

IDEA Discipline Regulations § 300.530-§ 300.536

TOPIC	IDEA Regulations	Clarification/Implications*
<p>§ 300.530 Authority of school personnel</p> <p>(a) Case-by-case determination</p>	<p>School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.</p>	<ul style="list-style-type: none"> • This is a critical component of the Individuals with Disabilities Education Act (IDEA) because it allows school personnel to make individualized disciplinary decisions for students with disabilities. • The selection of “non-exclusionary” consequences often allow for more impactful consequences (i.e., loss of privileges, restitution, etc.) and don’t invoke the disciplinary regulations such as manifestation determination review (MDR).
<p>(b) General</p>	<p>(1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300.536).</p> <p>(2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.</p>	<ul style="list-style-type: none"> • No MDR IEP Team meeting is necessary when a disciplinary consequence removes the student for less than 11 consecutive or cumulative days in a school year that do not constitute a <i>change of placement</i>. • Beginning on the 11th day of a disciplinary removal, <i>change of placement</i> or not, free appropriate public education (FAPE) services must be provided to the student. The extent of services needed is determined by school personnel, in consultation with at least one of the child’s teachers. It is important to document this consultation. • Disciplinary removals can be used for students with disabilities only if those alternatives are applied to children without disabilities.
<p>(c) Additional authority</p>	<p>For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.</p>	<ul style="list-style-type: none"> • If the behavior is NOT a manifestation of the student’s disability, disciplinary consequences applied to non-disabled students can be given to the student with a disability. • After 10 days of disciplinary removal, FAPE services must be provided to the student, even if the behavior is NOT a manifestation of the student’s disability.

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(d) Services	<p>(1) A child with a disability who is removed from the child’s current placement pursuant to paragraphs (c), or (g) of this section must—</p> <ul style="list-style-type: none"> (i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP; and (ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. <p>(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.</p> <p>(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.</p> <p>(4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under § 300.536, school personnel, in consultation with at least one of the child’s teachers, determine the extent to which services are needed, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child’s IEP.</p> <p>If the removal is a change of placement under § 300.536, the child’s IEP Team determines appropriate services under paragraph (d)(1) of this section.</p>	<ul style="list-style-type: none"> • When the disciplinary consequence constitutes a <i>change of placement</i> for the student, FAPE services must be provided. These services can be provided in the disciplinary setting. The IEP Team determines the appropriate FAPE services. • If the disciplinary removal exceeds 10 cumulative days, but does NOT constitute a <i>change of placement</i> for the student, the extent of services needed is determined by school personnel, in consultation with at least one of the child’s teachers. It is important to document this consultation. <p>TEC §37.004 (b) In 2021 HB 785 expanded TEC §37.004(b). In addition to the Federal requirements for services during a disciplinary change of placement, school districts are now mandated to seek parental consent for an FBA if the student does not have an FBA or if the most recent FBA is more than 1 year old. This consent must be sought within 10 school days after the change in placement.</p> <p>In addition, any previously conducted FBAs and behavior improvement/intervention plans (BIP) must be reviewed and, as necessary, the current BIP revised or a new BIP developed based on the data reviewed.</p> <p>It is important to remember that though most change of placements occur when the student’s behavior was found NOT to be a manifestation of their disability, there are some instances where even a student with behavior that IS a manifestation can have a disciplinary change of placement. This would occur when the behavior qualified as a <i>special circumstance</i>. In these circumstances, the new requirements would need to be implemented.</p>

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<p>(e) Manifestation determination</p>	<p>(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine—</p> <p style="padding-left: 40px;">(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or</p> <p style="padding-left: 40px;">(ii) If the conduct in question was the direct result of the LEA’s failure to implement the IEP.</p> <p>(2) The conduct must be determined to be a manifestation of the child’s disability if the LEA, the parent, and relevant members of the child’s IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.</p> <p>If the LEA, the parent, and relevant members of the child’s IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.</p> <p>19 Texas Administrative Code § 89.1050. The Admission, Review, and Dismissal (ARD) Committee.</p> <p><i>(g)(1)</i> ... The opportunity to recess and reconvene is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense that may lead to a placement in a disciplinary alternative education program. ...</p>	<ul style="list-style-type: none"> • It is not permissible for school personnel to unilaterally administer a disciplinary consequence that constitutes a <i>change of placement</i>. • The <i>date the disciplinary decision is made</i> for a <i>change of placement</i> is a critical date because it starts the timeline for several mandatory events: <ul style="list-style-type: none"> ○ On the same date—notify parent of decision and provide procedural safeguards ○ Within 10 school days—conduct MDR • There are 2 standards that define <i>manifestation</i>: <ul style="list-style-type: none"> ○ Causal ○ Failure to implement the IEP • If the IEP Team determines that either standard is met, the behavior is determined to be a manifestation of the student’s disability. • If it was determined that there was a failure to implement the IEP, then the school must address the implementation immediately. • In order to determine whether either of the 2 standards is met, sufficient data must be collected to assist in making the manifestation decision. • If, during deliberations, the IEP Team determines that they don’t have sufficient data to make the determination regarding manifestation, they can recess the MDR meeting to collect the necessary data. It is important that the IEP Team set a date for reconvening the IEP Meeting within a reasonable period of time. • Though not an IDEA Regulation, a TAC statute regarding the 10-day mutual agreement ARD is relevant in this section. If there is disagreement in the MDR ARD regarding manifestation, there is no requirement that a mutual agreement ARD offered. Procedural safeguards would be given to the parent along with notice of the intention to place the student in the DAEP or initiate expulsion. The disciplinary consequence can move forward. If the parent appeals, the student would stay in the placement determined by the ARD committee during the appeal.

