COLORADO
Department of Education

Colorado IEP Parent Training

Module 8: Discipline

May 15, 2026

Module 8 overview

- IDEA discipline protections
- Children not yet identified for special education
- Removal from educational placement
- Manifestation determination
- Functional behavior assessment & behavior intervention plan
- Interim alternative educational setting
- Expedited due process hearing

Review of acronyms

- **IDEA**: The Individuals with Disabilities Education Act
- **ECEA**: The Exceptional Children's Educational Act
- **CDE**: Colorado Department of Education
- **AU**: Administrative Unit, which includes school districts and Boards of Cooperative Education Services (BOCES), etc.
- **FAPE**: Free Appropriate Public Education
- **IEP**: Individualized Education Program
- **PSN**: Procedural Safeguards Notice
- **PWN:** Prior Written Notice

Key acronyms related to discipline

- **BIP:** Behavior Intervention Plan
- **FBA:** Functional Behavior Assessment
- **IAES:** Interim Alternative Educational Setting
- **MDR:** Manifestation Determination Review

IDEA discipline protections

- All students must follow the school's code of conduct.
- Children with disabilities can be suspended or removed to an alternate setting for **up to 10 days** (to the same extent as children without disabilities).
- IDEA provides discipline protections for children with disabilities if the school or AU want to suspend the child for more than 10 days or expel them (e.g., for the remainder of the school year).
- These discipline protections ensure that a child's behavior that is a result of their disability is addressed through the IEP process to prevent interruption of educational services.

IDEA discipline protections, continued

- IDEA requires FAPE to be offered to all eligible children ages 3-21, including those who have been suspended for more than 10 days in a school year or expelled. 34 CFR § 300.101(a).
- A child with an IEP must receive services after removal for more than 10 school days. 34 CFR § 300.530(d).
- If an AU wants to expel or suspend a child with a disability for more than 10 days, it must hold a “manifestation determination” meeting. 34 CFR § 300.530(e).
- A child may be placed in an interim alternative education setting for up to 45 school days for situations involving weapons or drugs, or if the child has inflicted serious bodily injury on another person while at school (even if the behavior was caused by the child’s disability). 34 CFR § 300.530(g).

Children not yet identified for special education

- IDEA's discipline protections will apply to a child without an IEP if any of these things happened before the child violated a school rule:
  - The parent of the child expressed concern in writing to a teacher or administrator that the child needs special education and related services.
  - The parent requested an evaluation of the child.
  - School staff expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel.
  - 34 CFR § 300.534.

Change in placement for disciplinary reasons

- Expulsion and suspensions for more than 10 days have such an impact on children with disabilities that they are considered a change in placement.
- A disciplinary change in 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**. 34 CFR § 300.536.

Removals that constitute a pattern

- A series of removals that constitute a pattern would exist—
  - when the series of removals total more than 10 school days in a school year;
  - when the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
  - when additional factors exist such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. 34 CFR § 300.536(a)(2).

Removal includes abbreviated school days

- Under Colorado's abbreviated school day law, if the school decides to shorten a child's school day as a way to handle behavior, **it must count this as a disciplinary removal** (suspension) even if the child was not formally suspended.
- This includes, but is not limited to, the following situations:
  - the school calls a parent to pick their child up early due to behavior;
  - a teacher does not allow a child to attend class due to behavior;
  - a school official decides on their own that a child must attend an abbreviated school day due to behavior.
- These situations count as removals even if the child's parent consents.

Review question 1

- For how many days can children with disabilities be suspended or removed to an alternate setting to the same extent as children without disabilities?

Steps before a change in placement

- Before changing a child's educational placement for disciplinary reasons, the AU must take certain steps to:
  - make sure that the child is not being penalized for actions that were caused by their disability, and
  - determine if the child needs additional behavioral evaluation and supports to participate in school.
- One step is the Manifestation Determination Review (MDR) meeting.

Manifestation determination review

- A manifestation determination review (MDR) meeting will be held to determine if:
  - the child's behavior was caused by or had a direct and substantial relationship to the child's disability, **or**
  - was caused by a failure to implement the child's IEP.
- The IEP team must hold the MDR meeting within 10 school days of any decision to change the child's educational placement through the student code of conduct.

Notice of MDR meeting

- The school must give parents notice of the MDR meeting with enough time for parents to prepare and to invite others to the meeting.
- The notice must meet IDEA's requirements, including the purpose of the meeting, time and location, attendees (by role), and that parents may invite others.
- If an MDR is held during an already scheduled meeting, the parents must be informed of the change to the purpose, attendees, and any other changes for which notice is required.
- Parents must be given adequate notice of an MDR meeting to ensure that they have an opportunity to participate in the MDR.

Participating in an MDR meeting

- At the MDR meeting, the AU, the parent and relevant members of the IEP team review relevant information.
- The school must tell the parents who will be attending the MDR meeting. Parents can request that someone be added to the list.
- The MDR team must determine:
  - (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; **or**
  - (ii) If the conduct in question was the direct result of the AU's failure to implement the IEP. . . 34 CFR § 300.530(e)(1)-(2).

Preparing for an MDR meeting

- Some things that parents can do to prepare for an MDR meeting:
  - Gather information about the misconduct and discipline records.
  - Review the child's IEP and, if applicable, the Behavioral Intervention Plan to make sure that the school has been following them.
  - Gather information about the child's disability.
  - Consult with professionals who work with the child. Parents may want to ask an outside professional to attend or provide information to help show that the behavior was a manifestation of the disability.
  - Determine if there are others who know the child who can help with the determination.
  - Consult with an attorney.

