SCHOOL DISCIPLINE

Many children on the autism spectrum have inappropriate behaviors at times. Often these behaviors can cause students on the spectrum to get into trouble, sometimes resulting in the school resorting to disciplinary actions. Disciplinary actions can range from missing recess, to trips to the principal’s office, to suspensions or even expulsion.

There are two things to keep in mind if your special education student is disciplined at school:

1. The primary goal is for schools to use good behavior management to avoid the need for disciplinary actions; and
2. If any disciplinary action leads to a change in placement, it does not mean that your child no longer receives special education services.

Each school or school district has conduct or behavior rules listed in a student handbook. Sometimes it is called the school’s “Code of Conduct.” These rules govern students’ behavior from the time they leave their homes to go to school to the time they arrive home from school. Rules may differ slightly from school to school, and district to district, so it is important to be familiar with the rules at your child’s school.

The Individuals with Disabilities Education Act (IDEA) established specific rules which control how a student receiving special education services can be disciplined whenever he or she violates a code of student conduct. These special rules, which are outlined below, ensure that a child is not disciplined for things he or she is not capable of complying with and that the child is not being punished because of a disability. IDEA also prohibits schools from requiring that a child be put on medication in order to attend or receive services.

Suspensions and Expulsions
A student receiving special education services may be suspended or placed in an alternative setting for no more than 10 school days for breaking school rules. The school must follow the same rules that apply to disciplining students without disabilities, including reporting suspensions to parents and allowing students to tell their version of what happened. Discipline for a student receiving special education cannot be unreasonably severe or arbitrary or more harsh than discipline for a student without a disability.

If the school wishes to impose a longer suspension or change of placement, the Individualized Education Program (IEP) team must first determine whether the student’s behavior in question was caused by or had a direct and substantial relationship to the student’s disability or if the behavior was the direct result of the school’s failure to carry out the IEP. This is called a “Manifestation Determination.” If the student’s conduct is determined not to be a manifestation of his or her disability, the student may be disciplined as any other student without a disability.

If the IEP team determines that the conduct was a manifestation of the child’s disability, a Functional Behavioral Assessment (FBA) must occur and a Behavioral Intervention Plan (BIP) must be implemented. If a plan already exists, it should be modified to address the problem behavior. The student must be returned to his or her previous placement unless the IEP team agrees to a change of placement as part of the modification of the BIP.

**In-school suspensions**

In-school suspensions are not considered to be a removal from school as long as a student is: (1) still receiving all education services contained within the IEP; (2) still has the opportunity to participate in the general education curriculum as before; and (3) still has the chance to be with students who don’t have a disability to the same extent as before.

**Bus suspensions**

Bus suspensions are considered a removal from school if transportation services are listed in a student’s IEP.

**Zero Tolerance Rules**

There are certain rules that all children, regardless of disability, must be
accountable for. These are known as “Zero Tolerance Rules.” If a student receiving special education carries a weapon, knowingly possesses, uses, or solicits the sale of illegal drugs or controlled substances, or has inflicted serious bodily injury upon another person (including physical fighting and sexual assault), while at school or a school function, the school, in consult with the IEP team, may remove the student to an interim alternative educational setting for not more than 45 school days without regard to whether the student’s behavior is a manifestation of the child’s disability. The student is still entitled to receive educational services, even though they will be in a different setting. The student should also receive an FBA and behavior intervention services.

 Appealsing a Manifestation Determination

If a parent disagrees with the result of a Manifestation Determination, the parent may request a hearing. The hearing must occur within 20 school days of the date it is requested and a hearing decision must be made within 10 school days after the hearing. While waiting for a hearing decision, the child will remain in the alternative placement.

 Students who do not have IEPs

The rules addressed in this article apply only to students who are receiving special education services through an IEP. However, children who violate a student code of conduct who are not receiving special education services may still be entitled to the safeguards afforded children receiving services if the school had knowledge that the student was in need of special education services prior to the conduct in question. Other students, such as those with 504 Plans, cannot be discriminated against when being disciplined, but are otherwise treated as students without disabilities.

 Legal repercussions

In addition to school disciplinary procedures, schools may report any crime to law enforcement authorities. Law enforcement authorities, such as local police departments, have their own guidelines to follow, which may not fully take into account a child’s disability, and police officers may not always have training in working with children on the autism spectrum.

Related Articles:
- Misinterpreted Behaviors
- The Big I-D-E-A
- Will Medication Help?
- Functional Behavioral Assessment: What is It?
- Behavior Intervention Plan
- Transportation to School and Special Education Services
- School-Age Special Education Eligibility
- 504 Basics

Additional Resources:

- Preparing for a Manifestation Determination Review
- School Discipline for Children with Disabilities
- Alternatives to Suspension and Expulsion
- Manifestation Determination
- Manifestation Determination Worksheet
- PA Basic Education Circular on Discipline Exclusions for Students in Special Education

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