

## PROCEDURAL REQUIREMENTS FOR SUSPENSION OF SPECIAL EDUCATION STUDENTS

The recent reauthorization of the Individuals with Disabilities Act (IDEA) and its regulations continue to limit the ability of schools and school districts to suspend exceptional students beyond ten (10) days (cumulative) in one school year. The out-of-school suspension language remains stronger in the new regulations than at any time during the history of IDEA-EHA. Essentially, schools must be extremely careful in their use of out-of-school suspension of any exceptional student. Once you have cumulatively suspended a Special Education student for ten (10) days, you are left with few alternatives. The change-in-placement strategy must be used with caution and the SpEd Department has issued guidelines for its use. The best advice is:

- Use in-school restrictions or in-classroom time-out whenever possible.
- Use disciplinary measures that you have available *other than suspension* whenever practicable.
- If you must suspend out-of-school, suspend for as few days as possible.

### **Short Term Disciplinary Removals Up to 10 Days**

1. To the extent that non-disabled students are suspended from school, students with disabilities may be removed from school or their current placement for a maximum of ten school days in a school year. Schools are not required to provide services during the first ten days during which students with disabilities are removed if services are not provided to students without disabilities who are similarly removed.
2. In school suspensions are not counted toward the ten days if:
  - the student has the opportunity to continue to appropriately progress in the general curriculum, and
  - the student is able to make progress toward the goals and objectives of his/her IEP, and
  - the student continues to participate with non-disabled students.
3. Suspension from the bus would not count toward ten days of suspension if alternative transportation can be arranged. If a student misses school as a part of the bus suspension, it will be counted as part of the ten-day suspension.