



ECSE Emergency/Emergent  
Priority Area:

# Discipline

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Children with disabilities have important protections under Part B of the Individuals with Disabilities Education Act (IDEA) when it comes to discipline. In Oregon’s ECSE system, any disciplinary action resulting in a removal from a child’s current educational placement—particularly when that removal constitutes a change in placement—requires that teams follow specific procedures to ensure the child’s rights are upheld and that services remain appropriate. These requirements apply regardless of the child’s age and are essential for ensuring access to a Free Appropriate Public Education (FAPE) in the least restrictive environment.

# Ensuring Protections and Supports for Children with Disabilities

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The purpose of this priority area is to ensure that ECSE programs follow IDEA disciplinary procedures when a child with a disability is removed from their current placement for more than 10 cumulative school days. These procedures include providing parents with notice and procedural safeguards, conducting a manifestation determination, and ensuring that any behavioral needs are addressed through the IFSP process. When a behavior is determined to be related to a child's disability, the team must consider the use of Functional Behavioral Assessments (FBAs), Positive Behavior Support Plans (PBSPs), and other strategies to promote continued learning and participation. Placement decisions must be made collaboratively, with full parent involvement and agreement.

By using this protocol, the ECSE ODE team will determine whether the program's disciplinary removals of children with disabilities comply with IDEA's procedural requirements. Reviewers will examine removal timelines, team documentation, manifestation determination decisions, parent notifications, and behavioral support planning. If noncompliance is identified, it is recommended that the program correct findings promptly. All noncompliance must be fully corrected within one year of written notification from the Oregon Department of Education (ODE), and sooner if the child's access to services has been affected.

**Record Review Item: DIS -1 34 CFR § 300.530(h); 34 CFR § 300.504**

Record Review Item	Potential Documentation
<p><b>Has the student been removed from school for 10 or more days due to disciplinary reasons?</b></p> <p><b>If the answer is YES, please complete the discipline protocol for this file.</b></p> <p><b>The parent was provided procedural safeguards in accordance with discipline procedures.</b></p>	<ul style="list-style-type: none"><li>• Manifestation Determination documents</li><li>• Documentation notifying the parent of a change of placement</li><li>• Procedural Safeguards Notice</li><li>• Notice of Team Meeting</li><li>• Prior Written Notice</li><li>• Meeting notes</li></ul> <p><b>Check for the following:</b></p> <ul style="list-style-type: none"><li>• The student was removed for 10 or more school days due to disciplinary action (cumulative or consecutive)</li><li>• A manifestation determination meeting was conducted</li><li>• The parent was provided with a Procedural Safeguards Notice on the date the change of placement was determined</li><li>• Notice of the team meeting and Prior Written Notice reflect the proposed disciplinary action and the team’s determination</li><li>• Meeting notes document the team’s discussion and the parent’s participation or notice</li></ul>

## Evidence of Compliance

YES

Mark  **YES** if there is evidence that all applicable statements are true:

- The child was removed for 10 or more days for disciplinary reasons
- Procedural safeguards were provided to the parent on the date the change of placement decision was made
- Documentation reflects timely notice, manifestation determination, and parent rights provided

NO

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

- The student was removed for 10 or more days and procedural safeguards were not provided
- Safeguards were not provided on the same day as the removal/change of placement decision
- Required notices or documentation are missing

**Record Review Item: DIS -2. 34 CFR § 300.324(a)(2)(i)**

Record Review Item	Potential Documentation
<p><b>Special Factors Considered:</b> The IFSP 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.</p>	<ul style="list-style-type: none"><li>• IFSP – Special Factors section</li><li>• Meeting notes (especially from manifestation determination or behavior planning meetings)</li><li>• Prior Written Notice</li></ul> <p><b>Check for the following:</b></p> <ul style="list-style-type: none"><li>• Documentation that the team considered whether behavior impedes learning</li><li>• Evidence that positive behavioral supports, interventions, or strategies were reviewed or implemented</li><li>• The Special Factors section of the IFSP documents a discussion of behavior</li><li>• If the removal constituted a change of placement, confirm that the team addressed behavior within the context of the student’s needs</li><li>• Prior Written Notice reflects decisions or considerations related to behavioral supports or intervention plans</li></ul>

## Evidence of Compliance

YES

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

- The team considered whether the student's behavior impeded learning
- Positive behavior supports or strategies were discussed or implemented
- Meeting notes or Prior Written Notice reflect consideration of behavioral needs

NO

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

- The team did not consider behavior as a Special Factor
- No evidence that supports, interventions, or strategies were considered following the disciplinary incident
- Documentation is incomplete or missing

