

Manifestation Determination

Student: _____ Date: _____

Section 504/ADA Disability: _____

Student Number: _____

Team Members (by name and role)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Sources of Information (attachments)

___ Evaluations ___ Interviews ___ Observations ___ Other

Description of misconduct:

Description of proposed disciplinary actions:

Does the proposed disciplinary action constitute a change of placement?

___ If NO, proceed with disciplinary action.

___ If YES, continue with manifestation determination review.

Is the proposed disciplinary action based on the student's illegal use of drugs, or for the use or possession of alcohol?

_____ If YES, the student is subject to the same disciplinary penalty imposed on non-disabled students who engage in the same behavior. The Team will not conduct a manifestation determination, but the Team will consider whether a FBA and/or BIP are appropriate for the student to help prevent recurrence of the inappropriate behavior.

_____ If NO, continue with the manifestation determination review.

FINAL DETERMINATION

We have reviewed all relevant information, including information that is relevant contained in the student's file, the student's accommodation plan and/or BIP, teacher observations and any information provided by the parents. Based on a review and consideration of all of this information we can answer the following questions:

1. Did the student's disability directly cause the misconduct?
_____ Yes _____ No
2. Does the student's disability have a direct and substantial relationship to the misconduct?
_____ Yes _____ No
3. Was the student's misconduct the direct result of a failure by the school district to provide the services set out in the student's accommodation plan?
_____ Yes _____ No

If any question is answered YES, the Team will conduct a functional behavioral assessment of the student, unless this had been done prior to the behavior in question. The Team will also implement a behavioral intervention plan (BIP) for the student. If the student already has a BIP, the Team will review and modify the BIP as necessary to address the behavior. The Team will also return the student to the placement from which the student was removed unless 1) the parent and school agree otherwise as part of the modification of the BIP or 2) the student's misconduct involved weapons or the infliction of a serious bodily injury to another person.

If the third question is answered YES, the Team will take immediate steps to remedy the deficiencies in the provision of services to the student.

If all three questions are answered NO, the student is subject to the same discipline procedures applicable to non-disabled students, as long as FAPE is still provided.