Addressing Informal Removals of Students Experiencing Disability:

A Guide for ESD, District, and School Personnel and IEP Teams

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Key Takeaways from the Guidance

- Informal removals can negatively impact students experiencing disabilities by disrupting their supports and services, potentially denying them a free appropriate public education (FAPE). They disproportionately affect students who systems have already marginalized and can impact a student's motivation, self-esteem, and self-efficacy.

- Public schools must comply with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) when it comes to all removals, and must pay particular attention to informal removals. This includes providing appropriate educational services, avoiding discrimination, and providing reasonable accommodations.

- Schools should implement positive, preventative systems and promote a positive school culture to minimize behaviors of concern and the need for removals.

- For students who do exhibit behaviors of concern, schools should utilize evidence-based strategies to identify and address the underlying causes of behaviors.

- Schools must formally track all removals, including informal removals, evaluate their impact, and use the data to inform individualized education programs (IEPs) as well as to provide appropriate supports and services. Failure to appropriately address informal removals within a student's IEP could amount to a unilateral placement on an abbreviated school day program.

- Schools should develop comprehensive plans to eliminate informal removals, created with voice and input from diverse perspectives (e.g., families of color, especially African-American/Black and Hispanic families; families of students experiencing disability; families whose first language is not English; LGBTQ2SIA+ families and families of LGBTQ2SIA+ students; and families navigating poverty). The comprehensive plans should include professional development, supports to staff, and restorative practices.

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I. Introduction: Informal Removals are not an Effective Behavioral Intervention

Formal school removals are disciplinary actions imposed upon students for violations of the student code of conduct. Informal removals impose disciplinary consequences without the same clear procedures. The informal removal of students experiencing disabilities from school results in an unknown amount of lost learning time, making it difficult to assess its overall impact on these students and their families.

This guidance describes best practices for addressing informal removals of students experiencing disability. This guidance is not legal advice, nor should it be relied on as legal advice. If you require legal advice regarding the issues discussed, please consult an attorney.

> This guidance is intended for district and school administrators, educators, families, and community partners. It focuses on students experiencing disabilities because:
> - They have additional protections under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA).
> - Informal removals may violate discipline protections and mandated procedures.
> - Removals could deny access to a free appropriate public education (FAPE) tailored to unique student needs by disrupting supports and services.
> - Informal removals take away services and supports that a child's team has determined are necessary.
> - Students experiencing disabilities are disproportionately likely to be removed from school, exacerbating opportunity gaps that ableism introduces.

Though this document focuses on students protected under the IDEA, the repercussions of informal removals are not limited to that population. Schools should carefully consider the circumstances of all students, including those in general education, who are subjected to informal removals. A pattern of informal removals for a student currently served through general education could be indicative of a need for an initial evaluation to determine eligibility under the IDEA or Section 504 of the Rehabilitation Act.

While data on informal removals is challenging to collect, the data that is available suggests that informal removals disproportionately impact students subjected to systemic oppression, including Black students, Indigenous students, and all students of color; students experiencing disabilities; students whose first language is not English; and LGBTQ2SIA+ students, depriving them of valuable instructional time. This threatens their rights and protections, such as effectively implementing individualized education programs (IEPs) for students experiencing disabilities, and puts them at higher risk of falling behind or dropping out.

Informal removals may be indicative of a system that does not have the capacity to effectively address disability-related behavior. Therefore, school districts should carefully review their practices, determine whether and to what extent informal removals are occurring, ensure they are carefully tracked, and implement policies and procedures that ensure proactive practices to build staff capacity to address disability-related behavior. **Put simply: informal removals are not an effective behavioral intervention or teaching tool**. As you work to eliminate them from your system, where they occur, they must be documented as a discipline incident. School teams have an obligation to very carefully track the use of informal removals with the students in their care and address them as soon as they begin to impede the child's learning.

II. Considering the Use of Informal Removals in Systems

All school leaders have a responsibility to address informal removals. However, each individual school's principal is best situated to establish the conditions under which informal removals are discouraged in their system. School principals should review district policies as they establish the local context within which the principal can work to reduce the use of exclusionary discipline, including informal removals. Students have the right to attend school and receive a full school day. While discipline is permitted, districts must follow all applicable policies and procedures (e.g., United States Code, Code of Federal Regulations, Oregon Revised Statutes, Oregon Administrative Rules, School Board Policy). Informal removals—excluding students without following proper procedures— undermine these rights and protections.

