



# School Discipline Fact Sheet

## Introduction

If your child is in special education, they have special rights related to school discipline. If a student has an Individualized Education Program (IEP), special protections attach to the student any time their school:

- tries to expel them
- suspends them for 10 or more days in a row
- suspends them several times for shorter periods for the same or similar behavior for a total of more than 10 days out of school.

## Manifestation Determination Review

If the student meets the requirements above, the school must do a Manifestation Determination Review (MDR). This meeting must be held within 10 days of any of the three school actions above. During the MDR the student's IEP team, including the parent, have to decide whether the behavior for which the child is being suspended or expelled is related to or caused by the child's disability for which they have the IEP. That means the IEP team looks to see if the behavior is really a disability behavior.

If the team decides that the behavior is not related to the student's disability, the school can continue to suspend the student for the behavior or, if the student is facing expulsion, can continue with expulsion proceedings. If a school is trying to expel a special education student and the IEP Team finds that the behavior is not related to the student's disability, the student still has a right to an expulsion hearing.

## Functional Behavior Assessment

If the team decides that the behavior is related to the student's disability, the school must let the child back into the school.

If the student does not already have a behavior plan, the school also has to do a Functional Behavior Assessment (FBA). An FBA is a process of understanding of why behaviors happen. The school will evaluate the student to describe and identify negative behavior and the things that trigger, motivate, or reinforce the behavior. The FBA

should be used to write a behavior plan that has interventions specific to the individual student. A behavior plan is a working document and should be changed if it is not working.

Please note that a student can get a behavior plan even if they have not had an MDR. If the student has an IEP and their behavior is negatively impacting their ability to learn, the IEP can request an FBA and a behavior plan as part of the IEP. If your student has behavior problems at school, you should try to get a behavior plan as soon as possible.

If the student already has a behavior plan, the school must review it and change it. If your child has a behavior plan and is still being suspended for behavior covered in the plan, you need to have an IEP meeting immediately.

---

*This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit [arlegalservices.org](http://arlegalservices.org). For information specific to Legal Aid of Arkansas, Inc., visit [arlegalaid.org](http://arlegalaid.org). Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).*

*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

**Content provided by:  
Legal Aid of Arkansas, Inc.**

*Updated July 2017*