Out from the Shadows

Informal Removal of Children with Disabilities from Public Schools

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NATIONAL DISABILITY RIGHTS NETWORK
Protection & Advocacy for Individuals with Disabilities

Table of Contents

Acknowledgments

The National Disability Rights Network (NDRN) wishes to acknowledge the tremendous contributions to this report by members of the Protection and Advocacy (P&A) network – the staff who work each day to ensure that the rights of children with disabilities are protected. Their work informs this report and would not have been possible without them.

NDRN's P&A Advisory Group on Informal Removal lent their extensive field experience, legal expertise, time and energy to the report: Joel Greenberg (Disability Rights Oregon), Heather Hoescht (Native American Disability Law Center), Kris Keranen (Disability Rights Michigan), and Dan Stewart (Minnesota Disability Law Center).

The report was produced by NDRN staff: Diane Smith Howard and Cyrus Huncharek drafted and coordinated it, and David Hutt, David Card, and Eric Buehlmann reviewed and edited it. A special thank you to Carla Hernández, Public Policy Fellow, who conducted much of the initial research for this project and contributed to its drafting and to Selene Almazan, Legal Director, Council of Parent Attorneys and Advocates who took time to review the draft.

A Letter from the Executive Director

Dear Friends,

It has been more than forty years since laws were passed protecting the rights of children with disabilities in school. Yet, the very harm that these civil rights laws were intended to eliminate, children with disabilities deprived of an education, persists to this day.

Children with disabilities are removed from school illegally, missing entire semesters of instruction, and all the social, civic and vocational education that goes with it. These "off the books" suspensions are hidden -- immune from data reporting and policy reform efforts.

The reality is that we have no idea exactly how many children are removed from school "off the books" because school districts do not include these removals in reports to the public. But we do know that Protection and Advocacy (P&A) agencies represent hundreds of such children per year and that these removals are harmful to them.

The practice, coined by the National Disability Rights Network (NDRN) as "informal removal," refers to an administrative removal of a child from school for a sufficient period of time to constitute a "change of placement" without the necessary legal protections. Children removed from school in this way are educationally stunted and deprived of the special education and other services they need to prepare for life after public school. Informal removals can take the shape of repeated "sent homes" by the school,

shortened school days, mandatory homebound placement with little or no education, and other methods. One of the key purposes of the IDEA is to help children with disabilities learn how to communicate their needs without resorting to disruptive behavior. They cannot learn or practice how to use these skills at home, alone.

Informal removals from school are of particular concern to the P&A network and other civil rights leaders since children with disabilities are being deprived of an education "because of their disability."

Informal removal cases are one of the most common issues reported to P&As by families of children with disabilities.

While government officials were pushing hard for children to return to in person schooling, the opposite was happening for some children with disabilities. This, at a time that the public was acutely aware, perhaps more than ever before in our Nation's history, of the vital role of in-person instruction.

While NDRN is grateful that the P&As have exposed this practice, with this discovery comes the duty to end it. Congress, the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) must build off the work of the P&As and ensure the right of children with disabilities to an education. State and local governments must ensure that the last child in their jurisdiction has been informally removed -- by revising policies and practices, shoring up supports, and ensuring that the incentives to remove children have been eliminated.

This report includes concrete recommendations to end the practice of informal removal. NDRN calls on policymakers to act now, so that students with disabilities do not continue to be deprived of their opportunity to live as independent adults in the community.

Curt Decker

Executive Director

PROBLEM STATEMENT

P&As, and other advocates, represent children who have been removed from public school as a result of behaviors related to their disabilities. The "off the books" removals described in this report cause permanent injury to children and deprive them of their rights.

One of the key purposes of the *Individuals with Disabilities Education Act* (IDEA) is to provide services so that children with disabilities can stay in school and learn.[1] Federal law requires that children with disabilities who require behavioral services receive them, that they receive at least the same education as other students, and that they are educated with their peers to the "… maximum extent appropriate…"[2]

None of this can occur when a child is home during the day without schooling, or with a tutor who sees them a handful of hours per week.

INTRODUCTION

Children with disabilities are removed from school illegally, often missing entire semesters of instruction, and all the social, civic and vocational education that goes with it. These "off the books" or underground suspensions are hidden -- immune from data reporting and policy reform efforts.

Removing a child from school because of their disability is discrimination, yet these removals occur hundreds and perhaps thousands of times per

[1] See for example: The U.S. Department of Education's "A History of the Individuals With Disabilities Education Act, posted on the public ED website. "The EHA was a response to Congressional concern for two groups of children: the more than 1 million children with disabilities excluded entirely from the education system and the children with disabilities who had only limited access to the education system and were therefore denied an appropriate education. This latter group comprised more than half of all children with disabilities who were living in the U.S. at that time."

[2] 34 CFR 300.114(a)(2).

year, stunting children's educational growth, and depriving them of their rights. This is not a new phenomenon; it was one of the forms of segregation that state and federal special education laws were originally passed to eliminate over forty years ago.[3] Now especially, in the midst of a pandemic, the public is acutely aware of the vital role of in-person instruction.

Informal removals not only hurt children academically and emotionally, but also harm their families, communities, and society at large. Parents are often forced to scramble to make arrangements in the middle of the workday because their child with a disability is suddenly "out of school." It goes without saying that any practice that places children most in need of supervision and support, unsupervised in the community, is illogical and potentially reckless.

This report includes case examples, a review of the legal rights implicated, and concrete recommendations to end the practice of informal removal. Federal, state and local governments should review their policies and practices around funding and absences, shore up supports, and eliminate incentives for school districts to remove children with disabilities from school.

What Are the P&As?

Congress established the nationwide network of Protection and Advocacy (P&A) agencies in 1975 and expanded the network ever since to advocate for and protect the rights of persons with disabilities. The National Disability Rights Network (NDRN) is the non-profit membership association of the P&A agencies that are located in all 50 States, the District of Columbia, Puerto Rico, and the United States Territories. In addition, there

[3] *See* A History of the Individuals With Disabilities Education Act at note 2.

is a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. Today, P&A agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of persons with disabilities in a variety of settings. The P&A agencies comprise the nation's largest provider of legally based advocacy services for persons with disabilities.

Why Are P&As Speaking Out About School Discipline and Removal Issues?