**Record Review Item: DIS -3. 34 CFR § 300.530(e); 34 CFR § 300.536**

Record Review Item	Potential Documentation
<p><b>A Manifestation Determination was conducted within 10 school days of a change in the student’s placement due to a violation of a code of student conduct.</b></p> <p><b>The IFSP team, including the parent and relevant members, reviewed all relevant information to determine whether:</b></p> <ul style="list-style-type: none"><li>• <b>The conduct in question was caused by or had a direct and substantial relationship to the student’s disability; or</b></li><li>• <b>The conduct was the direct result of the program’s failure to implement the IFSP</b></li></ul>	<ul style="list-style-type: none"><li>• Student discipline records</li><li>• Manifestation Determination documentation</li><li>• Prior Written Notice</li><li>• Team meeting notes</li><li>• Notice of Team Meeting</li></ul> <p><b>Check for the following:</b></p> <ul style="list-style-type: none"><li>• A Manifestation Determination was conducted within 10 school days of the disciplinary change of placement</li><li>• The program, parent, and relevant members of the IFSP team participated in the decision</li><li>• The team reviewed:<ul style="list-style-type: none"><li>○ The student’s IFSP</li><li>○ Teacher observations</li><li>○ Any information provided by the parent</li><li>○ Disciplinary records or incident reports</li></ul></li><li>• A decision was made and documented, determining whether:<ul style="list-style-type: none"><li>○ The behavior was caused by or had a substantial relationship to the disability</li><li>○ The conduct was the result of the LEA’s failure to implement the IFSP</li></ul></li><li>• The outcome was supported by documentation and aligned with the evidence reviewed</li></ul>

## Evidence of Compliance

### YES

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

- A Manifestation Determination was conducted within 10 school days of the disciplinary change of placement
- The program, parent, and relevant IFSP team members participated
- The team reviewed all relevant records and data
- A decision was made addressing both the relationship to disability and failure to implement the IFSP
- The determination was clearly documented and aligned with the evidence

### NO

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

- No Manifestation Determination was conducted
- The meeting occurred outside the 10-day timeline
- Required participants were not included
- Team failed to consider relevant records or parent input
- The determination was not documented or lacks alignment with the reviewed evidence

**Record Review Item: DIS -4. 34 CFR § 300.530(f)**

Record Review Item	Potential Documentation
<p><b>If the behavior was determined to be a manifestation of the student’s disability, the team must:</b></p> <ul style="list-style-type: none"><li>• <b>Return the student to the original placement, unless the parent and LEA agreed to a change of placement as part of the behavior intervention plan, and</b></li><li>• <b>Take one or more of the following steps to support the student’s continued success:</b><ul style="list-style-type: none"><li>○ <b>Conduct a Functional Behavioral Assessment (FBA) or review existing behavioral data</b></li><li>○ <b>Develop or revise a Positive Behavior Support Plan (PBSP)</b></li><li>○ <b>Adjust instructional strategies, environmental factors, or service delivery to address and support the child’s needs</b></li></ul></li></ul> <p><b>Any changes to services or placement must occur through the IFSP process, with parent involvement and consent.</b></p>	<ul style="list-style-type: none"><li>• Manifestation Determination</li><li>• Prior Written Notice</li><li>• Meeting notes</li><li>• Functional Behavioral Assessment (FBA)</li><li>• Positive Behavior Support Plan (PBSP) or Behavior Intervention Plan (BIP)</li></ul> <p><b>Check for the following:</b></p> <ul style="list-style-type: none"><li>• Documentation that the team determined the behavior was a manifestation of the disability</li><li>• An FBA was conducted or reviewed, and used to guide the team’s decisions</li><li>• A PBSP or BIP was developed, reviewed, or revised</li><li>• The child was returned to their original placement, unless a new placement was jointly agreed upon by the team and parent</li><li>• Any changes in services or setting were made through the IFSP process and reflected in team notes and Prior Written Notice</li></ul>

## Evidence of Compliance

YES

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

- The child's behavior was discussed by the team and determined to be related to the disability
- An FBA was completed or existing behavioral data were reviewed
- A PBSP was developed, reviewed, or revised
- The child remained in placement or a team-based change was made with parent agreement

NO

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

- Behavior was found to be related to the disability, but no FBA was conducted or reviewed
- No PBSP was created, reviewed, or revised
- Placement was changed without team documentation and/or parent consent
- There is no evidence of a behavior support plan to address continued participation

Mark  **N/A** only if:

- The child did not display behavior requiring team review or disciplinary removal
- The behavior occurred but was not determined to be related to the disability, and the team decided no new assessment or plan was needed