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(f) Determination that behavior was a manifestation	<p>If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child’s disability, the IEP Team must—</p> <p>(1) Either—</p> <p style="padding-left: 20px;">(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or</p> <p style="padding-left: 20px;">(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and</p> <p>(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.</p>	<ul style="list-style-type: none"> • If the IEP Team determines that the behavior IS a <i>manifestation</i> of the student’s disability then the IEP Team must: <ul style="list-style-type: none"> ○ Conduct a functional behavioral assessment (FBA) unless one has been conducted ○ Implement a behavioral intervention plan (BIP) to address the behavior or modify an existing BIP ○ Return the student to the placement from which they were removed • The regulations allow for an option for the student to remain in the disciplinary alternative placement if the parent agrees to the placement even though the behavior is a manifestation of the student’s disability. It is important that the decision to remain in the setting be well documented and the services carefully planned to provide FAPE and to address the behavior that led to the disciplinary action. • It is important to note that the IEP Team, in considering the most appropriate services (regardless of relatedness), could determine that a more restrictive educational placement is necessary to address the needs of the student. This would not be a <i>disciplinary placement</i>. It would be a change in <i>educational services</i> based on the needs of the student.
(g) Special circumstances	<p>School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child’s disability, if the child—</p> <p>(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;</p> <p>(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or</p> <p>(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.</p>	<ul style="list-style-type: none"> • There are 3 categories of offences (special circumstances) which allow the school to remove the student to an alternate disciplinary setting for up to 45 school days, whether or not the behavior is a manifestation of the student’s disability: <ul style="list-style-type: none"> ○ Weapons ○ Drugs ○ Serious bodily injury • It is important to understand the definition of each of these special circumstances because they are limited in scope.

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(h) Notification	On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in §300.504.	<ul style="list-style-type: none"> • Notifying the parent of the <i>decision</i>, should include the following elements: <ul style="list-style-type: none"> ○ Description of the offense that led to the discipline recommendation and its noncompliance with the Student Code of Conduct ○ Disciplinary consequence being recommended ○ Reference to attached/enclosed procedural safeguards document ○ Explanation that the recommended disciplinary consequence constitutes a <i>change of placement</i> for the student. Because the student is a student with a disability under IDEA (or Section 504) it is necessary to conduct an IEP Team meeting to determine whether the behavior was a manifestation of the student’s disability. ○ Reference to the process for the general education internal disciplinary hearing in the event that the parent plans to protest guilt/innocence or the disciplinary consequence.
(i) Definitions	<p>(1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).</p> <p>(2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.</p> <p>(3) Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.</p> <p>Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.</p> <p>(Authority: 20 U.S.C. 1415(k)(1) and (7))</p>	<ul style="list-style-type: none"> • In response to a public comment asking for more clarification of the meaning of the terms “<i>serious bodily injury</i> and <i>weapon</i>, the Department of Education provided the following: <p style="margin-left: 20px;">118 U.S.C. 365(h)(3): The term serious bodily injury means bodily injury that involves—</p> <ol style="list-style-type: none"> 1. A substantial risk of death; 2. Extreme physical pain; 3. Protracted and obvious disfigurement; or 4. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty. (71 Fed. Reg. 46723) <p style="margin-left: 20px;">18 U.S.C.04-Z(g)(2): The term dangerous weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length. (71 Fed. Reg. 46723)</p>