P&A staff understand what children and youth with disabilities encounter within public schools because they are on the ground to see it. P&As represent children with disabilities in thousands of education cases per year.[4] Due to the type of work they do and the clients they serve, P&As are in a unique position to report on the impact of school removal on children with disabilities. They have chosen to write this report because of the great harm that informal removals cause children and families.

What are the school discipline issues P&As see the most?

An informal poll of P&As in August 2021 found the following issues to be the most common in their discipline work: [5]

- Repeated or long-term use of a shortened school day, as a result of behaviors related to the child's disability. [6] In these cases, the child is generally sent home at a fixed time every day.

[4] The intake data for P&As during FY 2020 have not yet been fully analyzed, but an incomplete count of education cases by P&A program at the time of this writing is as follows: PAIR: 1854; PAAT: 209; PADD 4529; PATBI 83; and PAIMI: unreported. Total: At least 6675 education cases in FY 2020 in the P&A network wide.

[5] The rights violations described below occur without the Local Education Agency/school district, providing the behavior support services and procedural protections as required by law.

[6] By this we mean a school day that is substantially shorter than the school day of the child's peers and/or the state's length of day requirement.

- Sending children home frequently in the middle of the school day, as a result of behaviors related to the child's disability. These removals tend to be at irregular times and may not occur daily, but occur often enough to cause harm to the child.
- Placing children on homebound instruction almost always with fewer than ten hours (often only 1-5 hours) of in-person tutoring per **week** due to behaviors related to the child's disability. A typical public-school calendar requires about 30 hours of in school time per week.
- Placing children on virtual or remote education due to behavior related to the child's disability (rather than contagion prevention), even after other students have returned to in-person schooling (following COVID-19 pandemic building closures or restrictions.)
- "Transfers to nowhere:" the involuntary transfer by the Local Education Agency (LEA)[7] to a program that does not exist, has entrance requirements that the child cannot meet, or has no openings.
- Entering into "Agreements in Lieu of Suspension" or related contracts (See: Discussion on Page 10.)

What is Informal Removal?[8]

All of the examples above are informal removals – a child with a disability who received an "off the books" suspension from school as a result of unaddressed behaviors related to their disability.

[7] The Local Education Agency is generally the school district. See: Definitions | U.S. Department of Education

[8] Children with disabilities are removed from school using methods that are beyond the scope of this report. These are also significant and include, among others, school-based arrests, and involuntary psychiatric commitment.

NDRN defines "informal removal" as:

> *"…Any time a child with a disability is removed from school for a sufficient period of time to constitute a "change of placement"[9] without the rights extended to them[10] under the U.S. Constitution,[11] state or federal law and/or regulation.[12]*

Informal Removals can occur in many ways, but often have the same root cause: the lack of behavioral services and supports that permit the child to stay in school, learn with their peers, and learn skills to address the behaviors as they arise. The remedy for the harm caused by these removals: the provision of behavioral services and services needed to make up for lost time is the same in all cases.

School districts must report the number of suspensions and expulsions per year: and "off the books" removals escape this scrutiny. In some places, state funding requirements encourage the use of informal removals by providing funding for less than a full school day of school for certain students.

Related practices include:

- A requirement that a parent attend school with a child and that the child not attend school if the parent does not attend.
- A situation in which a child must "earn" their way back to school with improved behavior, a violation of the IDEA's Least Restrictive Environment (LRE) requirement.[13]

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[9] 34 C.F.R. § 300.536.

[10] The term "informal removal" includes removals in which a partial or incomplete provision of the formal legal procedures are provided. Partial procedures can in some ways be worse than a complete lack of procedures, as it can give the appearance that the IEP team approves of the removal.

[11] *Goss v. Lopez*, 419 U.S. 565 (1975).

[12] The IDEA, Section 504 and others, as described in this report.

[13] 34 CFR 300.114.

- Removal until a particular staff person can be present at school or so that a paraprofessional/aide can assist another student for a cost-saving or administrative reason.
- Removal until a child can provide "proof" that the behavior will end, such as a psychological evaluation at the parent's expense (a violation of the IDEA's requirement that services be free)[14] or by a LEA provided evaluator, outside of the IDEA's evaluation protections.[15]

Agreements in Lieu of Suspension

The IDEA's disciplinary protections[16] set out a clear process that explains how LEAs are to handle behavioral issues for IDEA eligible students. The IDEA does not permit an exception for agreements outside of that process. An "agreement" between and LEA and a parent to change a child's placement, alter the Individualized Education Program (IEP), disenroll the child or waive the child's rights -- in exchange for a dropped suspension -- does not comply with the IDEA and Section 504.[17] This is a clear "end run" around federal due process protections for all students, and the IDEA's and Section 504 disciplinary protections, if the removal proposed is for a sufficient amount of time to create a "change of placement." Among other concerns, parents and LEAs are frequently not in a place of equal bargaining power, with both parties equally aware of the child's rights and the legal options available.

Informal Removal Case Examples

[14] 34 C.F.R. § 300.101.
[15] 34 C.F.R. § 300.301- 300.306.
[16] 34 C.F.R. § 300.530.
[17] Similarly, Section 504 also does not provide an exception to LRE in such circumstances. ED Office for Civil Rights interprets 34 CFR 104.35 to require specific procedures for disciplinary actions that constitute a "significant change in placement."

The case summaries that follow are redacted examples from P&A case work, which illustrate the nature and extent of the problem:

1. Three students with diagnoses of autism, from the same small town, were repeatedly sent home because the LEA didn't have sufficient paraprofessional (teacher's aide) coverage and they were considered "too hard to handle." One child was not in school for almost a year. The other two students were repeatedly sent home for shorter lengths of time. All three children experienced significant disruption and delay in their education because they simply weren't receiving an education.
2. AA is a 10-year-old child who has a diagnosis of autism. He was placed in over 100 restraints at school during his kindergarten and 1st grade years. In the beginning of his 2nd grade year, he was placed on homebound services due to disability related behaviors. He was not allowed to attend school events or to participate in extracurricular activities. He did not have a seat in a classroom or a locker for at least 3 school years (2nd, 3rd, and 4th grade.) When asked, he cannot describe a typical school day.
3. BB, a junior high school student with a disability, committed a series of minor, non -violent acts that added up to a potential expulsion over the course of years. In lieu of a school administrative hearing (which might have cleared him of some of the violations or reduced the severity of his punishment) and without protections against punishment for his disability the LEA offered the parent a written agreement to sign.
    a. If they had signed this agreement, BB would have been placed on homebound instruction for 12 months and his parent would have been required to waive all legal claims, in addition to withdrawing him from all schools in the LEA for 12 months. It is unclear if any

education or tutoring services would have been provided to him during his time out of school. In addition, BB would not have been permitted to attend any extracurricular activities in the district or enter onto school property.

b. After consulting with the P&A attorney, the parent did not sign the agreement and he received behavior services in school, after which he did well.

