



STATE OF LOUISIANA  
**DEPARTMENT OF EDUCATION**

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**MEMORANDUM**

November 10, 2009

**TO:** Parish/City School Superintendents  
Board Presidents of Type 2 and Type 5 Charter Schools  
Recovery School District New Orleans Superintendent  
Recovery School District LA Superintendent

**FROM:** Rodney Watson, Assistant Superintendent  
Office of Educator Support

**RE:** Clarification of Disciplinary Removal Counts for Students with Disabilities

The purpose of this memo is to provide clarification of the disciplinary removal counts for students with disabilities. As you are aware, the Office of Special Education Programs, United States Department of Education, requires that states report annually the number of students removed for disciplinary actions. One of the data pieces reported is the number of students who were unilaterally (i.e., by school personnel) suspended or expelled out of school for more than 10 days. Please note that this is a cumulative count. You should also note that for the purposes of federal reporting, students who were unilaterally sent to an alternate setting are counted as out of school suspensions or expulsions. It should also be noted that students suspended or expelled to an Interim Alternative Educational Setting for drugs, weapons, or serious bodily injury are NOT included in this count.

The regulations at 34 CFR §§300.530 – 300.536 allow for a student's change of placement after the child has violated a code of student conduct, if the parents of the child and school personnel agree about the child's change of placement. However, you are strongly advised to use this with the utmost of prudence. Changes in placement will be closely monitored through the Special Education Reporting system (SER), and districts appearing to over-use this will be monitored.

IDEA regulations require that the LEA must conduct a Functional Behavioral Assessment (FBA) if a student's manifestation determination review concluded that the conduct was a manifestation of the student's disability. Additionally, schools are encouraged to conduct an FBA when they suspect a pattern of behavior for a student. Prior to removing a student, school administrators are encouraged to explore whether all personnel are aware of, and are implementing, a behavior plan. The IEP and behavior intervention plan should be reviewed to determine that positive behavioral interventions and supports, or other strategies have been implemented to address the behavior. Additionally, to the extent appropriate, the student's input should be considered as the behavior intervention plan is developed. Administrators should also consider whether the IEP educational supports and accommodations are being implemented.

One of the cornerstones of the Individuals with Disabilities Education Act is the provision of a free appropriate public education (FAPE) to students with disabilities. Students must have access to, and make progress in, the general education curriculum. It is well documented that these

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provisions are best met when the student is present in his IEP-determined placement. Districts and schools are encouraged to work to provide the supports needed to ensure success for students who present behavioral challenges. The LDE, in conjunction with Louisiana State University, provide training and technical assistance in the implementation of Positive Behavior Supports (PBS), a research validated practice. Many of you have taken advantage of these trainings, and we urge you to continue implementation. Enclosed with this memo is an article entitled, "Ten Alternatives to Suspension". We urge you to try these alternatives and to share your successes with us. Should you have any questions or need additional information, please contact Rob Schaff at [Robert.Schaff@la.gov](mailto:Robert.Schaff@la.gov).

RW:swb:bsb

c: Ollie Tyler  
Donna Nola-Ganey  
Susan Batson

Michael Coburn  
Robert Schaff ✓  
Bonnie Boulton  
District Supervisors of Special Education