

## tourette syndrome association, inc.

### Manifestation Determination – 2010 Update

**The Tourette Syndrome Association has received an increase in questions regarding manifestation determinations.** A manifestation determination must occur when a child who has an Individual Educational Plan (IEP) under the Individuals with Disabilities Education Act (IDEA) has been removed or suspended from school in excess of ten school days within one school year as a result of a violation or multiple violations of the school's written code of conduct.

The purpose of the manifestation determination is to determine whether the behavior for which the student has been suspended is the direct result of the student's disability; whether it was the direct result of the school's failure to implement the student's IEP or it was unrelated to the student's disability.

IDEA specifies that the manifestation determination is to be conducted by the IEP team and that it should review all relevant information including the student's IEP, teacher observations, information from the parent and from the student, when age appropriate. The manifestation determination is especially important for students with the complex neurobiological condition, Tourette Syndrome, as their symptoms are often misunderstood. When conducted properly, manifestation determination should be helpful to a student with TS.

It is important for school administrators to be aware that, during the reauthorization of Individuals with Disabilities Education Act in 2004, the Tourette Syndrome Association (TSA) provided the US Department of Education with testimony and information that resulted in Tourette Syndrome being listed as Other Health Impaired . The following is taken from the Comments section of the Federal Regulations published Monday, August 14, 2006:

*"...we do believe that Tourette syndrome is commonly misunderstood to be a behavioral or emotional condition, rather than a neurological condition. Therefore, including Tourette syndrome in the definition of other health impairment may help correct the misperception of Tourette syndrome as a behavioral or conduct disorder and prevent the **misdiagnosis of their needs**. Changes: We have added Tourette syndrome as an example of an acute or chronic health problem in §300.8(c)(9)(i)."*

All too often, the 'misdiagnosis of their needs' can result in punishment, suspensions and change of placement for students with TS. IDEA encourages that children who have symptoms, which interfere with their or other students' education, be provided a Functional Behavior Assessment (FBA) with positive and proactive supports and interventions in order that the behavior is less likely to re-occur. An FBA is the next

step that a school must take if a student's behavior is found to be a manifestation of the disability.

Due to the nature of TS, every individual is unique, symptoms wax and wane as well as change due to fluctuating neurological chemical imbalance. Additionally, many youngsters with TS struggle with related symptoms such as obsessive compulsive disorder, attention deficit hyperactivity disorder, and sensory issues, all of which also manifest in unique manners depending on the individual. (See "Tourette is More than Tics" on tsa-usa.org).

Asking school personnel to determine what a manifestation of this extremely complex disorder is can be a daunting task. To assist in this process, it is recommended that school personnel consult and review the wealth of material available from the Tourette Syndrome Association. **It is important to note that TSA materials cannot be used to definitively determine whether specific behaviors exhibited by an individual student fit the criteria of a manifestation since TSA literature provides only general information.** Therefore, during the critically important manifestation determination process of examining symptoms of this highly misunderstood neurological disorder, TSA does suggest that a child's medical and/or clinical provider who is familiar with the specific child be consulted in order that, as per the Individuals with Disabilities Education Act (IDEA),

*"School personnel may consider any unique circumstances on a case-by-case basis in determining whether a change of placement is appropriate for a child with a disability".  
§300.530(a)*

By doing this, it will be more likely that children with TS, who are involved in a manifestation determination review, will receive appropriate interventions. This may include an FBA and positive / proactive behavior plan that provides accommodations and support instead of a change of placement which often is counterproductive for students with neurobehavioral disorders.

Ellen Meyers, M.S., M.Ed.  
Education Consultant

Kathy Giordano  
Education Specialist  
Tourette Syndrome Assoc., Inc.