

# *Counting Days for Suspensions/Expulsions and Determining a Change of Placement*

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The OSPI Special Education section receives questions and complaints that involve a student's behavior and subsequent removal from a class, an in-school suspension or an out-of-school suspension or expulsion. School districts have asked whether only full-day suspensions should be included when counting the number of days of removal for special education reporting purposes. This limited application can overlook other types of removals that should be counted, such as classroom exclusions, in-school suspensions, shortened school days (i.e., part-day removals, or "soft" suspensions, such as asking a parent to pick a child up early from school), or delays in the student's return to school after a suspension or expulsion. It is also important to note that these definitions apply to all students receiving special education services, from preschool through age 21.

The accurate counting of days a student is removed for discipline is critical when determining whether **a change of placement** occurs based on the number of days of removed and whether such removals constitute a pattern. A change of placement occurs when a student receiving special education services is either (a) removed from school for 10 consecutive days or more, or (b) has been subjected to a series of removals for more than 10 school days in a school year that constitutes a pattern of exclusion. Whether a series of removals creates a pattern of exclusion is made on a case-by-case basis, considering factors such as the length of each removal, the proximity of the removals to one another, and the total amount of time the student was excluded from school. (WAC [Section 392-172A-05155](#)).

If a change of placement occurs, then within 10 school days of that decision, the relevant members of the student's IEP and parents must conduct a manifestation determination review. A manifestation determination review is a key step in the discipline process for students receiving special education services because the outcome of this review has an effect on the type of discipline a school district may impose on a student and whether the district may remove the student from their current placement because of a code of conduct violation.

For students receiving special education services, once the removal is a change of placement, during any subsequent days of removal the student must continue to receive educational services that provide a free appropriate public education (FAPE) and to progress toward meeting the goals set out in the student's IEP. The student's IEP team determines appropriate services, and such services may be provided in an interim alternative educational setting.



**Remember:** The 10-day period before a change of placement should not be characterized as “free days.” This characterization may discourage school personnel from considering whether behavioral supports are needed to address and improve patterns of behavior that impede learning before, during, or after implementing short-term disciplinary removals. (U.S. Department of Education, [Dear Colleague Letter on the Inclusion of Behavioral Supports in Individualized Education Programs, August 1, 2016](#)).

It is also important to remember that general education regulations in the State of Washington define and regulate the various types of classroom or school removals. (WAC [Chapter 392-400](#)). In addition to special education discipline requirements, districts are also required to prepare annual reports of disciplinary removals for OSPI that include both partial-day and full-day removals for all students, including those receiving special education services, including in early childhood settings, and to monitor and address disproportionalities in student discipline rates particularly for students of color and students with disabilities more broadly.

The following items should be considered when documenting disciplinary removals.

1. Document the incident that resulted in the disciplinary action.
2. Document the amount of time the student was removed from classes/school in a student’s attendance record. The documentation should reflect when a student’s absence is due to a suspension or expulsion.
3. Ensure both general education and special education procedural requirements are followed regarding disciplinary actions, including notification to parents and the ongoing provision of educational services.
4. Count the total number of school days, including partial days, the student has been removed for disciplinary reasons.
5. Develop a system to review a student’s removals and records of discipline to determine if the removal may constitute a change of placement, and to notify special education staff at the administrative level.

If there is, or will be, a change of placement due to discipline, involve the parent and the relevant members of the student’s IEP team to schedule a manifestation determination review meeting within 10 school days of the decision to change the student’s placement.

Example: In October, the student was removed from class due to inappropriate behavior and spent the last half of her school day in the school office. In November, the student was suspended for three days due to inappropriate behavior. In December, the student was suspended for four school days right before the district’s winter break. The district sent the parents a letter stating that the student was suspended until school resumed on January 2nd and the parents would need to attend a meeting to discuss the student’s suspensions for similar behavior, before the student could return to school. The district then scheduled a meeting with the parents for January 4th and the student returned to school the next day. How many days was the student suspended?

In this example, the student was suspended for half a day in October, three days in November, four days in December, and three days in January because the student was not allowed to return to school until January 5th, even though school resumed on January 2nd. In total, the student was suspended for 10 ½ days. The example also indicates the suspensions resulted in a change in placement because the removals constituted a pattern of removals. The district would therefore need to schedule a manifestation determination review meeting within 10 school days of January 4th.

Additional resources:

- [Instructions and Definitions for Reporting Disciplinary Incidents of Students with IEPs](#)
- [TAP #2: Discipline Requirements for Students Who Receive Special Education Services](#)
- [General Education Procedures and Definitions of Discipline, Suspensions, and Expulsions](#)