaint. The District may also request a due process hearing if it believes that the student's current placement is substantially likely to result in injury to the student or others. If a due process hearing is requested by either the parent or the District, such hearing will be expedited, which means that it must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must then make a determination within 10 school days of the hearing. The hearing officer cannot extend these deadlines, even if the District and parent agree to an extension. Unless the parent and District agree

otherwise, when an appeal of the manifestation determination has been made, the student will remain in the disciplinary placement pending the decision of the hearing officer or until the time period of the placement has expired, whichever occurs first.

The procedural safeguards relating to an appeal of a manifestation determination apply equally to a student not yet identified as a student with a disability if the District knew or should have known that the student had a disability. *See* [PROTECTIONS FOR CHILDREN NOT YET DETERMINED ELIGIBLE].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of MDR Meeting
- *Notice of Procedural Safeguards*
- *Parents' Guide to the Admission, Review, and Dismissal Process*
- Documentation of Efforts to Ensure Parent Participation at MDR ARD
- Prior Written Notice
- MDR Agenda
- Manifestation Determination Form
- ARD/IEP
- MDR ARD
- Behavior Documentation
- Disciplinary Hearing Documentation
- Teacher Observations
- Documentation/Information Provided by Parent
- Documentation of Implementation of IEP/BIP
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Manifestation Determination - Region 18](#)

[Questions and Answers on Discipline Procedures \(Revised June 2009\) - U.S. Department of Education](#)

[OSEP Letter to Snyder \(Dec. 13, 2015\) - U.S. Department of Education](#)

["Exclusionary" Discipline in Texas Schools: Legal Questions and Concerns - Texas Association of School Boards](#)

[Parent's Guide to the Admission, Review, and Dismissal \(ARD\) Process - Texas Education Agency](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Special Education Discipline Q&A - Region 13](#)

[Discipline Flow Chart - Region 7](#)

[Chapter 37 Discipline Chart - Texas Association of School Boards](#)

## **CITATIONS**

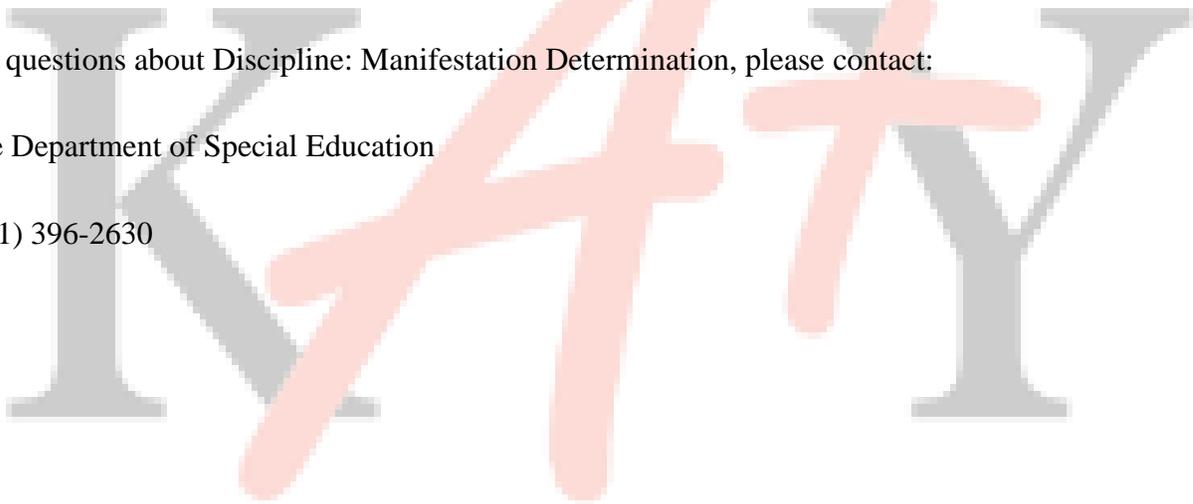
Board Policy FO and FOF; 34 CFR 300.530(e)(1)–(2), 300.532; Texas Education Code 25.007(b)(10)(C), 37.004(b)(4), 37.0022

## **STAFF RESPONSIBLE**

For questions about Discipline: Manifestation Determination, please contact:

The Department of Special Education

(281) 396-2630



# SPECIAL EDUCATION OPERATING PROCEDURES

## Discipline

### PROTECTIONS FOR CHILDREN NOT YET DETERMINED ELIGIBLE

June 2022

# **PROTECTIONS FOR CHILDREN NOT YET DETERMINED ELIGIBLE**

## **What is Required**

Procedural safeguards relating to discipline under the IDEA generally do not apply to a student without a disability. However, a student who has not yet been determined eligible for special education and related services and who has violated the student code of conduct is entitled to the same protections as a student with a known disability that receives special education and related services if the District had knowledge that the student was a student with a disability before the behavior that led to the disciplinary action occurred.

