

## MANIFESTATION DETERMINATION

A manifestation determination meeting must be conducted within ten (10) instructional days of any decision to change the placement of a student with a disability for violating a code of student conduct.

All relevant information in the student's file must be reviewed, including the IEP, any teacher observations, and any relevant information provided by the parent to determine if the conduct in question was: 1) caused by, or had a direct and substantial relationship to, the student's disability; or 2) the direct result of the school's failure to implement the student's IEP. If either of these conditions are met, then the student's conduct must be determined to be a manifestation of the student's disability.

If the conduct was the direct result of the school's failure to implement the IEP, the school must take immediate steps to remedy the situation.

If the committee determines that the conduct was a manifestation of the student's disability, the case conference committee must:

1. conduct a functional behavioral assessment and implement a behavioral intervention plan for the student; or,
2. if a functional behavioral assessment and/or behavioral intervention plan already has been developed, review and modify these documents as necessary to address the behavior; and
3. return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavioral intervention plan.

If the committee determines that the conduct is not a manifestation of the student's disability, the school may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as those procedures would be applied to students without disabilities.

The student must, during any removal that is ordered, continue to receive appropriate services. The case conference committee must determine the services needed to enable the student to do the following:

1. continue to participate in the general education curriculum, although in another setting.
2. progress toward meeting the goals set out in the student's IEP
3. receive, as appropriate, a functional behavioral assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Note: The student shall remain on the rolls of the school from which he/she has been removed, and shall continue as a part of the TOR's caseload during the period of expulsion. Students must be awarded credits for work satisfactorily completed during the expulsion period if the work meets the requirements of the course.