



## **PB v White - Undocumented Suspension Guidance**

### **Documenting Disciplinary Removals of Students with Disabilities**

The Louisiana Children with Exceptionalities Act and the federal Individuals with Disabilities Education Act require local educational agencies (LEAs) to provide students with disabilities with a number of procedural safeguards prior to the implementation of certain disciplinary measures. Most notably, LEAs are prohibited from suspending a student for more than ten consecutive – and, in many cases, cumulative – days in an academic year if the behavior for which the student is being disciplined is a manifestation of the student’s disability.

Proper implementation of these protections requires that schools produce and maintain accurate records of disciplinary removals involving students with disabilities. Such records must identify the specific dates of each removal and provide details about the behavior that precipitated the removal in order to facilitate the administration of the procedural safeguards.

Proper implementation of the procedural safeguards also requires that LEA staff appropriately identify school actions that constitute a disciplinary removal. Under state and federal law, a disciplinary removal is any instance in which a child with a disability is removed from his/her educational placement for disciplinary purposes, including students sent home for a portion of a school day, in-school suspensions, out-of-school suspensions, expulsions, removals by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removals by a hearing officer for likely injury to the child or others. Removals that result in a student’s absence for less than half of an academic day should be recorded as a half-day of removal; removals for more than half of a school day should be recorded as whole-day removals.

Additionally, parents of students with disabilities have the right to access all educational records of their child. This right to access extends to a student’s disciplinary records. Therefore, each charter school is responsible for accurately documenting every disciplinary removal experienced by a student with a disability, and parents have a right to access those documents which are related to their child.

### **Relevant Regulations**

Bulletin 741 §1301. Disciplinary Regulations

Bulletin 741 §1306. Due Process for Suspensions

Bulletin 741 §1306. Guidelines for Expulsions

Bulletin 741 §1313. Discipline for Students with Disabilities

Bulletin 1706 §530. Authority of School Personnel

Bulletin 1706 §536. Change of Placement because of Disciplinary Removals

Bulletin 1706 §613. Access Rights