## **Basis of Knowledge**

The District has knowledge that a student has a disability if the following occurred prior to the occurrence of the behavior leading to the disciplinary action:

- The student's parent expressed concern in writing to Campus or District Administration or the student's teacher that the student needed special education and related services;
- The parent requested an evaluation for special education and related services; or
- The student's teacher, or other Campus Personnel, expressed concerns about a pattern of behavior demonstrated by the student directly to the Director of Special Education or other Campus or District Administration.

However, if the student's parent has not allowed the District to conduct a special education evaluation of the student or has refused special education services for the student, or if the student has been evaluated by the District and determined not to have a disability, the District is not deemed to have knowledge that the student has a disability, and the protections of the IDEA applicable to the discipline of students with disabilities do not apply.

## **Protections If No Basis of Knowledge**

The District may discipline the student in the same way as it would discipline students without disabilities if the District has no basis of knowledge prior to taking the disciplinary measures. However, if a request is made for an initial evaluation during the period of time when the student is subjected to disciplinary measures and the District agrees to conduct the evaluation, District Assessment Personnel must conduct an expedited evaluation. *See* [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES] and [EVALUATION PROCEDURES]. Until the evaluation is complete, the student shall remain in the educational placement determined to be appropriate by the District, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability eligible for special education and related services, the ARD Committee must convene an ARD meeting in accordance with the

IDEA to determine eligibility and place the student in special education. *See* [EVALUATION PROCEDURES], [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING], and [DETERMINATION OF ELIGIBILITY]. The District must also comply with the discipline procedures of the IDEA. *See* [AUTHORITY OF SCHOOL PERSONNEL].

## **Additional Procedures**

### **Basis of Knowledge**

The basis of knowledge regarding the disability does not need to be in writing. However, the student’s teacher or other Campus Personnel must express their specific concerns directly to the Director of Special Education and/or Other Campus or District Administration to impute knowledge on the District. Upon learning such information, Campus or District Administration will document in writing the information that was received, when the information was received, and the individual who provided the information. This information should be maintained on the campus in the student’s Student Support Team file and included in the referral for special education evaluation.

### **Knowledge of a Possible Disability**

If the District has knowledge that a student has a disability but is not yet eligible for special education services and the District has recommended a disciplinary removal for more than 10 consecutive school days, the Student Support Team, which should include Campus Special Education Personnel, will meet to review the situation. The Student Support Team should discuss whether the behavior was likely a manifestation of the student’s disability, determine the status of the initial evaluation, and compose a plan to support the student in the current placement until the evaluation is completed by District Assessment Personnel. A student engaged in an infraction involving weapons, drugs, or serious bodily injury at school, on school premises, or at a school function may still be removed to a disciplinary placement for up to 45 school days while the evaluation is conducted. If the student is found eligible for special education, a Manifestation Determination Review (“MDR”) ARD will take place as soon as the evaluation is completed to determine if the student’s conduct is a manifestation of their disability. *See* [AUTHORITY OF SCHOOL PERSONNEL] and [MANIFESTATION DETERMINATION].

In addition, if disciplinary action that constitutes a change of placement (i.e. removal for 10 or more days or removal that constitutes a “pattern” of removals), is taken for a student with a disability, the district must, no later than 10 school days after the change in placement is made:

1. Seek consent from the parent to conduct a Functional Behavioral Assessment (FBA) if the student has never had an FBA or the existing FBA is more than one year old;
2. Review any previously conducted FBAs and any Behavior Intervention Plans (“BIPs”) developed for the student based on that FBA; and
3. As necessary, develop a BIP, if the student does not have a plan, or revise the existing

BIP.

However, if the student receives Section 504 services, the student's Section 504 Committee will conduct the MDR in a Section 504 meeting. All documentation related to this process shall be documented in writing and placed in the student's referral folder.

Where a parent has revoked consent for the provision of special education and related services, the student is no longer considered a student with a known disability. Campus Special Education Personnel will explain this to the parent once the parent has communicated the desire to revoke consent and clarify that the student will no longer be eligible for protections as a student with a disability under the IDEA and will be subject to the same disciplinary procedures and timelines as general education students. *See* [CONSENT FOR SERVICES].

