



TULALIP OFFICE OF
CIVIL LEGAL AID

Required Discipline Procedures

Given a written notice of discipline that includes special education procedural safeguard information.

A manifestation determination review (MDR) meeting **must be held within 10 days of imposed discipline that includes members of the student's IEP team.** This asks: If the behavior was related to the student's disability and whether the school properly implemented the student's IEP.

If **yes to the first or no to the second:** the student **must** be returned to school and have a functional behavior assessment completed to determine if the student requires more behavioral support at school. Removing the student regardless of whether the behavior is related to a disability is allowed only when there is a serious incident involving weapons, drugs, or serious bodily injury.

If discipline of the student is proper under the IDEA, **the student's IEP must be fully implemented** even in an alternative setting upon removal from school.

***To discuss your
child's situation and
possible options
to resolve your
concerns, contact
TOCLA to complete
an intake.***

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YOUTH ADVOCACY

**Advocating for
Special Education and
an IEP for Students**



TDS-9333

360-716-4512

ADVOCATING FOR SPECIAL EDUCATION AND AN IEP

When Can I Start Seeking Special Education for My Student?

Special education early intervention can start from **birth to three years old** and has proven to close the gap on delays. Children who show a 25% delay in one or more area or who have a diagnosed physical or mental condition creating a high likelihood of delay are eligible for early intervention services.

For **children over the age of three**, referrals for a special education evaluation can be turned in for a child in at any time through a school district's website or office staff. Schools can then screen or evaluate students, develop an Individual Education Plan (IEP) or 504 Plans, and provide other special education services.

What is Special Education?

Special education is **specially designed instruction and other related services** that provide students with disabilities support in school. Students with learning, cognitive, physical, behavioral, and /or emotional disabilities might be eligible to receive special education. **Some common special education services may include:** developmental services, individualized education, speech therapy, motor therapy, feeding therapy, and nutrition services. **All students are entitled to** a free comprehensive evaluation in every area of suspected need. **Schools must affirmatively find and evaluate students with disabilities** to figure out if the student may require special

education. A parent or guardian can ask for a special education evaluation for a child at any time.

What Might Be In an IEP?

The contents of an IEP should include:

1. A description of the child's disability and needs.
2. The specific educational services, related services, accommodations, and support being provided.
3. The extent to which the child will take part in regular and special education programs.
4. For students 16 years or older, a transition plan for after high school.

Important Special Education Laws

There are **two main federal laws** that govern special education:

The IDEA: The Individuals with Disabilities Education Act **requires comprehensive identification and evaluation** of a student's academic, developmental, functional, and behavioral needs.

IDEA protects:

- A student's right to an IEP based on that student's unique needs.
- Free and appropriate public education provided in the least restrictive environment.
- Parent participation in a student's education.

Section 504: Section 504 of the Rehabilitation Act of 1973 **protects a student's right to equal access to general education**. Section 504 protects students with a physical or mental impairment that substantially limits one or more major life activities. This can include life activities such as: walking, speaking, thinking, learning, or breathing. **Section 504 ensures that students with disabilities are provided** the support they need to access general education in a 504 Plan. **All students with IEPs** are protected by Section 504, but **not all students protected by Section 504 will automatically get an IEP**.

School Discipline for Special Education Students

There are important added considerations a school must make when disciplining a student with an IEP. The **three most important** things to remember are:

1. Students **cannot** be punished for behavior that is a result of their disabilities.
2. Students who are eligible for special education services have a right to receive those services **even if expelled or suspended from school**.
3. School administrators may not know about the added protections for special education students related to school discipline. **You may need to advocate**.