4. CC was 15 years old and in the 9th grade at the time the P&A represented her. She was diagnosed with a seizure disorder at 6 months and then with autism in her teens. Except for a few words, CC is mostly non- verbal. The LEA contacted her mother many times per month to pick her up from school: whenever her behavior began to escalate or when the teacher or her assigned aide would be absent. This resulted in the equivalent of weeks of missed school.
5. DD is a six-year-old boy with complex medical needs who lived in a foster home. He had disruptive behaviors at school, such as throwing items and flopping on the floor while refusing to do work. As a result of these behaviors, he was only permitted to attend school for one day per week, from 7:30 to 12:30 PM. He was at risk of being moved from his foster home into a group home because his foster parents became increasingly frustrated by the shortened school days. The P&A arranged for an independent behavior consultant to review the case. Almost immediately upon the consultant's intervention, his behaviors drastically improved. He was returned to a full school day and stayed there, successfully.

What is Supposed to Happen Instead?

A child may not be legally removed from public school for a prolonged period of time without notice and a hearing. The removals in this report are long enough for those rights to apply. In addition, children with disabilities

have additional protections which ensure that they; 1) receive the behavior services and supports they need, and 2) are not punished for behaviors related to their disabilities.

SCHOOL REMOVAL IS HARMFUL FOR ALL CHILDREN

There is a reason why compulsory attendance statutes, truancy enforcement, and instructional hour requirements exist. As we have learned and re-learned over the past few years, full-time, in person, education is invaluable.

Compulsory education laws exist because we believe as a society that education is necessary. Public school students are punished for skipping even one class --the very same classes children with disabilities are snatched from for months at a time through informal removal. The U.S. spends **$640 billion**[18] in taxpayer funds per year to ensure that all children have a right to attend school.

Missing school also deprives children of other important services, outside of formal education, including access to free and reduced priced school lunch,[19] referrals to outside services, medical care,[20] evaluation services, access to a library and playground, extracurriculars, and a sense of community belonging.

[18] Hanson, Melanie. (2021). "U.S. Public Education Spending Statistics" EducationData.org. https://educationdata.org/public-education- spending- statistics.

[19] Losing access to nutrition is no small matter. "On average, the NSLP provided low-cost or free lunches to 29.6 million children each school day in fiscal year (FY) 2019…" USDA ERS - National School Lunch Program

[20] School Based Health Centers: School-Based Health Centers | Official web site of the U.S. Health Resources & Services Administration (hrsa.gov)

In addition to shortened or missing school days, children placed out on tutoring or other out of school placements often get a very limited curriculum, one that would not permit them to graduate or advance to the next grade. All too often, a child placed on informal removal receives access to only two subjects, language arts and math. They are deprived of the course work that the child would receive while in school, as part of the general curriculum defined by their state, including such courses as social studies, science, physical education (PE), and foreign language.

The purposes of public school are no different for children with disabilities than they are for other children, nor are they able to achieve those goals in less time than their peers. Yet, some school administrators and government officials have stated to P&A staff and others that informal removals are not really harmful. Children with disabilities are not exempt from the need for this important and expensive public program.

Informal removal creates a permanent underclass of children, children who absorb the message that they are not welcome at school- that school is for "other kids." They are removed, sometimes forever, without even a hearing to prove that they committed an expellable offense.

How Much School Do Children with Disabilities Miss While Removed?

Nationally, formal school removals (suspension and expulsion) result in a loss of 11 million instructional hours per year.[21] Research has shown that suspension does not improve student behavior but "[r]eceiving a more

[21] This data is for the 2015-2016 school year. Losen, D. J, & Martinez, P. (2020). Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn. Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn (ucla.edu)

severe exclusionary disciplinary response to an incident increases the number of days students miss due to absence during subsequent school years, increases the number of days they miss due to suspension in subsequent school years, decreases their likelihood of earning both English language arts (ELA) and math credits throughout their high school career, and decreases their likelihood of graduating."[22]

Those 11 million lost hours are only the hours of instruction we know to be lost through **reported** formal suspensions and expulsions -- removals for which there is a paper trail. They do not include the unreported hours lost through informal removals.

While data about informal removal does not yet exist that would provide specific percentages, P&As report anecdotally that the practice of informal removal appears to impact children of color with disabilities in the same disproportionate manner that formal removal (suspension and expulsion) does, [23] if not more so. Disaggregated data about informal removal must be collected, so that stakeholders are aware if it does result in removals that impact children disproportionately.

Why is Informal Removal Harmful?

Imagine when you were a child…being sent home from school in the middle of the day, for something you could not control? The other children and staff all knew why you left, and your

[22] Christina LiCalsi, David Osher, Paul Bailey (2021). An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes, American Institutes for Research. Retrieved from
Document Title (air.org)

[23] Daniel J. Losen, Paul Martinez & Grace Hae Rim Shin (2021). Disabling Inequity: The Urgent Need for Race-Conscious Resource Remedies. final-Report-03-22-21-v5-corrected.pdf (ucla.edu).

parent had to leave work to come get you. Your parent sat at home with you, worrying about their job.

Then, imagine that happening day after day until you are so far behind in school that you feel sick at the thought of having to get up and go in again. Other children start to avoid you because something feels off.

As discussed above, studies have shown that suspension is not effective in improving children's behavior, and removals from school are harmful to children. Informal removal is even worse.

In the case of a long-term formal suspension, the school district must prove that the child committed a school code violation and must provide the child an opportunity to present their side of the story, among other protections. So, there may not be a suspension at all in the end.

