DISCIPLINE FLOWCHART FOR STUDENTS IDENTIFIED WITH OR SUSPECTED TO HAVE A DISABILITY UNDER IDEA



Disciplinary Decisions

School personnel may consider any unique circumstances on a case-by-case basis when determining if a change 34CFR 300.530(a)

A student with a disability may not be disciplined for bullying, harassment, or making hit lists until an admission, review, and dismissal (ARD) committee meeting has been held to review the conduct. TEC 37.001(b-1)

34CFR 300.536

Length of Removal

Proceed with manifestation determination review (see below) to determine if the student can be held to regular disciplinary

34CFR 300.530(d) 1 34CFR 300.531

actions taken regarding the student for

785 FAQ and TEC 29.005

Under Texas statute a suspension may not exceed three school days. A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in the conduct while on school property or while attending a schoolsponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. TEC 37.005

Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's ARD committee conducts a manifestation determination review. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

- (1) functional behavioral assessments;
- (2) positive behavioral interventions, strategies, and supports;
- (3) behavioral intervention plans; and
- (4) the manifestation determination review.

TEC 37.004(b)

If a disciplinary action results in a change of placement, the LEA must no later than the 10th school day after the change of placement:

- Seek parental consent to conduct a Functional Behavior Assessment (FBA) of the student if an FBA has never been conducted on the student or the student's most recent FBA is more than one year old; and
- Review any previously conducted FBA of the student and any BIP developed for the student based on that assessment; and as necessary
- Develop a BIP for the student if the student does not have a plan; or
- If the student has a BIP, revise the student's plan. TEC 37.004(b-1)

Disciplinary Alternative Education Programs. TEC 37.008

A teacher in an DAEP under Section 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment. TEC 37.004