

# Discipline Overview

## Special Education Students

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Special Education Students can be disciplined to the same extent as students without disabilities.

Code of Federal Regulations 34 CFR 300.530 (b)(1)

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"School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct."

Code of Federal Regulations 34 CFR 300.530 (a)

Washington Administrative Code WAC 392-172A-05145

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### **Did You Know?!**

One of the requirements under the Individuals with Disabilities Education Act (IDEA) is the Special Education Students **placement**, or the removal of a special education student from their classroom or where they are receiving their Special Education and Related Services listed on their Individualized Education Program (IEP).

Code of Federal Regulations 34 CFR 300.536

### **Did You Know?!**

A student's current educational placement covers the location of all the services provided by a student's Individualized Education Program (IEP).

### **Did You Know?!**

The school district must make sure that the parent is a part of any group that makes decisions about the educational placement of the student.

Washington Administrative Code WAC 392-172A-03115

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## Did You Know?!

A student with a disability may be removed for not more than 10 consecutive days or 10 total days in the same school year as long as a "pattern of removals" does not exist, or the removals do not constitute a change of placement.

Code of Federal Regulations 34 CFR 300.530 (b)

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**What should the school district count as a day of suspension?**

School districts should **always** count:

- A day out of school

School districts **sometimes** should count:

- In-School Suspensions (ISS)
- Bus Suspensions
- Portions of the school day
- Classroom Exclusions

**What does it mean school districts sometimes should count?**

In-School Suspensions (ISS) are counted if the student **does not** receive educational services while in In-School Suspension (ISS).

Bus Suspensions are counted if transportation is a part of the student's Individualized Education Program (IEP).

Portions of the school day is up for much debate. Partial day of suspension does count as a removal, but it isn't clear how much they count.

Classroom Exclusions can be counted if the student is excluded for longer than the balance of the school day.

**Does the school district have to count after school detentions or lunch detentions?**

No

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**Did You Know?!**

A school district can remove a student to an Interim Alternative Educational Setting (IAES) for up to 45 school days even if it is determined their behavior was a manifestation of their disabilities. This would be for Special Circumstances. Special Circumstances are listed under:

Code of Federal Regulations 34 CFR 300.530 (g)

**Did You Know?!**

The Office of Superintendent of Public Instruction (OSPI) has a Special Education Technical Assistance Paper No. 2 (TAP #2): Discipline Procedures for Students Eligible to Receive Special Education Services that provides both the Washington Administrative Codes (WAC) and the Code of Federal Regulations (CFR).

**Did You Know?!**

School districts are to have policies and procedures in place as to how they document disciplinary action. Office referrals, detentions, in-school suspensions, classroom exclusions, etc. A parent may ask to see both the policies and procedures and the logs.

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For information regarding **Change of placement because of disciplinary removals**, look under Washington Administrative Code under WAC 392-172A-05155

For information regarding **Appeal of placement decisions and manifestation determinations**, look under WAC 392-172A-05160