Under the IDEA and Section 504, in addition to the protections above, a child may show that the violation was the result of their disability, mitigating the punishment. Children are entitled to receive their education while they are removed from school under the IDEA, so they do not lose out on instruction even when they are out of school.[24]

When a child is informally removed, however, none of those protections are provided. There is no hearing or determination of the role of disability. Many children get no education at all while informally removed and others receive only a few hours per week.

Children sent home from school in this way learn that they are not even worthy of a chance to give their side of the story or to learn what they did

[24] 34 CFR §§300.530 - 300.536.

"wrong." It is impossible to learn from a mistake when one doesn't even know what it is. Sometimes it wasn't anything "they did" at all, but a practical issue like the use of one paraprofessional for two students in the same day, or the absence of a key staff person.

Chris Shank of Youth Rights and Justice describes this feeling as "…They're going to see themselves as someone who doesn't fit in school, who doesn't belong here, and someone who's just a trouble-maker- you don't want to be in school when that's how you see yourself."

This cycle of rejection and removal eventually leads to what Steven Aleman of Disability Rights Texas describes as a "silent killer of opportunity."

LEGAL RIGHTS

Here is a brief summary of some of the legal rights under federal law that extend to children with disabilities who are informally removed from school.[25] They arise from the U.S. Constitution, Section 504 of the Rehabilitation Act of 1973 (Section 504), and the IDEA. Children may have additional rights under state law and other federal laws as well.

Constitutional Due Process Rights

In 1974, the U.S. Supreme Court held in *Goss v. Lopez*[26] that because the students who had sued the school district were required to attend school by law, their right to education was a property interest protected by the Due Process Clause of the U.S. Constitution. As such, their education could not be taken away through a suspension without minimum due process procedures. The Court found that students facing suspension should at a minimum be given notice and a hearing of some type. The amount of

[25] Please note, this report provides a brief overview of the law and is not a substitute for legal research. Disability Rights Oregon attorney Joel Greenberg assisted with this section.
[26] *Goss v. Lopez*, 419 U.S. 565 (1975).

protection (hearing, notice) varies depending upon the length of the school removal, and in certain circumstances, could even permit the student to call and cross examine witness.

Section 504

Section 504 requires nondiscrimination under Federal grants and programs. This section of the Rehabilitation Act of 1973 ensures that "No otherwise qualified individual with a disability in the United States…shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance…"

Children with disabilities are qualified individuals with disabilities in the context of public school. LEAs are programs that receive federal financial assistance. As a result, LEAs may violate Section 504 if they exclude children with disabilities from participation in a full day of school because of their disability.[27]

A recipient of federal funds must provide a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit or service that is equal to that which they provide to others. When it denies a full day of school, an LEA fails to provide a child with a disability the same opportunity to attend school that was provided to their peers. In this way, the LEA may discriminate against children with disabilities.

LEAs that provide children with disabilities with services (a public-school education) that are not as effective as they provide to their non-disabled

[27] A disability may manifest itself in ways that are not immediately obvious, such as an inability to communicate easily or clearly. The child's need to communicate can result in behavior that is seen as challenging for school staff, especially who are untrained/unaware of techniques to assist them in learning how to express themselves in ways that are not seen as "disruptive."

peers, are also in violation of Section 504.[28] Students receiving shortened school days are not receiving an education that is as effective as their peers. To hold that shortened school days are equivalent to full school days would require the absurd conclusion that the educational services that LEAs offer to students are ineffective and of no value.

The IDEA

Under the IDEA, IEP[29] teams must consider a number of special factors when developing, reviewing, or revising a child's IEP. The IDEA specifically requires IEP Teams to consider the use of positive behavioral interventions and supports, and other strategies, to address behavior for any child with a disability whose behavior impedes his or her learning or that of others.[30]

Per a United States Department Of Education, Office Of Special Education And Rehabilitative Services 2016 "Dear Colleague Letter"[31]

> Incidents of child misbehavior and classroom disruptions, as well as violations of a code of student conduct, may indicate that the child's IEP needs to include appropriate behavioral supports. This is especially true when a pattern of misbehavior is apparent or can be reasonably anticipated based on the child's present levels of performance and needs. To the extent a child's behavior

[28] 34 C.F.R. § 104.4(iii).
[29] "Individualized Education Program" (IEP) is a plan of services developed for a specific IDEA eligible child. It is developed by an IEP Team, which includes certain members, including the child's parents. For more information about IEPs, the following document by ED is helpful. U.S. Department of Education: Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations (2011). Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations (PDF)
[30] 34 CFR §300.324(a)(2)(i).
[31]United States Department Of Education, Office Of Special Education And Rehabilitative Services (2016) "Dear Colleague Letter on the Inclusion of Behavioral Supports in the IEP." Dear Colleague Letter on the Inclusion of Behavioral Supports in Individualized Education Programs (PDF) (Hereafter, " 2016 Dear Colleague Letter")

> including its impact and consequences (e.g., violations of a code of student conduct, classroom disruptions, disciplinary removals, and other exclusionary disciplinary measures) impede the child's learning or that of others, the IEP Team must consider when, whether, and what aspects of the child's IEP related to behavior need to be addressed or revised to ensure FAPE. If the child already has behavioral supports, upon repeated incidents of child misbehavior or classroom disruption, the IEP team should meet to consider whether the child's behavioral supports should be changed.32 (Emphasis supplied)

A recent federal court ruling[33] by a United States District Court in Oregon ruled:

> To obtain funding under the IDEA, a State must implement policies and procedures to ensure a free appropriate public education ("FAPE") in the least restrictive environment ("LRE") …A FAPE consists of "special education"[34]—instruction specially designed to meet the unique needs of a child with disability—and "related services"—developmental, corrective, and other support services as may be required to assist a child to benefit from that instruction…
>
> A least restrictive environment is to the maximum extent appropriate, a general education in a regular classroom environment. …"[R]emoval . . . occurs only when the nature or severity of the disability is such that education in regular classes

[32] 2016 Dear Colleague Letter, at 4.
[33] *J.N. v. Or. Dep't of Educ.*, Case No. 6:19-cv-00096-AA (D. Or. Sep. 1, 2020).
[34] Note: While the word "special" continues to be used in government documents, NDRN avoids use of the term whenever possible. "Education" or "education of students with disabilities," " IDEA eligible" or other language that accurately reflects the service, individual, or group is preferred.

