

612.20 Disciplinary Removal of Children With Disabilities

Tuesday, February 25, 2025

DISCIPLINARY REMOVAL OF CHILDREN WITH DISABILITIES

School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, as long as the removal does not constitute a change of placement under 92 NAC 51-016.

In determining whether a change in placement has occurred, district personnel will consider the unique circumstances of the removal on an individual basis.

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the district, the parent, and relevant members of the child's IEP Team must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—

- i. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- ii. If the conduct in question was the direct result of the district's failure to implement the IEP.

The removal will be determined by the parent, and relevant members of the child's IEP

Team to be a manifestation of the child's disability if either condition above was met. If condition ii. above was met, the district must take immediate steps to remedy those deficiencies.

For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities.

NDE document "Supporting Document to Checklist of Required Special Education Policies, Procedures and practices for Part B of the IDEA" shall serve as an administrative procedure to this policy. The entire document can be found at <http://www.education.ne.gov/sped/regulations.html> .

Approved October 9, 2023
Revised _____

Reviewed _____