

# Guidelines for Manifestation Determination

## Information to be Considered: [Sec. 300.523(d)(1)]

- All relevant information
- Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child
- Observations of the child
- The child's IEP and placement

## Steps in Manifestation Determination:

### 1) **Conduct thorough data collection**

- Review school records.
  - discipline records
  - IEP/placement
  - teacher documentation
  - Behavior Intervention Plan
- Collect the details of the incident
  - interview witnesses/student
  - antecedents of behavior (feelings, environmental situation, etc.)
  - premeditated behavior
  - police/incident report
- Review past behavior
  - change in behavior
  - specific behavior exhibited
  - patterns of behavior
- Review the literature/research

### 2) **Review latest assessment(s)**

- Is it current?
- Is it reflective of current behavior? Do current behaviors or behavior changes over time cast doubt on the current assessment?
- What are the specific disabilities and the potential manifestations?
- Review any evaluations/data supplied by parents.
- Does the evaluation meet the IDEA standards? (Sec. 300.532)

### 3) **Update assessment or conduct assessment if necessary**

- Involve qualified personnel.
- Use instruments/techniques that are reliable and valid for the manner in which they are used.
  - objective measures
  - multiple informants
  - follow "best practices"
- Follow standardized procedures
- Consider other current evaluative information

### 4) **Convey information clearly in report**

- Describe precise disability
- Explain which of the 5 conditions is/are met, if Emotionally Disturbed
- Explain opinion of examiners regarding relatedness issue

### 5) **Conduct manifestation determination review**

- Review must be conducted immediately, if possible, but in no case later than 10 school days after the date on which the decision to take the disciplinary action is made. [Sec. 300.523(a)(2)]
- Review is conducted by IEP team and other qualified personnel [Sec. 300.523(c)]
- Have assessment professional qualified to interpret assessment present at meeting.
- Ensure that the minutes of meeting reflect the "careful and deliberate" consideration of the issues
- Consider relatedness to **all** disabilities of the student
- Address both components of the manifestation definition

# Manifestation Determination Review

Student's Name: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

DOB: \_\_\_\_\_

Grade: \_\_\_\_\_

## **Description of Behavior Subject to Disciplinary Action:**

Additional information attached? no \_\_\_\_\_ yes \_\_\_\_\_ (specify: \_\_\_\_\_)

## **Information Considered in Making Manifestation Determination:**

	<b>Type</b>	<b>Specify</b>
	Evaluation and diagnostic results	
	Information supplied by the parents	
	Observations	
	Student's IEP/placement	
	Other relevant information	

## **Manifestation Definition:**

Address each of the following standards:

- 1. The conduct in question was caused by, or had a direct and substantial relationship to, the child's disability.**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Explanation:**

2. The conduct in question was the direct result of the local educational agency's failure to implement the IEP.

Yes \_\_\_\_\_ No \_\_\_\_\_

Explanation:

If the local educational agency, the parent, and relevant members of the IEP team determine that either condition is applicable for the child, the conduct shall be determined to be a manifestation of the child's ability.

**Summary:**

It is the determination of this committee that the behavior subject to disciplinary action which is described above, is \_\_\_\_\_ is not \_\_\_\_\_ a manifestation of the student's disability

*Note: If the result of the review is a determination that the behavior of the child was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except FAPE. [Sec. 300.524(a)]*

**Comments:**

**X. Signature(s):**

Signature	Position	Agree	Disagree