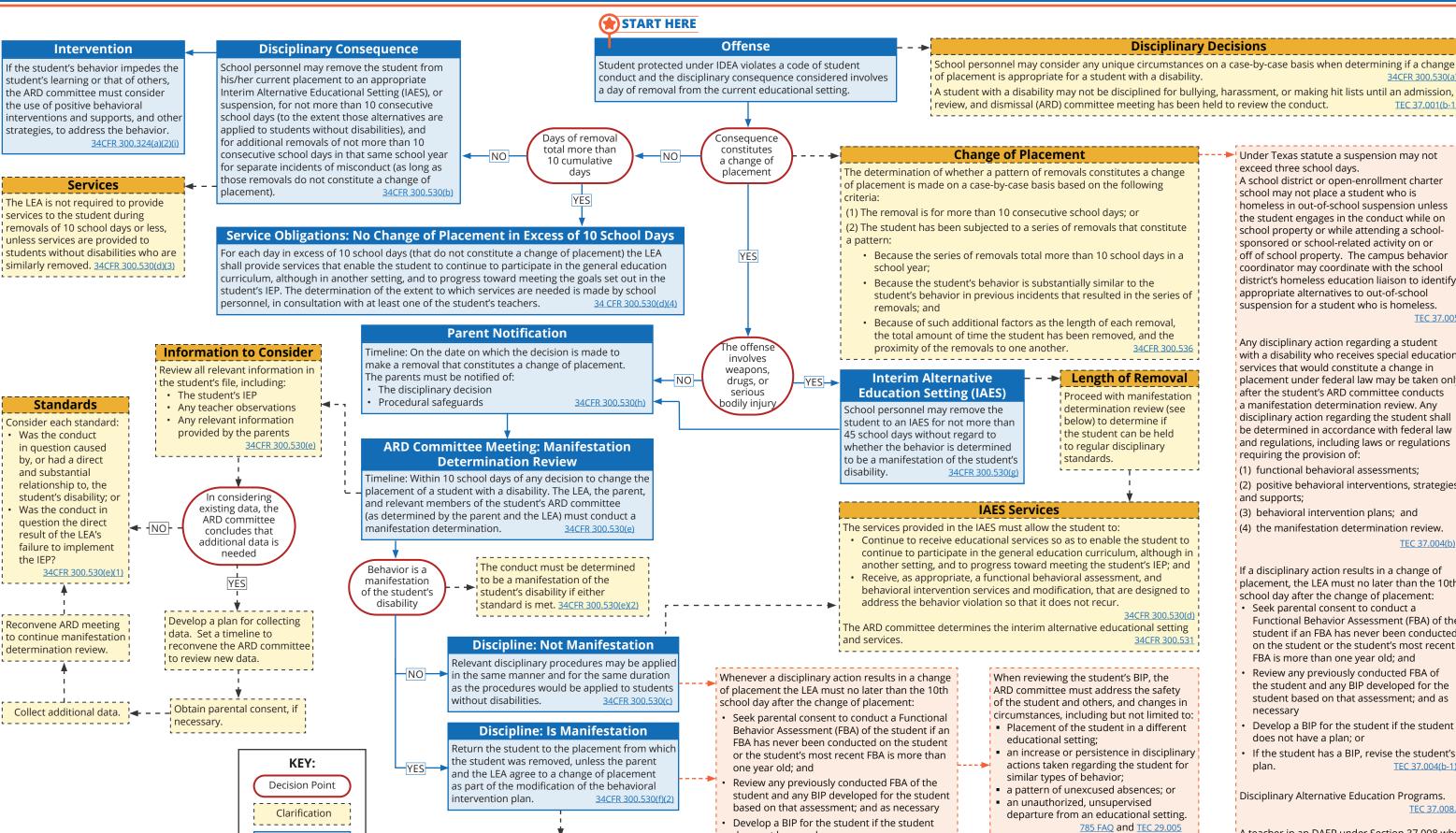
## DISCIPLINE FLOWCHART FOR STUDENTS IDENTIFIED WITH OR SUSPECTED TO HAVE A DISABILITY UNDER IDEA







Revised September 2023

Action

Texas Requirement

If the conduct in question was found to be the direct result of the LEA's failure to implement the IEP, immediate steps must be taken to remedy deficiencies. 34CFR 300.530(e)(3)

does not have a plan; or · If the student has a BIP, revise the student's

plan. TEC 37,004 Under Texas statute a suspension may not exceed three school days.

A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in the conduct while on school property or while attending a schoolsponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless.

TEC 37.005

34CFR 300.530(a)

TEC 37.001(b-1)

Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's ARD committee conducts a manifestation determination review. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

- (1) functional behavioral assessments;
- (2) positive behavioral interventions, strategies, and supports;
- (3) behavioral intervention plans; and
- (4) the manifestation determination review.

If a disciplinary action results in a change of placement, the LEA must no later than the 10th school day after the change of placement:

- Seek parental consent to conduct a Functional Behavior Assessment (FBA) of the student if an FBA has never been conducted on the student or the student's most recent FBA is more than one year old; and
- Review any previously conducted FBA of the student and any BIP developed for the student based on that assessment; and as
- Develop a BIP for the student if the student does not have a plan; or
- If the student has a BIP, revise the student's plan. TEC 37.004(b-1)

Disciplinary Alternative Education Programs.

TEC 37.008

A teacher in an DAEP under Section 37.008 who has a special education assignment must hold an appropriate certificate or permit for that assignment. TEC 37.004