

# **Evanston/Skokie School District 65**

## **Behavioral Interventions Procedures for Students with Disabilities**

Special Services Department  
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## **DISCIPLINE OF SPECIAL EDUCATION STUDENTS**

### **Maintaining a Safe Environment Conducive to Learning**

All students have the right to know the rules of conduct to learn to master school rules. All children learn differently. Many children learn intuitively through observation, experience and encouragement. Many other children need further assistance and instruction in order to master developmentally appropriate behavior that enables them to attend, learn, share and cooperate with other children and adults.

Students with disabilities who are in need of special education and related services have, by definition, problems in learning and skill development. Unlike their nondisabled counterparts, they may, in some cases, have difficulty demonstrating socially appropriate behaviors. Unlike their nondisabled peers they also have a continued right to a free and appropriate public education within the least restrictive environment event when their behavior violates a discipline rule or code.

### **Responsibility to Teach Code of Discipline to All Students**

Schools have the responsibility to make sure that all children attending, including those receiving special education and related services, are familiar with the discipline code and that their families also have the opportunity to know and understand the code. Parents of children with disabilities should be given the opportunity to discuss the discipline code when it is a concern for their child and to be partners in finding effective ways of assisting in maintaining the code and its intents. Parents are allies in helping predict problems related to codes of conduct and their individual child's strengths and needs. Such discussions can generate IEP goals as well as necessary exceptions that may prevent the child from meeting a requirement of the school's code.

Children who have disabilities that prevent them from understanding or responding appropriately to components of a discipline code or school rule should have those exceptions addressed in their IEP. IEPs are designed to address both traditional academic needs and to meet "each of the child's other educational needs that result from the child's disability." The law also says that schools shall consider, when need, "strategies, including positive behavioral interventions, strategies, and supports to address that behavior."

### **Addressing and Preventing Behavior Problems**

It is the responsibility of the IEP team to review the discipline code and determine what specialized help and instruction the child may need to understand the code and consistently demonstrate the appropriate classroom and school behaviors conducive to learning. The team should identify and address the difficulties that may occur and may be related to the child's disability and establish plans that will reduce the chance that such infractions will occur.

Numerous and sometimes confusing legal provisions govern the discipline of students with disabilities. Accordingly, before suspending or expelling a student, school administrators should always investigate whether or not a student who violated school rules has been identified by the district as disabled.

## **Suspensions**

A school district may suspend a special education student for 10 school days in any given school year if the student violates school rules. During that period, the district is not required to provide educational services, conduct a manifestation determination review or draft a behavior intervention plan for the student. The district may suspend a special education student for more than 10 school days per school year for separate offenses as long as the removal is not a change in the student's placement.

To determine whether a suspension is a change in a student's placement, school officials must consider the duration of the suspension, the total amount of time the student is suspended and the frequency of the suspensions. In the case of a "change of placement," the district must schedule an IEP meeting to review and/or revise the student's behavioral intervention plan and conduct a manifestation determination review.

After 10 cumulative days of suspension in a school year, the school district must provide services to the child during the removal from school and schedule an IEP meeting to review and/or revise the behavior intervention plan.

If a student is suspended for a portion of a day, that whole day should be counted as a day of suspension. In addition, in-school suspension should be considered a day of suspension unless "the child is afforded the opportunity to continue to appropriately progress in the general curriculum, continue to receive the services specified on his or her IEP and continue to participate with non-disabled children to the extent they would have in their current placement."

A bus suspension is considered a day of suspension from school if transportation is a related service on the student's IEP, unless the student attends school that day (e.g., the student is driven by a parent). If transportation is not a related service contained in the student's IEP, "the child and his or her parents would have the same obligations to get to and from school as a non-disabled child who had been suspended from the bus" and the bus suspension would not count as a day of suspension.

20 U.S.C. 1415; 105 IL CS 5/14-8.05; 23 Ill.Admin. Code 226.400; 23 Ill.Admin Code 226.604; Vol. 64 Fed.REg. 12619.

## **Expulsions**

Expulsions are *per se* changes in placement. Before the expulsion hearing of a student with a disability, the district must perform a functional behavior assessment and convene an IEP meeting to review the functional behavioral assessment, draft/revise a behavior intervention plan, conduct a manifestation determination review and decide what services to provide during any period of expulsion. Special education students cannot be expelled for conduct related to their disabilities, but they can be assigned to a more restrictive placement. If the student is expelled for conduct unrelated to a disability, the district must continue to provide services to the child.

20 U.S.C. 1415 (k); 105 ILCS 5/14-8.01; 105 ILCS 5/14-8.05; Ill. Admin. Code 226.400

## **Manifestation Determination Reviews**

A manifestation determination review must be conducted whenever the district is considering an expulsion or suspension that constitutes a "change of placement." The manifestation determination review must be conducted by the student's IEP team. The team considers: (1) whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or (2) whether the conduct in question was the direct result of the school district's failure to implement the IEP. If the team answers either question in the affirmative, then the student cannot be expelled or suspended. If the suspension has already been issued, then it should be revoked and the student should be permitted to make up missed work. If the misconduct is not related to a disability (the answer to both questions is no), then the student can be expelled or suspended even if it is a change in the student's placement.

20 U.S.C. 1415 (k); 23 Ill. Admin. Code 226.410; ISBE Memo # 05-5 ( July 12, 2005).

## **Required Services**

A district must provide educational services to a student with a disability once the student has been removed from school for 10 cumulative days ( i.e., services must begin on day 11). The services must allow the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in his or her IEP. In the case of an expulsion or suspension that is a change in placement, the student's IEP team decides what services will be provided. Services may include homebound tutoring, sending homework home, or enrolling the student in an alternative or therapeutic school.

23 Ill. Admin. Code 226.400.

## **Interim Alternative Placement**

A special education student may be involuntarily removed to an interim alternative placement for 45 school days for:

1. Carrying or possessing a weapon at school, on school premises, or at a school functions.
2. Possessing, using, selling or soliciting the sale of a controlled substance at school, on school premises, or at a school function.
3. Inflicting serious bodily injury on another person at school, on school premises, or at school function.

## **Discipline of Students Not Identified as Disable**

Regular education students facing disciplinary action may be entitled to IDEA protections if a school district had knowledge that the student had a disability before the misconduct occurred. A district has knowledge when: (1) the parent of a child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the child that the child is in need of special education; or (2) parent of the child has requested an evaluation; or (3) the teacher of the child, or other personnel of the School District has expressed specific concerns about pattern of behavior demonstrated by the child directly to the director of special education or other supervisory personnel. If one of these criteria is met, the district should suspend the student for 10 days and conduct an expedited case study evaluation. If the student is found eligible, the student should be disciplined in accordance with IDEA's requirements. If the student is not eligible, the district may proceed to expel or otherwise discipline the student as a regular education student. If the district previously evaluated the student (within 3 years of the discipline recommendation) and the student was found ineligible, the district does not have knowledge of the student's disability. If the manifestation determination review and IEP meeting cannot be held during the 10 day suspension, the student must return to school after the suspension, unless the parents agree otherwise.

20 U.S.C. 1415 (k); 34C.F>R. 300.527; Ill.Admin. Code 226.430

