

Short-Term Removal

Virginia regulations stress the importance of the IEP team addressing a student's behavioral challenges before an incident arises that leads to a disciplinary infraction. As such, the most appropriate course of action is to convene an IEP team and determine the need for conducting a functional behavioral assessment (if one has not been done), and developing or reviewing a behavioral intervention plan prior to a short-term removal or a series of short-term removals accruing. These proactive measures will document preventive steps for processing short-term removals. When an administrator deems it necessary to remove a student with a disability short term from the student's current educational setting to an alternative educational setting or through suspension, this may be done to the extent those alternatives are applied to a student without disabilities.

Administrators must be cautious in determining the length of time of removal for each infraction. It may be considered excessive to remove a student for close to or up to 10 school days when an infraction may not warrant such a time frame; this is especially true if such disciplinary action is not applied consistently or to students without disabilities. When a student has been suspended for 10 days or more in a school year for separate incidents of misconduct that constitute a pattern, this is considered a change in placement (see procedures for long-term removal). The school-based administrator, in collaboration with personnel in the Office of Special Education Services, determines when isolated, short-term removals for unrelated instances of misconduct are considered a pattern. If the infraction, albeit individual and distinct, shares similarities (common elements) then it could be relevant in determining if a pattern exists. In order to promote a truly collaborative approach to reviewing the issue of pattern, parents should be consulted in the process and informed of the decision immediately.

Documentation of the decision regarding pattern shall include a summary of information gathered through a review of disciplinary records, a review of the student's IEP which includes any behavior intervention plan developed, other educational records and input from any other relevant sources. Individuals consulted in making the decision should also be documented.

In reviewing if the student's behavior and separate incidents of misconduct to establish whether a pattern does or does not exist; the school-based administrator shall contact the ACPS procedural coordinator who will assist with the following:

- Analyzing factors related to the behaviors that resulted in suspension;
 - Where the incident occurred (environment)
 - Interactions with other people
 - Requirements of a task
 - Events that may have triggered these infractions;
 - The length of each removal
 - The similarity of the student's behavior in previous incidents that resulted in the series of removals
 - The total amount of time the student is removed
 - The proximity of the removals to one another.
- Reviewing IEP response to date (FBA, BIP, goals, services related to behavior)
- Assisting with documentation of decision that pattern does not exist; and establishing next steps.