Functional behavior assessment - 1

- If the behavior was a manifestation of the student's disability:
  - The school must do a functional behavior assessment (FBA) as soon as possible, unless one has already recently been done.
  - The school must develop a behavioral intervention plan (BIP) based on the FBA.
  - If a BIP is already in place, the team must review and revise, as necessary, the BIP.
- If a student's behavior is determined **not** to be a manifestation of the disability, the rules recommend that the team, as appropriate, do an FBA and develop a BIP to avoid similar behaviors from happening again. 34 CFR § 300.530(d)(1)(ii).

Functional behavior assessment -2

- A Functional Behavior Assessment (FBA) is a way of understanding why a child may behave in a certain way. The FBA looks at a variety of factors, such as social-emotional functioning and triggers in their environment.
- An FBA will provide information about the child that will help develop a behavioral intervention plan (BIP) and/or other positive behavioral supports.
- A behavioral intervention plan (BIP) addresses the behaviors that are not appropriate for school. The BIP outlines specific ways the school will try to reduce those behaviors by teaching the child more appropriate ways to get their needs met.

Effect of manifestation determination

- If the behavior **was** a manifestation of the child's disability, the child will be returned to the placement from which they were removed, unless the parent and the school district agree to a change of placement as part of the modification of a behavioral intervention plan (BIP).
- If the behavior was a direct result of the AU's failure to implement the IEP, the AU must take immediate steps to remedy those deficiencies.
- If the behavior **was not** a manifestation of the child's disability, the AU may impose the same disciplinary consequences that it would for a child without a disability.

Effect of manifestation determination - 2

- If the disciplinary consequences result in a removal from their setting for more than 10 days and **is not** a disciplinary change of placement, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are provided.
- If the disciplinary consequences result in a removal from their setting for more than 10 days and **is** a disciplinary change of placement, the IEP team must decide what educational services are appropriate to allow the child to participate in the general education curriculum and make progress towards their IEP goals.
- 34 CFR § 300.530(d)(4).

MDR determination recap

- If behavior **was a manifestation** of the child's disability:
- The child returns to the placement from which removed (unless the parent and school agree to a change of placement).
- The school must do an FBA (unless already done) and implement a BIP (or review and revise existing BIP as necessary).

- If behavior **was not a manifestation** of the child's disability:
- The child can be disciplined in the same manner as a child without a disability.
- If the discipline results in a removal from the child's setting **and** is a disciplinary change of placement, the IEP team determines appropriate services to be provided in the alternative setting.
- An FBA and behavior supports or BIP, as appropriate, are recommended.

Review question 2

- What is the purpose of a manifestation determination review (MDR) meeting?

Interim alternative educational setting (IAES)

- A child with an IEP who is removed from their setting because of behavior that was **not** a manifestation of their disability **and** the removal is a disciplinary change in placement, the child must receive services in the interim alternative educational setting (IAES).
- This decision to place a child in an IAES is made by school personnel. An IAES is a temporary, different placement for the child to receive special education.
- When the school makes the decision to change the child's placement to an IAES because the child has violated a school rule, the AU must notify parents of the decision and give them a copy of the PSN.

IAES in special circumstances

- The school may unilaterally place a child with a disability in an interim alternative educational setting (IAES) for up to 45 school days for:
  - carrying a weapon,
  - knowingly possessing or using illegal drugs,
  - selling or soliciting controlled substances, or
  - inflicting "serious bodily injury".
- This placement occurs without regard to whether the behavior is a manifestation of the child's disability. 34 CFR. § 300.530(g).
- You can learn more about IAES on page 29 of the PSN.

Expedited due process hearing

- An expedited due process hearing is a hearing with faster timelines and a faster resolution.
- An AU may request an expedited due process hearing if it determines that continuing a child's placement is very likely to result in injury to the child or others.
- A parent can request an expedited due process hearing to challenge a decision to change their child's current educational setting due to discipline or to challenge the findings of a manifestation determination review.
- During an expedited due process hearing, the Hearing Officer (an Administrative Law Judge in Colorado) presiding over the hearing will decide if the AU followed requirements when it changed the child's placement or if the AU has shown that the child's behavior was or was not a manifestation of the child's disability.
- ECEA Rule 6.02(7.5)(i).

Expedited due process hearing timeline

- The AU must schedule a resolution meeting within **7 calendar days** after the expedited due process complaint is received.
- If the dispute is not resolved within **15 calendar days**, the hearing timeline proceeds.
- The hearing must be held within **20 school days** of the expedited hearing request being filed.
- The Administrative Law Judge (ALJ) must issue a decision within **10 school days** after the hearing ends.
- No extensions to the expedited due process hearing timeline will be allowed.
- More information on expedited due process hearings is on page 23 of the PSN.

Restraint and seclusion

- A separate Colorado law covers restraint and seclusion.
- Learn more: Rules for the Administration of the Protection of Individuals from Restraint Act

Individual support

Families, educators, and other professionals with questions about Special Education or needing assistance can contact CDE's Office of Special Education.

Phone: 720-926-1453

Email:

Parents_ESSUquestions@cde.state.co.us



CDE/Colorado resources

- CDE, Colorado Procedural Safeguards Notice (linked on CDE's Individualized Education Program page and at Dispute Resolution, Parent and Child Rights in Special Education)
- CDE, Discipline, Behavior, and School Climate
- CDE, Functional Behavior Assessment (FBA) and Behavior Intervention Plans (BIP)
- CDE, Resources on Behavior

Other resources (not specific to CO)

- US ED, Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, (July 2022)
- Center for Parent Information and Resources (CPIR), Manifestation Determination in School Discipline
- CPIR, Placement and School Discipline
- CPIR, Are Services Provided During Disciplinary Removals?