> The [U.S. Department of Education's Office of Special Education Programs (OSEP) (2023)](#) described informal removals as follows:
>
> > [A] child's behavior has caused a disruption and they must be picked up immediately to help [them] "calm down." Forced to abruptly abandon their workday commitments, th[is child's] parents rush to their child's school and take their child home. Sometimes this removal from school is for part of a school day, sometimes longer.
> >
> > These removals often go uncounted, are not reported as suspensions, and fly under-the-radar built to ensure that the Individuals with Disabilities Education Act's (IDEA's) discipline protections are exercised. Until now, OSEP had not given these removals a name. Now, we call these removals "informal removals."

Formal vs. informal removals
Formal and informal removals both involve the exclusion of a student experiencing disability from their current educational placement due to behavior, but they differ in terms of the process and requirements involved. Behavior is, and should be understood as, a complex interplay of actions, responses, emotions, and interactions. It's not just about overt external actions like classroom

disruptions or aggressive outbursts, but also encompasses internalized experiences such as anxiety, difficulties in social skills, or coping mechanisms for external pressures.

> It is important to consider behavior broadly, noting both the external aspects of behavior, such as physical aggression, and the internal aspects of behavior, such as anxiety. Informal removals often occur as an adult reaction to a child's internal state. More information about understanding the complexity of behavior is available here.

Formal removals occur when a school follows the appropriate procedures to temporarily remove or expel a student experiencing disability from their educational placement for disciplinary reasons (e.g., in-school suspension, out-of-school suspension).

Informal removals are more ambiguous. Informal removals occur when, related to a student's behavior:
- the student leaves school early at the school's suggestion, even when the school did not directly require the student to leave;
- the school frequently moves the student to a setting that is not outlined in their IEP (e.g., a segregated setting, sensory/quiet rooms) for part or all of a school day; or
- the school imposes any disciplinary consequence on the student, whether it is called a disciplinary consequence or not, without following disciplinary procedures.

Sensory/quiet rooms can serve as vital environmental strategies that offer those in need of a place to unwind and regain focus. However, when the unique needs of a student experiencing disability results in their use of these spaces, it should be accompanied by planned, proactive instruction that has been specially designed to address the student's unique needs that resulted in the use of these rooms. This specially designed instruction (SDI) should seek to build student skills in order to reduce the need for future removals. **These spaces are not to be used for seclusion.** Please refer to ODE's restraint and seclusion guidance for more information.

Informal removals are an emerging concern, as noted recently by OSEP. As such, ODE is working to clarify a comprehensive definition of "informal removals". ODE is currently using this working definition when considering whether an action is an informal removal:

> ### ODE's Working Definition of Informal Removals
>
> Informal removals are temporary removals where a student is taken out of their usual learning environment for reasons like behavior management, focus enhancement, or decompression. These removals generally exclude regular school operations, such as changing classrooms, library or counselor visits, or assemblies or field trips.

ODE's Working Definition of Informal Removals
Informal removals may include a phone call to a caregiver to pick a student up, sending the student to the hallway, a sensory/quiet room, an administrator's office, or any other location that excludes their standard classroom activities and peer interactions associated with their behavior, if those actions are not accompanied with planned, proactive, individualized strategies aimed at addressing the student's individual needs that result from their disability.

Integral to the above definition is that not every moment a child is removed from a classroom represents an informal removal. Students move around school campuses during classes every day in support of effective teaching and learning processes. However, there are also practices that almost always amount to an informal removal. The difference between these actions is that the impetus for a child's informal removal is generally behavior-related. Informal removals generally serve as a backdoor application of disciplinary action.

Schools and districts should carefully review these examples and compare them to their own practice in order to consider whether and how informal removals may be occurring within their setting(s).

Informal removals are subject to the IDEA's requirements. While a child is informally removed, school districts must continue to enable the provision of FAPE and access to IEP services and supports. Repeated informal removals impacting learning may indicate the need for the IEP team to convene. According to OSEP, schools should review the effectiveness of disciplinary measures impacting instruction and participation and consider adjusting practices and IEPs as needed. The IEP team must review and revise the IEP to ensure appropriate supports are in place if behavior and removals impede learning.

