



Parent Training & Information

MANIFESTATION DETERMINATION

Within 10 school days of a suspension of a student who is being considered for expulsion — or if the student has been suspended for 10 days — the IEP team, including the parent, must meet and review all information to decide:

1. "If the behavior was caused by or had a direct and substantial relationship to, the child's disability; or
2. If the behavior was the direct result of the school not implementing the IEP."

If the IEP team finds that either of the above is true, the behavior is considered a manifestation of the child's disability. A student then should not be punished for his or her disability and will not be disciplined in the same manner as a student in general education.

IEP team decision: *NOT* a manifestation of the disability

The student can then be disciplined as a non-disabled student — even if you disagree — unless you appeal.

Filing an appeal: If you disagree with a determination by the rest of the IEP team that the behavior was not a "manifestation" of your child's disability:

- State your disagreement on the manifestation IEP form.
- Appeal the decision quickly.
- Note your disagreement in writing, definitely before the district school board's administrative panel or the board's own expulsion meeting
- The school needs to give you information about how to file the appeal.
- An expedited due process hearing will be scheduled. A state administrative hearing officer will hold a hearing. The hearing is to be "expedited," or held within 20 school days of your request.

IEP team decision: *Yes*, a manifestation of the disability

The IEP team must do the following:

- Conduct a functional behavioral assessment (unless one has already been done) and put in place a behavioral intervention plan.
- Review and revise, if needed, a behavior intervention plan that was in place when the behavior took place.
- Return the student to the placement from which he or she was removed (except under special circumstances). If the parent and district agree, the placement can be changed as part of the behavior intervention plan.

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