

Manifestation Determination Process and Responsibilities

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Psychologist, SDUSD

Prior to the need for a Manifestation Determination

School/Site:

- Concerns about student's behavior, social-emotional functioning, and/or conduct are being shared
- Changes or escalation in behavior/attitude
- In-school suspensions and/or out of school suspensions

Parent:

- Parent contacts Teacher(s) Case Manager and Support Staff
- Parent Request Suspension Conference
- Parent Request Supplemental IEP

Purpose of a Manifestation Determination

- To determine if the conduct subject to disciplinary action was a manifestation of the student's disability
- Student's current disability is primarily considered in the Manifestation Determination meeting

When must you conduct a Manifestation Determination?

- When a student with a disability has engaged in a behavior or behaviors for which expulsion is being recommended
- When a student with a disability has reached 10 days of suspension (may begin process before 10 days) in a school year.
- When a general education student is being recommended for expulsion, **AND** the site suspects the student has a disability

Who Needs to be Present at Manifestation Determination?

- Administrator or Designee
- School Psychologist
- Educational Specialist/ Case Manager
- General Education Teacher (Supplemental IEP)
- Other relevant school members who know the student well
- **Parent**

Continue...

- **Parent** Must be invited to the meeting
- Attempts should be made to hold meeting convenient to all team members
- However, Manifestation Determination meetings must be held within required timelines whether or not the parent can attend

Timelines

- Manifestation Determination meetings should be held, if possible, within 5 days of the initial suspension when the site is recommending expulsion or on the 10th cumulative day of suspension.

School Psychologist's Role

- Facilitate the Manifestation Determination review-summarize incident(s) and review relevant student information
 - Relevant Information – Current level of Support, Present Levels, IEP Goals, Behavior Intervention Plan, Grades, Referrals, Mental Health Services, Student Interview Information.
- Assist team in answering the 2 Manifestation Determination questions (Handout)

Manifestation Determination Questions

- 1. Was the conduct in question caused by, or had a direct and substantial relationship to the student's disability?
- 2. Was the conduct in question the direct result of the district's failure to implement the student's current, existing IEP?

Manifestation Determination Team Discussion

- Review the appropriateness of the IEP at the time of the misconduct.
- Review of the appropriateness of the students placement at the time of the misconduct.
- Was the IEP implemented as written?
- Was a Behavior Intervention Plan (BIP) implemented? Mental Health services provided?
- Determine the relationship between the students behavior and his/her disability

Continue...

- Student interview of the incident
- If due to 10 days of suspension, look at all suspensions (are behaviors consistent?)
- Has team made changes to the student's IEP to address behaviors/mental health concerns?
- Has the team implemented the positive behavior supports?

Outcome 1

■ **Causal**

- Expulsion process is typically stopped
- Student's placement falls back to the IEP team
- IEP team review areas of need and may change IEP to reflect additional supports, service hours, Mental Health (if applicable), Psych. Services etc.
- Revise Behavior Intervention Plan, Goals, etc...
- May consider a Supplemental Assessment for a change of placement
- Student returns back to site

Outcome 2

■ **Non-Causal**

- Referral/Manifestation Determination file is sent to the Placement & Appeals Office and expulsion process may proceed.
- Case goes to hearing
- Placement and Appeals Office determine educational placement

Alternative Approaches to Addressing Suspensions/Expulsions

- Uniform Disciplinary School Site Plans
- Trauma Informed Practices
- Restorative Justice Programs