MANIFESTATION DETERMINATION GUIDE AND PROCESS

Department of Student Services
2018-2019
Manifestation Determinations are a legal requirement for when a school suspends and/or recommends out-of-school disciplinary action for a student with a disability.
A Manifestation Determination (MD) is used to determine if, and when a student’s disability is related to a student’s behavior.

Did the student’s behavior have a direct link and/or correlation to the student’s disability?

Is the conduct in question a direct result of, and has a substantial relationship to a student’s disability?
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Who is Required to Attend a MD Meeting?

- Parent/Guardian
  (as determined by either the Parent or WSD)
- Special Education Teacher / Case Manager
- General Education Teacher
- Building Administration
- Director of Student Services or Special Education Coordinator
- Relevant IEP Team Members
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Who is **CAN** Attend a MD Meeting?

- Other IEP Team members
  (as determined by either the Parent or WSD)
  - Behavior Specialist
  - School Psychologist
  - School Counselor/Social Worker
  - Relevant WESD Consultants
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Possible Outcomes from the MD Meeting

If the IEP team determines that the student conduct is a manifestation of the student’s disability, the team must implement the following:

1. Conduct a FBA (if one is not in place)
2. Create and implement a BIP (if one is not in place)
3. If a FBA and a BIP is already in place and being implemented with fidelity, review and modify as needed
4. Student returns to school the following school day
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Possible Outcomes from the MD Meeting

If the IEP team determines that the student conduct is not a manifestation of the student’s disability, the team must implement the following:

1. Proceed with recommended discipline action as outlined in the Student Code of Conduct

(Best Practices would also include implementing steps 1 – 3 on the previous slide)
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Recommendations for Best Practices:

- Be sure the related support plans and the IEP are fully implemented with fidelity; for example: Communication plans, Behavior Support Plans, IEP Related Services.

- General Education and Special Education staff are aware of and implementing the supports.

- On-going data is reviewed through progress monitoring to ensure that appropriate supports are in place for student success.
Is a student safety plan considered to be a BIP? No

What happens when the IEP Team is in disagreement about the student conduct being a manifestation of a student’s disability? The Director of Student Services will determine the next steps.

Does a District Office level administrator need to attend a MD meeting? Yes

Who is responsible for the MD paperwork and facilitation of the IEP meeting? Special Education Case Manager assigned to the student.
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- Does the IEP team need to conduct a MD every time a student is disciplined? **No**
- Should an IEP team conduct a MD when a student begins to exhibit a pattern of behavior that has resulted in 4 – 5 days of out-of-school suspension? **Yes**
- Does the IEP team need to conduct a MD when the student may be recommended for an expulsion? **Yes**
- Does the IEP team need to conduct a MD when a student reaches a 10 day out-of-school suspension during the school year? **Yes**
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For additional information and support related to Manifestation Determinations please contact the following staff at District Office:

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