The nature of informal removals makes it impossible to provide an exhaustive list of scenarios that constitute an informal removal. Rather, ODE recommends that school staff and IEP teams think through whether, when, and where a child is being excluded from accessing the same instructional hours or educational services as their peers and ensure that appropriate plans have been developed and are being implemented to enable the provision of FAPE.

Oregon defines an abbreviated school day as "any school day during which a student with a disability receives instruction or educational services for fewer hours than the majority of other students who are in the same grade within the student's resident school district." Therefore, a school district's failure to consider whether and where a child is being informally removed could result in a child being unilaterally placed on an abbreviated school day program in violation of the IDEA and SB 819. As the frequency of informal removals increases for a student, the evidence becomes stronger that their IEP is not reasonably calculated to enable the child to make progress, and it becomes increasingly important for the IEP to be reviewed and, as appropriate, revised.

As informal removals are imposed upon a student, it is increasingly important to review and, as necessary, revise their IEP to ensure that it is reasonably calculated to enable the student to make appropriately ambitious progress.

IEP teams have wide latitude to plan strategies that will enable children experiencing disability to remain in the school setting. **It is important for IEP teams to plan for such strategies proactively and document them in the student's IEP when they are necessary.** For instance, IEP teams could include the following supports in a student's IEP when the team can, or should be able to, anticipate that they will be needed for a student due to their disability:

- **Cooling-Off Periods:** A student experiences distress during a class discussion. The teacher recognizes the signs of distress and asks the student to step outside the classroom for a few minutes to calm down. Once the student has had a chance to regain their composure, they are allowed to rejoin the class.
- **Teacher-Requested Break:** A student experiences emotional escalation during class. The teacher, recognizing the student's distress, frequently asks them to take a short break in the school counselor's office or similar to regroup. After the break, the student returns to class and resumes their normal schedule.
- **Voluntary Time-Out:** A student becomes overwhelmed during the course of a group project. The teacher regularly allows the student to move to a designated "quiet corner" or "calming room" inside or outside of the classroom for a short period of time to deescalate and refocus. Once the student feels ready, they return to the group project.

When designed and implemented carefully, with voice and input from the student's entire support team, over time, these supports can increase a child's ability to access learning and the social classroom experience. However, it is essential that, when any of these supports are included in a child's IEP, that the IEP team also considers how to support the child effectively and appropriately through the IEP process. This may include adjusting the child's: (a) comprehensive statement of present levels of academic achievement and functional performance that documents the child's needs resulting in the use of these supports; (b) measurable annual goals that target appropriately ambitious progress in the child's behavioral skills; and (c) special education and related services that enable the child to achieve the measurable annual goals and decrease the need for these identified supports. Regular, proactive progress monitoring is also essential to help guide the team's understanding of when and how the IEP may need to be reviewed and revised.

Oregon schools must comply with Federal laws and regulations related to informal removals, including the IDEA, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act. Oregon schools must also comply with relevant Oregon Revised Statutes, including SB 819.

School districts may also enact local policies and procedures that are consistent with Federal and state requirements.

Given the rights at stake and lack of transparency around informal removals, it is critical that districts carefully track and address these practices.

Section II's Key Takeaways: Considering the Use of Informal Removals in Systems

- Informal removals are temporary exclusions from the regular learning environment, typically associated with behavior. They are different from formal removals, which follow specific disciplinary procedures.
- ODE is working to define and address concerns around informal removals, to ensure they do not go unreported or infringe upon students' rights.
- IEP teams play a vital role in proactively planning strategies for students experiencing disability, ensuring access to services and supports even during informal removals.
- Schools must comply with Federal and Oregon laws related to informal removals, maintaining transparency and tracking these practices to safeguard student rights.
- Repeated informal removals indicate a need to review and revise the IEP to support the student's progress effectively.

III. Evidence-Based Preventative Measures

Schools first have a chance to reduce and eliminate reliance on informal removals through effective preventative measures. Creating a positive school climate and minimizing disciplinary actions, including informal removals, requires the implementation of preventative measures. These proactive strategies reduce behavior issues and promote a positive learning environment for all students. By implementing preventative measures, schools can cultivate a supportive and inclusive environment where positive behavior thrives and behaviors of concern are minimized. In addition to the below information, the U.S. Department of Education recently released Guiding Principles and Best Practices in School Discipline to Support Students' Social, Emotional, Behavioral, and Academic Needs, which provides considerable, quality guidance for school teams.

