



SPECIAL EDUCATION DISCIPLINE REPORTING GUIDANCE

End of Year FY2017

This document can be found at <http://sde.ok.gov/sde/documents/2012-10-01/special-education-data-and-reporting-part-b-children-ages-3-through-21> so that reference links can be accessed easily.



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The Oklahoma State Department of Education: Special Education Services requires districts to collect records on all student disciplinary removals (such as in-school, out-of-school suspensions, hearing officer removals, and unilateral removals to an interim alternative educational setting) for reporting to the Office of Special Education Programs (OSEP). Discipline data are incorporated into several compliance measures for which districts and the State of Oklahoma are held responsible. Without accurate and reliable data, districts and the State may suffer undue penalties for inaccurate and/or incomplete records. Poor data may also lead the State to penalize districts unduly.

It is the responsibility of local administrators to ensure that district discipline records are reported correctly according to federal definitions and guidelines. This document is intended to support districts in the reporting process.

Included in this document:

- A. Definitions of all discipline terms referenced in the U.S. Dept. of Ed documents.
- B. Instructions for identifying how to report a particular incident (see page 3).
- C. Links to federal code and laws that support the guidance provided.
- D. A link to a technical assistance FAQ document for further clarification and examples.

All the following state reporting requirements can also be found in EdFacts File Specifications [C005 - Children with Disabilities \(IDEA\) Removal to Interim Alternative Education Setting](#), [C006 - Children with Disabilities \(IDEA\) Suspensions/Expulsions](#), [C007 - Children with Disabilities \(IDEA\) Reasons for Unilateral Removal](#), [C088 - Children with Disabilities \(IDEA\) Disciplinary Removals](#), [C143 - Children with Disabilities \(IDEA\) Total Disciplinary Removals](#), [C144 - Educational Services during Expulsion](#).

Which students should be reported?

Students with special education eligibility between the ages of 3-21 (as of Oct 1, 2016) and **were subject to a disciplinary removal**. *Exclude students who have cumulatively been removed for less than half a school day. Exclude parentally-placed private school students.*

DEFINITIONS

Dangerous weapon

A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury; such a term does not include a pocket knife with a blade of less than 2 ½ inches in length. See [18 U.S.C. Section 930\(g\)\(2\)](#).

Direct supervision

School personnel are physically in the same location as students under their supervision.

Disciplinary removal

Any instance in which a child with a disability is removed from his/her educational placement for disciplinary purposes, including in-school suspension, out-of-school suspension, expulsion, removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by hearing officer for likely injury to the child or others.

Drug offenses

The use, possession, sale, or solicitation of drugs as identified in [21 U.S.C. Section 812\(c\)](#). These offenses do not include the use, possession, sale, or solicitation of alcohol or tobacco.

Expulsion

An action taken by the LEA removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer in accordance with local educational agency policy. Include removals resulting from violations of the Gun-Free Schools Act that are modified to less than 365 days.

In-school suspensions (ISS)

Instances in which a child is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel.

Interim alternative educational setting (IAES)

An appropriate setting determined by the child's IEP team in which the child is placed for no more than 45 school days. This setting enables the child to continue to receive educational services and participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in the IEP. As appropriate, the setting includes a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.

Number of days

Number of school days elapsed between the start of the specific type of discipline and the end of the specific type of discipline for each discipline event.

Out-of-school suspensions (OSS)

Instances in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the child continues to receive services according to his/her IEP.

Removal by a hearing officer

Those instances in which an impartial hearing officer orders the removal of children with disabilities from their current educational placement to an appropriate alternative educational setting for not more than 45 school days based on the hearing officer's determination that maintaining the child's current placement is substantially likely to result in injury to the child or others. The IEP team is responsible for determining the interim alternative educational setting.

Serious bodily injury

A bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or faculty. See [18 U.S.C. Section 1365\(h\)\(3\)](#).

Unilateral removals

Instances in which school personnel (not the IEP team) order the removal of the children with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 school days. The IEP team is responsible for determining the interim alternative educational setting. Unilateral removals do not include decisions by the child's IEP team to change a student's placement.

