

## RULES FOR SUCCESS

1. Keep every letter you receive from the school.
2. Keep copies of all progress reports and suspension notices.
3. If your child is in Special Education, keep copies of every IEP and MFE.
4. When you ask the school to do something, ask in writing and date your letter. Keep a copy.
5. Do not sign anything if you do not agree with OR if you do not understand what is written.
6. Keep a notebook and write down a list of every call you make, with whom you spoke, if you left a message, the time and date, what you asked for and what happened.
7. When you have a meeting with anyone from the school, write down what happened. Get copies of any papers from the meeting. Write down who was there.
8. Ask for help early.

**If the school won't test your child, talk to a lawyer about it.**

**If you are a low income parent, grandparent or custodian, call  
The Legal Aid Society  
of Cleveland  
at 216-687-1900 or  
toll free 1-888-817-3777  
for help.**

**Legal Aid provides free legal services to low-income persons and seniors who live in Cuyahoga, Ashtabula, Lake, Geauga and Lorain Counties.**



*The* Legal Aid Society  
of Cleveland  
*Since 1905*

## SPECIAL EDUCATION



## AND DISCIPLINE

The Legal Aid Society  
Of Cleveland  
1223 West Sixth Street  
Cleveland, OH 44113  
216-687-1900  
Toll Free 1-888-817-3777  
Fax: 216-687-0779  
[www.lasclev.org](http://www.lasclev.org)

# What Are Your Rights if Your Child in Special Education Faces Discipline?

## Functional Behavioral Assessment

If your child in special education faces suspension, expulsion or other disciplinary action, you have certain rights. This brochure will describe those rights.

However, keep in mind that the law changes and each case is different. This brochure is meant to give you general information and not to give you specific legal advice.

If your child is facing suspension, expulsion or other disciplinary action, you may ask for a Functional Behavioral Assessment (FBA). You also can ask for the FBA if your child has behavioral problems.

During the FBA, a trained person will watch your child at school and write down your child's problem behaviors.

## Behavioral Intervention Plan

The Individualized Education Plan (IEP) team then will write a plan called a Behavioral Intervention Plan (BIP) with ideas about how to improve your child's behaviors.

## Manifestation Determination Review

A child receiving special education services can be suspended for 10 days or less in a school year.

If the school wants to suspend your child for more than 10 days in a school year, it must have a meeting called a "Manifestation Determination Review."

At the review, the IEP team decides if your child's behavior was a result of his or her disability. Generally, if

the disability caused the behavior, the school cannot suspend or expel your child. See Weapons, Drugs, Serious Bodily Injury below.

If the behavior was NOT caused by your child's disability, the school can suspend or expel your child.

Even if your child is suspended or expelled, the school still must provide special education services.

## Weapons, Drugs, Serious Bodily Injury

If your child takes a weapon or drugs to school or assaults someone, the school can move your child to an Interim Alternative Education Setting (IAES) for not more than 45 days even if your child's behavior is a result of his or her disability.

If you have questions, please see an attorney.