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SPECIAL EDUCATION PROCEDURES

Special Education Discipline

Updated September 2023

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These procedures have been adopted by the Arts Academy in the Woods as of September 2023

Compliant provision of these procedures will be supervised by the building administrator and special education administrator(s.)

These procedures will be reviewed for compliance after each IEP meeting, before notice is provided.

Any changes to these procedures will be communicated by the building administrator and special education administrator(s) at the next regular staff meeting. They will be communicated by posting on an electronic staff bulletin board or shared hard drive

Special Education Disciplinary Procedures

Disciplining Students Not Yet Eligible for Special Education

See separate but related procedures for more specific guidance and detailed information relative to Discipline: General Provisions, Analysis of the Pattern of Removals/Change of Placement, Manifestation Determination Review, Provision of FAPE after Removal, and Interim Alternative Educational

This procedure will be used by administrators and other school personnel when disciplining students who may have disabilities and taking resulting required actions.

This procedure will be implemented by Building administrators and other school personnel involved in disciplinary removals

Legal Requirement with Citation

§300.530 of the Individuals with Disabilities Education Act (IDEA) describes the discipline procedures for students with IEPs.

§300.534 describes protections for students who are not yet eligible for special education. Students who do not have an IEP may assert any of the protections provided for students with IEPs if the district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

Procedural Steps:

A student who is not yet eligible for special education may assert any of the protections provided for students who have IEPs if the district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. A school district is deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred, one of the following was true:



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- The parent expressed concern in writing to supervisory/administrative personnel or to the student's teacher, that the student is in need of special education and related services.
- The parent requested that the student be evaluated for special education eligibility.
- The student's teacher or other personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education to other supervisory personnel.

A public agency would not be deemed to have knowledge if one of the following is true:

- The student's parent has not allowed the student to be evaluated or has refused special education services.
- The student has been evaluated and determined to not be a student with a disability.

1. In order to determine if a student may assert the protections of IDEA despite the fact that the student does not have an IEP, the following information should be reviewed:
 - The student's cumulative educational record for the current year and prior years.
 - Communications received over time from the parent by teachers and supervisory personnel.
 - Communications over time from teachers/staff to supervisory personnel regarding the student's behavior.
 - The response to any prior requests for evaluations.
 - The results of any prior special education evaluations.
2. The district official(s) who are authorized to determine if the student may assert the protections of IDEA despite not yet being eligible for special education are the building administrator and special education administrator(s)
3. If an authorized district official determines that a student who is not yet eligible may assert the disciplinary protections of IDEA, all discipline procedures for students with disabilities must be followed immediately. Protections under IDEA may not be delayed in order to conduct an evaluation of the student and/or develop an IEP. The individual(s) making this determination must immediately notify the special education administrator of such a decision.

If the parent requests an evaluation after a disciplinary situation arises, and the district does not already have knowledge that the student may be a student with a disability, the district must conduct an expedited evaluation of the



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student. "Expedited" means as quickly as possible and sooner than the usual 30 school days. An expedited evaluation must be conducted even if the student is currently suspended or expelled. All of the following apply:

1. The person to whom the parent makes a request for an expedited evaluation must immediately notify the special education administrator.
2. Expedited evaluations must be conducted in accordance with the criteria for an initial evaluation under IDEA.
3. Until the expedited evaluation is completed the student remains in the educational placement determined by the school district. This may include suspension or expulsion without educational services.
4. Upon completion of the expedited evaluation the district must convene a MET/IEP meeting to determine eligibility.
5. If the student is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district and information provided by the parents, the district must provide special education and related services in accordance with IDEA. This includes developing an IEP and offer of FAPE, conducting an Analysis of the Pattern of Removals, providing FAPE after removal, and conducting a Manifestation Determination Review.

