

## **Priority Area 4: Discipline**



### **Introduction**

Under 34 CFR § 300.530, students experiencing disabilities and disabled students have specific protections when facing disciplinary actions. A change of placement occurs when removal exceeds 10 consecutive school days or when short-term removals totaling more than 10 days constitute a pattern. Beginning on day 11, LEAs must provide services enabling continued participation in the general curriculum and progress toward IEP goals.

Within 10 school days of any decision to change placement due to a code of conduct violation, the Local Educational Agency (LEA) must convene a Manifestation Determination Review (MDR). This review determines whether the conduct was caused by or had a direct and substantial relationship to the student's disability, or resulted from the LEA's failure to implement the IEP. These protections ensure that students are not punished for disability-related behaviors and continue receiving a Free Appropriate Public Education (FAPE) during disciplinary removals.

This priority area examines compliance with discipline procedures for disabled students and students experiencing disabilities who have been removed for more than 10 days. The review focuses on procedural safeguards, MDRs, and provision of services during removal. LEAs not meeting state targets for State Performance Plan/Annual Performance Report (SPP/APR) Indicator 4 must examine discipline-related policies, practices, and procedures.

When using this protocol, LEAs will examine critical components related to discipline procedures. If noncompliance is found, LEAs must correct findings as soon as possible. In all cases, noncompliance must be corrected within one year of the Oregon Department of Education's (ODE) written notification. When noncompliance could result in denial of 10 or more instructional days, correction must occur according to the shortened timeline outlined in OAR 581-015-2015.

# Contents

Introduction .....	1
DIS-1 – Procedural Safeguards Provided .....	3
DIS-2 – Special Factors Considered .....	4
DIS-3 – Manifestation Determination Review Conducted .....	5
DIS-4 – Team Determined Next Steps After Manifestation .....	6
DIS Summary Sheet .....	7
DIS Focus Group Questions .....	8

# DIS-1 – Procedural Safeguards Provided

## Record Review Item

The parent and/or legal guardian was provided procedural safeguards in accordance with discipline procedures.

## Related Authorities

**Federal:** 34 CFR § 300.530(h); 34 CFR § 300.504

**State:** OAR 581-015-2315

## Potential Documentation

- MDR Paperwork
- Documentation notifying the parent and/or legal guardian of change of placement and procedural safeguards
- Notice of Team Meeting
- Prior Written Notice
- Meeting Notes

## Evidence of Compliance

**Mark YES** if there is evidence the parent and/or legal guardian was provided procedural safeguards on the date on which a decision was made to make a removal that constitutes a change of placement of the student because of a violation of a code of student conduct.

**Mark NO** if there is evidence the parent and/or legal guardian was not provided procedural safeguards on that date.

## DIS-2 – Special Factors Considered

### Record Review Item

The IEP team considered the Special Factors of the student to determine if the student exhibits behavior that impedes the student's learning or that of others, and considered the use of positive behavior interventions, supports and other strategies to address the behavior that resulted in a removal from school that constituted a disciplinary change of placement.

### Related Authorities

**Federal:** 34 CFR § 300.324(2)(i)

**State:** OAR 581-015-2205

### Potential Documentation

- IEP – Special Factors
- IEP – Present Levels of Academic Achievement and Functional Performance
- Meeting Notes
- Prior Written Notice

### Evidence of Compliance

**Mark YES** if there is evidence that the IEP team considered if the student exhibits behavior that impedes the student's learning or that of others and considered the use of positive behavior interventions, supports, and other strategies.

**Mark NO** if there is evidence that the IEP team did not consider if the student exhibits behavior that impedes the student's learning or that of others or did not consider the use of positive behavior interventions, supports, and other strategies.

# DIS-3 – Manifestation Determination Review Conducted

## Record Review Item

Within 10 school days of a change in the student's placement due to a violation of a code of student conduct, the appropriate IEP team members reviewed all relevant information in the student's file and conducted an MDR to determine whether:

- The conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- The conduct in question was the direct result of the LEA's failure to implement the IEP.

## Related Authorities

**Federal:** 34 CFR § 300.530(e)

**State:** OAR 581-015-2415(3); OAR 581-015-2420

## Potential Documentation

- Student discipline records
- MDR Paperwork
- Prior Written Notice
- Meeting Notes
- Notice of Team Meeting

## Evidence of Compliance

**Mark YES** if there is evidence that all the following are true:

- An MDR was conducted within 10 school days of a change in the student's placement due to a violation of a code of student conduct;
- The LEA, the parent and/or legal guardian, and relevant members of the child's IEP Team participated in the MDR process;
- The team reviewed all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents and/or legal guardians in order to make a determination;
- A determination was made as to whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or was the direct result of the LEA's failure to implement the IEP; and
- The determination that resulted from the review was in alignment with available evidence.

