

What is Manifestation Determination?

A manifestation determination is a process, required by the Individuals with Disabilities Education Act (IDEA, 2004), which is conducted when considering the suspension or expulsion of a student with a disability that constitutes a change of educational placement.

Why would a Manifestation Determination Review be conducted for my child?

For the manifestation determination process to occur a student with a disability has violated a student code of conduct which has resulted in disciplinary action. The purpose of this review is to determine whether the child's behavior that led to the disciplinary action (suspension) is linked to his or her behavior. Whenever a decision is made to change the placement (i.e., classroom, school) of a child due to the violation, a Manifestation Determination Review is required.

When will the Manifestation Determination Meeting be held?

A manifestation determination review must occur **within 10 days** of the date from which a decision for suspension or expulsion is recommended.

What is the purpose of the Manifestation Determination Review?

The purpose of the Manifestation Determination Review is to determine:

- If the conduct or behavior in question was caused by, or had a direct relationship to, the child's disability; or
- If the conduct or behavior in question was the direct failure of the LEA (school) to implement the Individual Education Program (IEP) appropriately.

Who conducts the Manifestation Determination Review?

The LEA (school), the parent, and relevant members of the IEP team are involved in

conducting the review and determining whether the student's behavior was caused by their disability or the failure of the LEA to implement the IEP.

What happens at a Manifestation Determination Meeting?

To make these determinations, the group will review all relevant information from the child's school files, teacher observations of the child, review of the child's IEP in place at the time of the incident and information provided by the child's parents. The team will also discuss the incidents/behavior that led to the expulsion.

It may also include relevant information in the child's file, including placement appropriateness, supplementary aides and services, and whether the behavior intervention strategies were appropriate and consistent with the IEP.

If the team determines that the behavior was a manifestation of the child's disability. What happens next?

The IEP team must:

- Either conduct a functional behavioral assessment (FBA) unless the school district or public agency conducted an FBA previously, and implement a behavioral intervention plan (BIP) for the child; or
- If a BIP has already been developed, review the BIP and modify it as necessary to address the behavior.
- Return the child to the placement from which the child was removed, unless parent and LEA (school) agree to the change or unless one of the three special circumstances exist involving drugs, weapons, or serious bodily injury.

Special Circumstances

School personnel may remove a student to a temporary alternative placement for **not more than 45 school days** without regard to whether the

behavior was determined to be a manifestation of the child's disability; in cases where a child:

- **Carries or possesses a weapon** to or at school, on school premises, or to or at a school function.
- **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.
- **Has inflicted serious bodily injury** upon another person while at school, on school premises, or at a school function.

Determination that the behavior was *not* a manifestation of the child's disability. What happens next?

If it is determined that the child's disability was not the cause of the violation and the child's behavior was not the direct result of the LEA's (school) failure to implement the IEP the school will:

- Have the authority to apply relevant disciplinary procedures to the child in the same manner and for the same time period as the procedures applied to a child without disabilities.
- The school must continue to provide special education and related services within the child's IEP during this time.

Services Provided During Disciplinary Removals

After a child with a disability has been removed from his or her current placement for **10 school days in the same school year**, during any following days of removal the school must provide special education services.

What happens if I disagree with the Manifestation Determination Decision?

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination may request a

hearing. The LEA (school) may also request a hearing if they believe that maintaining current placement of the child is likely to result in injury to the child or others.

If you are not able to resolve your concerns at the local level, you may choose to file a complaint with the Wyoming Department of Education. You may access the forms on the Wyoming Department of Education (WDE) website at:

http://edu.wyoming.gov/programs/special_education/dispute_resolution.aspx

You may also call the WDE at 307-777-2961 and ask that the appropriate forms be mailed directly to you.

Contact the Parent Information Center for more information on due process rights.

Student Code of Conduct Policies

Contact your child's individual school and district office to learn more about school discipline rules, policies and procedures.

Terms

Manifestation – Symptom

LEA – Local Educational Agency or School District

IEP – Individual Education Plan

Placement – School, Classroom, Alternative Setting

References

Center for Parent Information & Resources - <https://www.parentcenterhub.org/>

Pacer Center - <https://www.pacer.org/>

U.S. Dept. of Education - <https://www2.ed.gov/policy/gen/guid/fpc/ferpa/index.html>

For more information on Manifestation Determination

CONTACT:



Information & Referral for Parents
of Children with Disabilities

Parent Information Center

2232 Dell Range Blvd Suite 204
Cheyenne WY 82009
(307) 684-2277
(888) 389-6542 (fax)
E-mail: info@wpic.org
Website: www.wpic.org

MANIFESTATION DETERMINATION

Disability Brochure #39



Cause of Behavior and Change of Placement Review

Parent Information Center
(307) 684-2277

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The contents of this brochure were developed under a grant from the U.S. Department of Education. However, the contents do not necessarily represent the policy of the Department of Education, and endorsement by the Federal Government should not be assumed.
