

Manifestation Determination Procedures

Who needs a Manifestation Determination Report?

Students with an IEP who have been removed out of school for more than 10 school days during the current school year (consecutive or cumulative).

When is one needed?

The 2006 regulations at 34 CFR 300.530 (e) require that the manifestation determination be made within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct. A change of placement is defined by ASD as 10 school days within a school year.

What is the procedure?

The procedure is determined by the number of Manifestation Determination meetings a student has had during the current school year.

✓ **First Manifestation Determination of the School Year:**

1. Request Manifestation Report
 - **At Secondary Level:** the Department Chair requests the report
 - **At Elementary Level:** the special education case manager requests the report
2. Share student in the IEP program with the Manifestation Determination Secretary, listed as itinerant and follow-up with an e-mail with the student's initials to verify your request.
3. The evaluation and IEP portion of the file review will be completed in the manifestation determination report located in the IEP program within three (3) school days of receiving the request.

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✓ **Schedule a Meeting:**

A manifestation determination meeting must occur within 10 school days of any decision to change placement. Be sure to allow time for the file review to be completed prior to the meeting date.

Invite: "The District", parent, and relevant members of the IEP Team (determined by parent and District), below is a list of possible participants-

- Special Education Teacher(s)
- Regular Education Teacher(s)
- Special Education Department Chair
- Student
- Parent(s)/Guardian(s)
- School Psychologist
- School Guidance Counselor
- Building Administrator
- Other School Support Staff
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You may want to have someone "scribe" and someone else facilitate, as it can be difficult to manage both simultaneously.

✓ **Before the Meeting:**

Complete the following components of the file review:

- *Behavior:* (use drop down menu)
- *Additional IEP Paperwork:* Review information provided by the Manifestation Determination Secretary and update any additional information needed.
- *Cumulative File:* Include school enrollment history, grades, attendance, and behavior information. This can be summarized or listed chronologically. If the student was retained at any time be sure to include that as well.
- *Discipline File:* Use the following format to document EACH referral and/or intervention for discipline:
 - Date – Disciplinary Action Taken - Behavior (as listed on discipline paperwork)

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✓ **During the Meeting:**

Complete the remainder of the file review:

- Parent/Student Input
- School Staff Input
- Deliberations
 - Facilitate the team's discussion and obtain consensus on each of the questions:
 1. if the conduct was caused by or had a direct and substantial relationship to the child's disability, or
 2. if the conduct was a direct result of the District's failure to implement the IEP.
- Conclusions and Recommendations
 - Based on the responses to the deliberations, you will determine whether there is causality between the behavior and the student's disability.
 - Characterize this in a brief statement and move into the team's recommendations.
 - (In most cases this will simply mean that the IEP team will convene to review the student's educational program which can be done at that time or the team may schedule a later date depending upon timelines.)

✓ **After a Determination is Made:**

No causality (was not a manifestation):

- The student is subject to the same disciplinary measures as a student without a disability
- Student should complete disciplinary action

A student who has an IEP is entitled to:

- Special Ed. Services such as placement at an IAES (Interim Alternative Education Setting) or tutoring, or after school program if beyond 10 school days
- Make-up assigned work
- Develop/Modify a FBA (Functional Behavioral Assessment) if necessary or recommended by the IEP team
- Develop/Modify a BIP (Behavioral Intervention Plan) if necessary or recommended by the IEP team
- Amend IEP if necessary

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Causality (was a manifestation):

- The student may return to school as soon as possible
- Student is entitled to make-up missed work
- Develop/Modify a FBA (Functional Behavioral Assessment)
- Develop/Modify a BIP (Behavioral Intervention Plan)
- Follow-up with administrative team to revise discipline records
- Amend IEP if necessary

✓ **Post the Completed File:**

Once the meeting has taken place, be sure that all decisions are reflected in the electronic copy before submitting the signature page to Records.

- *Make 3 paper copies to include:*
 - PWN (Prior Written Notice) to summarize the meeting
 - Parent Invitation
 - Copy of the Manifestation Report
 - Copy of the FBA and BIP, when appropriate
 - Copy of the IEP amendment, when appropriate
 - PWN (Prior Written Notice) to go with the amendment
- *Give copies to:*
 - Parent(s)/Guardian(s)
 - Working File
 - Records Department -this copy must **only have the original signature pages**

Please Note:

It is imperative for the Records Department to receive the paper copy of the original signature pages in order for them to archive the current report within the IEP program. **You will not be able to start a new Manifestation Determination Report until the previous report has been archived.**

 **Subsequent Manifestation Determinations During the School Year:**

- Make sure the previous manifestation meeting has been archived in the IEP Program. If it has not yet been, call the Records Department and ask them to archive it so you can create a new meeting report.
 - Elementary: 742-6054
 - All others: 742-6086

- **Warning:** Starting a manifestation report prior to archiving will delete the previous report!

- Update the Manifestation Report Forms:
 - Cut and paste from previous manifestation report all the student's historical information
 - Current date
 - Check for correct certification (if new ESER)
 - Current behavior(s) -use the new drop-down menu
 - Any new BIPs, FBAs, Amendments, IEPs, and ESERs
 - Results from previously held manifestation meeting
 - Recommendations from previously held manifestation meeting
 - Follow all previous steps to complete any subsequent manifestation determination meetings