Division of Special Education/Early Intervention Services

In-School Suspension and In-School Intervention

1. **What constitutes in-school suspension?**

   In-school suspension means the removal within the school building of a student from the student's current education program for up to but not more than 10 school days in a school year for disciplinary reasons by the school principal. Further, a student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

   [COMAR 13A.08.01.11B(4); COMAR 13A.08.01.11C(1)(b)]

2. **If a student continues to receive instructional services in another setting within the school rather than in his/her regular instructional program, is that considered in-school suspension?**

   No. An in-school removal is not considered in-school suspension as long as the student is afforded the opportunity to continue to:

   (i) Appropriately progress in the general curriculum;

   (ii) Receive the special education and related services specified on the student's IEP, if the student is a student with a disability in accordance with COMAR 13A.05.01;

   (iii) Receive instruction commensurate with the program afforded to the student in the regular classroom; and

   (iv) Participate with peers as they would in their current education program to the extent appropriate.

   If these four criteria are met, the disciplinary action taken may not be considered an in-school suspension and may be referred to as an “in-school intervention.”

   [COMAR 13A.08.01.11C(1)(a)]
3. **If a student receives in-school intervention, is that period of in-school intervention reported as an in-school suspension?**

No. In-school intervention is not considered an in-school suspension. Therefore, it is not reported.

[COMAR 13A.08.01.11C(1)(a)]

4. **What documentation must the school system keep for in-school interventions?**

The local school system or public agency shall maintain documentation that the student was provided the opportunity to continue to:

(i) Appropriately progress in the general curriculum;

(ii) Receive the special education and related services specified on the student's IEP, if the student is a student with a disability in accordance with COMAR 13A.05.01;

(iii) Receive instruction commensurate with the program afforded to the student in the regular classroom; and

(iv) Participate with peers as they would in their current education program to the extent appropriate.

The type(s) of documentation a local school system or public agency maintains to ensure (i) – (iv) above occurs is left to the discretion of the local school system or public agency.

5. **If the in-school intervention is not considered a day of suspension, do the requirements of COMAR 13A.08.01.11C(1)(b)-(g) apply to those periods of in-school intervention? For instance, do the parents need to be provided with written notification of the in-school intervention?**

No. In these cases, (b-g) do not apply. Moreover, these removals should not be included in the data that is submitted annually to the Department regarding exclusions, suspensions, expulsions, and in-school suspensions. Although not required, the Department recommends that parents/guardians are given written notice and kept informed of the in-school intervention taken as a result of a disciplinary action.

6. **Does in-school suspension apply to the IDEA 20 U.S.C. §1415(k) (1) “10 day rule” for students with disabilities?**

Yes. In-school suspensions are also included in the “10-day rule” for students with disabilities. In-school interventions are not included in the “10-day rule” for students with disabilities.
7. For data collection purposes, what units of time will be used for counting in-school suspension?

When a student receives in-school suspension for any part of the school day up to a half day, the student should be counted as having a half day suspension for data collection purposes. When a student receives in-school suspension for more than half of a school day up to a full day, the student should be counted as having a full day suspension for data collection purposes.

8. What data is to be collected relative to in-school suspension?

The U.S. Department of Education, Office of Special Education Programs (OSEP) expects states to report an unduplicated count of the number of children ages 3 through 21 with in-school suspensions summing to:

- Ten (10) days or less during the school year for any offense or combination of offenses; and
- Ten (10) days or more during the school year for any offense or combination of offenses.

When calculating cumulative days of in-school suspension, states must include all in-school suspensions of a half school day in length and longer.

For more information, call 410-767-7770

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