

# Overview of Discipline Procedures for Students Receiving Special Education

**Start**

School personnel decide on disciplinary removal based on violation of the code of student conduct.

School personnel need to consider two processes simultaneously

General Education: Each district board of education shall develop, adopt, disseminate, and implement a code of student conduct that establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds, and, as appropriate, for conduct away from school grounds.

Special Education: School personnel may consider unique circumstances of each student eligible for special education who violates a code of student conduct when determining whether a change in placement is appropriate. Special education discipline procedures apply.

Is the current removal for more than 10 consecutive school days?

No

Has the student been removed for a total of more than 10 school days in the same school year?

No

District provides services only if it also provides services to nondisabled students who are similarly removed. (N.J.A.C. 6A:16-10.2)

yes

"Do the series of removals constitute a change of placement?"

No

District (with at least one of the student's teachers) determines whether services are needed to enable the student to continue to participate in the gen ed curr (in alt setting) and to progress toward meeting the student's IEP.

yes

The MD meeting must answer the following questions: "Are the behaviors that led to the student's removal:  
 (1) caused by, or have a direct and substantial relationship to, the student's disability; or  
 (2) the direct result of the district's failure to implement the IEP?"

Conduct a Manifestation Determination meeting within 10 school days of decision to remove student.

yes

no

"Does the student's removal involve special circumstances?"

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(1) Student may go to an IAES for up to 45 days as determined by the IEP team;  
 (2) Student must receive services necessary for FAPE as determined by the IEP team;  
 (3) IEP team must conduct an FBA & implement a BIP; or if FBA/BIP already developed, review and modify as necessary;  
 (4) Student returns to current placement unless parent and school district agree to change placement to modify behavior.

(1) IEP team must conduct an FBA & implement a BIP, or if FBA/BIP already developed, review and modify as necessary; and  
 (2) Student must return to current placement unless the parent and the school district agree to a change of placement to modify behavior.

District may apply same disciplinary procedures as would be applied to nondisabled students, and:  
 (1) Student must receive services necessary for FAPE as determined by the IEP team;  
 (2) Student's IEP team determines the IAES for services; and  
 (3) IEP team may conduct an FBA/BIP review to prevent behavior from reoccurring.

