

SUSPENSION OF PUPILS WITH A DISABILITY- DOCUMENTATION REQUIREMENTS

SUSPENSION/REMOVAL DECISION	Manifestation Determination Meeting	Manifestation Decision (misconduct related to disability)	Functional Behavior Assessment
1 school day or less	No		No (Unless the removal brings the total number of cumulative days in this school year to more than 10)
Less than 5 consecutive school days	No		No (Unless the removal brings the total number of cumulative days in this school year to more than 10)
5-10 consecutive school days	Yes	No Yes	No (Unless the removal brings the total number of cumulative days in this school year to more than 10) Yes (Unless FBA has already been conducted. Similarly, the IEP Team must write a BIP for this child, unless one already exists. If a BIP already exists, then the IEP Team will need to review the plan and modify it, as necessary, to address the behavior)
Less than 10 cumulative school days in a year	No		No
11 cumulative school days or more (Services must be provided during suspension)	Yes	Yes or No	Yes (IEP Team meeting to plan FBA immediately or within 10 days of removal for each suspension after 10 th cumulative day, consideration of removal in relationship to change in placement)
In-school suspension	No (as long as student received special education services and is afforded the opportunity to continue to appropriately progress in the general curriculum and to participate with non-disabled children to the extent they would have in their current placement)		
Parent or IEP team requests a Manifestation Determination following <u>any</u> removal	Yes	No Yes	No (Unless the removal brings the total number of cumulative days in this school year to more than 10) Yes (Unless FBA has already been conducted. Similarly, the IEP Team must write a BIP for this child, unless one already exists. If a BIP already exists, then the IEP Team will need to review the plan and modify it, as necessary, to address the behavior)
Suspension from the bus	If bus transportation is a part of the student's IEP, a bus suspension would be treated as a removal unless the school provides transportation in some other way, because that transportation is necessary for the student to obtain access to the location where all other services will be delivered. If bus transportation is not a part of the student's IEP, a bus suspension typically would not be a removal		

34 CFR §300.530(e) requires that manifestation determinations are held “within 10 school days” of removal decision due to violation of a code of student conduct.