**Mark NO** if there is evidence that any of the following are true:

- An MDR was not conducted within 10 school days of a change in the student's placement due to a violation of a code of student conduct;
- The LEA, the parent and/or legal guardian, and relevant members of the child's IEP Team did not participate in the MDR process;
- A determination was not made as to whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or was the direct result of the LEA's failure to implement the IEP; or
- The determination that resulted from the MDR was not in alignment with available evidence.

# DIS-4 – Team Determined Next Steps After Manifestation

## Record Review Item

If the behavior was determined to be a manifestation of the student's disability, the team returned the student to the placement from which the student was removed, unless the parent and/or legal guardian and the LEA agreed to a change of placement as part of the modification of the behavior intervention plan, and agreed to either:

- Conduct a functional behavioral assessment to develop a behavior intervention plan; or
- Review and modify as necessary an existing behavior intervention plan to address the behavior.

## Related Authorities

**Federal:** 34 CFR § 300.530(f)

**State:** OAR 581-015-2415(3-5)

## Potential Documentation

- MDR Paperwork
- Prior Written Notice
- Meeting Notes
- Functional Behavioral Assessment (FBA)
- Behavior Intervention Plan (BIP)

## Evidence of Compliance

**Mark YES** if there is evidence that all the following are true:

- The behavior was determined to be a manifestation of the student's disability;
- The LEA conducted a functional behavioral assessment to develop a behavior intervention plan, or if a behavior intervention plan was already in place, it was reviewed and modified as necessary to address the behavior; and
- The student was returned to the placement from which they were removed, or the parent and/or legal guardian and the LEA agreed to a more restrictive placement as part of a modification of the student's behavior intervention plan.

**Mark NO** if there is evidence that any of the following are true:

- The behavior was determined to be a manifestation of the student's disability, but the LEA did not conduct a functional behavioral assessment to develop a behavior intervention plan, nor was an existing behavior intervention plan reviewed and modified to address the behavior; and/or
- The behavior was determined to be a manifestation of the student's disability, but the student was not returned to their original placement and there was no agreement for a change of placement.

**Mark N/A** if there is evidence the team determined the behavior was not a manifestation of the student's disability.

# DIS Summary Sheet

INFORMATION	
LEA Name:	Required Sample Size:

Total number of student files reviewed is indicated below.

Elementary School Students	Middle School Students	High School Students	Out of District Placements	Grand Total of Records

List Secure Student Identifiers (SSIDs) of the targeted sample of student files. Enter “Yes” if evidence was found. Enter “No” if evidence was not found. Enter “N/A” if the item is not applicable to the selected student. No item may be left blank.

SSID	DIS-1	DIS-2	DIS-3	DIS-4

## Plan of Correction

Identify what will be done and when to correct any individual or systemic noncompliance for each item where the LEA found noncompliance during the district review process.

# DIS Focus Group Questions

## School/District Staff

- What are examples of discipline practices in your district that you would consider successful?
- How do you ensure consistency in disciplinary practices for disabled students and students experiencing disabilities across all schools?
- What training do administrators and staff receive on MDRs and discipline procedures?
- How do you identify/address patterns that may indicate systemic issues with behavior support?
- What preventative measures and positive behavior supports are in place to reduce disciplinary removals?
- How do you balance school safety concerns with students' rights to FAPE during disciplinary actions?
- What challenges do you face in providing educational services during disciplinary removals?

## Parents and/or Legal Guardians

- How clearly was the discipline process explained when your child faced removal from school?
- Did you understand your rights and your child's rights during the MDR?
- What supports could have prevented the behavior that led to disciplinary action?
- How well did the school maintain your child's educational services during any removal?
- Do you feel the discipline process considered your child's disability-related needs fairly?
- What would help schools better support your child's behavioral needs proactively?

## Students

- Do you understand why you got in trouble and how it relates to your disability, if it does?
- Did anyone help you explain your side of what happened?
- What supports would help you avoid getting in trouble at school?
- How did being out of school affect your learning and friendships?
- Do you feel the consequences were fair?
- What would help you be more successful with behavior at school?

## Community

- What community-based behavioral health services could support students who are or who may face disciplinary removal?
- How could continuity between school and community behavior support services be improved?
- What alternative programs or settings might prevent the need for disciplinary removals?
- How do disciplinary disparities for disabled students and students experiencing disabilities impact our community?
- What partnerships could strengthen positive behavior support implementation?