# Manifestation Determination

(USBE Rules V.E.; and IV.C.)

District/School: Date of Meeting:

Student Name: DOB: Grade:

Eligibility Category:

Briefly describe the behavior/incident under consideration:

Within ten school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the local education agency (LEA; i.e., district or charter school), the parent or student who is an adult, and relevant members of the student’s Individualized Education Program (IEP) team must review all relevant information in the student’s record including:

1. The student’s IEP,
2. Any teacher observations, and
3. Any relevant information provided by the parent or student who is an adult.

Relevant members of the student’s IEP team are determined by the parent or student who is an adult and the LEA.

## Determination

After reviewing all relevant information, the LEA, parent or student who is an adult, and other relevant members of the IEP team determine the answers to Statements 1 and 2 below:

Statement 1: The conduct in question **WAS** the direct result of the LEA’s failure to implement the IEP, including the behavior intervention plan (BIP), when applicable.

TRUE FALSE

Statement 2: The conduct in question **WAS** caused by, or had a direct and substantial relationship to, the student’s disability.

TRUE FALSE

A. If the answer to **BOTH** Statement 1 **AND** Statement 2 above is “FALSE,” proceed to the Prior Written Notice section and the Signatures section of this form.

B. If the answer to **EITHER** Statement 1 **OR** Statement 2 above is “TRUE,” the student’s conduct must be determined to be a manifestation of the student’s disability. Proceed to the Actions section of this form.

## Actions

If the answer to Statement 1 above is “TRUE,” describe the immediate steps that are being taken, or will be taken, to remedy the LEA’s failure to implement the IEP, including the BIP, when applicable:

If the answer to Statement 1 and/or Statement 2 above is “TRUE,” the IEP team must take one of the following actions:

Action 1: If the LEA **had not** conducted a functional behavior assessment (FBA) before the conduct in question occurred, the LEA must conduct a functional behavior assessment (FBA) and implement a BIP for the student.

Action 2: If the LEA **had** conducted an FBA and developed a BIP before the conduct in question occurred, the IEP team must review the BIP that was already developed, and modify it, as necessary, to address the behavior.

In addition to taking one of the actions above, unless the misconduct falls under the definition of special circumstances in USBE Rules V.E.5., return the student to the placement from which the student was removed, unless the parent or adult student and the LEA agree to a change of placement as part of the modification of the BIP.

In cases of special circumstances, review USBE Rules V.E.5., and determine how the LEA will continue to provide a free appropriate public education (FAPE) to the student.

**The IEP team proposes to act on this decision.**

The following action(s) was(were) proposed:

Actions were proposed for the following reasons (include data used as a basis for the action):

The following action(s) was(were) refused:

Actions were refused for these reasons (include data used as a basis for the action):

Other options the team considered:

Options were rejected for these reasons (include data used as a basis for the action):

Other factors that are relevant to this proposal:

## Prior Written Notice

Parents and students who are adults must be provided prior written notice (PWN) in language understandable to the general public in their native language or other mode of communication before the LEA proposes or refuses to initiate or change the identification, evaluation, or educational placement of your student/you, or the provision of a free appropriate public education (FAPE) to your student/you (USBE Rules IV.C).

The Procedural Safeguards under Part B of the Individuals with Disabilities Education Act (IDEA) afford you protection. If you do not have a copy, you may request one from the special education teacher. If you have any questions regarding this notice or the Procedural Safeguards, contact the principal/director or special education teacher.

Was a translator/interpreter provided to enable the parent(s)/student who is an adult to participate in the manifestation determination meeting?

No, translator/interpreter not needed

Yes (translator/interpreter should sign below as a participant)

Your native language or other mode of communication is **not** a written language.

**Therefore:**

The notice was translated orally or by other means in your native language or other mode of communication on[date]: by[person]: **AND**

You verified with the translator/interpreter that you understand the content of this notice.

## Signatures Below Denote Participation and Acknowledge Receipt of Procedural Safeguards and Copy of this Document

Parent/Student who is an Adult Date LEA Representative Date

Signature/Title Date Signature/Title Date

Signature/Title Date Signature/Title Date