

# McDowell County Schools Principals Disciplining Children with Special Needs

Student with a disability violates student code of conduct and long term suspension is considered

**Did the student with a disability (SWD):**

- Carry or possess a weapon at school?
  - Knowingly possess, use, sell or solicit the sale of a controlled substance on school property?
  - Inflict serious bodily injury on another person while at school?
  - Bomb/terrorist threat or possession of a firearm are the **ONLY mandatory** 365 day suspensions.
- All procedures must be followed.

YES

- Notify the Superintendent Office and EC Case Manager
- Principal/designee recommends interim placement (C-Stop) for up to 10 school days
- Notify the parent on the day of the incident
- IEP Team shall convene for the Manifestation Determination (MD), Functional Behavior Assessment and Behavior Intervention Plan prior to 11th day of removal.
- A Principal and a representative from the EC office must be present at the MD

Was the behavior found to be a manifestation\* of the student's disability?

YES

**No recommendation for suspension can be made to the superintendent**

- Services will be provided to allow participation in the general curriculum and progress on IEP goals
- The student will return to the last placement at the end of the 45 days unless the parents and LEA otherwise agree as part of the IEP/BIP

NO

**-Recommendations for suspension can be made to the superintendent same as a nondisabled child**

- Regular disciplinary hearing process can be implemented
- Continue to provide services
- Superintendent makes the final decision and contacts parents

NO

Suspensions  
10 Cumulative School Days or Less  
Regular disciplinary procedures apply.  
No services required, same as non-disabled students

OR

- Suspensions  
More than 10 school days
- Notify the EC Case Manager
- IEP Team shall convene for the manifestation determination (MD), Functional Behavior Assessment and Behavior Intervention Plan prior to 11th day of removal.
- A Principal and a representative from the EC office must be present at the MD

Was the behavior found to be a manifestation\* of the student's disability?

YES

**The student can not be suspended**

- The student will return to the last placement unless the parents and the IEP Team agree to a change of placement through the IEP process.

NO

Continue to provide all services

**Manifestation Determination\***  
Whether the behavior was caused by or had a direct and substantial relationship to the disability, or was the direct result of the failure to implement the IEP