INSTRUCTIONS to Determine Correct Discipline Reporting

1. Did a violation of the code of student conduct occur?
 - a. If yes, continue to 2.
 - b. If no, then a disciplinary removal shall not take place.
2. Was the student removed from his/her regular classroom(s) for greater than or equal to one-half of one day?
 - a. If yes, continue to 3.
 - b. If no, then a disciplinary removal shall not take place.
3. Was the removal the result of a hearing officer determination? See [34 C.F.R. 300.532\(b\)](#).
 - a. If yes, continue to 25.
 - b. If no, continue to 4.
4. Did the student a) possess a weapon at or carry one to school; 2) knowingly possess or use illegal drugs, or sell or solicit the sale of a controlled substance; and/or 3) inflict serious bodily injury upon another person while on school premises or at a school function (under the jurisdiction of a State or local education agency)?
 - a. If yes, continue to 17.
 - b. If no, continue to 5.

In-School Suspensions

5. Did the student remain under the direct supervision of school personnel during the removal from his/her regular classroom(s)?
 - a. If yes, continue to 6.
 - b. If no, continue to 12.
6. While removed from his/her regular classroom(s) and **due to the disciplinary removal**, did the student's "placement" change?
 - a. If yes, continue to 7.
 - b. If no, each half-day or more removed from the regular classroom(s) **must be counted as ISS**.
 - i. Since there was no change of placement, these days **do not need** to be taken into account towards the manifestation determination timeline. See [Section 615\(k\)\(1\)\(E\)](#).
7. Was the sum of all days of prior and current removal(s), where the placement of the student has been changed, less than 10?
 - a. If yes, each half-day or more removed from the regular classroom(s) **must be counted as ISS**.
 - i. Since there was a decision to change the placement of the student, then you **must also** take each of these days into account towards the manifestation determination timeline.
 - b. If no, then continue to 8.
8. Was there a manifestation determination meeting held?
 - a. If yes, continue to 9.
 - b. If no, then you are not in compliance with IDEA. See [Section 615\(k\)\(1\)\(E\)](#).
9. Was it determined that the disciplinary incident was a manifestation of the student's disability?
 - a. If yes, continue to 10.
 - b. If no, continue to 11.
10. Was the student returned to the original placement or was the IEP-placement changed during the manifestation determination meeting? See [Section 615\(k\)\(1\)\(F\)](#).

- a. If yes, each half-day or more that the student was removed from their regular classroom(s), prior to the student’s return to the original placement or changed IEP-placement, **must be counted as ISS.**
 - b. If no, you are not in compliance with IDEA.
11. Was the student’s IEP placement changed during the manifestation determination meeting?
- a. If yes, each half-day or more that the student was removed from their regular classroom(s), prior to the student’s new IEP-placement, **must be counted as ISS.**
 - b. If no, see [Section 615\(k\)\(1\)\(C\)](#). **Any days removed from regular classroom(s) must be counted as ISS.**

Out-of-School Suspensions

12. Was there a manifestation determination meeting held?
- a. If yes, continue to 13.
 - b. If no, continue to 16.
13. Was it determined that the disciplinary incident was a manifestation of the student’s disability?
- a. If yes, continue to 14.
 - b. If no, continue to 15.
14. Was the student returned to the original placement or was the IEP-placement changed during the manifestation determination meeting? See [Section 615\(k\)\(1\)\(F\)](#).
- a. If yes, each half-day or more that the student was removed from their regular school, prior to the student’s return to the original placement or changed IEP-placement, **must be counted as OSS.**
 - b. If no, you are not in compliance with IDEA.
15. Was the student’s IEP placement changed during the manifestation determination meeting?
- a. If yes, each half-day or more that the student was removed from their regular school, prior to the student’s new IEP-placement, **must be counted as OSS.**
 - b. If no, see [Section 615\(k\)\(1\)\(C\)](#). **Any days removed from regular school must be counted as OSS.**
16. Was the sum of all days of prior and current removal, where the placement of the student has been changed, less than or equal to 10?
- a. If yes, then each one-half day or more of the current removal **must be counted as OSS.**
 - b. If no, then you are not in compliance with IDEA. See [Section 615\(k\)\(1\)\(E\)](#).