### **Request for an Evaluation**

Where the parent requests an evaluation for a student not yet known to have a disability during the time of disciplinary measures, District Assessment Personnel will either provide the parent Prior Written Notice of the refusal to conduct an evaluation or conduct an expedited evaluation to determine if the student has a disability. *See* [EVALUATION PROCEDURES]. While the IDEA does not define "expedited," the evaluation should be completed in fewer than the 45 school days typically required by law to complete an initial evaluation. Once the student is properly referred for a special education evaluation, the District is considered to have knowledge of the student's disability. *See* [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES].

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Student Code of Conduct
- *Notice of Procedural Safeguards*
- Discipline Documentation
- Documentation Related to Evaluation Request
- Parent Concerns Documentation
- Student Support Team Documentation
- Teacher Documentation
- FIE
- Timeline for Completion of FIE
- Documentation of Services Provided During Disciplinary Placement
- ARD/IEP
- Prior Written Notice
- Revocation of Consent for FIE
- Revocation of Consent for Services

- FBA Consent
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

**[The Legal Framework for the Child-Centered Special Education Process: Protections for Children Not Yet Determined Eligible - Region 18](#)**

**[OSERS Questions and Answers on Discipline Procedures \(Revised June 2009\) - Texas Education Agency](#)**

**[OSERS Questions and Answers on Response to Intervention \(RTI\) and Early Intervening Services \(EIS\) \(Jan. 1, 2007\) - Texas Education Agency](#)**

**[OSEP Letter to Combs \(Aug. 15, 2008\) - Texas Education Agency](#)**

**[OSEP Letter to Anonymous \(Sept. 5, 2007\) - Texas Education Agency](#)**

**[Special Education Discipline Q&A - Region 13](#)**

## **CITATIONS**

Board Policy FOF; 34 CFR 300.534

## **STAFF RESPONSIBLE**

For questions about Discipline: Protections for Children Not Yet Determined Eligible, please contact:

The Department of Special Education

(281) 396-2630

# SPECIAL EDUCATION OPERATING PROCEDURES

## Discipline

### SERVICES DURING PERIODS OF REMOVAL

June 2022



# SERVICES DURING PERIODS OF REMOVAL

## What is Required

Should the District remove a student from the student's current placement, the District may have a responsibility to provide services during the period of removal.

### **Removals for Less Than 10 Cumulative Days**

A removal for less than 10 cumulative days is not considered a change of placement. Therefore, the District only needs to provide services to a student with a disability during a period of removal of 10 school days or less in that school year if the District provides services to a student without disabilities who is similarly removed.

### **Removals for More Than 10 Cumulative Days That Are Not A Change of Placement**

If the District is seeking to remove a student for more than 10 cumulative days, Campus Special Education Personnel in consultation with Campus Administration must conduct a Change of Placement analysis. *See* [DISCIPLINARY CHANGE OF PLACEMENT]. A removal for more than 10 cumulative days may not necessarily be a change of placement. It is only a change of placement if (1) the removal is for more than 10 consecutive school days or (2) the student has been subjected to a series of removals that constitute a pattern because:

- The series of removals totals more than 10 school days in a school year;
- The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series or removals; and
- There are additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

After the student has been removed from their current placement for 10 cumulative school days in the same school year, if the current removal is for 10 or less consecutive school days and is not considered a change of placement, Campus Special Education Personnel, in consultation with at least one of the student's teachers, must still determine the extent to which the student needs services to continue to participate in the general education curriculum, although in another setting, and to enable the student to progress towards meeting his/her IEP goals. The District may provide such services in an interim alternative education setting ("IAES").

## Removals That Are A Change of Placement

A disciplinary change of placement occurs when a student with a disability is removed from the student's current educational placement because of a violation of the Student Code of Conduct after either the student's ARD Committee determines that the behavior is not a manifestation of the student's disability and thus removal is allowed, or if the student is removed from his/her current placement due to weapons, drugs, or other serious bodily injury. *See* [DISCIPLINARY CHANGE OF PLACEMENT], [WHEN BEHAVIOR IS NOT A MANIFESTATION], and [SPECIAL CIRCUMSTANCES].

If a disciplinary change of placement occurs, the student must still continue to receive educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the student's IEP goals. The ARD Committee must determine what educational services are necessary to provide the student a FAPE. If these services are to be provided in an IAES, the ARD Committee must determine the appropriate IAES for the student. Where appropriate, the ARD Committee should also provide a functional behavioral assessment ("FBA") and behavior intervention services and modifications designed to address the student's behavior and prevent such behavior from reoccurring. No later than 10 school days after the change in placement is made, the district must:

1. Seek consent from the parent to conduct an FBA if the student has never had an FBA or the existing FBA is more than one year old;
2. Review any previously conducted FBAs and any Behavior Intervention Plans ("BIPs") developed for the student based on that FBA; and
3. As necessary, develop a BIP, if the student does not have a plan, or revise the existing BIP.

