



# Manifestation Determination Meeting Details

## Understanding the Manifestation Determination Meeting

- A manifestation determination requires the district representative, the special education student's parent or guardian and other relevant members of the IEP team to review all relevant information in the student's file.
- A manifestation determination meeting is required for students who were removed for more than 10 consecutive days or any time a removal constitutes a change in placement. A series of removals that total a pattern of more than 10 cumulative days may result in a disciplinary change of placement.

## Understanding Functional Behavior Assessment and Behavior Support Plan Requirements

- A **Functional Behavior Assessment** should be done within 30 days after receiving parental permission, and is required when:
  - A student is removed for more than 10 consecutive school days for conduct that **is** a manifestation of the student's disability, unless the district had conducted an FBA before the behavior that resulted in the change of placement (suspension) occurred.
  - A student is removed for more than 10 consecutive school days for conduct that **is not** a manifestation of the student's disability.
  - A student is placed in an interim alternative educational setting for not more than 45 school days for behavior involving a dangerous weapon, illegal drugs, or infliction of serious bodily injury.
- Once the Functional Behavioral Assessment is complete, the IEP team must develop an appropriate behavioral support plan (BSP) to address the behavior and ensure that those interventions are implemented.

## Understanding Suspensions

- A suspension is defined under state law as an action by the school administration, under rules promulgated by the school board, prohibiting a student from attending school for a period of no more than 10 school days.
- **Bus Suspensions:** If the bus transportation were a part of the student's IEP, a bus suspension would be treated as a suspension unless the district provides the bus service in some other way because that transportation is necessary for the student to obtain access to the location where services will be delivered. If bus transportation is not addressed in the student's IEP, a bus suspension is not a suspension. However, the school should consider whether the behavior on the bus is similar to behavior in a classroom that is addressed in the IEP and whether the student's behavior on the bus should be addressed in the IEP or a behavior support plan.
- **In School Suspension:** If the special education student is afforded the opportunity to continue to appropriately participate in the general curriculum, continue to receive the services specified on the student's IEP, and continue to participate with nondisabled children to the extent they would have in their current placement, then ISS would not be considered a part of the days of removal.
- Portions of a school day that a special education student had been suspended/removed may be considered as a removal in regard to determining whether there is a pattern of removals.
- Students may only have up to 10 days of removal per year before it constitutes a change of placement

## BEFORE THE MEETING CHECK-LIST

### Notice of a Team Meeting:

- Send by mail Notice of a Team Meeting/Procedural Safeguards to parents/guardian.
- Call and confirm appointment with parents/guardians and student.
- Invite/confirm with the school psychologist/sped facilitator and sped coordinator.
- Invite through email all other necessary IEP team members.

### Manifestation Determination Form in SpEd Forms:

- Review and be prepared to discuss:
  - ✓ Description in detail of specific behavior/incident that is being reviewed.
  - ✓ Date of the behavior incident.
  - ✓ Write up description of incident including details and time on Manifestation Determination form.

### Current Comprehensive or Re-Evaluation:

- Review and be prepared to discuss:
  - ✓ Strengths and Needs
  - ✓ Ability and Achievement Testing data
  - ✓ Area of disability and implications (i.e. SLD processing)
  - ✓ Documented Medical Diagnosis

### Functional Behavior Assessment (FBA):

- Was an FBA conducted within the past 2 years?
  - ✓ Yes: review the function of the behavior (to gain something OR to avoid/escape something) AND the effective strategies to change the behavior.
  - ✓ No: Be prepared to propose a stand-alone FBA evaluation.

### Behavior Support Plan (BSP):

- Is there a current BSP?
  - ✓ Yes: Review and revise the existing behavioral strategies or create new ones based on the FBA and the student's needs.
  - ✓ No: Be prepared to create a BSP based on the current FBA, or if no current FBA; be prepared to propose a stand-alone FBA evaluation.

### Current IEP:

- Review and be prepared to discuss current implementation of IEP, documented needs and opportunities for improvement.
  - ✓ Current Federal Setting Level; Current Service Minutes; Location of Services
  - ✓ Current Goals; Accommodations and other Supports

### Other Reports:

- Review and be prepared to discuss:
  - ✓ Progress reports, discipline reports (incidence type and dates), attendance records, grade reports, and teacher observations.

### Other Services:

- Be prepared to discuss:
  - ✓ Chemical Abuse issues, mental health needs, and co-located services.

### Meeting Materials:

- Print and bring the following materials to the Manifestation Determination Meeting.
  - ✓ Agenda
  - ✓ Notice of a Team Meeting
  - ✓ Procedural Safeguards
  - ✓ Manifestation Determination Form with detailed description of behavior incident including date of incident.
  - ✓ Current evaluation/re-evaluation, IEP, FBA, and BSP.
  - ✓ Progress reports, discipline reports, attendance records, grade reports, and teacher observations.

