

# WV Department of Education Discipline Procedures for Students with Disabilities

First 10 days of Suspension—  
No special procedures apply:

Not a Change  
of  
Placement

Change of  
Placement

11+Days of  
Suspension: Must  
determine on case-  
by-case basis if:

Apply discipline  
procedures used  
with all students

Notice of suspension (PWN)  
& safeguards to parents on  
same day decision to suspend

Change of Placement occurs if:  
1) removed >10 consecutive school days;  
or  
2) removals constitute a pattern when:  
a) removals accumulate to >10 school days, b) there is similarity of removal behaviors to previous behaviors, and c) considering factors such as the length of removal, total time removed and proximity of removals.

**Within 10 School Days IEP team  
(members determined to LEA and  
parent) must:**  
1) Review relevant student information  
2) Conduct Manifestation Determination

Educational services  
should be established  
by the first day of  
removal as  
determined by school  
personnel in  
consultation with one  
of the student's  
teachers.

Behavior NOT  
a Manifestation  
of Disability

Behavior is result  
of  
1) Disability; or  
2) Failure to  
implement to  
IEP

Behavior IS a  
Manifestation of  
Disability

Best Practice but not  
required  
1) Conduct FBA as  
appropriate  
2) Develop or revise  
behavioral  
intervention services to  
address behavior so it  
does not recur

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1) Conduct FBA, as  
appropriate  
2) Develop or revise  
behavior  
intervention services  
3) Return student to  
previous placement  
unless district &  
parent agree to  
change of placement

Apply discipline  
procedures used with all  
students

Educational  
services  
determined by  
the IEP team

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\* Note: School personnel may remove a student to an Interim Alternative Education Setting (IAES) as determined by the IEP team for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases of weapon possession, drug possession or usage, or infliction to serious bodily injury upon another person on school grounds or during a school-related function.