## Return to Initial Placement

As soon as possible after the IAES determines the date that the student will be released from the program, an IAES Administrator must provide written notice of the date to the student's parent and the Campus Administration for the campus to which the student intends to transition. The IAES Administrator must also provide the Campus Administration an assessment of the student's academic growth while attending the IAES and the results of any assessment instruments administered to the student.

Within 5 instructional days after the date of the student's release from the IAES, the Campus Administration must coordinate the student's transition to the student's prior placement. To do so, the Campus Administration must seek assistance and recommendations from school counselors, school district peace officers, school resource officers, licensed clinical social workers, campus behavior coordinators, classroom teachers who are or may be responsible for implementing the student's personalized transition plan, and/or any other appropriate District or Campus Personnel. The Campus Administration must create a personalized transition plan for the student that includes recommendations for the best educational placement of the student, and where appropriate, the following information:

- Recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student’s academic or career goals;
- Recommendations for assistance for obtaining access to mental health services provided by the District or Campus, a local mental health authority, or another private or public entity;
- The provision of information to the student’s parent about the process to request an FIE or reevaluation (if one has not already been completed); and
- A regular review of the student’s progress toward the student’s academic or career goals.

If practicable, the Campus Administration, or another designee, shall meet with the student’s parent to coordinate the student’s transition.

## **Additional Procedures**

### **Removals of Less Than 10 Cumulative Days**

While the IDEA mandates that services must only be provided after the 10th day of removal, the Campus Administrator shall ensure that the special education student is treated the same as students without disabilities who have been similarly removed. For example, if a general education student is allowed to make-up work during a short-term removal or has access to tutoring services during that time, the special education student should have similar access.

Further, if a student displays behavior that impedes the student’s learning or the learning of others, the Special Education Case Manager should consider whether an ARD meeting is necessary to discuss completing an FBA or implementing a BIP to provide additional supports to improve the student’s behavior.

### **Removals of More Than 10 Cumulative Days**

For days of removal in excess of 10 school days in a school year, members of the ARD Committee must determine the extent to which services are 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. These services should be initiated no later than the 11<sup>th</sup> day of the student’s removal from the IEP placement.

Further, if members of the ARD Committee determine that the behavior is not a manifestation of the student’s disability, or if special circumstances exist, relevant disciplinary procedures may be applied in the same manner and for the same duration as the procedures would be applied to students without disabilities. However, the District must continue to provide the student with FAPE since all students with disabilities are entitled to FAPE, including students who have been suspended or expelled from school. These services must be provided after the 10<sup>th</sup> day of removal.

### **Selection of IAES**

Where necessary, the ARD Committee will determine the appropriate IAES setting for the student. Because the selected IAES must allow the student to continue to participate in the general education curriculum and progress towards IEP goals, the District cannot limit the ARD Committee's choices for an IAES to only one setting. The ARD Committee may determine that the student's home is an appropriate IAES on a case-by-case basis depending on the student's individual needs and educational goals, the length of the removal, and the extent to which the student has previously been removed from the regular placement. The student's parent(s) should be included in any ARD meeting where decisions regarding educational placements are made. *See [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP].*

If the student is not progressing towards IEP goals once in the IAES placement, the ARD Committee will need to review the IAES setting and determine if another setting is more appropriate.

### **Services Provided in the IAES**

The District does not need to provide all services in the student's IEP when a student has been removed to an IAES. The ARD Committee will need to make an individualized determination for each student regarding the type, duration, and frequency of services to provide the student while in the IAES placement. If the student is not progressing towards IEP goals once in the IAES placement, the ARD Committee will need to review and revise the determination of services.

A teacher in an IAES placement providing special education and related services must be properly certified to provide these services.

### **Expulsion**

If the ARD Committee determines that the student's conduct is not a manifestation of the disability or due to the District's failure to implement the student's IEP, the student may be expelled. However, the ARD Committee will still need to determine the special education and related services the student will need during the period of expulsion. If the student is being expelled to a JJAEP, a JJAEP Administrator must participate in the ARD meeting where the services are discussed.

### **Return to Initial Placement**

Within 5 days of the special education student returning to the Campus from the IAES, the student's Campus Administrator, in consultation with the Special Education Personnel, will consider whether an ARD meeting should be held to coordinate the student's transition to the student's prior placement transition plan. This decision should be made on a case-by-case basis, considering the student's unique needs and the circumstances surrounding both the removal and the return. An ARD meeting will only be necessary where the student's current needs were not already addressed during the MDR ARD meeting prior to the student's removal.

