



III. Manifestation Determination

Manifestation Determination is a process to determine if a student's behavior problem was or was not a manifestation of the student's disability. A Manifestion Determination is completed as part of an IEP team meeting. The IEP team must convene no later than ten (10) school days when:

- A parent requests such a meeting following a disciplinary incident.
- A student is suspended for five (5) or more consecutive days.
- A student is suspended for more than ten (10) cumulative days in a school (and for every suspension thereafter).
- A change in placement for more than ten (10) consecutive days is being sought for disciplinary reasons.
- Exclusion or expulsion is being considered.

IEP Team Meeting for a Manifestation Determination

In order to determine if the behavior was or was not a manifestation of the student's disability, the team needs to follow the steps below: (The Program Support Teacher is responsible for the Manifestation Determination paperwork and the Case Manager is responsible for the IEP Review.)

1. Prior to the IEP meeting, information such as evaluation and diagnostic results, observations, current IEP, placement information and other relevant information supplied by the parents must be gathered for review by the IEP team. The IEP team must discuss the characteristics of the student's disability (e.g., withdrawn, aggressive, impulsive, academic or cognitive deficits, information processing, organizational deficits, peer relationships, etc.). This information should come from current data, observation and parent reports as well as from the IEP, evaluations, teacher reports, discipline records, etc.
2. The IEP team discusses the following three (3) questions. If the team is unsure about any of these questions, the behavior is automatically assumed to be a part of the student's disability. If there is disagreement among the team members, the LEA makes the final determination.
 - Are the IEP and placement, supplementary aids and services judged to be appropriate by the IEP team? Initially, this is based on the current IEP. As the discussion progresses, it may be decided that one or the other, or both needs to be changed.
 - Are IEP services and behavioral intervention strategies described on the IEP consistently applied? This is based on the identified needs in the current IEP.
 - Does the disability impair the student's ability to understand the impact and consequences of the behavior? In addition to the cognitive component, the IEP team should explore the way in which the rules were presented to the student and if they were understood. Consider chronological age, maturity and developmental level.
3. Manifestation Determination
If the student's behavior is not a manifestation of his or her disability, the relevant disciplinary procedures applicable to the students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities.

If the behavior is determined to be a part of the disability, the IEP team makes an appropriate plan to address some or all of the following areas (the student may not be expelled from the school system):

- Consistently implement the IEP as written
- Change the IEP as needed (e.g., adaptations, service, positive behavior supports, alternative consequences, etc.)
- Complete additional evaluations to provide additional service, if needed
- Conduct a Functional Behavior Assessment to develop more effective behavior intervention strategies