Unilateral Removals to IAES

17. Was the removal for less than 10 days?
- a. If yes, continue to 18.
 - b. If no, continue to 19.
18. Did the student remain under the direct supervision of school personnel during the removal from his/her regular classroom(s)?
- a. If yes, continue to 6.
 - b. If no, continue to 12.
19. Was a unilateral removal ordered by school personnel under the special circumstances described in [Section 615\(k\)\(1\)\(G\)](#)?

- a. If yes, then continue to 20.
 - b. If no, then continue to 12.
20. Was there a manifestation determination meeting held?
- a. If yes, continue to 21.
 - b. If no, then you are not in compliance with IDEA. See [Section 615\(k\)\(1\)\(E\)](#).
21. Was it determined that the disciplinary incident was a manifestation of the student’s disability?
- a. If yes, student cannot be placed in IAES for more than 45 days.
 - b. If no, student may be placed in IAES for the same duration as that of a disciplinary action applied to students without disabilities, so long as the student continues to receive services consistent with Section [615\(k\)\(1\)\(D\)](#) and [34 C.F.R. 300.530\(d\)](#). See also [Section 615\(k\)\(1\)\(C\)](#).
22. On the same day of the incident, did the IEP team determine the appropriate setting in which the student was to be placed?
- a. If yes, then continue to 23.
 - b. If no, then continue to 24.
23. Did the student continue to receive services to participate in the general education curriculum and to progress toward meeting the goals of the child’s IEP, as discussed in [Section 615\(k\)\(1\)\(D\)](#)?
- a. If yes, each day removed from their IEP-placement **must be counted as a Unilateral Removal to an IAES.**
 - b. If no, then you are not in compliance with IDEA.
24. Did the student remain under the direct supervision of school personnel during the removal until such time the IEP team could determine the appropriate setting in which the student was to be placed?
- a. If yes, each half-day or more removed from their regular classroom(s) until the IAES was determined and the student was placed **must be counted as ISS and then count each half-day or more after placement as a Unilateral Removal to an IAES.** (Count these as 2 separate events.)
 - b. If no, each half-day or more removed from their regular school until the IAES was determined and the student was placed **must be counted as OSS and then count each half-day or more after placement as a Unilateral Removal to an IAES.** (Count these as 2 separate events.)

Hearing Officer Determinations

25. Did the student continue to receive services to participate in the general education curriculum and to progress toward meeting the goals of the student’s IEP, as discussed in [Section 615\(k\)\(1\)\(D\)](#)?
- a. If yes, each day removed from their IEP-placement **must be counted as a Unilateral Removal by Hearing Officer to an IAES.**
 - b. If no, then you are not in compliance with IDEA.
26. Did the student remain under the direct supervision of school personnel during the removal until such time the IEP team could determine the appropriate setting in which the student was to be placed?
- a. If yes, each half-day or more removed from their regular classroom(s) until the IAES was determined and the student was placed **must be counted as ISS and then count each half-day or more after placement as a Unilateral Removal by Hearing Officer to an IAES.** (Count these as 2 separate events.)

- b. If no, each half-day or more removed from their regular school until the IAES was determined and the student was placed **must be counted as OSS** and **then count each half-day or more after placement as a Unilateral Removal by Hearing Officer to an IAES.** (Count these as 2 separate events.)

ADDITIONAL NOTE

Unilateral Removal to an Interim Alternative Education Setting (School Personnel or Hearing Officer):

1. The student must receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications to address the student's behavior so that the behavior does not reoccur.
2. This is considered a disciplinary removal and will be counted in the Total Removal category but will not be counted as a suspension.

OTHER RESOURCE

[IDEA Part B Discipline Data Collection Questions and Answers](#)