> with the use of supplementary aids and services cannot be achieved satisfactorily…"
>
> …It is the expectation that all children, including children with disabilities, obtain an educational program, offered to the child with a disability via the IEP, that is "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.[35]

It would be impossible to meet this standard while attending school for only a small portion of the school day, and the standard would not be met if the child is functionally removed from school entirely, as is the case with the "transfers to nowhere," homebound placements and "agreements in lieu of suspension" described within this report.

ED's Policy on Informal Removals

ED's policy guidance, in reference to shortened school day (one type of informal removal) provides a strong statement about informal removal by recognizing that a shortened school day may, in some cases, be considered a suspension for the purposes of the IDEA. These cases involve removals that are potentially harmful to the student, as reflected in the definition used in this report.

> ….In general, the Department does not consider the use of exclusionary disciplinary measures to be disciplinary removals from the current placement…so long as children with disabilities are afforded the opportunity to continue to be involved in and make progress in the general education curriculum, receive the instruction and services specified on their IEPs, and participate with nondisabled children to the extent they would have in their

[35] 34 C.F.R. § 104.4(iii).

> current placement…It is likely that the exclusionary disciplinary measures…if implemented repeatedly, would constitute a disciplinary removal from the current placement. For example, when school personnel regularly require a child with a disability to leave school early and miss instructional time due to their behavior, it is likely that the child's opportunity to be involved in and make progress in the general education curriculum has been significantly impeded; in such circumstances, sending the child home early would constitute a disciplinary removal from the current placement… **To the extent that schools implement exclusionary disciplinary measures in a manner tantamount to a suspension – or other removal from the child's current placement – they are required to fulfill their statutory obligation to report such removals, and act within the authority of school personnel provided…[in the IDEA]".**[36] (Emphasis supplied.)

A child placed out of school on a homebound tutoring program, a shortened day or other administrative removal is almost certain to experience a reduced educational program and/or be provided IEP services that are "reduced to fit." Such changes would fail factors one and two of the three-part test. In addition, a child in this situation would be unlikely to "continue to participate with nondisabled children to the extent they would have in their current placement," the third requirement of the three-part test above. Homebound placements, because they are considered among the most restrictive of placements,[37] cannot be considered until all

[36] 2016 Dear Colleague Letter at 13.
[37] 34 CFR 300.115, "Continuum of alternative placements."

other placement options and supplementary services have been attempted.[38]

In addition, the child's IEP Team must consider what additional aspects of the child's IEP related to behavior need to be addressed or revised to ensure FAPE.

The same *2016 ED Dear Colleague Letter* addresses informal removals in the context of the IDEA's discipline protections with these examples.

> These exclusionary disciplinary measures also could include: A pattern of office referrals, extended time excluded from instruction (e.g., time out), or extended restrictions in privileges**; Repeatedly sending children out of school on "administrative leave" or a "day off" or other method of sending the child home from school; · Repeatedly sending children out of school with a condition for return, such as a risk assessment or psychological evaluation; or · Regularly requiring children to leave the school early and miss instructional time** (e.g., via shortened school days).[39] (emphasis supplied)

A removal is not considered a part of the days of suspension as long as the child is afforded the opportunity to continue: 1) to appropriately participate in the general curriculum, 2) to receive the services specified on the child's IEP, 3) to participate

[38] 34 CFR §300.114(a].

[39] 2016 Dear Colleague Letter, at 13.

with nondisabled children to the extent they would have in their current placement

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The following state complaint decision provides an example of how these requirements apply in an informal removal case.

> …[**T]he Student's school day was reduced to half days based on the Student's behaviors. The Student's IEP was not amended to reflect this change or address how the Student would receive all required services. A manifestation determination review was not conducted. The reduction of school hours, outside the scope of an IEP meeting where the Parent consents to a change of placement constitutes a constructive removal.** Therefore, the Community School is in violation of 34 C.F.R. 300.530(b)-(f) as it should have conducted a manifestation determination review, obtained consent for any change of placement and created a plan to ensure the Student received all required services… [40] (Emphasis supplied)

This example of a remedy from a recent DOJ settlement agreement shows how significant a violation these removals are under federal law.[41]

> The District will implement system-wide policies and methods of administration that will ***require the District to monitor students on Abbreviated School Days***, including through the collection and maintenance electronically of the following information

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[40] *Millennium Community School Ohio State Educational Agency (* March 25, 2016), CP 0021-2016. Accessed at 116 LRP 11957. Complaint finding by State Education Agency (SEA).

[41] *Settlement Agreement Between the United States and Lewiston Public Schools* (2021). Justice Department Settles with Lewiston School District to Protect Educational Rights of Students with Disabilities and English Learners | USAO-ME | Department of Justice.

> regarding every student on an Abbreviated School Day: (a) student identification number; (b) school; (c) grade; (d) date of birth; (e) sex; (f) whether the student has an (i) IEP; and/or (ii) 504 Plan; (g) if the student has an IEP or 504 Plan, the disability identified on that plan; (h) EL status (Active, Optout, Exited [if within last three years]); (i) SLIFE status (Active, Former, Never); (j) the number of hours per week the student is scheduled to attend school; (k) the date the student started enrollment in the District; (l) the date the student started on the Abbreviated School Day; (m) the date the student's Abbreviated School Day ended (if it ended) or expected return date; (n) whether the student started on a full-day schedule after the Abbreviated School Day placement, and if not, an explanation of what happened after the end of the Abbreviated School Day (e.g., the student dropped out, the student graduated, etc.); (o) a detailed explanation of why the student was/is on an Abbreviated School Day; (p) for students with disabilities, the number of hours of missed instruction and the number of missed services and supports on the student's IEP and/or 504 Plan; (q) for a student with a disability, whether the student has a BIP, and the date of the BIP's implementation; and (r) for a student with a disability on an Abbreviated School Day for disability-related behavior, whether the District (i) took the steps [required]. [42]

ED's position is that an informal removal should be treated as a suspension for due process, IDEA and Section 504 purposes when the child's program while removed meets the three-part test above, and that violations have serious implications for children, and indirectly LEA's.

[42] *Id*. At 15.

