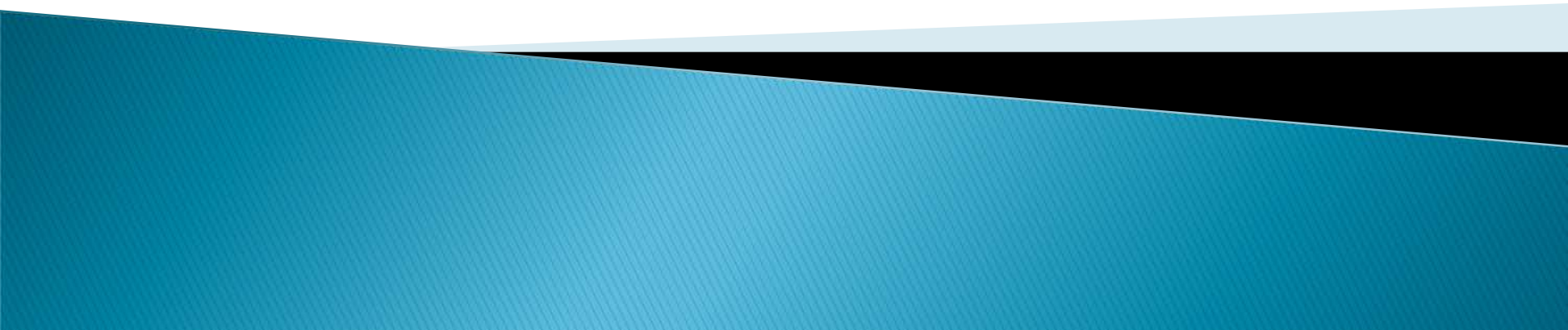
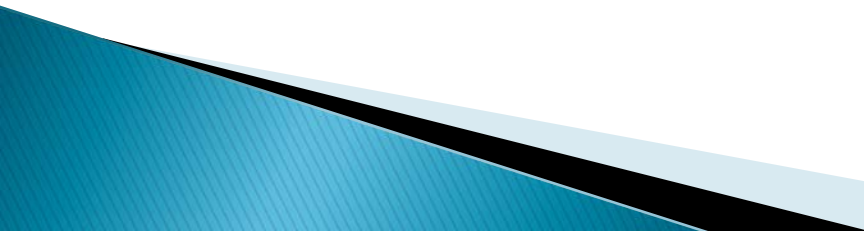


Manifestation





When does a Manifestation Determination Review need to be considered?

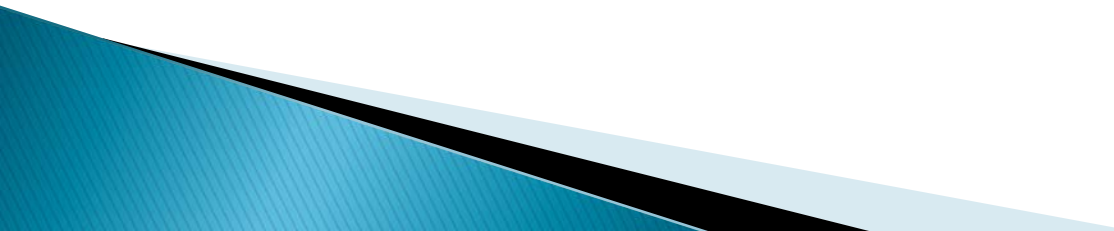
- ▶ ...Whenever a disciplinary action is contemplated with respect to an eligible child that will constitute a change in placement, and that action is being considered because of behavior that violates any rule or code of conduct of the school district that applies to all students. (**Change of placement is whenever a student with disabilities is being considered for a suspension for more than 10 days in any one school year, or when a student is being considered for an expulsion.**)
 - On the date when the district determines that disciplinary action will be taken, the district shall notify the parents in writing to that effect and shall notify them of the procedural safeguards that apply.
- 



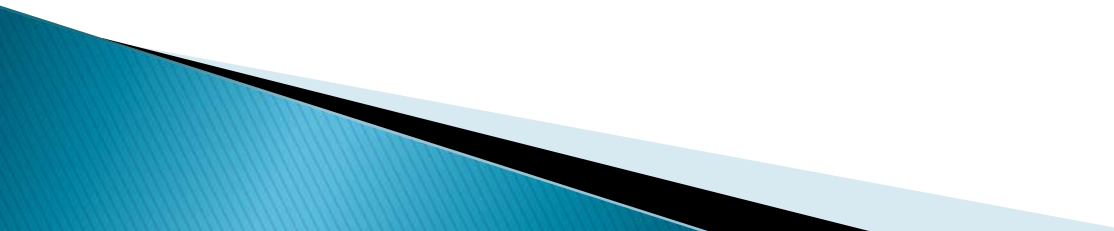
When does a Manifestation Determination Review need to be considered? (cont'd)