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§ 300.531 Determination of setting	The child’s IEP Team determines the interim alternative educational setting for services under §300.530(c), (d)(5), and (g). (Authority: 20 U.S.C. 1415(k)(2))	<ul style="list-style-type: none"> The IEP Team determines the disciplinary alternative placement and services when there is a <i>change of placement</i> and for offences that qualify as <i>special circumstances</i> (weapons, drugs, serious bodily injury).
§ 300.532 Appeal (a) General	The parent of a child with a disability who disagrees with any decision regarding placement under §§ 300.530 and 300.531, or the manifestation determination under § 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to §§ 300.507 and 300.508(a) and (b).	<ul style="list-style-type: none"> This section allows the parent and the school to appeal the MDR decision. It is important that MDR decisions are made with sufficient data to support the outcome.
(b) Authority of hearing officer	<p>(1) A hearing officer under § 300.511 hears, and makes a determination regarding an appeal under paragraph (a) of this section.</p> <p>(2) In making the determination under paragraph (b)(1) of this section, the hearing officer may—</p> <p style="padding-left: 40px;">(i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of § 300.530 or that the child’s behavior was a manifestation of the child’s disability; or</p> <p style="padding-left: 40px;">(ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.</p>	<ul style="list-style-type: none"> Regardless of the outcome of the hearing officer’s decision (student returned to original placement or placement changed to alternative disciplinary setting), the IEP Team should review the student’s behavior and develop and implement data-based interventions to address the behavior of concern. It is important to note that the IEP Team, in considering the most appropriate services (regardless of relatedness), could determine that a more restrictive educational placement is necessary to address the needs of the student. This would not be a <i>disciplinary placement</i>. It would be a change in <i>educational services</i> based on the needs of the student.

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(c) Expedited due process hearing	<p>(3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.</p> <p>(1) Whenever a hearing is requested under paragraph (a) of this section, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of §§ 300.507 and 300.508(a) through (c) and §§ 300.510 through 300.514, except as provided in paragraph (c)(2) through (4) of this section.</p> <p>(2) The SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing.</p> <p>(3) Unless the parents and LEA agree in writing to waive the resolution meeting described in paragraph (c)(3)(i) of this section, or agree to use the mediation process described in § 300.506—</p> <p style="padding-left: 40px;">(i) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and</p> <p style="padding-left: 40px;">(ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.</p> <p>(4) A State may establish different State-imposed procedural rules for expedited due process hearings conducted under this section than it has established for other due process hearings, but, except for the timelines as modified in paragraph (c)(3) of this section, the State must ensure that the requirements in §§ 300.510 through 300.514 are met.</p> <p>(5) The decisions on expedited due process hearings are appealable consistent with § 300.514. (Authority: 20 U.S.C. 1415(k)(3) and (4)(B), 1415(f)(1)(A))</p>	<ul style="list-style-type: none"> • Often the resolution meeting is seen as a “hurtle to jump” on the way to a due process hearing. It is highly recommended that schools and parents take the opportunity for this resolution meeting seriously! Often there is a common ground that can be reached to satisfy all parties. One option might be a consequence that does not involve a disciplinary <i>change of placement</i>, but has the potential to support more appropriate behavior for the student. Even an expedited hearing takes 30 days before a decision is delivered by the hearing officer. Thirty days is a long time to delay a consequence.

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§ 300.533 Placement during appeals.	<p>When an appeal under § 300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in §A300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.</p> <p>(Authority: 20 U.S.C. 1415(k)(4)(A))</p>	<ul style="list-style-type: none"> • While in the alternative placement, the following services must be provided: <ul style="list-style-type: none"> ○ FAPE services ○ FBA and behavioral intervention services/modifications, that are designed to address the behavior violation so that it does not recur.
§ 300.534 Protections for children not determined eligible for special education and related services (a) General	<p>A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if the public agency had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.</p>	<ul style="list-style-type: none"> • There may be circumstances where a student who is not currently qualified as a student with a disability may be eligible for the protections outlined in IDEA. • When disciplinary decisions are being made for non-disabled students there should be data collected to ensure that the student does not meet one of the criteria listed below that could make them eligible for IDEA disciplinary protections.
(b) Basis of knowledge	<p>A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred—</p> <ol style="list-style-type: none"> (1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services; (2) The parent of the child requested an evaluation of the child pursuant to §§ 300.300 through 300.311; or 	<ul style="list-style-type: none"> • If any of the 3 events listed in this section occurred, the LEA is considered to have basis of knowledge that the student has a disability. In other words, there is enough of a suspicion that the child might have a disability that the LEA should have acted on the information by conducting an evaluation. • If basis of knowledge exists, the student must be given the same rights and protections as a student with a disability.