ALTERNATIVES TO INFORMAL REMOVAL

IDEA

The LEA's hands are not tied. The IDEA provides protections when a child's behavior is truly dangerous. Among other options, a LEA can unilaterally move a child to an alternative setting for up to 10 days (and then longer in certain circumstances).[43] The LEA may also request an expedited due process hearing[44] or an injunction in court if necessary.[45] In the many informal removal cases P&As see, dangerous behavior by a student is rarely at issue. These cases more often involve disruptive behaviors that are not so far out of the ordinary that they cannot be safely and effectively addressed by providing better supports.

P&A staff sometimes hear the argument from school administrators that informal removals are necessary to balance school budgets or that a certain percentage of IDEA eligible children must be removed because there are insufficient funds to serve them all. These sorts of ideas are and should be, shocking to most readers.

There is simply no provision in the law for the removal of certain children to balance the budget. In fact, the law is clear that a child's placement may not be changed for "administrative convenience," meaning for reasons unrelated to the student [46] and the IDEA has a "zero reject" policy so that

[43] 34 CFR 300.530.
[44] 34 CFR 300.532(c).
[45] Allegedly dangerous behavior is also addressed in the Americans with Disabilities Act and other sources of legal authority. Analysis of these options is outside of the scope of this report.
[46] Department of Education 34 CFR Parts 300 and 301 Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities; Federal Register / Vol. 71, No. 156 / Monday, August 14, 2006, p. 46588. 20060814-Part_B_regulations.pdf (ed.gov).

no child is exempt from education.[47] Removals to balance the budget are as illegal as they are repugnant.

P&A staff have seen districts with limited resources serve students, regardless of disability. They have seen school staff provide services to students with incredible creativity and warmth, even in schools that barely have the funds to operate. Resources to support staff are badly needed and are an absolute priority, but the solution is not to simply exclude groups of students.[48]

What Makes the Difference?

A clearly stated expectation from LEA leadership that that all children in the school are "our children" and that all will attend school full time -- with very rare and clearly defined exceptions. That leadership creates an expectation that extends throughout the building, the school's programs, and into classrooms.

Alternatives To Removal

The 2016 ED Dear Colleague Letter[49] referenced above addresses school district responsibilities when behavioral issues arise involving students with disabilities and provides positive alternatives to removal.

> However, when a child with a disability experiences behavioral challenges, … appropriate behavioral supports may be necessary to ensure that the child receives FAPE. In the same way that an

[47] *Timothy W. v. Rochester, N.H., Sch. Dist.,* 75 F.2d 954 (1st Cir. 1989), *cert. denied*, 493 U.S. 983, *(1989).*
[48] Recent DOJ and ED resolutions show how a change in expectations can look, when informal removals are no longer an acceptable alternative. ED OCR: Saco ME: Agreement to Resolve Compliance Review (U.S. Department of Education's Office for Civil Rights Reaches Agreement to Resolve Restraint and Seclusion Compliance Review of Saco, Maine, Public Schools | U.S. Department of Education) U.S. DOJ: Lewiston ME, Settlement (Justice Department Settles with Lewiston School District to Protect Educational Rights of Students with Disabilities and English Learners | USAO-ME | Department of Justice.
[49] 2016 Dear Colleague Letter, see note_31.

> IEP Team would consider a child's language and communication needs, and include appropriate assistive technology devices or services in the child's IEP …[50] to ensure that the child receives a meaningful educational benefit, so too must the IEP Team consider and, when determined necessary for ensuring FAPE, include or revise behavioral supports in the IEP of a child with a disability exhibiting behavior that impedes his or her learning or that of others.[51]
>
> … [A]s part of the development, review and, as appropriate, revision of the IEP, IEP Teams should determine whether behavioral supports should be provided in any of three areas: (1) special education and related services, (2) supplementary aids and services, and (3) program modifications or supports for school personnel.[52] IEPs should contain behavioral supports supported by evidence—IDEA specifically requires that both special education and related services and supplementary aids and services be based on peer-reviewed research to the extent practicable.[53]

The same Dear Colleague Letter contains helpful suggestions about how to address behavioral issues and when to identify children who are potentially eligible under the IDEA.

Many informal removal cases could be prevented by the provision of additional expertise in the drafting and/or implementation of the child's behavior plan, and that once that expertise is provided, the "need" to remove the child disappears. Often the addition of short-term expertise

[50] 34 CFR §300.324(a)(2)(iv) and (v).
[51] 34 CFR §§300.320(a)(4) and 300.324(a)(2)(i).
[52] 34 CFR §300.320(a)(4).
[53] 34 CFR §300.320(a)(4)

from a behavior specialist can result in a more effective plan. In addition, ED and other agencies have resources to share with LEAs to help train staff to address student's behavioral needs.[54]

Early identification is critical. Many informal removal cases involve children who were found eligible for IDEA services in middle and even high school, but who could have benefited from supportive services when they were very young.

Avoiding Homebound and Segregated Placements

Similarly, the IDEA requires that a number of interventions be provided before placing children in highly restrictive settings, such as homebound/tutoring programs, segregated schools and alternative education programs.

See below from the 2016 Dear Colleague letter.

> "Supplementary Aids and Services: Public agencies must comply with the requirement to make available a continuum of alternative placements as required under… [55]which includes the provision of supplementary aids and services (e.g. behavioral supports) throughout the continuum.
>
> Under…[56] supplementary aids and services are defined to include aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with

[54] ED and SEAs have resources to provide LEAs. See for example: "The Center on PBIS" Center on PBIS
[55] 34 CFR §§300.114-300.116.
[56] 34 CFR §300.42.

> disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with…[57]
>
> Appropriate supplementary aids and services could include those behavioral supports necessary to enable a child with a disability to be educated in regular classes or the setting determined to be the child's appropriate placement in the LRE. Such behavioral supports might include meetings with a behavioral coach, social skills instruction, counselor, or other approaches.
>
> In general, placement teams may not place a child with a disability in special classes, separate schooling, or other restrictive settings outside of the regular educational environment solely due to the child's behavior when behavioral supports through the provision of supplementary aids and services could be provided for that child that would be effective in addressing his or her behavior in the regular education setting.[58] Children with disabilities may only be removed from the regular educational environment when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily…[59] (Emphasis supplied)

As the OSEP letter explains, a child may not be moved to a more restrictive setting until supplementary aids and services have been put into place. And if a change of placement is to occur, it must occur in a linear progression across the full continuum of placements. The IDEA and Section 504 do not allow an LEA to skip a child's placement to the very end of the continuum,

[57] 34 CFR §§300.114-300.116.
[58] 34 CFR §§300.114-300.116.
[59] 34 CFR §300.114(a)(2)(ii).

from regular classroom or resource room to a highly restrictive homebound placement or out of school entirely.