Should an ARD meeting be necessary, all Campus Personnel who may be able to provide assistance or recommendations to assist in the student's transition should be included in the meeting. The ARD Committee should consider whether the student needs counseling or additional

behavior supports, as well as additional mental health services provided through the District, a local health organization or authority, or another private or public entity. Additionally, the ARD Committee should review the student's progress towards IEP goals and provide the student's parent information about the possibility of another FIE.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

## **Evidence of Implementation**

- Student Code of Conduct
- ARD/IEP
- MDR ARD
- FIE
- FBA/BIP
- Behavior Documentation
- Prior Written Notice
- Documentation of Communication With Parents
- Documentation Regarding Communication with JJAEP Administrators
- Documentation of Services in IAES
- Documentation of Return to Initial Placement Transition
- *Notice of Procedural Safeguards*
- *Parent's Guide to the Admission, Review, and Dismissal Process*
- FBA Consent
- Documentation for the state in TSDS, PEIMS, and SPP

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Services During Periods of Removal - Region 18](#)

[Discipline and School Removals - Texas Education Agency](#)

[Questions and Answers on Discipline Procedures \(Revised June 2009\) - U.S. Department of Education](#)

[Special Education Discipline Q&A - Region 13](#)

[Parent's Guide to the Admission, Review, and Dismissal \(ARD\) Process - Texas Education Agency](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)

[Discipline Flow Chart - Region 7](#)

[OSERS Dear Colleague Letter \(Aug. 1, 2016\) - U.S. Department of Education](#)

**CITATIONS**

Board Policy FO and FOF; 34 CFR 300.101, 300.530(b),(d), 300.531; Texas Education Code 37.004(b), 37.0022, 37.023

**STAFF RESPONSIBLE**

For questions about Discipline: Services During Periods of Removal, please contact

The Department of Special Education

(281) 396-2630



# SPECIAL EDUCATION OPERATING PROCEDURES

## Discipline

### SPECIAL CIRCUMSTANCES

June 2022



# SPECIAL CIRCUMSTANCES

## What is Required

In certain special circumstances, a student with a disability may be removed to an interim alternative educational placement (“IAES”) for no more than 45 school days, regardless of whether the student’s behavior is a manifestation of the student’s disability.

Special circumstances allowing for this removal exist if the student:

- Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the District;
- Knowingly 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 under the jurisdiction of the District; and/or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District.

If one or more of the above three special circumstances exist, Campus Administration may remove a student with a disability for up to 45 school days.

However, if the removal is for more than 10 consecutive school days, Campus Administration must still make a Change of Placement analysis, and the ARD Committee must conduct a manifestation determination review (“MDR”). *See* [MANIFESTATION DETERMINATION], [AUTHORITY OF SCHOOL PERSONNEL], and [DISCIPLINARY CHANGE OF PLACEMENT]. Regardless, even if the ARD Committee determines that the student’s behavior is a manifestation of the student’s disability, Campus Administration may still remove the student to an IAES for up to 45 school days, as long as special education and related services are still provided, as determined by the student’s ARD Committee. *See* [SERVICES DURING PERIODS OF REMOVAL].

Any time a change in placement occurs, including when the student is removed due to special circumstances under this section, the district must, no later than 10 school days after the change in placement is made:

1. Seek consent from the parent to conduct an Functional Behavioral Assessment (“FBA”) if the student has never had an FBA or the existing FBA is more than one year old;
2. Review any previously conducted FBAs and any Behavior Intervention Plans (“BIPs”) developed for the student based on that FBA; and
3. As necessary, develop a BIP, if the student does not have a plan, or revise the existing BIP.

## Definitions

“Dangerous weapon” is a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 ½ inches in length.

“Controlled substance” is a drug or other substance identified by the Drug Enforcement Agency under Schedules I, II, III, IV, or V. In other words, a drug which has been declared by federal or state law to be illegal for sale or use but may be dispensed under a physician’s prescription.

“Illegal drug” means a controlled substance that that is illegally possessed or not used under the supervision of a licensed healthcare professional or one that is illegally possessed or used under any authority under the Controlled Substance Act or under the other provision of federal law.

“Serious bodily injury” is bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

## Additional Procedures

The ARD Committee will convene an MDR ARD meeting within 10 school days of the decision to remove the student due to special circumstances to determine if the behavior is a manifestation of the student’s disability. If the behavior is determined to be a manifestation of the disability, the Campus Administrator may still assign the student to an IAES for no more than 45 school days (as long as that is the same amount of time that a student without a disability would be subject to discipline for similar conduct). If the ARD Committee determines that the behavior was not a manifestation of the student’s disability, the Campus Administrator may apply the relevant disciplinary procedures to the student with a disability in the same manner and for the same duration as the procedures would be applied to the student without disabilities.

