

Discipline of Students in Special Education Series

School Discipline: A Resource Collection

IDEA, our nation's special education law, provides the frame for how students with disabilities may be (and may not be) disciplined at school for violating a code of student conduct. IDEA's rules are complex and multi-faceted, so it's very important to use authoritative resources on the subject of school discipline. In this edition of **NASET's Discipline of Students in Special Education series**, you'll find articles, federal guidance, good reads, webinars, presentations and slideshows, and webpages offering additional information. The collection of materials listed has been [reviewed and recommended by a working team of Parent Center staff](#) from different regions of the country, coordinated by NE-PACT, the Region 1 Parent Technical Assistance Center, in collaboration with NH Parent Information Center.

Materials to Read and Share on School Discipline

Preventing the Use of Restraint and Seclusion with Young Children: The Role of Effective, Positive Practices

February 2011 | This 6-page fact sheet comes from the Technical Assistance Center on Social Emotional Intervention for Young Children (TACSEI).

http://challengingbehavior.fmhi.usf.edu/do/resources/documents/brief_preventing.pdf

Placement and School Discipline

This webpage at the Center for Parent Information and Resources discusses how disciplinary action at school can affect a student's placement, including what authority school personnel have to remove a child from his or her current placement, what authority the hearing officer has, what constitutes a change of placement, and what placement the child will have during any appeal.

<http://www.parentcenterhub.org/disciplineplacements/>

Accelerating Positive School Culture and Discipline Practices through the Charter Sector

This webpage of the National Charter School Resource Center describes and connects you with the many resources made available from the U.S. Department of Education as part of its [Rethinking Discipline](#) campaign to support initiatives that build positive school climates and develop less punitive approaches to school discipline. The resources provide background information on issues relevant to school climate and discipline; are meant to help school leaders develop and increase personnel skills and knowledge; and inform readers about strong practices

and lessons learned from exemplary programs.

<https://www.charterschoolcenter.org/category/focus-areas/discipline>

IDEA Discipline Provisions Tool

Designed to help users understand how IDEA's discipline rules apply to specific situations. You provide the situation, and the tool tells you what rules apply and what must, may, and may not be done. It has 6 stages. Just select a stage, click the button, and answer each question YES or NO.

<http://ideadiscipline.blogspot.com/>

From the Federal Government

School Climate and Discipline – Know the Data

This webpage of the U.S. Department of Education focuses on current data on students who receive in-school or out-of-school suspensions or who are expelled. Various data sources show clearly that students with disabilities and students of color are disproportionately impacted by such practices. Sources of discipline data and research are provided.

<http://www2.ed.gov/policy/gen/guid/school-discipline/data.html>

Rethinking Discipline

This suite of resources from the U.S. Department of Education advocates that school systems and society “rethink” how we approach school discipline, especially of students with disabilities. Here, administrators, educators, students, parents, and community members can find tools, data and resources to increase their awareness of the prevalence, impact, and legal implications of suspension and expulsion; find basic information and resources on effective alternatives; and join a national conversation on how to effectively create positive school climates.

<https://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

Dear Colleague Letter on Behavior Supports for Students with Disabilities (US DOE 8/1/2016)

This Dear Colleague letter (DCL) reminds school personnel that the authority to implement disciplinary removals does not negate their obligation to consider the implications of the child's behavioral needs and the effects of suspensions (and other short-term removals) when ensuring the provision of a free appropriate public education (FAPE). The DCL also clarifies that the failure to consider and provide for needed behavioral supports through the IEP process and throughout a continuum of placements (including general education settings) is likely to result in a child not receiving a meaningful educational benefit or FAPE in the least restrictive environment.

Access the complete DCL at:

<http://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps-08-01-2016.pdf>

Access the 2-page summary for stakeholders on this DCL:

<http://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-summary-for-stakeholders.pdf>

On the Legal Limits of Using Restraint or Seclusion

The Office for Civil Rights at the U.S. Department of Education has released a suite of resources on the use of restraint and seclusion in public schools. This suite includes the following:

Dear Colleague Letter on the Use of Restraint and Seclusion | Provided as a PDF file (408 kb), the 24-page Dear Colleague Letter explains the limits that federal civil rights laws impose on the use of restraint and seclusion by public elementary and secondary school districts.