Documentation and Compliance

The following forms and resources will be considered when deciding and documenting:

- Discipline report for the student, including records of all disciplinary actions during the school year
- Attendance records for the student
- Format to conduct and document the decision regarding Analysis of Pattern of Removals and whether there is a Change of Placement (i.e., Discipline Review Worksheet)
- Prior written notice of change of placement (letter or form)
- Procedural safeguards available to parents
- Manifestation Determination Review form
- The student's educational record
- Information provided by the parent to the MDR team
- Format for documenting the determination of FAPE after removal (who participated in the decision and what services will constitute FAPE)
- Format for documenting the delivery of FAPE after removal
- Format for documenting the determination of an Interim Alternative Educational Setting



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The decision to make a disciplinary removal will be documented by the administrator who is making the removal, using district-approved electronic data system

The decision that the district had a basis for knowing that this is a student with a disability will be documented by the administrator who is making the determination using district-approved electronic data system

Documentation of protections provided to students who are not yet eligible for special education will be supervised by the building administrator prior to each MSDS submission

General Provisions for Disciplining Students with Disabilities

See separate but related procedures for more specific guidance and detailed information relative to Analysis of the Pattern of Removals/Determination of a Disciplinary Change of Placement, Manifestation Determination Review, Provision of FAPE after Removal, Interim Alternative Educational Settings, and Protections for Students Not Yet Eligible for Special Education.

This procedure will be used by administrators and other school personnel when disciplining students who may have disabilities and taking resulting required actions.

This procedure will be implemented by Building administrators and other school personnel involved in disciplinary removals

Legal Requirement with Citation

§300.530 of the Individuals with Disabilities Education Act (IDEA) describes the discipline procedures for students with IEPs. In general, school personnel may remove a child with a disability from school for up to 10 consecutive school days if the student violates a code of student conduct (to the extent that the same discipline would apply to students without disabilities.) School personnel also may implement 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. 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 student. IDEA permits school personnel to consider any unique circumstances on a case-by-case basis when determining whether a disciplinary removal from school is appropriate for a student with a disability.

§§300.530-537 of the Individuals with Disabilities Education Act (IDEA) go on to describe a number of specific provisions relative to discipline, including determining a change of



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placement, provision of services after a removal, conducting manifestation determination reviews, appealing the decision of the manifestation determination review, and referrals to law enforcement.

Procedural Steps:

A disciplinary "removal" means that, as a result of a behavioral violation, the student is denied the opportunity to progress in the general curriculum, progress in the annual goals or short-term objectives of the IEP, and/or to receive a free, appropriate, public education (FAPE) as defined in the IEP. A disciplinary removal may include in or out of school suspension, expulsion, placement in an alternative setting without benefit of the IEP process. A disciplinary removal also may include informal/undocumented "send homes" or any other removal which denies the student access to a FAPE.

A student with an IEP may be removed for not more than ten school days in one school year to the extent that students without disabilities would be removed for similar behavioral infractions. When counting days of removal to determine whether there have been more than ten school days of removal in one year, the days of disciplinary removal will be counted as follows: For buildings that record attendance based on class periods (attendance reported for each class period) removal for any portion of a class period shall be counted as a full class period of removal.

NOTE: A student may experience a denial of FAPE even if the removals do not accumulate to more than ten school days. A denial of FAPE may occur when a student is repeatedly removed from the same class/subject, portion of the day, or learning activity, even if those removals accumulate to less than 10 school days. If it appears that the student may be experiencing a denial of FAPE prior to the 10th day of removal, it is incumbent upon the IEP Team to reconvene to consider whether the student has behavior that impedes the learning of self or others and, if so, to determine whether the student requires positive behavior interventions and supports. The IEP should be revised accordingly.

When the total number of removals reaches the **equivalent of more than 10 days at one time** or **more than 10 days cumulatively** during one school year, disciplinary protections under IDEA are triggered.

