

True False

- True or False 1. Special education services are required to be provided to students with disabilities during suspensions of 10 days or less in a school year.
- True or False 2. In-school suspension (ISS) constitutes a disciplinary removal from special education and related services.
- True or False 3. On the 11th day of cumulative removal for disciplinary reasons, an FBA and BIP are not required.
- True or False 4. Removal from the school bus does not constitute out of school suspension (OSS).
- True or False 5. The manifestation determination is made by the LEA.
- True or False 6. Always conduct a FBA prior to developing a BIP.
- True or False 7. The LEA has 10 days to notify a parent of a change of placement resulting from a violation of the code of student conduct.
- True or False 8. If the parent disagrees with the results of an FBA, the parent can request an independent educational evaluation (IEE) at public expense.
- True or False 9. A manifestation determination has to be conducted even when there is a violation which involves drugs, weapons, or serious bodily injury.
- True or False 10. A student may assert protections under the Discipline Rule only if they are receiving special education services and supports.
- True or False 11. When an appeal under the discipline rule is made, the student remains in the special education placement he or she was in prior to the violation of the code of conduct.

1. False. Services are only required if nondisabled peers receive services during short term removals.
2. False. It is assumed that when students are in ISS they continue to receive sped services and supports. In school suspension does not count for the 10 days as long as they have the opportunity to appropriately participate in the general curriculum, continue to receive the services specified on the child's IEP and continue to participate with nondisabled peers. ISS is not counted as suspension from compliance standpoint but for dispro ISS is counted.
3. True. FBA and BIPs are only required when it has been determined that the behaviors that violated the code of conduct is a manifestation of the student's disability. FBAs and BIPs should be considered when students are demonstrating frequent behavioral problems. If it is determined to be a manifestation of the student's disability, a functional behavioral assessment (FBA) and a behavioral intervention plan (BIP) must be developed, reviewed, and/or modified. If already completed, the FBA and BIP must be reviewed and revised as necessary.
4. True and False. If the student has special transportation identified on IEP and is suspended from the bus, he or she cannot access their special education services and supports. It is counted as OSS unless district makes provisions for alternate transportation. If a student does not have special transportation as in IEP service, being suspended off of the bus does not count as OSS.
5. False. The manifestation determination is made by parent, LEA, IEP team members. A parent can appeal the results of the manifestation determination.
6. False. It is not required to conduct a FBA prior to BIP. It is best practice to develop your BIP based on the results of your FBA. If the IEP team has adequate information to develop a Behavior Intervention Plan, a Functional Behavior Assessment may not be required. Although not required, best practice is to conduct an FBA prior to the development of a BIP.
7. False. Parents have to be immediately notified regarding changes of placement.
8. True. The FBA is considered to a component of a reevaluation and therefore a parent can request an IEE if they disagree with the reevaluation results.
9. True. A manifestation determination is held whenever a decision is made to change the placement of a child with a disability because he or she has violated a code of student conduct.
10. False. If students are suspected of having a disability, even if they have not yet been found eligible for special education, they are protected under Discipline rule
11. False. The student has to remain in the IAES until the appeal is decided.