In the event of a removal, a behavioral intervention plan (BIP) should be revised. If a revision does not succeed, the IEP team should consider whether additional assistance is needed to prevent removal and ensure that the child will receive FAPE in the LRE.[60]

Some important questions for IEP teams, families, advocates and others to ask before removing a child from a full day of school with peers:

- Does an additional or different evaluation need to be completed? Have prior evaluations really assessed the child's "in all areas."[61]
- Does the team need a behavior specialist with expertise to meet this child's unique needs that is greater or different than that of the professionals currently on the team?
- Does the classroom team need more support to implement the BIP and the IEP consistently?

ACTION STEPS: What Can Be Done About It?

Collect Data

For more than 15 years, advocates have pushed hard for the collection of data on informal removal and for changes in law and policy to prevent it. Only recently has it been more broadly recognized as a concern. Very few states collect any data at all, and for the few states that do collect data, there is no consistency in the type collected. There have been powerful

[60] 2016 Dear Colleague Letter at 14.
[61] 34.CFR §300.304(c)(4).

settlement agreements and investigations by government agencies very recently which provide hope, but there is still much more to be done. [62]

Eliminate Informal Removals and Recognize The Harm They Cause

The problem of informal removal[63] has been downplayed; school officials and others have argued that these removals are for medical reasons (that is a separate type of removal), are very minor in length, or are the result of isolated "bad actors" or extreme circumstances. As described in this report, the reality is starkly different.

Another argument advocates hear is that informal removal is better for children than to have a suspension on the books that creates a permanent record. However, if the behavior is related to the child's disability, there should not be a "suspension on the books" in the first place. The issue should be addressed in the context of the IEP and/or Section 504 plan.

The most powerful tools to end the use of informal removal as an "end run" around legal protections are: 1) asking questions, 2) telling the stories of children who have experienced it, 3) requiring action and accountability.[64]

It is important to respond to these arguments with facts.

The **first step** is to get the word out about how and when it happens and who it harms. Stories of children and families affected are powerful.

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[62] See FN 44.

[63] "Informal removal" as used in this report " *...Any time a child with a disability is removed from school for a sufficient period of time to constitute a "change of placement" without the rights extended to them[63] under the U.S. Constitution, [63] state or federal law and/or regulation.*

[64] All public disclosure of information about children must preserve their privacy.

Families and/or their advocates, friends, and supporters (with family permission) can tell those stories to the press, to school boards, on social media and other places.

Informal removal has thrived in the shadows, but it does not need to remain there.

The **second step** (or a concurrent one) is to gather information. Despite the lack of data collected on a regular basis by government, stakeholders can learn a great deal about the frequency and type of informal removal in their jurisdictions. Information can be requested, analyzed, and acted upon by federal, state, and local governments, school boards, advocates, families, and other interested stakeholders.

Information exists about the most common forms of informal removal. Sometimes this information is not forthcoming, which makes public discussion of the problem all the more important. There is a very important role here for the media, and especially, for investigative reporting.

Some examples of possible information sources are listed below.[65]

Shortened School Day

LEAs already record a child's absences from class as part of their regular data collection and use this information to determine truancy and assign detention for "skipped classes." Therefore, this information could be used to understand the frequency of shortened school days. Parents have access to this information, or should have access to it, for their own purposes. It is up to them whether they wish to share it publicly. LEA have this information as well. Sometimes administrative removals, such as "sent homes" or

[65] There are likely to be many other information sources as well based on how the educational system in a particular jurisdiction is structured.

shortened days are coded as unexcused absences and sometimes as excused ones.[66]

Homebound with Off Premises Tutoring: LEAs generally either contract with tutors or send their staff off premises to teach children on homebound tutoring. There should be a record of these tutoring sessions.[67]

Remote Learning Caused by Behavior: If a child is placed on remote learning at a time that other children have returned to school in person, there should be a record of the use of a remote alternative.

This above summary describes some the types of information on informal removal that could be realistically collected by stakeholders. Stakeholders may be able to find additional information sources that exist in their communities.

A third step is to use these powerful stories, bolstered by the information gathered, to make change…to ensure that there is a clear message that informal removal is not acceptable, that supports necessary for children to stay in school are provided, and that policies and practices that provide incentives to informally remove children are eliminated.

Data

P&As and other advocates in this work are, in most places, the only "data" collectors, using their intake data to make educated guesses. "Data" is included in quotes here because it is no substitute for federal, state and LEA data collection. Government data collection that uses common terms

[66] Missed classes are usually recorded as "excused" or "unexcused." Shortened school days, as described in this report, are neither.

[67] P&As have noticed that in some LEAs tutors have met 1:1 with children off school premises. This raises serious concerns about a risk of abuse.

and measures and can be regularly analyzed to guide systems change is critically needed.

When the government gathers data on formal, but not the "off the books" removals (which may very well exceed the formal ones), it only tells one part of the story. We really have no idea how many removals there are and how many instructional hours are lost to them. Stakeholders have a false sense of security -- that we understand the problem and have control over its correction.

As important as the numbers, however, are the reasons --

- Why does informal removal occur in this LEA?
- What form does it take here?
- What are the drivers, the root cause(s)?
- What actions are needed to eliminate the incentive to use it?

Casework experience has shown that when one method of informal removal is eliminated, another will develop rapidly, unless the root cause is addressed. The root cause is generally the failure to provide appropriate behavior supports to the child, and support and training to the classroom team to provide them.

Stakeholders need to know which LEAs, and within them, which school buildings, have the highest rates of informal removal. Then they can determine the reasons, and thoughtfully create change.

For example:

- Do staff need more training in positive behavior supports and/or in teaching children with disabilities of the type removed?
    - Are there common behavioral concerns that staff do not successfully address?
    - Are children with a specific diagnosis removed most frequently?

