



Investigate placement, safety if young child starts receiving multiple suspensions

A kindergartner with a disability may repeatedly disrupt her in-person or virtual lesson despite receiving positive behavioral interventions and supports. This may prompt her teacher to frequently remove her from her brick-and-mortar or online classroom.

But allowing a number of suspensions to occur without investigating the young student's needs may lead you to miss that the child needs a different placement or other supports to receive FAPE. Even if you must remove a volatile child for safety reasons, you should not do so repeatedly without investigating the reason for the explosive behavior.

"There is a national trend to seriously consider whether disciplinary removals of our youngest students is appropriate or effective," said Peter Maher, a school attorney at Shipman & Goodwin LLP in Hartford, Conn. "Connecticut prohibits out-of-school suspensions for students from kindergarten through second grade unless extreme conditions are met. Not all states have those laws."

Regardless of whether your state limits removals of young students, you should recognize repeated removals of a young student with a disability as a red flag that a change in behavioral interventions or programming may be necessary, Maher said.

"There are a lot of variables to consider," he said. "The current placement may be inappropriate. The student may need a higher or different level of support than is able to be met in the student's current setting."

The academic expectations may not be appropriate for the child based on his skill level, Maher said. "These are all IEP team conversations and decisions, ranging from whether the goals and objectives are appropriate to whether the setting is appropriate," he said. "We don't want to keep doing the same thing if it's resulting in repeated suspensions. Something's not working. We need to look at what we can do to help the child make better choices and learn to make better choices if the child has repeated suspensions and even repeated disciplinary referrals in general."

At the same time, recognize that a young child who is exhibiting challenging behavior may be trying to tell you without knowing how to verbalize it that she is experiencing abuse or neglect at home or struggling with sensory issues during in-person or virtual lessons. Ensure staff know what signs to look for and which colleagues and administrators to seek guidance from if they suspect either of those issues may be occurring.

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