

## ATTORNEY TIP SHEET #5

### WHAT CAN I DO IF MY CHILD IS SUSPENDED OR EXPELLED?

#### I. STEP ONE: UNDERSTAND THE LAW

Discipline of students with disabilities is complex. Parents should understand a few general parameters and follow-up with the school to ensure that they are followed.

First: **Students with IEPs can be suspended from school for up to 10 days** in a school year.

Tip: After a student has been suspended for 10 days, special procedural and substantive protections apply. Suspending a child with an IEP for more than 10 days is considered a “change in placement” and the IEP team must determine if further suspension is appropriate.

Second: **Behavior that is a manifestation of the disability is treated differently** than behavior that is not a manifestation.

Tip: **Students whose behavior is a manifestation of their disability cannot be repeatedly suspended from school** except for special circumstances (drugs, weapons and serious bodily injury).

Third: **A student with an IEP who is “expelled” must continue to get services on the IEP** and access to the general curriculum. This access can be in a different location than traditional school.

Tip: Expelled students will receive services in an alternate location. The **alternate location should be appropriate for the student** and allow that student to continue to work on IEP goals.

#### II. STEP TWO: MAKE SURE THE SCHOOL IS FOLLOWING PROCEDURES

**Ask for copies of all records** related to suspensions or expulsions. This will include behavior incident reports and notices of suspension or expulsion.

**Ask for an IEP meeting to discuss the behavior.** If the IEP does not provide behavior supports, modify the IEP to include those services. (See, FAQ- Behavior Problems in School, tab 6)

**Ask the school to provide behavior supports.** Make sure the school conducts a functional behavior assessment (FBA) and provides a behavior intervention plan (BIP).

**Ask for regular data and reports about behavior.** Keep a close eye on your child’s behavior in school and the school’s ability to respond to the behavior. If problems continue, request another IEP meeting.