When a student with a disability violates the school code of conduct, all of the following steps shall apply:

1. If the student will be removed from the current placement for **more than 10 consecutive** school days, or **more than 10 days cumulatively** for the school year, the disciplinary removal may be implemented to the same extent that it would



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be implemented for students without an IEP. School personnel must consider any unique circumstances on a case-by-case basis when determining whether a disciplinary removal from school is appropriate for a student with a disability.

2. If the student is removed from the current placement for **more than 10 consecutive** school days, or **more than 10 days cumulatively** in one school year, all of the following shall apply:
 - a. The school district must first conduct an analysis of the pattern of removals to determine whether the current removal constitutes a change of placement. See separate procedure regarding **Analysis of the Pattern of Removals/Determination of a Disciplinary Change of Placement** for more detailed information.
 - b. If the Analysis of the Pattern of Removals determines that the current removal does not constitute a change of placement, the district may proceed with the disciplinary removal. However, FAPE must be provided for any **days of removal beyond the 10th** (i.e., beginning with the 11th day of removal or any fraction thereof) and must continue to be provided for every subsequent day of removal within one school year. See separate procedure for **FAPE after Removal** for more detailed information.
 - c. If the Analysis of the Pattern of Removals determines that the current removal does constitute a change of placement, the disciplinary removal may proceed, but the district must provide prior written notice of this change of placement to the parent on the date the decision is made to implement the removal. On that same date the district must provide the parent with a copy of the procedural safeguards available to parents under IDEA. See separate procedure regarding **Analysis of the Pattern of Removals/Determination of a Disciplinary Change of Placement** for more detailed information.
 - d. If it is determined that the current removal does constitute a change of placement, within ten school days of the decision to implement the removal, the district must conduct a Manifestation Determination Review (MDR). See separate procedure regarding **Manifestation Determination Review** for more detailed information.



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- e. If the MDR determines that the behavior driving the removal was a manifestation of the student's disability, the student must immediately return to the placement identified in the current IEP, unless the district and the parent agree to modify the IEP.
- f. If the MDR determines that the behavior driving the removal was not a manifestation of the student's disability, the district may move forward with the disciplinary removal. However, FAPE must be provided for any **days of removal beyond the 10th** (i.e., beginning with the 11th day of removal or any fraction thereof) and must continue to be provided for every subsequent day of removal within one school year. See separate procedure for **FAPE after Removal** for more detailed information.
- g. If the MDR determines that the behavior driving the removal was a manifestation of the student's disability, the district must develop (or review, as appropriate) the student's Functional Behavior Assessment and Behavior Support Plan.
- h. The district may unilaterally remove the student to an Interim Alternative Educational Setting for not more than 45 school days, without regard to whether the behavior is a manifestation of the student's disability if the student does one of the following:
 - i. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the school district;
 - ii. 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 the school district; or
 - iii. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district.

See separate procedure regarding **Interim Alternative Educational Setting** for more detailed information.

Documentation and Compliance

The following forms and resources will be considered when deciding and documenting:



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- Discipline report for the student, including record of all disciplinary actions during the school year
- Attendance records for the student
- Forms to conduct and document the decision regarding Analysis of Pattern of Removals and whether there is a Change of Placement (such as the MISD Discipline Review Worksheet housed on the general education side of PowerSchool)
- Prior written notice of change of placement (letter or form)
- Copy of the procedural safeguards available to parents
- Manifestation Determination Review form
- The student's educational record
- Information provided by the parent to the MDR team
- Form for documenting the determination of FAPE after removal (who participated in the decision and what services will constitute FAPE)
- Form for documenting the delivery of FAPE after removal
- Form for documenting the determination of an Interim Alternative Educational Setting

The decision to make a disciplinary removal will be documented by the administrator who is making the removal, using district-approved electronic data system

The analysis of the pattern of removals, including the decision about whether the current removal constitutes a change of placement will be documented by the administrator who is making the removal, using district-approved forms