Overview of preventative measures
Preventative measures can be implemented through a Multi-Tiered System of Support (MTSS), encompassing three levels of interventions: universal, additional, and intensive. Universal interventions, provided to all students, focus on promoting positive behavior and preventing behaviors of concern. Additional interventions are used to address the needs of small groups of students, while intensive interventions cater to individual students requiring more comprehensive support. All students receive tier one school-wide supports. Schools should use data to identify the appropriate combination of support for each student and tailor interventions accordingly. More

information about implementing district- and school-wide positive behavior interventions and supports is available here.

Evidence-based practices for implementing preventative measures
Using evidence-based practices at each tier can provide a continuum of preventative support. These examples provide possible interventions for each tier, but school districts are encouraged to develop frameworks that make sense in light of their local context. Effective preventative measures reduce the need for exclusionary discipline, including informal removals.

Section III's Key Takeaways: Evidence-Based Preventative Measures

- Preventative measures in schools help reduce reliance on informal removals by fostering a positive learning environment and minimizing disciplinary actions.
- These measures can be implemented through a Multi-Tiered System of Support (MTSS), consisting of three levels of interventions: universal, additional, and intensive, which cater to the needs of all students, small groups, and individual students respectively.
- Schools should use data to identify the appropriate combination of support for each student and tailor interventions accordingly, using evidence-based practices at each tier to provide a continuum of preventative support.
- Successful implementation of preventative measures can decrease the need for exclusionary discipline, including informal removals.

IV. Identifying and Addressing Behavioral Needs

Schools have enormous responsibilities in supporting student well-being and success. Meeting complex student needs can require thoughtful, coordinated support across school staff and resources. The early and accurate identification of students' behavioral needs is essential to developing and implementing effective supports and interventions that meet those needs. Although informal removals may seem like an expedient option, they fail to tap into the opportunities schools have to fully understand issues and craft targeted, evidence-based interventions for students. Schools are responsible for providing ongoing behavioral support that meets students' needs and enables them to remain in the learning environment.

Prioritizing evidence-based strategies and tiered frameworks
To meet student needs, schools should prioritize the implementation of evidence-based strategies and tiered frameworks, such as positive behavioral interventions and supports (PBIS) as an example of a Multi-Tiered System of Support (MTSS). These approaches teach, reteach, and reinforce appropriate behaviors to all students while providing supplemental prevention and supports based on individual needs. Schools use data to determine which tier(s) of support may benefit a student.

Functional behavioral assessments (FBAs) and behavior intervention plans (BIPs)
The FBA is a problem-solving process that helps the team evaluate why a student engages in behaviors of concern and how the behavior relates to the environment. As an individualized assessment used to inform educational decision-making, FBAs do require parental consent for students who have an IEP. It involves multiple sources of information, such as direct observations, interviews with the student and relevant adults, and a review of available records. The purpose of the FBA is to collect data and information about the student's behavior to create a hypothesis about the specific behavior of concern and to identify the antecedents, behaviors, and consequences that are maintaining the behavior.

Based on the results of the FBA, a BIP should be developed that addresses the identified function of the behavior(s), includes specific strategies and interventions for the student, and describes how progress monitoring data will be used to measure the fidelity of implementation and evaluate the effectiveness of the plan. The BIP should include positive behavioral supports and interventions, such as prevention strategies, teaching replacement behaviors, providing reinforcement for positive behaviors, and using clear and consistent consequences for behaviors of concern.

