

### **Determination that the Behavior was Not a Manifestation of the Disability**

The team may find that the behavior was not a manifestation of the child's disability only if the team finds that:

- The student's conduct in question was not caused by, or did not have a direct and substantial relationship to, the child's disability.
- The student's conduct in question was not the direct result of the district's failure to implement the IEP.

If the team concludes that the behavior subject to the discipline is not a manifestation of the student's disability, the student may be disciplined to the same extent that students without disabilities would be disciplined for the same behavior. However, students with disabilities must continue to receive educational services to enable the student to continue to participate in the general education curriculum although in another setting and to progress towards meeting the goals set out in the student's IEP. The PPT determines the educational services to be received and the setting for those services. If disciplinary procedures are initiated, the special education and disciplinary records of the student are transmitted for consideration to the person or persons making the final determination regarding the disciplinary action.

Additionally, when the district considers an action for a removal of a student to an IAES or any other removal that constitutes a change in placement, the district must notify the parents no later than the date on which the decision to remove the student is made and provide the parents with a copy of the procedural safeguards notice.