



## **DISCIPLINE**

### **Suspending a Student with a Disability**

School personnel can suspend a child with a disability for up to 10 consecutive days (days in a row) for any violation of a school rule as long as that it is the same disciplinary action and amount of time applied to children without disabilities, except if the offense involves weapons, drugs or serious bodily injury. If your child has been suspended for one of these reasons, please contact Parents' Place for more information.

- All children with and without disabilities have the right to an informal meeting with the principal before the suspension (except in an emergency) and the right to notice of the charges and evidence against them as well as the right to explain their side of the story.
- Multiple short-term suspensions (for less than 10 days) for separate incidents are allowed as long as those removals do not add up to more than 10 days total in a school year (also known as a change of placement). During these short term suspensions:
  - the child may be placed in another setting;
  - the school is not required to provide services if services are not provided to children without disabilities; and
  - the school must provide the child with homework and a reasonable amount of time to make up missed work and tests.

During any suspension that totals more than 10 days (whether the suspension is more than 10 days in a row, or if they have been suspended for more than 10 days over the course of the school year), the school district must provide services.

- All children with and without disabilities have the right to notice of the charges and evidence against them, question and present witnesses, review and present evidence, and bring an advocate or attorney (at their own expense).
- The IEP team must hold a causal IEP meeting within 10 days of the first day the child is suspended to:
  - develop a plan to conduct a functional behavioral assessment (FBA) and create (or modify) a behavioral intervention plan (BIP); and
  - determine whether the behavior was a causal/manifestation of the child's disability.

To determine if a behavior is a causal/manifestation of the child's disability, the IEP team must review all relevant information in the child's file, the IEP, any teacher observations and any information supplied by the parents. To be a causal/manifestation, the behavior must:

- be caused by or have a direct and substantial relationship to the child's disability; or
- be the direct result of the school's failure to implement the IEP.

If the IEP team concludes the behavior WAS NOT a causal/manifestation of the disability:

- the child may be disciplined in the same manner and amount as children without disabilities, including suspensions and expulsions; or
- the IEP team must determine what services are necessary to enable the child to progress in the general curriculum and advance towards achieving their IEP goals.

If the IEP team concludes that the behavior WAS a causal/manifestation of the child's disability, the IEP team must:

- immediately return the child to school and remove the suspension from their record;
- conduct a functional behavioral assessment and implement a behavior intervention plan, if not done previously, or review existing plan; and
- determine what services are necessary to enable the child to progress in the general curriculum and advance towards achieving their IEP goals.

*Parents may request an expedited due process hearing if they disagree with the manifestation determination.*

CITATION: 34 CFR Assistance to States for the Education of Children with Disabilities, Sec.300.102, 300.305  
COMAR 13A.05.01.02 & 13A.05.01.06