The provision of prior written notice of change of placement and procedural safeguards to the parent will be documented by the administrator who is making the removal, using district-approved forms

The determination of the MDR will be documented by the person serving as representative of the public agency at the MDR meeting, using the Power School Special Ed MDR form

The decision about what services will constitute FAPE after removal will be documented by the administrator who is making the removal, using district-approved forms

The development/review, as appropriate, of the FBA/BIP will be documented by the student's special education case manager, using district-approved forms

Documentation of the decision to make a disciplinary removal will be supervised by the building administrator prior to each MSDS submission



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Analysis of Patterns of Removal

See separate but related procedures for more specific guidance and detailed information relative to Manifestation Determination Review, Provision of FAPE after Removal, Interim Alternative Educational Settings, and Protections for Students Not Yet Eligible for Special Education.

This procedure will be used by administrators and other school personnel when disciplining students with disabilities. Specifically, the analysis of the pattern of removals must take place prior to making a decision regarding whether a series of removals constitutes a change of placement.

A disciplinary change of placement occurs in one of two ways:

1. The student is removed from school for more than 10 consecutive school days,
OR
2. The student is removed from school for more than 10 school days cumulatively in one school year and there is a pattern to the removals.

The determination regarding change of placement dictates subsequent actions, such as when prior written notice must be provided to the parent, whether a Manifestation Determination Review is required, and how FAPE during the removal will be determined. See separate procedures regarding these subsequent actions.

Legal Requirement with Citation

§300.530 of the Individuals with Disabilities Education Act (IDEA) describes the discipline procedures for students with IEPs. In general, school personnel may remove a child with a disability from school for up to 10 consecutive school days if the student violates a code of student conduct (to the extent that the same discipline would apply to students without disabilities.) School personnel also may implement 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. IDEA permits school personnel to consider any unique circumstances on a case-by-case basis when determining whether a disciplinary removal from school is appropriate for a student with a disability.

§300.536 of IDEA specifically describes how an analysis of the pattern of removals results in a determination regarding whether there has been a change of placement. A change of placement occurs if the removal is for more than 10 consecutive school days, or if the child has been subjected to a series of removals that constitute a pattern. A pattern exists because the series of removals totals more than 10 school days in a school year, because the child's behavior is substantially similar to the child's behavior



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in previous incidents that resulted in the series of removals, and because of other factors such 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. The school district must determine on a case-by-case basis whether a pattern of removals constitutes a change of placement

Procedural Steps:

An Analysis of the Pattern of Removals must be conducted if the number of days of removal is more than 10, either consecutively or cumulatively, in one school year. When counting days of removal to determine whether there have been more than ten school days of removal in one year, the days of disciplinary removal will be counted as follows: For buildings that record attendance based on class periods (attendance reported for each class period) removal for any portion of a class period shall be counted as a full class period of removal.

NOTE: A student may experience a denial of FAPE even if the removals do not accumulate to more than ten school days. A denial of FAPE may occur when a student is repeatedly removed from the same class/subject, portion of the day, or learning activity, even if those removals accumulate to less than 10 school days. If it appears that the student may be experiencing a denial of FAPE prior to the 10th day of removal, it is incumbent upon the IEP Team to reconvene to consider whether the student has behavior that impedes the learning of self or others and, if so, to determine whether the student requires positive behavior interventions and supports. The IEP should be revised accordingly.

When the total number of removals reaches the equivalent of **more than 10 days at one time** or **more than 10 days cumulatively during one school year**, disciplinary protections under IDEA are triggered.

If a student with a disability will be removed from the current placement for **not more than 10 consecutive school days** or **not more than 10 school days cumulatively** in one school year, the disciplinary removal may be implemented to the same extent that it would be implemented for students without an IEP, and a pattern analysis worksheet (Discipline Review Worksheet) will be started for the student and completed for each removal thereafter.

