



Student Discipline

Policy Owner(s): Therapeutic School

Effective Date: June 25, 2023 **Revised Date:** July 31, 2026

1. Policy Objective

The objective of this policy is to ensure that student discipline practices are implemented in a manner consistent with the Individuals with Disabilities Education Act (IDEA), protecting the rights of students with disabilities while maintaining a safe educational environment. Disciplinary actions will be applied in accordance with each student's Individualized Education Program (IEP), and will be made by, or in coordination with, the student's IEP Team led by the resident school district (Local Education Agency, LEA), to ensure continuity of educational services, and follow required procedures for removals, manifestation determinations, and changes in placement.

2. Scope

This policy applies to all Heartspring Therapeutic School and Residential Services employees.

3. Policy Statement

All incidents, disciplinary actions, and removals will be documented, including behavioral data, interventions attempted, and communication with the student's parent/guardian and resident school district.

3.1 Investigation Process

Any student whose behavior may warrant disciplinary action, including but not limited to behaviors such as bullying, harassment, verbal or physical aggression, or intimidation, will be addressed in accordance with the student's Individualized Education Program (IEP) and, when applicable, Behavior Intervention Plan (BIP). Students served at Heartspring have diagnoses of autism spectrum disorder and/or other neurodevelopmental disabilities. Staff will consider whether the behavior is a manifestation of the student's disability and recognize that such behaviors may not be intentional or malicious.

All disciplinary decisions will be:

- Determined by the student's educational team and, as appropriate, the student's resident school district.
- Based on the IEP, BIP, and relevant behavioral data

- Communicated to the student's parent/guardian and resident school district as soon as practicable, and prior to any decision that constitutes a change of placement
- Implemented in accordance with federal and state regulations

3.2 Removal and Suspension of a Student

The Heartspring Principal or Superintendent may impose disciplinary removals for up to ten (10) cumulative school days per school year, consistent with IDEA regulations.

During the first ten (10) cumulative days of removal:

- Educational services are not required unless they are provided to nondisabled students under similar circumstances; however, Heartspring will consider the student's individualized needs and may provide supports or services to maintain behavioral and educational stability.

3.2.1 Change of Placement

A disciplinary removal constitutes a change of placement if:

- The removal exceeds ten (10) consecutive school days, or
- The student is subjected to a series of removals that constitute a pattern
 - A pattern of removals will be determined based on the length of each removal, the total amount of time the student is removed, and the proximity of removals to one another, consistent with IDEA requirements

3.2.2 Manifestation Determination (MD)

When a removal constitutes a change of placement, Heartspring will coordinate with the student's resident school district to convene a Manifestation Determination (MD) meeting within ten (10) school days.

The IEP team will determine:

- Whether the conduct was caused by, or had a direct and substantial relationship to, the student's disability; or
- Whether the conduct was the direct result of failure to implement the IEP

3.2.3 Behavior Determined to Be a Manifestation

If the behavior is a manifestation of the student's disability:

The student will be returned to their current placement unless:

The parent and district agree otherwise, or

Special circumstances apply (e.g., weapons, drugs, serious bodily injury)

The IEP team must:

- Conduct or review a Functional Behavioral Assessment (FBA)
- Develop or revise the Behavior Intervention Plan (BIP)

3.2.4 Behavior NOT a Manifestation

If the behavior is not a manifestation:

The student may be disciplined in the same manner as nondisabled peers

The student must still receive:

- Educational services to enable participation in the general curriculum
- Progress toward IEP goals

3.2.5 Continued Educational Services

Beginning on the 11th cumulative day of removal, the student must receive:

- Continued educational services
- Access to the general education curriculum
- Progress toward IEP goals
- The type, location, and level of services will be determined by the student's team

Services may be provided in an Interim Alternative Educational Setting (IAES), as applicable.

3.2.6 Special Circumstances Removals

School personnel may remove a student to an IAES for up to 45 school days, regardless of manifestation, if the student:

- Carries or possesses a weapon
- Possesses or uses illegal drugs, or sells controlled substances
- Inflicts serious bodily injury upon another person

3.3 Residential and Day Student Procedures

3.3.1 Residential Students:

- May remain in the residential setting during school hours with appropriate supervision and structured programming.

