

## Discipline Chart 5

# IDEA Student: Violates Code of Conduct

## IDEA 2004

### Protections for Student Not Yet Eligible for IDEA

No later than the date the decision was made to take action, provide parents notice of disciplinary action.

A student may assert any of the IDEA protections if the LEA had knowledge that the student is disabled prior to the behavior precipitating disciplinary action.

An LEA shall be deemed to have knowledge that a student is disabled if prior to the behavior precipitating the disciplinary action:

1. The parent has expressed concern in writing to the supervisory or administrative personnel, or the teacher of the student that the student is in need of special education and related services.
2. The parent has requested an evaluation of the student to determine eligibility. [Neither IDEA 2004, nor the federal regulations specify this must be in writing.]
3. The teacher of the student or other personnel of the LEA have expressed specific concerns about a pattern of behavior demonstrated by the student to the director of special education or other supervisory personnel. [Neither IDEA 2004, nor the federal regulations specify this must be in writing.]

An LEA shall not be deemed to have knowledge that the student is disabled:

1. If the parent has not allowed an evaluation to determine eligibility.
2. Or, if the parent has refused IDEA services.
3. Or, if the student was determined not to be eligible under IDEA.

If the LEA does not have knowledge that a student is a student with a disability, disciplinary measures may be applied as for students without disabilities who engaged in comparable behaviors.

If a request is made for an evaluation of a student during the time period when the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with disabilities, considering the evaluation conducted by the LEA and information provided by the parents, the LEA shall provide special education and related services including the disciplinary provisions of IDEA'04.