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

Fact Sheet: Restraint and Seclusion of Students with Disabilities | This 2-page fact sheet offers additional information about the legal limitations on use of restraint or seclusion to assist school districts in meeting their obligations to students with disabilities. The fact sheet is organized as a question-and-answer document (PDF format, 163 kb).

<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201612-504-restraint-seclusion-ps.pdf>

Restraint and Seclusion Resource Document from 2012 | The Department's resource document (issued in May 15, 2012) suggested best practices to prevent the use of restraint or seclusion, recommending that school districts never use physical restraint or seclusion for disciplinary purposes and never use mechanical restraint, and that trained school officials use physical restraint or seclusion only if a child's behavior poses imminent danger of serious physical harm to self or others.

<https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

Questions and Answers on Discipline Procedures

The Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education issued this Q&A document (revised, 2009) to provide guidance on discipline policies enacted for school-age students to personnel in state educational agencies (SEAs) and local educational agencies (LEAs), and families. Questions and answers are divided into the following sectional topics: Safeguards, Definitions, Interim Alternative Educational Setting (IAES), Hearings, Functional Behavioral Assessments and Behavioral Intervention Plans, and Manifestation Determinations,

<https://www2.ed.gov/policy/speced/guid/idea/discipline-q-a.pdf>

What IDEA Requires

Listed below are webpages on the CPIR website that explain IDEA's discipline rules step by step. These pages have been excerpted from the NICHCY Training Curriculum on IDEA 2004 called Building the Legacy. [Module 19](#) of the curriculum is focused on school discipline under IDEA rules and is also available here on the Hub.

Discipline, in Detail

This is a landing page for offshoot pages that look at specific aspects of IDEA's discipline rules. The offshoot pages are listed directly below the link to the landing page, and one by one explain the details on IDEA's discipline procedures, which guide how schools respond to behavioral infractions of children with disabilities. Now, here are the offshoot pages that look at specific aspects of IDEA's discipline rules.

<http://www.parentcenterhub.org/disc-details/>

General Authority of School Personnel

What authority do school personnel have to discipline a student with a disability who has violated a code of student conduct? Details here, including the school's general authority, case-by-case determinations, the 10-day rule, and what constitutes a "change of placement."

<http://www.parentcenterhub.org/schoolauthority/>

School Authority in Special Circumstances

"Special circumstances" involve weapons, drugs, or serious bodily injury. Find out what authority school personnel have to remove a student with a disability whose violation of the student code of conduct involves any of these three factors.

<http://www.parentcenterhub.org/specialcircumstances/>

Manifestation Determination

One purpose of a manifestation determination is to determine whether or not the child's behavior is linked to his or her disability. Find out when this process is required and who is involved.

<http://www.parentcenterhub.org/manifestation/>

Are Services Provided During Disciplinary Removals?

What is the school system's obligation to provide special education and related services to a student with a disability during his or her disciplinary removal? IDEA addresses this critical question in its "extent of services" provisions.

<http://www.parentcenterhub.org/services-discipline/>

Appeals and Expedited Due Process

Both the LEA and the parent of the child with a disability have the right to request a due process hearing to appeal decisions taken during disciplinary procedures, although the reasons these parties may do so differ.

<http://www.parentcenterhub.org/appeals/>

Child's Placement During the Appeal Process

Where will the child be placed until a decision on an appeal is issued—the original placement from which the child was removed during the disciplinary action, the interim alternative educational setting, or another setting that the parents and school agree to? If you're wondering what happened to the “stay-put” provision, you'll find your answer here.

<http://www.parentcenterhub.org/pendency/>

What is Basis of Knowledge?

How do IDEA's discipline procedures apply to children not previously determined to be eligible for special education and related services? It all depends on whether or not the school system had what's known as a “basis of knowledge.”

<http://www.parentcenterhub.org/basis/>

Reporting Crimes

Are school systems allowed to report crimes committed by children with disabilities? Yes, with conditions.

<http://www.parentcenterhub.org/reportingcrimes/>

Putting It All Together: A Case Study

See how IDEA's discipline procedures apply in real life by looking at the case of Charlie.

<http://www.parentcenterhub.org/discipline-example/>