Strategies for addressing behaviors of concern in the classroom
To effectively address behaviors of concern in the classroom and other school settings, schools should implement a variety of evidence-based strategies. Examples of possible strategies include:

1. **Universal Design for Learning (UDL).** Implement multiple means of representation, engagement, and action and expression to create accessible and engaging instruction, minimizing behaviors of concern and fostering a positive classroom atmosphere where all students can thrive.
2. **Functional Communication Training.** Teach students appropriate communication skills to replace behaviors of concern.
3. **Environmental Modifications.** A well-maintained and safe physical environment fosters positive attitudes and motivations related to students' ability to learn, their successful academic achievement, and development of desired behaviors.
4. **Collaborative Problem-Solving.** Involve students in the problem-solving process and work together to develop strategies to address behaviors of concern.
5. **Direct Instruction.** Explicitly teach desired behaviors and reinforce them consistently.
6. **Modeling.** Demonstrate the appropriate behavior and allow students to practice it.
7. **Positive Reinforcement.** Provide students with positive stimuli (e.g., praise, rewards, incentives) to reinforce desired behaviors.
8. **Pre-Teach.** Give the student(s) a 'preview' of the lesson, allowing them to apply their knowledge during the lesson. This increases engagement and reduces frustration.
9. **Task Modifications.** Modify tasks to meet individualized student needs, ensuring they are appropriately challenging and engaging.

10. **Self-Monitoring.** Teach students to monitor their own behavior and provide feedback on their progress.

Ensuring effective implementation and monitoring
Personnel must receive training and support to implement FBAs, BIPs, and evidence-based strategies with fidelity. Schools should establish a system for regular review and evaluation of progress monitoring data on IEP goals, particularly behavioral and social-emotional goals. In 2017, the Supreme Court decided, in *Endrew F. v. Douglas County School District Re—1*, that for a child to receive a free appropriate public education (FAPE), a school district must ensure that each child is afforded the opportunity to pursue "appropriately ambitious" progress. Progress monitoring has been a central requirement in special education since the concept of measurable annual goals was introduced with Public Law 94-142, the United States' first version of the Individuals with Disabilities Education Act (IDEA). In 2017, the Supreme Court elevated its importance and made it central to the provision of FAPE. In the Court's unanimous decision, the Chief Justice held that:

> "To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances"
> (*Endrew F. v. Douglas County School Dist. Re–1*, 2017, p. 2).

Especially in a post-*Endrew* special education landscape, there's a well-recognized need for progress monitoring in both academic and social-emotional learning. In the academic sphere, high-quality tools and strategies have been developed for progress monitoring, including curriculum-based measurement (CBM), formative assessments, and standardized testing. Progress monitoring in the behavioral and social-emotional domains is a more recent focus in education. Careful progress monitoring allows schools and IEP teams to assess the effectiveness of the implemented strategies and make modifications as needed. Collaboration among all relevant individuals, including the student, family members, teachers, and other school staff, is crucial to ensure consistency and effectiveness in implementation.

Section IV's Key Takeaways: Identifying and Addressing Behavioral Needs

- Early and accurate identification of students' behavioral needs is critical to develop effective supports and interventions, as it helps in understanding the issues and crafting targeted, evidence-based interventions.
- Schools should prioritize evidence-based strategies and tiered frameworks like PBIS and MTSS, which teach and reinforce appropriate behaviors to all students while providing supplemental support based on individual needs.
- A variety of evidence-based strategies should be implemented to address behaviors of concern effectively. In particular, FBAs are instrumental in evaluating why a student engages in

behaviors of concern, while BIPs utilize these assessments to create a plan that includes strategies, interventions, and progress monitoring.
- Training and support for personnel, regular review and evaluation of progress monitoring data, and collaboration among all relevant individuals are essential for successful implementation and monitoring of these strategies.
- The Supreme Court's decision in *Endrew F. v. Douglas County School District Re—1* emphasizes the necessity for progress monitoring in both academic and social-emotional learning to provide a FAPE in the LRE, as required by the IDEA.

V. Monitoring and Data Collection

Monitoring and data collection play a vital role in understanding the impact of informal removals on students and ensuring that students experiencing disabilities receive appropriate supports and services. This section outlines tools and strategies for collecting data on formal and informal removals, evaluating their impact on student learning and behavior, and using that information to inform special education decision-making. By utilizing appropriate tools and strategies, schools and IEP teams can better understand the consequences of informal removals, address students' needs, and ultimately promote their progress.

