

What is a Disciplinary Removal?

Any instance in which a student is removed from their educational placement for disciplinary purposes is a removal. This includes but is not limited to informal removals, in-school suspension, out-of-school suspension, expulsion, removal by school personnel to an interim alternative educational setting (IAES) for drug or weapon offenses or serious bodily injury, and removal by hearing officer for likely injury to the student or others. For instance, any of the following may constitute a disciplinary removal:

- A pattern of office referrals, extended time excluded from instruction (e.g., time out), or extended restrictions in privileges.
- Repeatedly sending students out of school on “administrative leave” or a “day off,” requesting parents to pick the student up from school early due to behaviors, or other methods of sending the student home from school.
- Repeatedly sending students out of school with a condition for return, such as a risk assessment or psychological evaluation; or
- Regularly requiring students to leave the school early and miss instructional time.

When considering whether an incident constitutes a disciplinary removal, school personnel should consider the essential features of disciplinary removals. For students experiencing disability, a disciplinary removal occurs when: (a) a student is excluded from their current placement, as written in the IEP, due to a violation of the student code of conduct or otherwise for reasons related to behavior; and (b) the student is not afforded the opportunity to:

- Continue to be involved in and make progress in the general education curriculum.
- Receive the instruction and services as specified in the IEP; and
- Participate with nondisabled students to the extent expected by the IEP and placement page.

Implications of Disciplinary Removals

The impact of disciplinary removals extends far beyond the immediate consequences for individual students. The far-reaching effects of disciplinary removals impact the academic progress and overall well-being of those involved in specific incidents, and the school community as a whole. For individual students, the implications include reduced educational outcomes and limited social and emotional development. This impact disproportionately harms specific student populations. Disciplinary removals result in an exclusionary school climate and make it more challenging for school staff seeking to improve their students’ educational results.

Specific Considerations for Behavioral Needs

All children exhibiting behaviors of concern in the school setting should receive the support they need to successfully access their educational environment. Therefore, behavioral supports must be provided when required, in all settings, including the general education classroom. Instances of behaviors of concern and other disruptions in the classroom, as well as violations of the student

Counting Disciplinary Removals: Promoting Equity and Inclusion in Education

code of conduct, can indicate that a student requires behavioral support to effectively participate in the general education classroom and curriculum. As needed, children who are served in general education are entitled to receive behavioral interventions of increasing intensity, in order to support their access to the school environment. However, it is also important to note that, for these children, a pattern of disciplinary removals could indicate a need for the school district to seek consent for a comprehensive initial evaluation to determine whether the child is or may be a child with a disability. An initial evaluation must be conducted when the school district suspects or has reason to suspect that the child is or may be a child with a disability and, by reason thereof, require special education and related services.

If a child is eligible for special education, or if the district suspects or has reason to suspect the child may be eligible for special education, regardless of the disability categories for which they are eligible, the IEP team has an obligation to address behavioral needs. In the case of a student whose behavior impedes their learning or that of others, the IEP Team must consider and, when necessary to provide FAPE in the LRE, document in the IEP the use of positive behavioral interventions and supports, and other strategies, to address the behavior. Therefore, when there are repeated incidents of behaviors of concern and other classroom disruptions, if a student already has behavioral supports included in their IEP, the IEP Team should assess whether additional or different supports are needed. It is important to consider whether data supports the need for modifying the current behavioral supports.

The following examples are clear indications that the IEP Team should review and revise the IEP:

- The IEP Team did not consider the inclusion of positive behavioral interventions and supports in response to behavior impeding the student's learning or that of others.
- There were no behavioral supports in the student's IEP, even when the IEP Team determined they were necessary.
- There were behavioral supports in the IEP, however, the student continued to exhibit the same or substantially similar behaviors which resulted in removals; or
- The behavioral supports in the student's IEP were not being implemented or not being implemented with fidelity.

When students experiencing disabilities experience a pattern of suspensions or other forms of exclusionary disciplinary actions, it could indicate that their IEP needs to be reviewed and revised. The IEP Team should review the child's circumstances and ensure appropriate behavioral supports (i.e., positive behavioral interventions and supports and other strategies, as appropriate) are included in the IEP to enable the student to receive FAPE in the LRE.

