

## Chapter 8: Information on Discipline of Students with Disabilities

- (8.1) Is my child with a disability treated under the law precisely as a child without a disability if she is being suspended or expelled?
- (8.2) What are the behaviors that could get both regular and special education students suspended or expelled?
- (8.3) Can school districts use an alternative to suspensions or expulsions?
- (8.4) What behaviors require the school district to recommend a student be expelled?
- (8.5) What can I expect if my child is suspended?
- (8.6) Can my child be required to serve a suspension at school?
- (8.7) Under what circumstances could my child with a disability be suspended or expelled from school?
- (8.8) What is a “manifestation determination” meeting?
- (8.9) How do I prepare for the manifestation determination meeting?
- (8.10) If I disagree with the recommendation of the manifestation determination IEP team to expel my child, can I challenge the recommendation?
- (8.11) Are there any circumstances under which a school can change my child’s placement immediately?
- (8.12) The district moved my child into a new classroom for disciplinary reasons. Is this a “change of placement” requiring an IEP meeting?
- (8.13) Must the district continue to provide special education services to my child if he is suspended for more than ten days or if he is expelled?
- (8.14) I believe my child has a disability which caused his misbehavior, but the school district has never evaluated him for special education. Do

the rules regarding the discipline of special education students apply to him?

- (8.15) What if I requested a special education evaluation for my child but I did not do it in writing?
- (8.16) My child, who is being expelled, has not been made eligible for special education, but since the incident occurred I have requested an evaluation. What will happen with my child's placement while we are waiting for the results of that evaluation?
- (8.17) Does the teacher or other staff member's expression of concern about behavior need to be in writing?
- (8.18) Can my child be expelled from just the transportation portion of his school program?
- (8.19) Are there any special rules governing the discipline of students identified as having a disability under Section 504 of the Rehabilitation Act of 1973?
- (8.20) What rights do I have if I disagree with the Section 504 determination about my child's behavior?
- (8.21) What are the rights of my child to return to school in the district that expelled him?
- (8.22) If my child is expelled, what are the rules governing admission of my child to a new school district?
- (8.23) My child has behavior problems that may put him at risk of suspension and/or expulsion. Are there any special services or protections for him?
- (8.24) Are there laws that specifically prohibit some behavior programming or techniques?
- (8.25) What can I do if teachers or other school staff physically or

emotionally abuse my child?

- (8.26) If, after the manifestation determination or 504 meeting, the team recommends a student for expulsion (and you choose not to challenge the recommendation through due process), what are the procedures for the expulsion hearing and for any appeals?
- (8.27) The district proposes to remove my child from school because of his behavior problems and is recommending home instruction as his placement. Can the district do this?