

There is a decision by the school to remove the student for more than 10 consecutive or 10 cumulative school days within a year. (No parent consent required.)

consecutive

cumulative

7-44-2
This is called a
"Disciplinary Change of Placement"

7-44-4(b)
Provide parents notice and procedural
safeguards day of decision or in mail
next day.

**Conduct a
MANIFESTATION DETERMINATION**

School decides if removals constitute pattern.

pattern

no pattern

7-44-3 School personnel and at least one teacher determine services to: (1) Continue to participate in general education curriculum in another setting and (2) progress toward IEP goals.

NOTE: The principal may remove a student to an interim alternative educational setting (IAES) for not more than 45 instructional days without regard to whether the behavior is determined to be a manifestation of the student's disability. [CLICK HERE TO LEARN MORE.](#)

Within the same year, removals totaling ***more than 10 consecutive days*** – or ***10 cumulative days that were determined by the school to be a pattern*** – this is called a “Disciplinary Change of Placement” and a manifestation determination conference is required.

511 IAC 7-44-5

MANIFESTATION DETERMINATION

#1: Was the conduct in question caused by or did it have a direct and substantial relationship to the student’s disability?

#2: Was the conduct in question the direct result of the public agency’s failure to implement the student’s IEP?

YES to either #1 OR #2: (1) A Functional Behavior Analysis (FBA) must be conducted or in existence and a Behavior Improvement Plan (BIP) must be implemented, reviewed and modified as necessary to address behavior. (2) **RETURN student to the placement from which they were removed, UNLESS** parents and public agency agree to change of placement as part of the modification of BIP.

YES to #2: The school must also take immediate steps to remedy those deficiencies.

NO: Discipline can be applied the same as any student. However, student must: (1) Continue to participate in gen-ed curriculum (in another setting); (2) Progress toward meeting goals in IEP; (3) Receive an FBA and BIP as well as modifications that are designed to address behavior to prevent recurring.