Counting Disciplinary Removals

Exclusionary discipline harms students' educational outcomes and overall well-being. Disciplinary removals, such as suspensions and expulsions, disproportionately impact those student

populations that systems have already marginalized, exacerbating inequities in the education system and contributing to the school-to-prison pipeline. School districts can address this pressing issue by shifting away from punitive measures towards evidence-based, proactive, and supportive approaches to addressing behaviors of concern. Limiting the use of exclusionary discipline requires that schools first accurately count all disciplinary removals, including informal removals. An accurate count of disciplinary removals requires close tracking and monitoring of all disciplinary practices that occur throughout the school, including those initiated by administration, teachers, and anyone in a position of authority. By tracking these practices closely, schools can ensure transparency and accountability, while also identifying and addressing practices that result in exclusion.

Do Removals as Part of a Behavior Intervention Plan Count as Disciplinary Removals?

Yes. A behavior intervention plan (BIP) is a set of positive behavioral interventions and supports, along with other strategies, designed to assist a student whose behavior impedes their own learning or the learning of others. At times, the proactive strategies in a student's BIP may anticipate moments of removal from the student's educational placement as a behavioral support. The district must count all removals, formal and informal, including removals anticipated as part of a BIP, as disciplinary removals. This data helps inform IEP team consideration of whether a pattern of removals constitutes a change of placement. When a removal from school is written into a BIP, even when the BIP is part of the IEP, the removal may constitute a change of placement.

Do In-School Suspensions Count as Removals?

Yes, in-school suspension should generally be counted as a removal. In-school suspensions are not counted as disciplinary removals **only when** students:

1. Are provided the opportunity to continue to be involved in and make progress in the general education curriculum in the manner contemplated by their IEP.
2. Receive instruction and services as specified in the IEP.
3. Participate with nondisabled students to the same extent expected by the IEP and placement page.

When **any** of the above conditions are **not** met, the in-school suspension must be counted as a disciplinary removal.

Even if all three of these factors are met, in-school suspensions still remove a student from the placement determined appropriate by the student's IEP Team. Repeated use of in-school suspension may indicate:

- An IEP that is not reasonably calculated to enable progress appropriate in light of the student's circumstances, or
- The IEP's implementation does not adequately address the student's behavioral needs.

In either case, when a student has a pattern of in-school suspensions, the student's IEP Team should consider whether additional positive behavioral interventions and supports or other strategies to address the behavior are needed.

How are Partial Days of Disciplinary Removal Counted?

[Oregon Revised Statute \(ORS\) 339.250](#) establishes the parameters under which school discipline is applied in Oregon schools. Under this statute, if the student is removed from school for half, or less than half, of the scheduled school day as a disciplinary removal, it counts as a half day. If a student is removed for more than half of the scheduled school day for a disciplinary removal it is to be counted as a full day. "School day" has the same meaning for all students in school, regardless of eligibility status for special education. Please note that the IEP team should consider whether any imposition of exclusionary discipline, whether in-school or out-of-school, and regardless of the duration, has limited a student's access to FAPE and, if appropriate, revise the IEP to ensure FAPE is made available.

Discipline Reporting Requirements

All public agencies with jurisdiction over public programs that receive funds under the Every Student Succeeds Act (ESSA) and/or the Individuals with Disabilities Education Act (IDEA) are required to report all disciplinary removals to the Oregon Department of Education's [Discipline Incidents Data Collection](#). This requirement includes all disciplinary incidents that result in in-school or out-of-school suspension, expulsion, or removal to an IAES. It also includes formalizing processes to count all informal disciplinary removals.

The data should guide districts and agencies in their improvement activities and is used to satisfy federal reporting requirements under the ESSA, IDEA, and Gun Free Schools Act (GFSA). Statewide discipline data is published annually in the [Oregon IDEA Data Reports](#) and the [Oregon Statewide Report Card](#). Other data can be found in the [Discipline Data Media Files](#) and the [At-A-Glance Special Education Profiles](#).

Reducing Exclusionary Practices

In July 2022, the U.S. Department of Education, Office of Special Education Programs (OSEP), published the guide [Positive, Proactive Approaches to Addressing the Needs of Children with Disabilities: A Guide for Stakeholders](#), which provides actions that state educational agencies (SEAs), local educational agencies (LEAs), schools, early childhood programs, and educators can take to implement positive, proactive, and preventative practices that seek to better address a child's behavioral needs while decreasing the use of exclusionary discipline. These practices reinforce core principles of the IDEA, including the requirement to address behavioral needs of children with disabilities effectively through the IEP.