If a student with a disability will be removed from the current placement for **more than 10 consecutive school days** or **more than 10 school days cumulatively** in one school year (i.e., the student is facing any fraction of the 11th day of removal), all of the following steps shall apply:

An Analysis of the Pattern of Removals will be conducted by a building administrator in consultation with the student's special education case manager.



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The Analysis of the Pattern of Removals must consider and document all of the following:

- The type of behavior resulting in the current disciplinary removal.
- The similarity of the current behavior to past behaviors that resulted in disciplinary removal.
- The length of the current disciplinary removal.
- The number and length of other disciplinary removals that the student has experienced during the current school.
- The proximity of the various disciplinary removals one to another.
- The total number of days that the student has been removed during the current school year.
- Whether the factors above combine to create a pattern resulting in a disciplinary change of placement.

If the Analysis of the Pattern of Removals determines that the current removal **does not** constitute a disciplinary Change of Placement, the district may proceed with the disciplinary removal. However, FAPE must be provided and documented for any days of removal beyond 10 (i.e., beginning with the 11th day of removal in one school year or any fraction thereof) and must continue to be provided and documented for every subsequent day of removal within one school year.

When there is **not** a disciplinary Change of Placement, FAPE may be determined by an administrator in consultation with at least one of the student's teachers. See separate procedure for **FAPE after Removal** for more detailed information.

If the Analysis of the Pattern of Removals determines that the current removal **does** constitute a disciplinary Change of Placement, the disciplinary removal may proceed, but the district must:

- provide **prior written notice** of this change of placement to the parent on the date the decision is made to implement the removal that constitutes a change of placement, AND
- provide the parent with a copy of the **procedural safeguards** available to parents under IDEA on the same date, AND
- conduct a **Manifestation Determination Review** within ten school days of the decision to implement the removal, AND
- **provide and document FAPE** as determined by the IEP Team for any days of removal beyond 10 (i.e., beginning with the 11th day of removal or any fraction thereof).

Documentation and Compliance

The following forms will be considered when implementing this procedure:



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- Discipline report for the student, including record of all disciplinary actions during the school year
- Attendance records for the student
- Form to conduct and document the decision regarding Analysis of Pattern of Removals and whether there is a Change of Placement (i.e., worksheet from PowerSchool Special Ed)
- Prior written notice of change of placement (district-approved letter or form)
- Copy of the procedural safeguards available to parents

The decision to make a disciplinary removal will be documented by the administrator who is making the removal, using district-approved electronic data system.

The analysis of the pattern of removals, including the decision about whether the current removal constitutes a change of placement will be documented by the administrator who is making the removal, using the district-approved form.

The provision of prior written notice of change of placement and procedural safeguards to the parent on the date of the decision to remove will be documented by the administrator who is making the removal, using district-approved forms.

Documentation of the analysis of pattern of removals, the determination regarding change of placement, the decision to make a disciplinary removal, and the provision of procedural safeguards will be supervised by the building administrator prior to each MSDS submission

Manifestation Determination Review Procedures

See separate but related procedures for more specific guidance and detailed information relative to Discipline: **General Provisions, Analysis of the Pattern of Removals/Determining a Change of Placement, Provision of FAPE after Removal, Interim Alternative Educational Settings, and Protections for Students Not Yet Eligible for Special Education.**

This procedure will be used by administrators and other school personnel when students with disabilities experience a change of placement resulting from disciplinary action.

Building administrators and other school personnel involved in disciplinary removals

Legal Requirement with Citation

§300.530 of the Individuals with Disabilities Education Act (IDEA) describes the discipline procedures for students with IEPs. In general, school personnel may remove a child with a disability from school for up to 10 consecutive school days if the student violates a



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code of student conduct (to the extent that the same discipline would apply to students without disabilities.) School personnel also may implement 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. 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 student. IDEA permits school personnel to consider any unique circumstances on a case-by-case basis when determining whether a disciplinary removal from school is appropriate for a student with a disability.