Schools should develop a system for formally tracking removals, including the reason for the removal, the duration of the removal, and any additional information about the student's behavior and progress. More information on counting disciplinary removals is available here. Schools and IEP teams should regularly review and analyze the data to identify patterns, trends, and changes, as well as underlying issues or root causes of the removals and/or behaviors of concern. Teams position themselves well to make appropriate data-informed decisions by collecting data on behaviors of concern, including when and for how long interventions have been in place. Implicit bias impacts all aspects of education but is especially seen in the application of discipline, including informal removals, as seen in the disproportionate application of exclusionary discipline to specific groups of students (e.g., students of color, especially African-American/Black and Hispanic Students; students experiencing disability; students whose first language is not English; LGBTQ2SIA+ students; and students navigating poverty). Robust and appropriate progress monitoring can assist in making this an objective process. Exclusionary discipline is the start of the "school-to-prison pipeline." Effective progress monitoring can limit exclusionary discipline.

Schools should develop a system for formally tracking removals, both within and outside the school, including the reason for the removal, the duration of the removal, and any additional information about the student's behavior and progress.

The data that IEP teams have access to from effective progress monitoring can be used to plan alternative strategies for staff response and inform decisions about the student's educational program, including the development, implementation, and/or modification of the IEP and the provision of supports and services that will decrease the future likelihood of removals.

Quantitative and qualitative data from multiple sources, such as academic and attendance data, as well as observations, interviews, assessments, and reports, provide a comprehensive perspective on the student's behavior and progress. IEP teams can use tools such as behavior tracking forms, checklists, and progress reports to track and analyze student data. Using these sources together may better inform individual decision-making by IEP teams.

Schools should also analyze aggregated data on removals and behavior to identify trends over time, patterns between behaviors of concern, changes in student progress, and any underlying issues. Findings from this process can be used to continuously improve school wide programming and support for all students, as one source of primary prevention. There are multiple applications available that can support effective, data-driven decision-making to improve student outcomes and reduce or eliminate exclusionary discipline.

Section V's Key Takeaways: Monitoring and Data Collection

- Monitoring and data collection allow for understanding the impact of informal removals and help ensure that students with disabilities receive appropriate supports and services.
- Schools should develop a system for formally tracking removals, including the reason, duration, and additional information about the student's behavior and progress.
- Data collected should be regularly reviewed and analyzed to identify patterns, trends, changes, and root causes of removals and behaviors of concern. This data should inform special education decision-making and help address unconscious bias in disciplinary actions.
- Progress monitoring data can be used to help plan staff response strategies, inform decisions about the student's IEP, and decrease the likelihood of future removals.
- Various data from multiple sources (e.g., teachers, parents, students, related services providers) should inform each school's actions related to informal removals.
- Schools should analyze aggregated and disaggregated data on removals and behavior to continuously improve school wide programming and support for all students and work towards the elimination of exclusionary discipline.

VI. Preventing Informal Removals

Preventing informal removals within your school requires a systematic, tailored approach supported by in-depth data analysis and engagement at all levels — from students and staff to district leaders and the wider community. These questions were designed to support school principals in thinking

through the use of informal removals in their settings and how their system might more effectively address behaviors of concern to eliminate their use, to the extent they are currently being used. This calendar of activities was also developed as a starting point to complement use of the above questions with your staff throughout the school year.

VII. Informal Removals and the Disciplinary Protections of the IDEA

Despite the challenges associated with tracking them, the use of informal removals is subject to the same disciplinary protections as any other exclusionary discipline under the IDEA. IDEA's discipline provisions require schools to provide procedural safeguards to ensure that students experiencing disabilities receive appropriate educational services and are not discriminated against on the basis of their disability. That informal removals are subject to these requirements to the same extent as formal removals highlights the importance of addressing informal removals with the same level of scrutiny as formal disciplinary actions.

In addition to IDEA, Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA prohibit discrimination on the basis of disability. Schools must provide reasonable accommodations and modifications to students experiencing disabilities to ensure that they have equal access to educational programs and services. These laws also prohibit schools from engaging in discriminatory practices, including informal removals, that may negatively impact students experiencing disabilities. By understanding and adhering to the requirements set forth by IDEA, Section 504, and the ADA, schools can create educational environments that effectively address informal removals and support the academic and social-emotional success of students experiencing disabilities.

> Informal removals are subject to the same requirements and to the same extent as formal removals under the IDEA, which highlights the importance of addressing informal removals with the same level of scrutiny as formal disciplinary actions.