## DURING THE MEETING CHECK-LIST

### Introductions:

- Sign and record attendance with names and titles.
- Gather signatures on the Manifestation Determination document in SpEd Forms.
- Share Procedural Safeguards with the parent/guardian.

### Meeting Purpose:

- The purpose of this meeting is to determine if the student's misconduct that occurred on (DATE), which was a violation of school policy, was directly related to the student's identified disability.

### Review of the Incident:

- Read the details of the incident as reported and entered on the Manifestation Determination Form (Either by Principal, Coordinator or Case Manager)

### Input from Stakeholders:

- Ask student to provide his/her account of the incident.
- Ask parent/guardian to provide any relevant information.
- Ask other team members to provide any relevant information.
- Administrative Summary of interview information with student and witnesses.
  - ✓ Did you know what you were doing was wrong?
  - ✓ Have you ever engaged in this type of behavior before?

### Special Education Records Review:

- Identified Disability or Medical Diagnosis
  - ✓ Share with the team the identified disability or relevant medical diagnosis.
  - ✓ Share any relevant information about the disability or medical diagnosis that may pertain to this incident (diagnostic criteria, characteristics, etc.).
- **Records History**
  - ✓ Share any information about the student's strengths and documented needs.
  - ✓ Share the target behaviors and function of the behaviors from the FBA.
  - ✓ Share the current Behavior Support Plan and existing strategies to address the student's behaviors.
  - ✓ Share current IEP: Federal Setting Level, Description and Location of Services, Goals, and Accommodations/Supports.
  - ✓ Share progress reports, discipline reports, attendance records, grade reports, and teacher observations.
  - ✓ Review known Chemical Abuse issues, Mental Health needs, and Co-located services.

### Questions:

- What is the history, previously documented or not, of behavioral concerns for this student? Describe the history of behavior concerns.
- Does the history of behavior concerns include behavior similar to or related to the behavior that was a code of conduct violation?
- Has a functional behavioral assessment been completed for this student?
  - ✓ If yes, what function of the student's behavior(s) of concern was identified?
  - ✓ Is this function related to the behavior that was a code of conduct violation?
  - ✓ If no, be prepared to propose a stand-alone FBA evaluation.
- Have the behavior(s) of concern been considered in developing the current IEP (i.e. "Behavior" was indicated to be a Special Consideration in the Present Levels of Academic Achievement and Functional Performance)?

### Manifestation Determination:

- Given the information, the team needs to decide:
  - ✓ If the conduct in question was caused by, or had a direct substantial relationship to, the student's disability
  - ✓ If the conduct in question was the direct result of the school's failure to implement the IEP
- Think about:
  - ✓ Did the student have trouble controlling his/her behavior because of the disability?
  - ✓ Did the student's disability get in the way of understanding why the behavior is bad, or what would happen if he/she did it?

✓ Was the school following the IEP in every way?

**Next Steps:**

If the behavior **was a manifestation**. Disciplinary action constituting a change in placement **may not be** taken unless mutually agreed between district and parent as part of the modification of the student's behavior support plan.

- Conduct a functional behavioral assessment, and develop a behavior support plan.
- Determine if the current FBA is valid, or if a new FBA should be conducted.
- If a BSP exists, review the plan and modify it, as necessary to address the behavior that was a code of conduct violation, and if needed, other behavior(s) of concern.
- Additionally, select another way that this behavior will be addressed:
  - ✓ Return the student to the placement from which he/she was removed.
  - ✓ Change of Placement as part of the modification of the behavior support plan (as agreed by both parent and district).

If the behavior **was not a manifestation**. Disciplinary action constituting a change in placement **may be** taken. However, the school must continue to provide educational services. School personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities; except these services must enable the individual to continue to participate in the general curriculum and to progress towards meeting the goals of the IEP. Additionally, the team must:

- Conduct a functional behavioral assessment, and develop a behavior support plan.
- If a BSP exists, review the plan and modify it, as necessary to address the behavior that was a code of conduct violation, and if needed, other behavior(s) of concern.
- Consideration of Change of Placement: Home-based instruction, etc.
- Complete a significant change IEP should a change in placement occur.
  - ✓ Update services to reflect goals and accurate service minutes of new placement.
  - ✓ Update LRE to include explanation of why and to what extent full participation with non disabled peers in the regular classroom is/is not possible.

If the team determines the district failed to implement the IEP:

- Immediately take steps to remedy the deficiencies.

**Exception:** If the IEP determines that the behavior **was a manifestation** of the student's disability, a student change in placement may be taken when:

- Student carries a weapon to school or possesses a weapon at school, on school premises, or to or at a school function.
- Student 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.
- Student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

AND a Functional Behavior Assessment must be conducted.