Education Law Center

Making sure that all of Pennsylvania's children have access to quality public schools

Discipline Flowchart: Children with IEPs in Public Schools

First ask: Did the student break a published school rule?

START

Was the misbehavior a "special circumstance?"

- Involved illegal drugs or a weapon = **YES**
- Involved selling prescription drugs = **YES**
- Involved serious bodily injury to another person = **YES**

Other misbehavior = **NO**

YES →

School may place student in an alternative school setting for 45 school days

- Student must be able to participate in general curriculum and progress toward IEP goals
- At end of 45 days, Hearing Officer can order new 45-day placement if child is dangerous

School may go through the other steps of this chart in the meantime to determine what other discipline (if any) can be imposed and whether student needs a behavior assessment or plan.

NO ↓

Is the proposed discipline a change in placement?

- Any suspension for child with retardation = **YES**
- Transfer for more than 10 days in a row = **YES**
- Expulsion (any suspension of more than 10 days in a row is an expulsion) = **YES**
- Suspension/transfer for more than 15 TOTAL days in a school year = **YES**
- Anything else = **NO**

YES →

School must hold a meeting within 10 school days with the parent and relevant IEP Team members to ask: **Was the misbehavior a "manifestation" of the student's disability?**

- Misbehavior *caused by* or *directly and substantially related to* the disability = **YES**
- Misbehavior was a *direct result* of school's failure to carry out the IEP = **YES**
- Anything else = **NO**

School must also have an IEP meeting within 10 days to arrange for a behavior assessment (if not already done) and write/revise behavior pla

NO ↓

School CAN discipline the student using the same rules that apply to all students.

- If expelled, student must get enough services to participate in curriculum and progress in IEP goals

END

NO ←

School CAN discipline the student using the same rules that apply to all students.

- If parent disagrees with manifestation decision, can ask for an expedited hearing (discipline occurs in meantime)
- If expelled, student must get enough services to participate in curriculum and progress toward IEP goals

END

YES ↓

School CANNOT punish the child for the misbehavior

END

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