



Guidance

Determining a Change of Placement

**Michigan Department of Education Office of Special Education
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The purpose of this document is to build awareness and assist districts in developing a deeper understanding of one of the most important concepts involved in discipline protections afforded to students with disabilities. As districts implement the discipline protections for students with a disability under the *Individuals with Disabilities Education Act* (IDEA) these include the obligation to consider positive behavior interventions and supports for a student whose behavior impedes their learning or the learning of others. For more information about alternatives to suspension and expulsion, refer to the [Alternatives to Suspensions and Expulsions Toolkit](#).

According to 34 CFR § 300.536 a change of placement occurs when:

- The removal is for more than 10 consecutive school days: or
- The student has been subjected to a series of removals that constitute a pattern because of the following —
 - The series of removals total more than 10 school days in a school year.
 - The student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and
 - Such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

When a student with a disability is removed due to a violation of a district’s code of student conduct for more than 10 nonconsecutive school days in the same school year, the district must determine whether a change of placement has occurred due to a series of removals involving substantially similar behaviors which constitute a pattern. When

making this determination, the behavior, proximity, and length of removal for the incident in question and all prior incidences must be reviewed and considered together.

A removal meeting all these conditions is considered a pattern of removal and therefore is a change of placement. The district must make this determination for each subsequent removal, which includes both in-school suspensions, out-of-school suspensions, and in some instances short term removals from class which occur on a regular basis. For more information about Counting Removals, refer to [Responding to and Counting Disciplinary Removals](#). Additionally, the district should consider the setting, antecedent, behavior, and consequence of each incident, when determining whether the series of removals constitute a pattern.

On the date the decision is made to make a removal, which constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the district must:

- Provide notice in accordance with 34 CFR § 300.503 to the parent.
- Provide procedural safeguards.

Within 10 school days of the date of removal the district must conduct a manifestation determination review.

Additionally, the district must maintain documentation of the above actions in their student files or student information system.

For more information about providing Notice, refer to [Guidance for Notice](#).

For more information about conducting a manifestation determination review (MDR), refer to [Conducting a Manifestation Determination Review](#).

Educational Services

When a removal is considered a change of placement, the individualized education program (IEP) team must determine appropriate services, to be provided during the student's removal.

When a removal is not considered a change of placement, school personnel, in consultation with at least one of the student’s teachers, must make decisions about services to be provided during the student’s removal.

In either case, the educational services must be individualized and allow the student to continue to participate in the general education curriculum and progress toward their IEP goals.

Additional Resource

For additional information about the discipline protections under IDEA, please reference the following documents:

- [Q&A: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions \(PDF\)](#)
- [Center on Positive Behavioral Interventions and Supports](#)
- [MDE Restorative Justice Practices](#)