3.3.2 Day Students:

- Will not attend Heartspring during suspension but will receive required services if removals exceed ten (10) cumulative days.

3.4 Dismissal / Change in Placement

Heartspring does not make unilateral placement or dismissal decisions. The resident school district (LEA) retains responsibility for determining appropriate placement and ensuring the provision of a Free Appropriate Public Education (FAPE).

If Heartspring determines it cannot safely or appropriately serve a student:

- The organization will coordinate with the resident school district, which retains responsibility for ensuring Free Appropriate Public Education (FAPE)
- A recommendation for a change of placement will be made through the IEP process
- Services must continue in an appropriate alternative setting

4. Policy Violations

Any employee found to be in violation of this policy will face disciplinary action, up to and including termination.

5. Definitions

- **Behavior Intervention Plan (BIP)**
A written plan developed by the IEP team that outlines strategies, supports, and interventions designed to address interfering behaviors, based on the results of a Functional Behavioral Assessment (FBA).
- **Change of Placement**
A disciplinary removal that exceeds ten (10) consecutive school days or constitutes a pattern of removals that total more than ten (10) school days and are substantially similar in nature.
- **Disciplinary Removal**
The exclusion of a student from their current educational placement due to behavioral violations. This includes out-of-school suspension, in-school suspension (if services are not provided), or other removals that deny access to educational services.
- **Free Appropriate Public Education (FAPE)**
Special education and related services provided at no cost to the parent that meet state standards are provided in conformity with the student's IEP, and enable the student to make meaningful educational progress
- **Functional Behavioral Assessment (FBA)**
A systematic process for identifying the purpose or function of a student's behavior and the factors that maintain it, used to inform the development of a BIP.
- **Individuals with Disabilities Education Act (IDEA):** A federal law (20 U.S.C. §1400 et seq.) that ensures students with disabilities receive a Free Appropriate Public Education (FAPE) through an Individualized Education Program (IEP) and provides procedural safeguards, including protections related to discipline and changes in placement.
- **Individualized Education Program (IEP)**
A written plan developed by a team that includes the parent/guardian and school personnel, outlining the student's educational goals, services, accommodations, and supports.
- **Interim Alternative Educational Setting (IAES)**
A temporary educational placement outside the student's current setting that allows the student to continue to receive educational services, progress toward IEP goals, and receive behavioral interventions
- **Manifestation Determination (MD)**
A review conducted by the IEP team to determine whether a student's conduct was caused by, or directly and substantially related to, the student's disability, or the direct result of a failure to implement the IEP.

- **Removal (Short-Term)**
A disciplinary exclusion of a student from their current placement for ten (10) cumulative school days or fewer within a school year.
- **Serious Bodily Injury**
An injury involving substantial risk of death, extreme physical pain, protracted loss or impairment of a bodily function, or obvious disfigurement
- **Special Circumstances**
Situations in which a student may be removed to an IAES for up to 45 school days, regardless of manifestation, involving weapons, illegal drugs or controlled substances, or serious bodily injury inflicted on another person
- **Student with a Disability**
A student who has been determined eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

6. Forms or Related Policies

- [Discrimination, Bullying, & Harassment](#)
- [IEP Confidentiality](#)

7. Applicable Laws/Regulations

- [California Education Code 56366.1\(j\)](#)
- [California Education Code 56366.10\(d\)](#)
- [IDEA Section 1412\(a\)\(1\)](#)
- [IDEA Disciplinary Provisions 34 C.F.R. §§ 300.530-300.536](#) (updated 5.21.2026)

REVISION RECORD

DATE	VERSION	REVISION DESCRIPTION
11/11/2024	v.2	Removed Section 3.2, revisions to sections 3.2 and 3.21.
07/31/2026	v.3	Updated all Sections (except Section 4) to align with IDEA language and regulations