

Confidentiality - 4.9 Disciplinary Information

State Performance Plan (SPP):

(See Overview in the Introduction for more information on the SPP.)

Intent:

To provide guidance to school districts (LEAs) regarding the transmittal of records, including disciplinary actions, for a child with a disability.

REQUIREMENT

3301-51-04

(Q) Disciplinary information

- (1) A school district, county board of MR/ DD, and other educational agency shall include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the child records of nondisabled children.
- (2) When a child transfers from one school, county board of MR/ DD, or other educational agency to another, the transmission of any of the child's records must include both the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.
- (3) The statement required in paragraphs (Q) (1) and (Q) (2) of this rule:
 - (a) Shall specify the circumstances that resulted in the disciplinary action and provide a description of the disciplinary action taken if the disciplinary action was taken because the child:
 - (i) Carried a weapon to or possessed a weapon at school, on school premises, or to or at a school function under the jurisdiction of a school district, county board of MR/ DD, and other educational agency;
 - (ii) Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a school district, county board of MR/ DD, and other educational agency; or
 - (iii) Inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a school district, county board of MR/ D and other educational agency.
 - (b) Shall include any information that is relevant to the safety of the child and other individuals involved with the child; and
 - (c) May include a description of any other behavior engaged in by the child that required disciplinary action, and a description of the disciplinary action taken.

GUIDANCE

Disciplinary information

Each school district, county board of DD and other educational agency shall keep an accurate and correct record of any current or previous disciplinary action that has been taken against a child with a disability, just as it would for any child without a disability.

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

When a child with a disability moves to another school, county board of DD, education agency or judicial institution, information regarding code of conduct violations must be transmitted with the child's current IEP and education records, to the same extent disciplinary information is transmitted for a child without a disability.

The transmission of the child's records must include a statement specifying the specific circumstances that resulted in the disciplinary action and a description of the disciplinary action taken because the child:

- carried or possessed a weapon at school, on school premises or at school functions;
- knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises or at school functions; or
- inflicted any serious bodily injury upon another person at school, on school premises or at school functions.

Full disclosure of disciplinary actions is important for the safety of the child and others. A description of any additional behaviors the child engaged in that required disciplinary action, including a description of the disciplinary action taken, will be helpful when analyzing behavior and subsequent responses to disciplinary intervention. (See [Discipline - 8.4 Special Circumstances: Removals Involving Drugs, Weapons, or Serious Bodily Injury](#))

LEGAL CITATIONS:

Federal Statutes:

20.U.S.C. 1413(i)

Federal Regulations:

34 CFR §300.229

Ohio Revised Code:

3323.08(A)

Operating Standards:

3301-51-04(Q)

FORMS (* = required)