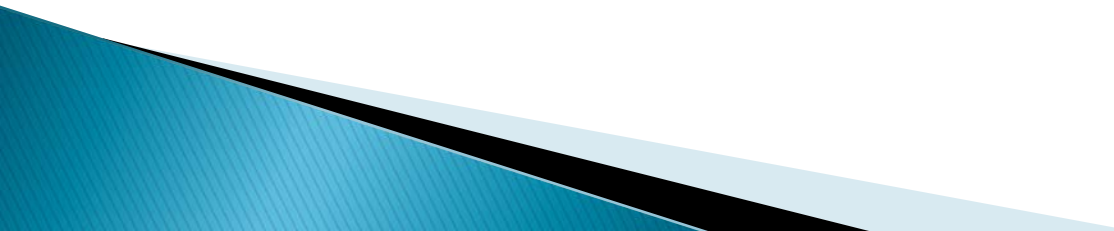
- As soon as possible, but in no event more than ten school days after the date on which the district determines that disciplinary action will be taken, the district shall conduct a review of the relationship between the child's disability and the behavior that is subject to the disciplinary action (a "manifestation review").
- The manifestation determination review shall be conducted by the IEP Team.

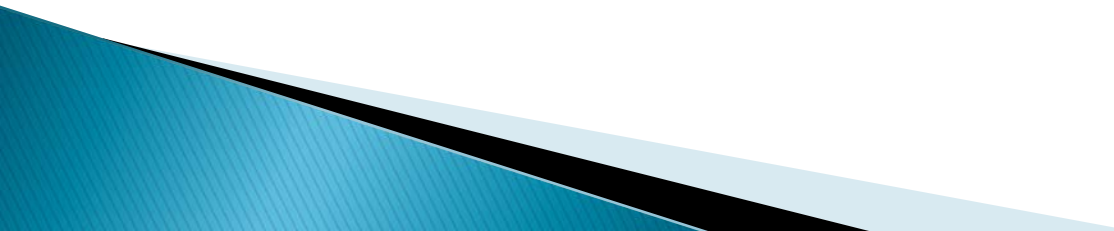
Manifestation Determination Form is in the Document Library of netIEP



Manifestation Determination Review

- The IEP Team shall determine whether the child's behavior was a manifestation of his or her disability. In making its determination, the IEP Team shall consider all available relevant information, including:
 - evaluation and diagnostic results, including information supplied by the child's parent(s)
 - observations of the child
 - the child's current IEP and placement
- 


- The team may determine that the subject behavior was not a manifestation of child's disability only if it is determined that:
 - The child's IEP and placement were appropriate, and special education services, supplementary aids and services, and behavioral intervention strategies were provided consistent with that IEP and that placement.
- 

- The child's disability did not impair his or her ability to understand the impact and consequences of the behavior.
 - The child's disability did not impair his or her ability to control the behavior.
- 



- If the child's behavior is determined to have been a manifestation of his or her disability, the district shall expunge the disciplinary records, immediately return the student to school, and initiate steps to remedy any deficiencies identified in the IEP or its implementation so that such deficiencies may be removed as soon as possible.
- Conduct an (FBA) if one has not already been done. Next, either complete a (BIP) or if one is already in place then review current (BIP) for effectiveness.

Manifestation Determination – Disciplinary Procedures

- If the child's behavior is determined not to have been a manifestation of the disability, the district may apply relevant disciplinary procedures in the same manner as it would with respect to children without disabilities. In such a case, the district shall ensure that the student's special education and disciplinary records are provided for consideration by the person(s) making the final determination regarding the disciplinary action to be taken.
- 

Discipline continued:

- When the application of a disciplinary measure results in a change in placement, services shall be provided to the extent determined necessary by the IEP Team to enable the student to progress in the general curriculum and advance appropriately toward achieving the goals set forth in his or her IEP.

(34 CFR 300.530 (d) (i))



Special Circumstances of a Manifestation Determination

- ▶ School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability for (3) possible circumstances.





Three circumstances are:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function

(34 CFR 300.530)