Explanation of IDEA's disciplinary procedures and requirements
Under IDEA's disciplinary procedures, school districts are required to conduct a manifestation determination review (MDR) **within ten school days** of a disciplinary change in placement, or a pattern of removals, whether formal or informal, that constitutes a change in placement. MDR is also a useful tool for IEP teams to explore the connection between a child's actions and their disability, whether or not it's associated with a potential disciplinary consequence. The MDR team – including the LEA, the parents, and other relevant members of the IEP team – must determine if the behavior was a manifestation of the student's disability. Conduct is determined to be a manifestation when it was: (1) caused by or directly and substantially related to the student's disability, or (2) the direct result of the LEA's failure to implement the IEP.

When a student's behavior is determined **to be a manifestation**, the team must conduct an FBA and develop or revise the student's BIP, as needed. When a student's behavior is determined **to not be a manifestation**, the LEA may impose disciplinary consequences on the student in the same manner as it would be imposed on a student in general education, but the LEA must continue to enable the provision of FAPE for the student, even if expelled.

Schools are required to follow these guidelines, whether the protections have been triggered by the use of formal or informal removals. ODE provides additional information about school discipline generally on this website and more information specific to IDEA's disciplinary procedures here. Additionally, in July 2022, OSEP released comprehensive IDEA discipline requirements guidance, which is available here.

Section VII's Key Takeaways: Informal Removals and the Disciplinary Protections of the IDEA

- The IDEA, Section 504 of the Rehabilitation Act of 1973, and Title II of the ADA all mandate schools to provide reasonable accommodations for students experiencing disabilities and prohibit discrimination based on disability.
- Informal removals are subject to the same disciplinary protections as formal removals under the IDEA. Schools are required to conduct a Manifestation Determination Review within ten school days of a disciplinary change in placement, or a pattern of removals, whether formal or informal.
- If the behavior is found to be a manifestation of the student's disability, the team must conduct an FBA and develop or revise the student's BIP.
- If the behavior is not a manifestation of the student's disability, disciplinary actions can be taken similar to those for general education students, but the school must continue to enable the provision of FAPE even if the student is expelled.

VIII. Conclusion

School districts should address and formalize removals of students experiencing disabilities to ensure they receive FAPE and to support positive, inclusive educational environments for all students. This guide has outlined key strategies, such as implementing preventative measures, fostering effective communication and collaboration, and tracking, collecting, and analyzing data, to help schools and districts address and formalize any removals while complying with the IDEA.

Addressing informal removals requires ongoing monitoring and evaluation of efforts. Schools and IEP teams must regularly track removals and their impact on student learning and behavior to identify areas for improvement and adjust their strategies accordingly. This ensures an effective, equitable, and sustainable response to support students experiencing disabilities.

Fortunately, there are numerous resources and supports available to help schools and districts address removals, including technical assistance centers, professional development opportunities, and evidence-based practices. By utilizing these resources and implementing the strategies outlined in this guide, schools can create a supportive and inclusive environment that fosters student success and well-being.

It is essential for schools and districts to take proactive measures to ensure that students experiencing disabilities receive the education they deserve. By addressing informal disciplinary removals, schools can cultivate a positive school culture that supports all students and promotes their academic and social-emotional development.

Additional resources are available here. If you need help or support or would like to talk about your individual situation, please reach out to your district support specialist.

IX. Appendices

The following documents have been referenced in this guidance and are included here for ease of reference:

- Abbreviated School Day Program Placements under SB 819
- Annual Calendar of Activities to Address Informal Removals
- Counting Disciplinary Removals
- Discipline Discussions: Informal Removals Matter (OSEP)
- *Endrew F. v. Douglas County School District Re—1* Decision (SCOTUS)
- Examples and Non-Examples of Informal Removals
- Examples of Behavioral Interventions within an MTSS
- Guidance Regarding Discipline of Special Education Students under IDEA 2004
- Guiding Principles and Best Practices in School Discipline to Support Students' Social, Emotional, Behavioral, and Academic Needs (USDOE)
- Phased Guiding Questions for Principals to Address Informal Removals
- Resources for Schools to Use in Addressing Exclusionary Discipline, Including Informal Removals
- Restraint and Seclusion Information
- School Discipline Information
- Understanding and Addressing Ableism in Schools
- Understanding the Complexity of Student Behavior: An Empathetic Approach
- What is PBIS? (PBIS Center)