

ESE Disciplinary Flowchart For Pasco County

5/31/13

Student protected under IDEA violates Student Code of Conduct

School administrator responds to referral

Disciplinary removal for current misconduct is for less than 10 cumulative school days

Disciplinary removal for current misconduct is for 10 consecutive days
Removal of more than 10 days in a school year is a change in placement and student is entitled to FAPE services under IDEA

District may exclude student from the current placement without obligation to provide FAPE unless the district provides services for students without disabilities who are similarly removed.
Types of exclusion may be ISS without services or OSS

Is this disciplinary removal due to the student's repetitive behavior of a similar nature?

The team follows district disciplinary procedures

If this is a pattern of behavior a functional behavior assessment must be done. Is it anticipated that the student will be reaching 10 days soon?

A manifestation determination must be made within 10 school days. The IEP team including the parent must review relevant information and make a decision. Is the conduct a direct result of the district's failure to implement the IEP (which includes FBA/BIP)? Does the conduct have direct and substantial relationship to the disability?

NO TO BOTH

Student conduct is not a manifestation of his/her disability

May apply relevant disciplinary procedures in the same manner and for the same duration as students without disabilities

IEP team determines extent to which FAPE services are needed to enable the student to continue to participate in general education and progress toward meeting IEP goals

Return student to placement at the end of the disciplinary period unless parent/IEP team agrees otherwise or student is lawfully expelled

If conduct was a direct result of failure to implement the IEP (which includes FBA/BIP), the district must take immediate steps to remedy those deficiencies and review AND/OR

Conduct a functional behavioral assessment and develop a behavioral intervention plan or review and modify an existing plan, as needed. Return the student to placement unless (1) IEP team, which includes the parent, agree to a different placement, (2) district staff suggests new placement, or (3) removal is for "special circumstances"

YES TO EITHER

NOTE:

- If the student has a second serious breach of a similar nature and the first MDM resulted in the behavior not being a manifestation of the disability, the student is disciplined as a basic ed. child. If the discipline results in a change of placement, the student is entitled to ESE services. The IEP team will meet to discuss providing the services in the new environment.
- If the student has a second serious breach of a similar nature and the first MDM resulted in the behavior being a manifestation of the disability, the IEP team will convene at the current school to determine recommendations. Members of potential receiving schools will be invited.