

Manifestation Determination

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Manifestation Determination is made by the IEP Team

- The IEP Team must:
 - Have all necessary members present.
 - Determine if the evaluation data is current and complete or if new information is needed.

IEP Team should consider:

- Behavior subject to discipline
- Current and past IEP
- Are the goals on the IEP appropriate?
- Evaluations
- Diagnostic Tests
- Parent input
- FAB and BIP
- Behavioral checklists
- Discipline file
- Observations of the student
- Medical Information

Section III - Determination

- The behavior in question was caused by or had a direct and substantial relationship to the disability.
- The behavior in question was the **direct result** of the LEA's failure to implement/develop an appropriate IEP/BIP.

Manifestation Determination

What is the result?

NOT a Manifestation

- Discipline in the same manner as a non-disabled student
- Free and Appropriate Education (FAPE) must be continued during removal.

IS a Manifestation

- **May not discipline**
- Refer to positive and negative consequences in BIP
- Consider change in BIP
- Consider whether placement is appropriate.
- Return the child to the placement which the child was removed, unless the IEP Team agree to a change of placement as part of the modification of the BIP (including an alternative school placement)

Case Study

- **Sally P. was using provocative language in class. She had repeatedly been warned against this. As Sally was leaving the classroom without permission, she threw a pencil at the teacher, striking the teacher in the head. She also threw a book, striking the teacher.**
- **Sally is a 16 year old student with Learning Disabilities. Her most recent psychological evaluation (CST-N) was March, 2006.**

- **She has 15 days cumulative days of outdoor suspension.**
- **Her parents are recently divorced.**
- **How should school staff proceed?**

Questions?