

If the IEP team decides that your child's behavior was **not** related to the disability, your child's placement may be changed for disciplinary reasons. You have the right to ask for a due process hearing to challenge this decision (see Chapter 4). During the hearing and any appeals, your child stays in the disciplinary placement until the hearing officer decides on the appeal. If the incident involved drugs, weapons, serious bodily injury, or behavior that is a danger to your child or to others, he/she stays in the disciplinary placement for up to 45 school days or to the end of due process, whichever occurs first.

School officials may ask for an expedited hearing if they believe that the child is a danger to self or others in the original placement. In such case, the hearing officer must issue a decision within 30 school days.

Anytime a child is given a disciplinary removal that is a change in placement, or anytime a placement is changed for possession of weapons or drugs or serious bodily injury, school officials must still provide a free appropriate public education (FAPE). The child's IEP team determines the services the child needs to participate in the general education curriculum and to make progress toward meeting the goals in the IEP.

The law contains certain protections for children not yet identified as "eligible for special education services" who face disciplinary procedures. If school officials "had knowledge" that a child has a disability, the child is entitled to the protections given to children already identified as having a disability and needing special education services. The school may have had written requests from the parents for an evaluation or written expressions of concern to supervisory or administrative personnel, or teachers or other school personnel may have expressed concerns about the child's pattern of behavior or performance to the special education director or other supervisory personnel.