§§300.530-537 of the Individuals with Disabilities Education Act (IDEA) go on to describe a number of specific provisions relative to discipline. **§300.530(e) and (f)** specifically address the requirements around conducting a manifestation determination review.

Procedural Steps:

A disciplinary "removal" means that, as a result of a behavioral violation, the student is denied the opportunity to progress in the general curriculum, progress in the annual goals or short term objectives of the IEP, and/or to receive a free, appropriate, public education (FAPE) as defined in the IEP.

1. If the student is removed from the current placement for **more than 10 days consecutively**, or for **more than 10 days cumulatively in one school year**, the school district must conduct an Analysis of the Pattern of Removals to determine whether the current removal constitutes a disciplinary Change of Placement. See separate procedure regarding **Analysis of Pattern of Removals/Determining a Disciplinary Change of Placement** for more detailed information.
2. If the Analysis of the Pattern of Removals determines that the current removal does constitute a disciplinary Change of Placement, the district must conduct a Manifestation Determination Review (MDR).
3. The MDR must be conducted:
 - a. Within 10 school days of the decision to implement the removal that results in a disciplinary Change of Placement.
 - b. By relevant members of the IEP team, as determined by the district and the parent.



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4. In conducting the MDR, all of the following must be considered by the team:
 - a. Relevant information in the student's file,
 - b. The child's current IEP and placement,
 - c. Any teacher observations, AND
 - d. Any relevant information provided by the parent.
5. Based upon a review of the information described above, the team must determine whether:
 - a. the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - b. the conduct in question was the direct result of the district's failure to implement the IEP.
6. If the answer to either of the questions in item 5 above is "yes", the conduct must be determined to be a manifestation of the child's disability.
7. At the conclusion of the MDR, the parent must be provided with prior written notice regarding the outcome of the MDR.
8. If the conduct in question is a direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.
9. If the MDR determines that the conduct in question **was** a manifestation of the student's disability, all of the following apply:
 - a. The student must immediately return to the placement identified in the current IEP unless the district and the parent agree to modify the IEP.
 - b. If the district has not already done so, the district must conduct a functional behavioral assessment.
 - c. If a behavioral intervention plan already has been developed for the student, the district must review the behavioral intervention plan and modify it, as necessary, to address the behavior that resulted in the disciplinary removal.
10. If the MDR determines that the conduct in question **was not** a manifestation of the student's disability, the district may move forward with the disciplinary removal. However, FAPE must be provided for any days of removal beyond 10 (i.e., beginning with the 11th day of removal or any fraction thereof) and must continue to be provided for every subsequent day of removal within one school year. See separate procedure for FAPE after Removal for more detailed information.

Documentation and Compliance

The following forms will be considered when implementing this procedure

- Results of the Analysis of the Pattern of Removals (i.e., completed Discipline Review Worksheet)
- Discipline report for the student



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- The student's educational record, including the current IEP and placement
- Information provided by the parent to the MDR team
- Manifestation Determination Review form from PowerSchool Special Ed
- Procedural safeguards available to parents

The person responsible for consulting with the parent to determine the relevant members of the IEP team who will participate in the MDR will be the administrator who is implementing the disciplinary removal driving the MDR

The person responsible for scheduling the MDR, assuring the participation of required members, and documenting appropriate invitations/contacts will be the administrator who is implementing the disciplinary removal driving the MDR

The determination of the MDR and the provision prior written notice to the parent will be documented by the person serving as representative of the public agency at the MDR meeting, using the MDR form in PowerSchool Special Ed

Documentation of the MDR process and provision of prior written notice to the parent will be supervised by the building administrator prior to each MSDS submission

Interim Alternative Educational Setting Procedures

See separate but related procedures for more specific guidance and detailed information relative to Discipline: **General Provisions, Analysis of the Pattern of Removals/Determining Change of Placement, Manifestation Determination Review, Provision of FAPE after Removal, and Protections for Students Not Yet Eligible for Special Education.**

This procedure will be used by administrators and other school personnel when disciplining students with disabilities and taking resulting required actions.

