JKF-R - Disciplinary Removal of Students with Disabilities Administrative Procedure

JKF-R - Disciplinary Removal of Students with Disabilities Administrative Procedure

These procedures shall govern disciplinary removals of students with disabilities from their regular school program. These procedures shall be interpreted in a manner consistent with state and federal special education laws and regulations.

A. School administrators may suspend students with disabilities for up to 10 cumulative school days in the school year under the same terms and conditions as students without disabilities are suspended, subject to the limitations set forth below:

1. In the event that a disabled student's Individualized Education Plan (IEP) specifically lists a school response other than a suspension that must be followed for a particular type of misconduct, the school administrator shall follow the requirements of the IEP in responding to that misbehavior.
2. When calculating the 10 cumulative school day total, school administrators shall include school days spent in an in-school suspension or removal, unless during that removal the student continued to have access to the general curriculum, to the special education services in their IEP, and also continued to participate with non-disabled students to the extent they would have in the student's regular program.

B. After a student with a disability has been removed from their current placement for 10 cumulative school days in the same school year, during any subsequent days of removal the school administrator shall consult with at least one of the student's teachers and then shall arrange for the student to receive a level of educational services during the removal sufficient to enable to student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals listed in the student's IEP.

C. Within 10 school days of any decision to "change the placement" of a student with a disability because of a violation of a code of student conduct, school officials shall hold an IEP team meeting to undertake the following:

1. The Team shall review all relevant information in the student's file including the IEP, any teacher observations, and recent evaluations.

2. The Team shall then undertake a manifestation determination to decide whether the student's misconduct was a manifestation of their disability.
3. If the Team determines that the misbehavior is a manifestation of the disability, the Team must either:

    a. Conduct a functional behavior assessment, unless one had been conducted before the behavior incident, and shall implement a behavior intervention plan for the child; or

    b. If a behavior plan has already been developed, review the plan and modify it as necessary to address the behavior.

    Except as provided in D. below, the Team must also return the student to the placement from which they were removed, unless the school and parent agree to a change of placement as part of the revision of the behavior plan.

4. If the Team determines that the misbehavior is not a manifestation of the disability, school personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities, except that services must be provided to the student during the disciplinary removal consistent with 5.(c.) below.
5. When a student with a disability has a disciplinary removal that would be a "change of placement," the IEP Team shall order services for the student that will enable the student to:

    a. Continue to participate in the general curriculum although in another setting;

    b. Progress toward meeting the goals in the IEP; and

    c. Receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

6. For purposes of this section, a "change of placement" occurs if:

    a. The removal is for more than 10 consecutive school days; or

    b. The child has been subjected to a series of removals that constitute a pattern and:

        i. Because the series of removals totals more than 10 cumulative days in the school year;

        ii. Because the child's behavior is substantially similar to the behavior in previous incidents resulting in the series of removals; and

        iii. Because of additional factors such as the length of each removal, the total length, and the proximity of the removals to each other.

D. In those circumstances where a student brings a weapon to school, to a school function, or on school premises (including transportation), where a student knowingly possesses, uses, sells or attempts to sell illegal drugs at school, a school function, or on school premises (including transportation); or when the student inflicts serious bodily injury upon another person while at school, a school function, or on school premises (including transportation), school officials may place that student in an alternative educational setting for up to 45 school days, shall provide educational services for the student consistent with 5.(c.) above, and shall schedule an IEP meeting to occur within 10 school days of commencing that removal. At that IEP meeting, the Team shall undertake all necessary actions discussed in these procedures for responding to removals that constitute a change of placement for the student. Any further removals in response to the incident shall be made consistent with these procedures and state and federal special education rules.

Legal Reference:

Me. Dept. of Educ. Rule Ch. 101 § XVII (2017)

34 CFR § 300.101, .530-.536

Policy Adopted: December 1, 2004

Policy Revised: July 15, 2026

Revision #2
Created 2022-10-03 15:03:35 UTC by Elaine Robinson
Updated 2026-07-16 12:47:56 UTC by Rebekah Williams