If a student is removed for more than 10 school days for a drug or weapon offense or for inflicting serious bodily injury, the ARD Committee must determine educational services for a FAPE which may be provided in an IAES to enable the child to continue to participate in the general education curriculum and to enable the student to progress toward meeting the goals set out in the student’s IEP. Finally, the ARD Committee should determine the IAES for services. *See* [SERVICES DURING PERIODS OF REMOVAL] and [DISCIPLINARY CHANGE OF PLACEMENT].

Campus Special Education Personnel will provide the student’s parent Prior Written Notice, as well as the *Notice of Procedural Safeguards*, within 5 days prior to the assignment of the alternative placement.

## Examples

The ARD Committee must consider whether a special circumstance exists on a case-by-case analysis. It may not always be clear whether a situation falls into the special circumstance category.

For example, hearing officers have held that a metal awl, scissors, and a cigarette lighter with a retractable blade constitute a weapon justifying the removal under this exception. However, pulling on a Campus Administrator's necktie, a paper clip used to scratch another student, a pencil used to stab a classmate, and dull scissors not capable of inflicting serious bodily injury do not.

It is particularly challenging to determine whether an act caused serious bodily injury. Most assaults will not qualify as an assault causing serious bodily injury. For example, where pain caused by the injury does not last for more than a day and/or does not require medical attention, the student likely did not inflict serious bodily injury. But where an individual is forced to miss a substantial amount of time away from school or work due to the injury or is in extreme physical pain for a prolonged period of time, the student may be deemed to have inflicted serious bodily injury.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of MDR Meeting
- *Notice of Procedural Safeguards*
- Prior Written Notice
- MDR Agenda
- Manifestation Determination Form
- ARD/IEP
- MDR ARD
- Behavior Documentation
- Disciplinary Hearing Documentation
- Teacher Observations
- Documentation/Information Provided by Parent
- Documentation of Implementation of IEP/BIP
- FBA Consent
- Documentation for the state in TSDS, PEIMS, and SPP

### **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Special Circumstances - Region 18](#)

[Questions and Answers on Discipline Procedures \(Revised June 2009\) - U.S. Department of Education](#)

[Drug Scheduling - Drug Enforcement Agency](#)

## [House Bill \(HB\) 785: Frequently Asked Questions - Texas Education Agency](#)

### **CITATIONS**

Board Policy FOB, FOD, FOF, and FNCG; 18 USC 930(g)(2), 1365(h)(3); 21 USC 812; 34 CFR 300.530(g),(i)

### **STAFF RESPONSIBLE**

For questions about Discipline: Special Circumstances, please contact:

The Department of Special Education

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**IKAY**

# SPECIAL EDUCATION OPERATING PROCEDURES

## Discipline

### WHEN BEHAVIOR IS A MANIFESTATION

June 2022



# WHEN BEHAVIOR IS A MANIFESTATION

## What is Required

Within 10 school days of any decision to change the placement of a student with a disability because of a violation of the Student Code of Conduct, the ARD Committee must conduct a Manifestation Determination Review (“MDR”) to determine if:

- The conduct in question was caused by, or had a direct or substantial relationship to, the student’s disability; OR
- The conduct in question was the direct result of the District’s failure to implement the student’s IEP.

*See [MANIFESTATION DETERMINATION].* If the ARD Committee determines that either of these conditions are met, the behavior must be determined to be a manifestation of the student’s disability.

If the conduct was the direct result of the failure of the District to implement the IEP, the District must take immediate steps to remedy those deficiencies, including determining if compensatory services are warranted.

If the ARD Committee makes the determination that the conduct was a manifestation of the student’s disability, the ARD Committee must either:

- Conduct a Functional Behavioral Assessment (“FBA”), unless the District had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (“BIP”) for the student; or
- If a BIP has already been developed, review the BIP, and modify it, if necessary, to address the behavior.

If the ARD Committee determines that the student’s conduct is a manifestation of the disability, the student must be returned to the placement from which the student was removed, unless the parent and the District agree to a change of placement as part of the modification of the BIP or the removal was made due to weapons, drugs, or other serious bodily injury. *See [SPECIAL CIRCUMSTANCES].*

## Additional Procedures

If it is determined that the behavior is a manifestation, the ARD Committee will review the student’s IEP for implementation and any existing FBA or BIP and determine whether the current placement is appropriate for the student. The ARD Committee may need to modify an existing BIP to address the student’s conduct. If the student does not have an FBA, the ARD Committee will conduct an FBA. As long as additional information is not needed, the ARD Committee will

implement a BIP based on the FBA to address the student's misconduct. However, if additional information is needed for the FBA, the ARD Committee will need to obtain written parental consent, collect data, and reconvene an ARD meeting to discuss the results. *See* [EVALUATION PROCEDURES] and [CONSENT FOR REEVALUATION].