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	(3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.	
(c) Exception	<p>A public agency would not be deemed to have knowledge under paragraph (b) of this section if—</p> <p>(1) The parent of the child—</p> <p style="padding-left: 40px;">(i) Has not allowed an evaluation of the child pursuant to §§ 300.300 through 300.311; or</p> <p style="padding-left: 40px;">(ii) Has refused services under this part; or</p> <p>(2) The child has been evaluated in accordance with §§ 300.300 through 300.311 and determined to not be a child with a disability under this part.</p>	<ul style="list-style-type: none"> • The LEA is NOT considered to have <i>basis of knowledge</i> if the parent refused an evaluation or refused services once the student was eligible or if the student was evaluated and found to be not eligible as a student with a disability.
(d) Conditions that apply if no basis of knowledge	<p>(1) If a public agency does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with paragraph (d)(2) of this section.</p> <p>(2)</p> <p style="padding-left: 20px;">(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under § 300.530, the evaluation must be conducted in an expedited manner.</p> <p style="padding-left: 20px;">(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.</p> <p style="padding-left: 20px;">(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency</p>	<ul style="list-style-type: none"> • If there is no <i>basis of knowledge</i>, the student does not fall under the protections of IDEA and is eligible for any disciplinary consequences that are applicable to non-disabled students. • If a request is made for a special education evaluation during the disciplinary process, the evaluation must be done in an expedited manner. During the evaluation, the student remains in the placement determined by the school. This could be a disciplinary placement (suspension, expulsion, DAEP, etc.) or the if the school strongly suspects that the student does, in fact, have a qualifying disability, the student could remain in the current general education setting (perhaps with other disciplinary consequences or supervision) until the evaluation is complete. • If the student is found to be a student with a disability, the IEP team would then follow the IDEA disciplinary rules. This would include conducting an MDR to determine whether the behavior was related to the identified disability.

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	<p>and information provided by the parents, the agency must provide special education and related services in accordance with this part, including the requirements of §§ 300.530 through 300.536 and section 612(a)(1)(A) of the Act. (Authority: 20 U.S.C. 1415(k)(5))</p>	
<p>§ 300.535 Referral to and action by law enforcement and judicial authorities</p> <p><i>(a) Rule of construction</i></p>	<p>Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.</p>	<ul style="list-style-type: none"> • If a student with a disability commits a crime, IDEA does not prevent the school from reporting the crime to authorities nor does it prevent law enforcement or other judicial authorities from fulfilling their responsibilities regarding the crime.
<p><i>(b) Transmittal of records</i></p>	<ol style="list-style-type: none"> 1. An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. 2. An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act. <p>(Authority: 20 U.S.C. 1415(k)(6))</p>	<ul style="list-style-type: none"> • Though schools are required to transmit the student's special education and disciplinary records to the authorities when they report a crime, the records can only be transmitted with written consent of the parent. • Obtaining parental consent is typically not a problem as it is generally to the student's benefit to make the legal authorities aware of the student's disability status.

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§ 300.536 Change of placement because of disciplinary removals	<p>(a) For purposes of removals of a child with a disability from the child’s current educational placement under §§ 300.530 through 300.535, a change of placement occurs if—</p> <p>(1) The removal is for more than 10 consecutive school days; or</p> <p>(2) The child has been subjected to a series of removals that constitute a pattern—</p> <p style="padding-left: 20px;">(i) Because the series of removals total more than 10 school days in a school year;</p> <p style="padding-left: 20px;">(ii) Because the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and</p> <p style="padding-left: 20px;">(iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.</p> <p>(b)</p> <p>(1) The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.</p> <p>(2) This determination is subject to review through due process and judicial proceedings. (Authority: 20 U.S.C. 1415(k))</p>	<ul style="list-style-type: none"> • Change of placement is a legal term. It is critical to understand the definition because disciplinary removals that constitute a <i>change of placement</i> invoke a number of IDEA legal mandates. • <i>Change of placement</i> has 2 definitions, one for consecutive school days of removal and one for cumulative days of removal. <ul style="list-style-type: none"> ○ Consecutive—Any time there is a disciplinary removal of more than 10 school days (11 or more), that removal is automatically considered to be a <i>change of placement</i> and, therefore, all the IDEA discipline rules must be followed. ○ Cumulative—The definition of <i>change of placement</i> involving cumulative school days is more subjective than the consecutive day definition. The 11 or more cumulative school days of disciplinary removals must form a pattern comprised of behavior incidents that are substantially similar. Additional factors must also be considered: <ul style="list-style-type: none"> ▪ length of each removal ▪ total amount of time the child has been removed, ▪ proximity of the removals to one another This means that when considering cumulative days of removal, there are circumstances when a removal of more than 11 days would NOT be considered a <i>change of placement</i>. • The school authorities are tasked with the responsibility of determining whether the removals constitute a <i>change of placement</i>. Obviously, that determination is much easier for consecutive day removals than for cumulative days removals. In making this determination, especially in the case of cumulative days, it important to document the data considered in the decision of whether the removals are a <i>change of placement</i>. This is a determination that significantly impacts the actions of the school and the protections for the student with a disability and is subject to review in a due process hearing or legal procedure. One option to consider would be to take the decision to the IEP Team of whether the cumulative days of removal constituted a <i>change of placement</i>.

**Clarifications/Implications are intended to emphasize significant issues in the regulations or expand the content to best practice recommendations. Information in this column is interpretation of the author, not necessarily direct quotation of the law/regulations, nor is it legal advice.*