



MANIFESTATION DETERMINATION

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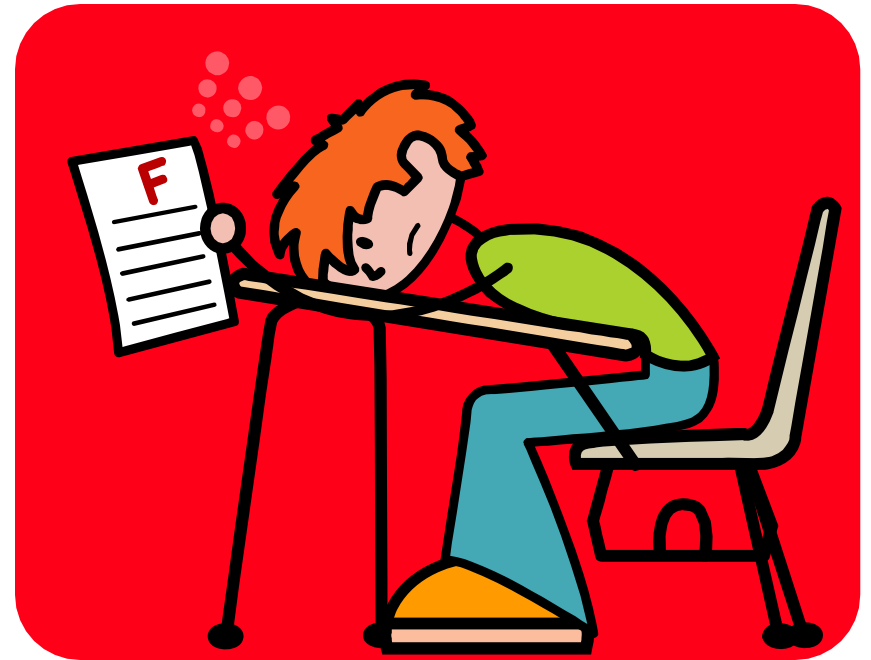
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DEFINITION

Determining whether the behavior that results in a suspension or a change of placement is a manifestation of the child's disability



Manifestation Determination

Must take place:

- When a school is considering a change of placement or suspension due to violation of a school's code of behavior.
- When the student has been removed from school for more than 10 days during one school year (on the 11th day)

May take place:

- When a student is being punished for behaviors that are a pattern



Determined to be Manifestation

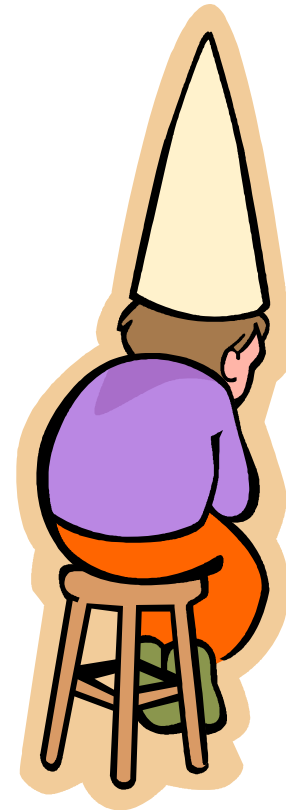
If it is determined to be a manifestation of the Student's disability, a Functional behavior assessment must be conducted and a Behavior intervention plan developed so that the behavior is less likely to reoccur.





Determined NOT Manifestation

If it is determined to NOT be a manifestation, then the student can be punished in the same manner as a child who does not have a disability.





Manifestation Determination Meeting

- Formal & Tense
- Results Critically Important:
 - Short/Long Term Suspension
 - More Restrictive Placement
 - OR
 - Additional Support with PBIP



Manifestation Determination IDEA 1997 (*Removed*)

- Determined to Automatically Be A Manifestation under any one of the following:
 1. If the students current placement or IEP were inappropriate
 2. If the services, supplementary aides or behavior intervention strategies were not consistent with the child's IEP



Manifestation Determination IDEA 1997 (*Removed*)

3. If the child's disability did in fact impair the child's ability to understand the impact and consequences of the behavior
4. If the child could not control the behavior subject to disciplinary action due to their disability.



2004 IDEA Requirements for Manifestation Determination

Only:

- “caused by, or had a direct and substantial relationship to the child's disability”

OR

- “a result of the child's IEP not being implemented”



Exceptions

- Weapon
- illegal drugs
- “Substantial bodily injury” to another person while at school, on school premises or at a school function”





Case-By Case Determination

Sec.300.530(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.



Do Your Homework

- Present Yourself Professionally
- Prepare Child/Student
- Supportive Documentation
- Attorney? Advocate? Support Person? (Dr., Therapist, etc.)



BE PREPARED TO DISCUSS

- Terminology Ex: Social Skills Deficits, etc.
- Functional Behavior Assessments
- PBIP = Positive Behavior Intervention Plan (after FBA)
- Proactive & positive goals and strategies -- not reactive response



Suggestions

- Never embarrass people at meeting
- Ask members for opinions as it relates to their specialty
- Ask questions, listening for clues to support your position
- Best if you can steer them toward creative solutions

