

DISCIPLINARY CHANGE OF PLACEMENT

Authorities: 34 CFR Part 300; Texas Education Code

[Additional Resources](#)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	School personnel must consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for the child with a disability who violates a code of student conduct.	300.530(a)
P	The local education agency (LEA) that decides to change the placement of the child with a disability because of a violation of a code of student conduct must comply with the MANIFESTATION DETERMINATION framework.	
P	The LEA that changes the placement of the child with a disability for disciplinary reasons must comply with the SERVICES DURING PERIODS OF REMOVAL framework.	
	DISCIPLINARY CHANGE OF PLACEMENT	
P	For purposes of removals of the child with a disability from the child's current educational placement, a change of placement occurs if:	300.536(a)
P	<ul style="list-style-type: none"> • The removal is for more than 10 consecutive school days; or 	300.536(a)(1)
P	<ul style="list-style-type: none"> • The child has been subjected to a series of removals that constitute a pattern: 	300.536(a)(2)
P	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Because the series of removals total more than 10 school days in a school year; 	300.536(a)(2)(i)
P	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and 	300.536(a)(2)(ii)
P	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Because of additional factors such as the length of each removal, the total 	300.536(a)(2)(iii)

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	<p>amount of time the child has been removed, and the proximity of the removals to one another.</p>	
	DECISION	
P	The LEA determines, on a case-by-case basis, whether a pattern of removals constitutes a change of placement.	300.536(b)(1)
P	The LEA's determination is subject to review through due process and judicial proceedings.	300.536(b)(2)
	<u>FUNCTIONAL BEHAVIORAL ASSESSMENTS (FBAs) AND BEHAVIOR INTERVENTION PLANS (BIPs)</u>	
P	<u>If the LEA takes a disciplinary action regarding a child with a disability who receives special education services that constitutes a change in placement, the LEA will, not later than the 10th school day after the change in placement:</u>	TEC 37.004(b-1) TEC 37.004(b-1)(1)
D	<ul style="list-style-type: none"> <u>Seek consent from the child's parent or person standing in parental relation to the child to conduct an FBA of the child, if an FBA has never been conducted on the child or the child's most recent FBA is more than one year old; and</u> 	TEC 37.004(b-1)(1)(A)
D	<ul style="list-style-type: none"> <u>Review any previously conducted FBA of the child and any behavior improvement plan or BIP developed for the child based on that assessment; and as necessary:</u> 	TEC 37.004(b-1)(1)(B)
D	<ul style="list-style-type: none"> <u>Develop a behavior improvement plan or BIP for the child if the child does not have a plan; or</u> 	TEC 37.004(b-1)(2)(A)
D	<ul style="list-style-type: none"> <u>If the child has a behavior improvement plan or BIP, revise the child's plan.</u> 	TEC 37.004(b-1)(2)(B)
	NOTIFICATION	
D	On the date on which the decision is made to make a removal that constitutes a change of placement, the LEA must:	300.530(h)

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D	<ul style="list-style-type: none"> Notify the parent of that decision; and 	300.530(h)
D	<ul style="list-style-type: none"> Provide the parent the Notice of Procedural Safeguards. 	300.530(h) 300.504
P	For children who are homeless or in substitute care, the LEA must also provide notice to the child's educational decision-maker and caseworker regarding disciplinary actions for which parental notice is required.	TEC 25.007(b)(10)(D)

Last Updated: ~~Monday, January 29, 2018~~ [Thursday, November 18, 2021](#)