An FBA focuses on identifying the function or purpose behind a student's behavior. Typically, the process involves looking closely at a wide range of child-specific factors (e.g. social, affective, environmental). Knowing why a student misbehaves is directly helpful to the ARD Committee in developing a BIP that will reduce or eliminate the misbehavior. For a student with a disability whose violation of the Student Code of Conduct is a manifestation of the student's disability, the ARD Committee must include a BIP in the child's IEP to address the behavioral needs of the student.

A student with a disability who receives special education services may not be placed in an alternative education program solely for educational purposes.

### **Examples of When Behavior Is a Manifestation**

Evidence of a direct connection between the student's misconduct and the student's disability will often result in a finding that the student's misconduct was a manifestation of his/her disability, particularly if the student's IEP refer to the same or similar behavior. In contrast, actions resulting from a student's low self-esteem or bad judgment generally are deemed to be unrelated to the student's disability. For example:

- A significant factor of whether conduct is a manifestation of the student's disability is whether the behavior is the same type of behavior addressed in the student's IEPs, BIPs, FBAs, and evaluations. *Killeen Indep. Sch. Dist.*, 120 LRP 8224 (TEA 12/19/19).
- An MDR ARD Committee must consider the unique aspects of a student's disability in determining whether his conduct is a manifestation of that disability. One thing ARD Committees can examine is whether the emotional state that usually attends the student's misbehavior was present during the conduct. This student was typically either angry, frustrated, agitated, or impulsive when acting out. The MDR ARD Committee's review of evaluations, class work, and staff observations which showed that none of those conditions were present when the student caused a "false alarm" supported its decision that the behavior had little to do with the student's autism. *North East Indep. Sch. Dist.*, 119 LRP 45656 (TEA 10/8/19).
- A student with ED assaulting another student and putting the student in a chokehold may be directly and substantially related to the student's disability where the BIP specifically targets student's history of resorting to physical violence when angered. *District of Columbia Pub. Schs.*, 114 LRP 34500 (SEA DC 07/08/14).
- A teenage girl's misconduct—kicking a male schoolmate in the groin—was directly related to the post-traumatic stress she suffered as the result of a sexual assault. *Manteca Unified Sch. Dist.*, 50 IDELR 298 (SEA CA 2008)

- Student leaving threatening messages may be a manifestation if the District fails to properly assess the student or to develop a BIP. *Sch Bd. of the City of Norfolk v. Brown*, 56 IDELR 18 (E.D. Va. 2010).

A student's ED may be a manifestation where it causes the student to be impulsive and combative, triggering the student to elope from class and starts a fire on school grounds. *District of Columbia Pub. Schs.*, 114 LRP 3336 (SEA DC 12/19/13).

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

- Notice of MDR Meeting
- *Notice of Procedural Safeguards*
- *Parents' Guide to the Admission, Review, and Dismissal Process*
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## **Resources**

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**[Questions and Answers on Discipline Procedures \(Revised June 2009\) - U.S. Department of Education](#)**

**[Parent's Guide to the Admission, Review, and Dismissal \(ARD\) Process - Texas Education Agency](#)**

**[Notice of Procedural Safeguards - Texas Education Agency](#)**

**[Special Education Discipline Q&A - Region 13](#)**

**[Discipline Flow Chart - Region 7](#)**

**[Chapter 37 Discipline Chart - Texas Association of School Boards](#)**

**[House Bill \(HB\) 785: Frequently Asked Questions - Texas Education Agency](#)**

## **CITATIONS**

Board Policy FO and FOF; 34 CFR 300.530(e)–(f); Texas Education Code 29.005, 37.004(b)

## **STAFF RESPONSIBLE**

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# SPECIAL EDUCATION OPERATING PROCEDURES

## Discipline

### WHEN BEHAVIOR IS NOT A MANIFESTATION

June 2022



## **When Behavior Is Not a Manifestation**

### **What is Required**

Within 10 school days of any decision to change the placement of a student with a disability because of a violation of the Student Code of Conduct, the ARD Committee must conduct a Manifestation Determination Review (“MDR”) to determine if:

- The conduct in question was caused by, or had a direct or substantial relationship to, the student’s disability; OR
- The conduct in question was the direct result of the District’s failure to implement the student’s IEP.

