

School Discipline

Special Education Students

Did You Know?!

A Special Education student first has the same rights as a General Education student.

Did You Know?!

A student who has an **Individualized Education Program (IEP)** or **Section 504 Plan**, has additional protections.

Did You Know?!

A Special Education student has the right to be involved in two (2) processes at the same time.

- General Education rules and procedures, including discipline timelines
- Special Education rules and procedures, including decisions about placement

Did You Know?!

When a Special Education student is removed from their educational placement for more than ten (10) school days, a Manifestation Determination Review (MDR) must take place.

Did You Know?!

It is ten (10) school days, not ten (10) consecutive school days.

Did You Know?!

A Manifestation Determination Review (MDR) is only for Special Education students.

Did You Know?!

If the students' behavior is determined to be a manifestation of their disability, and does not involve Special Circumstances, then a school district may not send the student to another school unless the Individualized Education Program (IEP) team, the parent and the school district agree.

What if the student has a disability but has not been found eligible for special education services yet. Do they have the same protections as a Special Education student?

Possibly.

Ask this question: Did the school district know that the student should have been evaluated or should have been receiving special education services?

A student can get all the protections for special education students if the school district had **knowledge** that the student had a disability before the behavior that results in a school discipline action.

What does it mean to have knowledge?

1. Parent has expressed concern in writing that their student is in need of special education and related services.
2. Parent has requested an evaluation for special education services.
3. Student's teacher or other school district staff has expressed concerns about a pattern of behavior demonstrated by the student, directly to the director of special education or to other school district supervisory personnel.

Please see Washington Administrative Code (WAC) under WAC 392-172A-05170

What if the parent wants to ask for the student to be evaluated for special education services during the time the student is being disciplined?

A parent may absolutely do so and the evaluation must be conducted in an expedited manner.

What if the student is found eligible for special education

If during the evaluation it is found the student has a disability, and qualifies for special education and related services, the student is then entitled to all disciplinary

services during the time they are being disciplined?

protections of the Individuals with Disabilities Education Act (IDEA).

Where can you find more information?

Please see Individuals with Disabilities Education Act (IDEA) 2004 Regulations under 34 CFR 300.534