Building administrators and other school personnel involved in disciplinary removals

Legal Requirement with Citation

§300.530 of the Individuals with Disabilities Education Act (IDEA) describes the discipline procedures for students with IEPs. In general, school personnel may remove a child with a disability from school for up to 10 consecutive school days if the student violates a code of student conduct (to the extent that the same discipline would apply to students without disabilities.) School personnel also may implement additional removals of not more than 10 consecutive school days in that same school year for separate



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incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536.

§300.530(g) describes special circumstances under which 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 a manifestation of the child's disability. This removal to an interim alternative educational setting may occur if the student carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function ; 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: or has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Procedural Steps:

The district may unilaterally remove the student to an Interim Alternative Educational Setting for not more than 45 school days, without regard to whether the behavior is a manifestation of the student's disability if the student does one of the following:

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 the school district.
 - 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.
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 the school district.
 - An illegal drug means a controlled substance. It 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 provision of Federal law.
 - A 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)).
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district.



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- 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.

When a student with a disability violates the school code of conduct and that violation includes one of the special circumstances described above, all of the following steps apply:

1. On the date on which the decision is made to make a removal to an Interim Alternative Educational Setting, the district must notify the parents of that decision and provide the parents the procedural safeguards notice.
2. The school district must conduct a Manifestation Determination Review and provide prior written notice to the parent regarding the outcome of the MDR.
3. Regardless of the outcome of the Manifestation Determination Review, the district may unilaterally decide to remove the student for up to 45 school days. The individuals who have the authority to unilaterally make the decision to implement an IAES include the building principals
4. The Interim Alternative Educational Setting, including the services to be provided and the location, must be determined and documented by the IEP Team, including all required members. The individual responsible for assuring that the IEP Team convenes to determine services during the IAES is the administrator who determines that the IAES will be implemented
5. Services provided during the IAES must meet the same requirements as FAPE after any other disciplinary change of placement, including all of the following:
 - FAPE must be determined by the IEP Team. This determination must be documented.
 - Services provided during the IAES must enable the student to continue to participate in the general education curriculum, although in another setting.
 - Services provided during the IAES must enable the student to progress toward meeting the goals set out in the student's IEP.



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- FAPE must address not just core academics, but also non-academic classes and related services.
 - The provision of FAPE must be documented.
 - Services during the IAES must include, 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.
6. The parent must be provided with prior written notice regarding the services that are determined by the IEP team to be appropriate during the IAES.
7. Provision of services delivered within the IAES must be documented.

Documentation and Compliance

The following forms will be considered when implementing this procedure:

- Prior written notice of change of placement (letter or form)
- Procedural safeguards available to parents
- Form for documenting the determination of FAPE during the Interim Alternative Educational Setting, including prior written notice to parents
- Form for documenting the provision of FAPE while in the IAES

The decision to make a disciplinary removal to an IAES will be documented by the administrator who is making the removal, using district-approved electronic data system

The provision of prior written notice of disciplinary Change of Placement and procedural safeguards to the parent on the date the decision is made will be documented by the administrator who is making the removal, using district-approved forms.

The IAES should be documented using the IAES form in PowerSchool Special Education.

The development/review, as appropriate, of the FBA/BIP will be documented by the student's special education case manager, using district-approved forms



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Documentation of the requirements around Interim Alternative Educational Settings will be supervised by the building administrator prior to each MSDS submission

Provision of FAPE After Removal

See separate but related procedures for more specific guidance and detailed information relative to Discipline: **General Provisions, Analysis of the Pattern of Removals/Determining a Change of Placement, Manifestation Determination Review, Interim Alternative Educational Settings, and Protections for Students Not Yet Eligible for Special Education.**

This procedure will be used by administrators and other school personnel when disciplining students with disabilities and taking resulting required actions. Specifically, this procedure will be used after the district has conducted an Analysis of the Pattern of Removals and determined whether the current removal constitutes a disciplinary Change of Placement.

