



# Parent Training & Information

## SUSPENSION

Students with disabilities are generally treated the same as other students when they violate school rules. The difference is that students with an IEP (and sometimes students who may be eligible for an IEP) have limits on how many days they can be suspended before legal safeguards and protections are triggered, such as:

- During the first 10 days of suspension, the student is not entitled to instruction, either as a general education or Special Education student.
- In California, no student can be suspended for more than 20 days without instruction.
- A student with an IEP may not be suspended or removed from school for more than 10 consecutive school days, and sometimes 10 cumulative school days, without a “manifestation determination” IEP meeting to decide if the behavior is related to the student’s disability (a “manifestation” of the disability).
- If a student with an IEP is suspended for longer than 10 school days, the school must give educational services to provide “a free, appropriate public education,” even if the student is not in his or her current IEP placement.
- Being repeatedly suspended for the same or similar behavior may be a pattern of behavior. Those suspensions may be considered a change in the student’s placement which requires an IEP manifestation determination.

*NOTE: In the case of both suspensions and expulsions, these are to be used only when “other means of correction fail to bring about proper conduct” [California Ed Code sections 48900.5 and 48915(b)(1)]. Mandatory expulsions are required when the behavior involves firearms, brandishing a knife, selling controlled substances, sexual assault or battery, or possession of an explosive. Mandatory suspensions and recommendation for expulsion are required for possession of a firearm, brandishing a knife, selling of controlled substances, sexual assault, and possession of an explosive.*

### Length, Types and Location of Suspensions

- A teacher, principal, or superintendent may suspend a student for any offense that is listed in the California Education Code (Section 48900).
- A teacher may suspend a student for no more than two days.
- Suspension by a principal requires an informal conference with the student within two days of the suspension. Every effort must be made to notify the parent at the time of the suspension.

Schools have their own policies on having parents at the conference.

- Suspensions longer than five days require the superintendent to decide that the student is a danger or a threat of disruption.
- “In school” suspension is considered a day of suspension if it consists of simply sitting in the principal’s office. However, if the student receives instruction as listed in an IEP, but in a different location, it is not a day of suspension.

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