

Transcript — School discipline: How IEPs and 504 plans protect kids

[\[0:00\] Introduction](#)

[\[0:19\] The disciplinary process](#)

[\[1:18\] The school's role](#)

[0:00] Introduction

[**Title slide:** School discipline: How IEPs and 504 plans protect kids;
[Understood](#) logo]

[**Description:** A bald person wearing a dark gray suit, white button-down shirt, and a patterned tie sits in a chair in a well-lit room with windows in the background.]

[**On-screen text:** Robert Tudisco, J.D., Attorney Specializing in Education Law and Criminal Defense]

Robert: When a student has an IEP or a 504 plan, they're considered a disabled student. And under federal law, and also most state laws, they have an added layer of protection when they get disciplined at school.

[0:19] The disciplinary process

Typically, when you have a suspension hearing, it's broken up into two parts.

1. The first part is to decide what they did and whether or not that was

a violation of the school's code of conduct.

2. The second part is what punishment should be given out.

For children with a disability, there's an added part in between. And that is that the IEP or 504 team has to meet.

If it's determined that the student committed the act and it was a violation of the code of conduct, the IEP or 504 team has to get together and determine whether or not what the student did was a manifestation—that's the word that's used. But it really means stemmed from the disability.

And if that is the case, the student can't be suspended for more than 10 days, unless there is a weapon involved, drugs that are involved, or an injury to somebody.

[1:18] The school's role

And there are specific things that the school has to do.

They have to re-examine the IEP or the 504 plan and make sure it's appropriate and it's being followed.

They also have to do something else, which is really significant. And that is that they have to do a functional behavioral assessment of the student and interpose what's called a behavioral intervention plan.

And that's really important because that is geared towards identifying why this behavior took place and what can we do to prevent it from happening again tomorrow.

It's really important that parents understand that the student doesn't get a

free pass for having a disability.

But the reason for this added layer of protection is because we're trying to determine why this happened so we can prevent it from happening in the future. And that's really what parents have to keep that mindset.

[Description: The speaker fades out and soft music plays. The video fades to white. Links to other videos from Understood appear onscreen: [Helping teens manage worries about the future](#); [8 insider tips on navigating IEP meetings](#).]

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