Building administrators, special education case managers, and other school personnel involved in disciplinary removals and provision of services to students who have been removed from school

Legal Requirement with Citation

§300.530 of the Individuals with Disabilities Education Act (IDEA) describes the discipline procedures for students with IEPs. 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 school district must provide services to the student. These services must allow the student to continue to participate in the general education curriculum, although perhaps in another setting, and to progress toward meeting the goals set out in the student's IEP.

A school district is only required to provide services during periods of removal to a student 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.

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, school personnel, in consultation with at least one of the child's teachers, determine the extent to which



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services are needed. If the removal is a change of placement, the child's IEP Team determines appropriate services.

Procedural Steps:

A disciplinary "removal" means that, as a result of a behavioral violation, the student is denied the opportunity to progress in the general curriculum, progress in the annual goals or short term objectives of the IEP, and/or to receive a free, appropriate, public education (FAPE) as defined in the IEP.

When a student with a disability is being removed from school for disciplinary reasons for **more than 10 school days in one school year**, all of the following steps shall apply:

1. The school district must conduct an Analysis of the Pattern of Removals (i.e., Discipline Review Worksheet) to determine whether the current removal constitutes a disciplinary Change of Placement. See separate procedure regarding **Analysis of Pattern of Removals/Determination of Change of Placement** for more detailed information.
2. If the Analysis of the Pattern of Removals (i.e., Discipline Review Worksheet) determines that the current removal **does not** constitute a change of placement, the district may proceed with the disciplinary removal. However:
 - a. FAPE must be provided for **any days of removal beyond 10** (i.e., beginning with the 11th day of removal or any fraction thereof) and must continue to be provided for every subsequent day of removal within one school year.
 - b. FAPE must be determined by an administrator in consultation with at least one of the student's teachers. This determination must be documented.
 - c. FAPE must address not just core academics, but also non-academic classes and related services.
 - d. The provision of FAPE must be documented.
3. If the Analysis of the Pattern of Removals determines that the current removal **does** constitute a Change of Placement, all of the following apply:
 - a. FAPE must be provided for **any days of removal beyond 10** (i.e., beginning with the 11th day of removal or any fraction thereof) and must continue to be provided for every subsequent day of removal within one school year.
 - b. FAPE must be determined by the IEP Team. This determination must be documented.



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- c. Services during removal must enable the student to continue to participate in the general education curriculum, although in another setting.
- d. Services during removal must enable the student to progress toward meeting the goals set out in the student's IEP.
- e. FAPE must address not just core academics, but also non-academic classes and related services.
- f. The provision of FAPE must be documented.
- g. Services after removal must include, as appropriate, a functional behavioral assessment and behavioral intervention services/modifications that are designed to address the behavior violation so that it does not recur.

Documentation and Compliance

The following forms will be considered when implementing this procedure:

- The results of the Analysis of the Pattern of Removals (i.e., completed Discipline Review Worksheet)
- The student's current IEP and schedule
- Form for documenting the determination of FAPE after removal (who participated in the decision and what services will constitute FAPE)
- Form for documenting the delivery of FAPE after removal (service log or other district-approved form)

For removals that are not a disciplinary Change of Placement, the decision about what services will constitute FAPE after removal will be documented by the administrator who is making the removal, using district-approved forms

For removals that are a disciplinary Change of Placement, the decision about what services will constitute FAPE after removal will be documented by the administrator who is making the removal, using district-approved forms

The provision of FAPE after removal will be documented by the administrator who is making the removal, using district-approved forms

Documentation of the determination of FAPE after removal and provision of FAPE after removal will be supervised by the building administrator prior to each MSDS submission.