- Does the LEA have access to experts who specializes in high-incidence disabilities, or should it arrange for them?
- Is there a plan to obtain expertise in a timely manner for needs that are not high incidence?

Funding Incentives for Incentives for Removals

Do funding or record keeping policies and practices encourage the use of informal removals? For example, in some locations:

- A "school day" might qualify for school funding purposes if the child "is present" until a specific time of day, creating a fiscal incentive to remove a child from school just after that time. [68]
- One hour of 1:1 tutoring is counted as a full school day of instruction for funding purposes, even though it does not provide the same educational value as a full school day.
- One specific date in the school year determines the child count for funding purposes. Advocates report being told by school staff that after the "count date," children are more frequently removed from school, and P&A intake data appears to support this.

Inequities and Information Needs

Stakeholders need sufficient information to know whether inequities exist in the implementation of informal removal, so that no child is deprived of an education. Here are some possible considerations.

Intersectionality

[68] Parents have reported to P&A staff that their child was told to sit outside of the principal's office until they could send him home "after 11" or other removals related to a specific time in the school day, which often occurs before lunch. When this occurs, the child may not receive free or reduced-price school lunch as well as access to their afternoon classes.

It is important to examine whether children with disabilities, who are also members of other protected classes (such as, race, ethnicity, gender), are informally removed at higher rates.

Trauma

We are just starting to scratch the surface on the role that trauma plays in children's behavior, and its impact on their ability to learn. Some questions to ask include: "Does the LEA provide training and support for trauma informed teaching practices?" "Is the impact of trauma considered in review of IEPs, the development of behavior plans and disciplinary decisions?" "Are children removed from school due to behaviors impacted by or resulting from trauma?"

Very Young Children

The age of children removed is also an important focus. P&As have noted that informal removal is often used with preschool, kindergarten, and early elementary students. Given that early intervention is so important to child development, these removals are additionally concerning.

CONCLUSION

Informal removal negatively impacts a school's climate and culture, and has long-term consequences for the students and families who experience it. Lost instructional time has been shown to have long-term negative economic, health, and community impacts for individual children and their families.

Removing a child from class due to behavior sends a message that is heard by the child, and also by their peers, their family and their community.

RECOMMENDATIONS

U.S. Department of Education (ED)

1. Issue a **guidance document** that addresses informal removal.
    - The guidance should include the following:
        - A clear expectation that all children attend school for a full school day.
        - That informal removal is not a behavioral intervention.
    - A statement that all students receive a full day of services that provides:
        - The same number of school hours as required by the state for all public-school children of that age/grade.
        - That meets all state quality standards (e.g. teacher qualifications, curriculum requirements.)
        - Includes all the course work that the child would receive while in school, as part of the general curriculum, including such courses as social studies, science, PE, and foreign language.
        - Provides all the services required by their IEPs and Section 504 plans.
    - Define IR in the definitions section of the guidance document as "…Any time a child with a disability is removed from school for a sufficient period of time to constitute a "change of placement" without the rights extended to them under the Constitution, state or federal law and/or regulation."
    - Provides case scenarios that provide examples of common types of informal removal.
    - That SEAs must review state funding mechanisms and remove funding or other incentives that encourage its use.

2. **Grantmaking**
   ED funding must encourage the use of behavioral supports and interventions that eliminate any incentive to use informal removal.

3. **Enforcement**
   ED fully enforces the IDEA, Section 504 and the Americans with Disabilities Act (ADA) as applied to public schools, to ensure compliance with the FAPE, discipline, LRE, equity and child find provisions of these statutes,

U.S. Department Of Justice (DOJ)

1. **Enforcement**
   - DOJ fully enforces statutes within its jurisdiction, to eliminate non-compliance that results in informal removal.
   - An important role for DOJ is to investigate and remedy disproportionality in the use of informal removal.
   - In recent years, both ED Office for Civil Rights (OCR) and DOJ have investigated and resolved cases involving informal removal. This work is critical, and must both continue and expand.

Congress

1. Prioritize and invest in trauma-responsive, positive, and equitable behavioral interventions and school-wide systems like Positive Behavioral Interventions and Supports (PBIS) to make it easier for LEAs to have the supports in place for staff and students.
2. Invest in the ready availability of mental health professionals including, but not limited to, behavior specialists, psychologists, social workers and "on the ground" behavior intervention staff. Schools need trained personnel who can support the mental health needs of children while respecting and honoring the diversity of students.

3. Pass the *Protection and Advocacy in Education Act* (H.R. 8187)[69] which would provide dedicated grant funding for the P&A Network to protect and advocate for the rights of students with disabilities.

State

1. Provide funding for professional behavior intervention services, quality evaluations, and student and staff behavior supports, as described above.
2. Review state funding mechanisms to identify and eliminate funding incentives that encourage the use of IR.
3. State Departments of Education provide parent-friendly complaint and due process hearing systems that are available to effectively challenge informal removals.
4. SEAs proactively address IR related compliance violations
5. In many locations, IR is so ubiquitous that school staff report that they had never considered that it might not be legal.[70]
   a. State Education Agencies (SEAs) must provide free and readily accessible training for LEAs, contractors, families and advocates (including Parent Training and Information Center and State Special Education Advisory Panels) about informal removal practices and their relationship to state and federal law, with specific outreach to underserved communities.
   b. SEAs must provide guidance and resource documents that clarify the law in this area.
6. Collect Data about IRs.

[69] H.R.8187 - To authorize grants to establish a national education protection and advocacy program to enforce the rights and protections under the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and section 504 of the Rehabilitation Act of 1973, and for other purposes. Introduced in the 116th Congress.

[70] P&As have reported staff saying things like: "It happens all the time and the principal knows about it, so it's got to be ok."

Local

At the local level, administrators, school boards, advocates, and others should:

1. Ensure that LEAs have the supports in place for staff and students need.
2. Train all staff as described above.
3. Collect disaggregated data on the frequency and type of informal removal.
4. Change policies, enforce violations of state and federal law.
5. Be transparent with community members who are asking questions

And,

6. Get the word out about how and when IR happens and who it harms. Tell the stories of children and families affected to the press, to school boards, state policy makers, on social media and others.
7. Stakeholders, local governments, and school boards request, analyze, and act upon information gathered about IR. Follow up as needed to ensure that change occurs.

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