



## SPECIAL EDUCATION POLICY BULLETIN

### Informal Removal of Students with Disabilities

October 2024

The Office of the State Superintendent of Education (OSSE) provides this guidance to clarify local education agency (LEA) responsibilities under the Individuals with Disabilities Education Act (IDEA) related to informal removals of students with disabilities from the educational environment. This document generally constitutes nonregulatory guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

#### BACKGROUND

An informal removal is an action taken by school personnel that excludes a student with a disability from part or all of the school day, or for an indefinite duration, in response to the student's behavior.<sup>1</sup> Such exclusions are informal because the student is removed from the educational environment without invoking disciplinary procedures outlined in IDEA. Informal removals may include:

- Administratively shortened school days, in which a student's school day is reduced by school staff in response to behavior without involving the individualized education program (IEP) team;
- Early dismissals or full days where attendance is denied due to a student's behavior, which are not part of the formal suspension process;
- Exclusion from specific activities, if not addressed on the IEP;
- Removal from the typical schedule/ educational environment that is provided for on the IEP, for any duration, when not part of a special event that other students take part in – for example, spending the afternoon in the office; or
- In response to student behavior, requesting that a parent retrieve a student from school early or allowing a student to choose to leave school early.

#### DISCIPLINARY PROCEDURES

Informal removals, although not defined by or referenced in IDEA, are subject to IDEA requirements to the same extent as disciplinary removals by school personnel using the school's disciplinary procedures.<sup>2</sup> If used repeatedly, informal removals may constitute a disciplinary change in placement. IDEA disciplinary procedures generally apply to an informal removal unless:

1. The student has the opportunity to appropriately participate in the general curriculum;
2. The student continues to receive the services specified on the child's IEP; and
3. The student continues to participate with students without disabilities to the extent they do in their regular placement.<sup>3</sup>

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<sup>1</sup> US Department of Education (USED) Office of Special Education Programs (OSEP)'s Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions (OSEP Q&A 22-02), p.52.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at Question C-6.

Under IDEA, a disciplinary change in placement occurs when a student with a disability is removed from their educational setting for more than 10 consecutive school days, or when a series of removals forms a pattern (i) because the series of removals total more than 10 school days in a school year (ii) because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and (iii) because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.<sup>4</sup> If a school determines to change the placement of a student with a disability, including the informal removal of such student, the school must conduct a manifestation determination.<sup>5</sup> During the manifestation determination, the IEP team must consider whether or not the behavior leading to the disciplinary action was a manifestation of the student's disability and should discuss the student's behavior, how the student's disability affects their behavior, and consider if the student's IEP is meeting their needs.

The manifestation determination process includes parents as crucial participants and members of the IEP team, affording parents an important opportunity for meaningful participation in their student's special education. The student should also be included, as appropriate, to self-advocate and inform the design of appropriate supports and accommodations to address student behavior.

#### **ADDRESSING STUDENT BEHAVIOR NEEDS**

Frequent informal removals may signify that a student's IEP is not adequately addressing their needs. Such disciplinary actions suggest that the existing strategies and supports may be insufficient to effectively support the student's behavior within the educational environment. Repeated removals should prompt the IEP team to review the student's IEP to ensure the student is receiving appropriate services and accommodations. During this review, the IEP team may need to consider conducting a Functional Behavioral Assessment (FBA) to ascertain the underlying causes of the behavior and subsequently develop or update a Behavior Intervention Plan (BIP) to implement targeted interventions. Incorporating additional behavior supports within the IEP can establish a more supportive and effective educational setting, mitigating the need for recurrent disciplinary measures.

A practice of shortening a student's school day as a disciplinary measure may affect the student's receipt of a free appropriate public education (FAPE) if the IEP team does not also consider other options to address student behaviors, such as services and supports that could enable a student to remain in school for the full school day. If a student's IEP provides for a shortened school day as part of a modified schedule to accommodate the student's disability and needs, such shortened days are not removals. If a student's IEP team determines a student needs a longer or shorter school day to receive FAPE, appropriate modifications should be addressed in the IEP. These modifications must be based on the unique needs of the student, such as when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily and a shortened school day is warranted.

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<sup>4</sup> 34 CFR § 300.536(a)

<sup>5</sup> 34 CFR § 300.530(e)

## LOCAL DATA REPORTING REQUIREMENTS

Under District of Columbia law, an “involuntary dismissal” is the removal of the student from school attendance for less than half of a school day for disciplinary reasons, during which time the student is not under the supervision of school personnel and is not allowed on school grounds.<sup>6</sup> An informal removal that results in the student being excluded from school for less than half of a school day may be an involuntary dismissal. LEAs must document and maintain the total number of involuntary dismissals experienced by a student and provide a description of the misconduct that led to or reasoning behind each involuntary dismissal.<sup>7</sup> LEAs must also report annually to OSSE on the number of students involuntarily dismissed.<sup>8</sup> For more information on discipline data collection and reporting, please see OSSE’s [Student Discipline Collection Guidance](#).

## RESOURCES

For more information regarding LEA discipline obligations, informal removals, and supporting the behavioral needs of students with disabilities, please see guidance available from the US Department of Education Office of Special Education and Rehabilitative Services:

- [Questions and Answers Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions](#)
- [Positive, Proactive Approaches to Supporting the Needs of Children with Disabilities: A Guide for Stakeholders](#)
- [School Climate and Student Discipline Resources](#)

Please direct any questions regarding the content of this document to OSSE’s Office of Special Education policy team at [OSSE.DSEPolicy@dc.gov](mailto:OSSE.DSEPolicy@dc.gov).

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<sup>6</sup> DC Code § 38-236.01(9)

<sup>7</sup> DC Code § 38-236.09(a)(2)

<sup>8</sup> DC Code § 38-236.09(b)(5)

