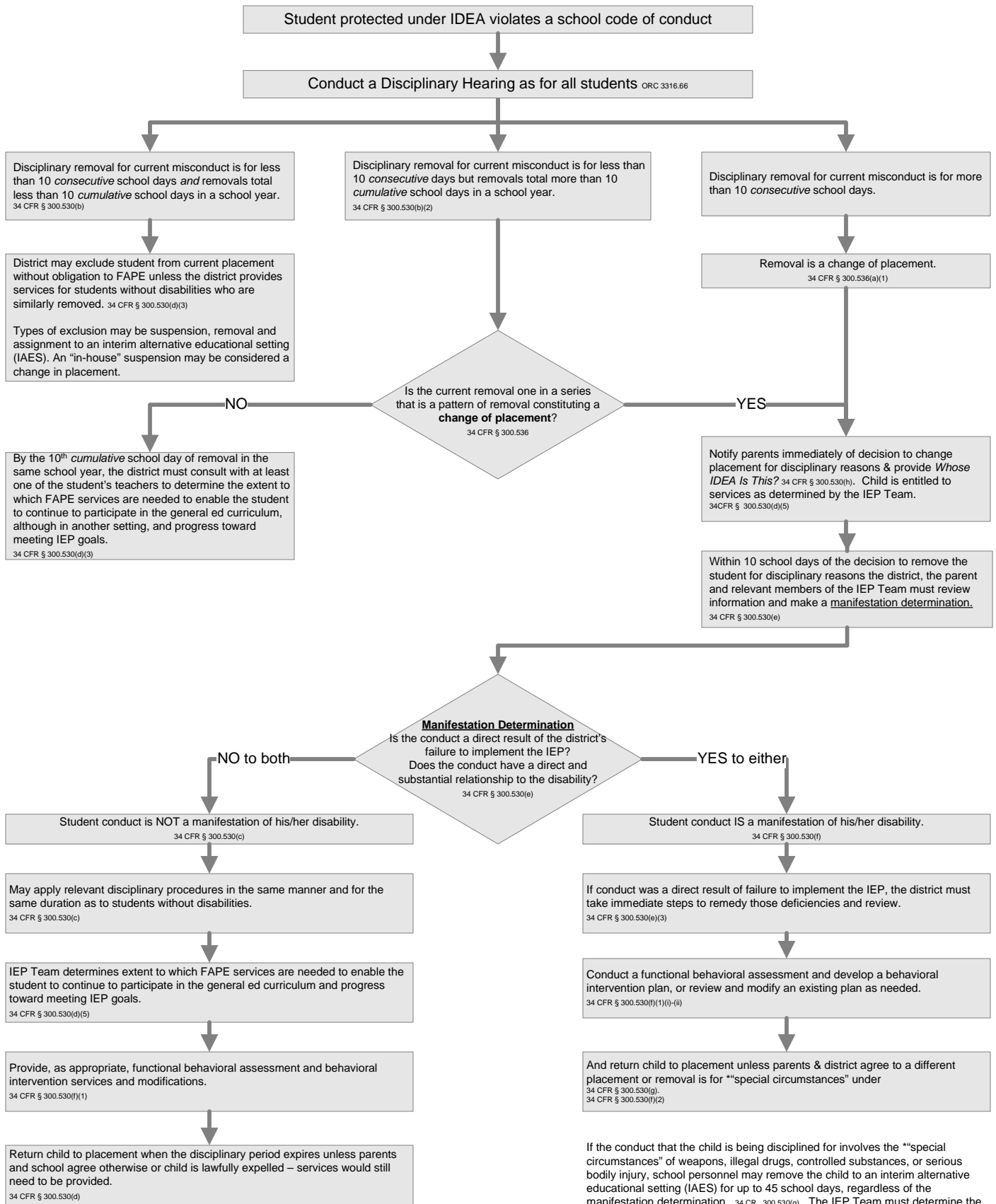


# Discipline of Special Education Students Under IDEA

(Protections in IDEA apply to children who have been found eligible for special education and to children for whom the school is deemed to have knowledge that the child might have a disability (i.e., children who have not yet been found eligible but the school had a basis of knowledge of a disability, including children who have been referred for initial evaluation). 34 CFR 300.354)



Parents can request a due process hearing if they object to a change of placement or if they do not agree with the manifestation determination.

Districts can request a due process hearing if a child is a danger to themselves or others or if parents refuse a change in placement.

If the conduct that the child is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances, or serious bodily injury, school personnel may remove the child to an interim alternative educational setting (IAES) for up to 45 school days, regardless of the manifestation determination. 34 CFR § 300.530(g). The IEP Team must determine the IAES.

The flowchart lays out the steps that a school district must take when disciplining a child with a disability; however, it is important to remember that at any point the parents and school district can agree to change a child's placement for disciplinary reasons. This type of agreement is noted through a review of the child's IEP and affixing new signatures to the IEP.