

Dispute Resolution Updates

Complaint File: Special Education Discipline Procedures

Summary: In a recent special education community complaint investigation OSPI looked at whether a district followed special education discipline procedures. Specifically, whether a series of removals constituted a change in placement, requiring a manifestation determination meeting. The investigation showed the student had been suspended for a total of 17 days between September and March, based on six behavioral incidents.

Analysis: Initially, the student was emergency expelled, which represented an open-ended disciplinary removal with a likelihood of the removal being over 10 consecutive school days. A manifestation determination meeting was required and properly held, the discipline converted to a 10-day suspension, and the student was returned to his placement.

A change in placement via discipline can also occur when a student is subjected to a series of removals that constitute a pattern. The investigation in this complaint showed the student, following the 10-day suspension in September, was suspended several more times, totaling 7 additional days. None of these suspensions resulted in a manifestation determination meeting.

OSPI found that the district's analysis into the student's removals failed to address whether this constituted a series of removals. A pattern of removals occurs when 1) the removals total more than 10 school days in a school year, 2) the student's behavior is substantially similar to previous incidents that resulted in removals, *and* 3) additional factors, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. A district should consider all disciplinary exclusions in a school year, even when a prior manifestation determination has occurred—a previous manifestation determination in a school year does not mean that the earlier removals should not be considered when determining if there was a pattern. A district must analyze each removal to determine if it is a change in placement or part of a pattern/series of removals constituting a change in placement.

In the complaint investigation, OSPI found the student's removals subsequent to the 10-day suspension were all for behaviors that were substantially similar, and the removals were close in proximity. OSPI found the district should have conducted a second manifestation determination.

Practice Tips for IEP Teams:

- Ensure that IEP teams understand special education discipline regulations, district discipline processes and procedures, and their role in analyzing disciplinary removals.
- Review the tip on ["Counting Days for Suspensions/Expulsions and Determining a Change of Placement"](#)
- Look for more resources on OSPI's special education [Policy Guidance and Resources](#) webpage!

