



School Discipline

What if a child with disabilities gets into trouble at school?

There are special school discipline rules for children with disabilities. This means that the school cannot treat children with disabilities that break school rules the same as children without disabilities that break school rules. If a child with disabilities gets in trouble, the school might decide to:

1. Suspend the child
2. Expel the child
3. Move the child to an alternative school.

If the suspension is less than 10 consecutive days or 10 days total in the school year, the school can discipline the child with disabilities the same way as a child without disabilities.

If the child gets suspended from school more than 10 days in a school year, is expelled, or if the school wants to move the child to another school, the school must hold a manifestation determination meeting.



Legal Aid Society
of Middle Tennessee & the Cumberlandds



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Rules for School Discipline

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Manifestation determination meetings

Did the school suspend the child, expel the child, or say the child has to go to a different school?

- If yes, the school must call a meeting called a manifestation determination meeting.
- The meeting must be held within 10 days of when the school decides to change their placement.

Who is at the meeting?

The parent and a person at the school who has the authority to change where the child learns. Other people can come too if they have relevant information, like teachers, school psychologists, school counselors, and health professionals that know about the child's disability.

What happens at the meeting?

At the meeting, the group must read the parent the child's school file including:

- The child's special education plan (IEP)
- Reports from the child's teacher (on what they have seen in class) and
- Anything the parent wants to tell the school about his or her child

What must the meeting decide? There are 2 questions this group must answer:

1. Did the child's disability cause the behavior? OR
2. Did the behavior happen because the school didn't follow the IEP?

If the answer to both of these questions is no:

- The school can discipline the child with disabilities in the same manner and for the same duration as a child without disabilities.
- The school CAN change the child's placement.
- BUT the school still must provide special education services.

If the answer to the first question is yes, the child's disability caused the behavior, then the school must conduct a functional behavior assessment (FBA) to determine why the child is getting in trouble. The school must also write a behavior intervention plan (BIP) to help the child with the behaviors.

If the answer to the second question is yes, the behavior happened because the school didn't follow the IEP, then the school must take immediate steps to make sure that the special education plan (IEP) is followed and all services are provided.

If either answer is yes to either of the questions, the school CANNOT change the child's placement unless the school and the parent agree, or if the child has weapons, drugs, or badly hurts someone.

What if the child has weapons, drugs, or badly hurts someone? Schools can send a child to a separate school for kids who break rules if the child:

- Has a weapon at school or during school activity OR
- Has, uses, sells, or buys illegal drugs at school or around school OR
- Badly hurts someone at school or around school.

The school can send a child for up to 45 school days to an alternative educational setting. It does not matter if the disability caused the behavior or not.

The school must inform the parent of the disciplinary decision or change of placement on the same day that the school makes the decision. If a parent disagrees with a decision about placement or the decision about if the behavior was a manifestation of the child's disability, the parent can file an appeal.

Can a school restrain a child with disabilities?

In Tennessee, students with disabilities are protected from the following:

- Disabling or removing technology used for mobility for speaking
- Use of restraints that restrict breathing
- Isolation rooms that are small, locked, and do not have appropriate lighting and ventilation
- Use of restraint or isolation in non-emergencies
- Restraint or isolation that is not reported to the parent, school administration, and Tennessee Department of Education every time it is used
- Use of noxious substances
- Filing of juvenile petitions without a manifestation meeting and determination