*See* [MANIFESTATION DETERMINATION]. If the ARD Committee determines that neither of these conditions are met, the behavior is not a manifestation of the student’s disability, and Campus Personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

However, the District is still responsible for providing special education and related services during the period of removal. *See* [SERVICES DURING PERIODS OF REMOVAL].

If disciplinary action that constitutes a change of placement is taken for a student with a disability (i.e., removal for 10 or more days or a series of removals that constitute a “pattern” of removals), the district must, no later than 10 school days after the change in placement is made:

1. Seek consent from the parent to conduct a Functional Behavioral Assessment (“FBA”) if the student has never had an FBA or the existing FBA is more than one year old;
2. Review any previously conducted FBAs and any Behavior Intervention Plans (“BIPs”) developed for the student based on that FBA; and
3. As necessary, develop a BIP, if the student does not have a plan, or revise the existing BIP.

### **Additional Procedures**

If the ARD Committee determines that the student’s conduct is not a manifestation of the disability, Campus Administration may implement any disciplinary procedures that could be used for students without a disability. *See* [MANIFESTATION DETERMINATION]. However, the District cannot remove the student from more than 10 consecutive or cumulative school days in a school year without providing special education and related services. If the student is removed from the school placement, the student will continue to receive educational services to the extent necessary to enable the student to participate in the general education curriculum and to progress toward meeting the goals set out in the student’s IEP, as determined necessary by the ARD Committee. As such, the ARD Committee must ensure that the disciplinary placement is

appropriate for the student to allow the student to continue to receive his or her special education and related services. *See* [SERVICES DURING PERIODS OF REMOVAL].

Campus Special Education Personnel will provide the parent a copy of the *Notice of Procedural Safeguards*, informing the parent of their rights to appeal the determination. Specifically, if the parent disagrees with the determination that the student's behavior was not a manifestation of the student's disability, the parent may appeal the decision by requesting a due process hearing. *See* [MANIFESTATION DETERMINATION].

### **Examples of When Behavior Is Not a Manifestation**

Evidence of a direct connection between the student's misconduct and the student's disability will often result in a finding that the student's misconduct was a manifestation of his/her disability. In contrast, actions resulting from a student's low self-esteem, premeditated actions, or bad judgment generally are deemed to be unrelated to the student's disability. For example:

- Evaluation reports, discipline records, school records, and teacher comments all indicated that impulsivity was the key characteristic of the teen's ADHD. Because the parties agreed that the student's decision to purchase the stun guns and bring them to school was premeditated, the judge concluded that the MDR team did not err in determining the student's misconduct was unrelated to his disability. *M.C. v. Conroe Indep. Sch. Dist.*, 75 IDELR 134 (S.D. Tex. 2019).
- A decision of a student with ADHD that is pre-meditated and deliberate, rather than impulsive and thoughtless, will likely be deemed not a manifestation of the student's disability. *Plano Indep. Sch. Dist.*, 113 LRP 48594 (SEA TX 08/09/13).
- A middle-school student's decision to assault an Assistant Principal may not be a manifestation of the student's ADHD or Asperger syndrome when the student's 25-minute tirade ends once the student is told the police were being called. This demonstrates that the student has control over the behavior. *In re: Student with a Disability*, 115 LRP 6203 (SEA VA 09/18/14).
- Physical assault where a student with ED deliberately sets out to hit a student as a result of comments the student made earlier in the week, rather than as a sudden uncontrolled response to teasing, and the student understands the consequences of the behavior is likely not a manifestation of the disability. *Lakeshore Sch. Dist.*, 114 LRP 4249 (SEA MI 11/13/12).
- A student's behavior of arguing, defiance, instigation, and obscene language is like not a manifestation of the disability where the behavior is not related to impulsivity or ADHD symptoms but instead is related to the student choosing to be defiant and disrespectful. *In re: Student with a Disability*, 114 LRP 2925 (SEA VA 10/14/13).
- An 11th-grader's anxiety issues were unrelated to his decision to conduct a weekend paintball raid on his high school. *See Fitzgerald v. Fairfax County Sch. Bd.*, 50 IDELR

165 (E.D. Va. 2008)

- A student's decision to bring marijuana and tobacco to school was unrelated to his SLD. *Lancaster Elem. Sch. Dist.*, 49 IDELR 53 (SEA CA 2007).

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

### **Evidence of Implementation**

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## **CITATIONS**

Board Policy FO and FOF; 34 CFR 300.530(c); Texas Education Code 37.004

## **STAFF RESPONSIBLE**

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