

Manifestation Determination
CDE Recommended Form

Legal Name of Student

DOB

Student Name

Grade

Student I.D. SASID

School District/

Section 4: Relevant Information

Was a functional behavior assessment conducted prior to the date of this incident? yes no
Date the FBA was completed __/__/__

Does student have an existing behavior intervention plan? yes no
Date BIP developed __/__/__ Date BIP Implemented __/__/__
Date of Last Modification of existing BIP __/__/__
Comments Regarding BIP Modifications _____

A review of relevant information in the student's file, including the student's IEP, teacher observations, and any relevant information must be completed to determine whether student's conduct was the direct result of the student's disability or a failure of the administrative unit or state operated program to implement the IEP §300.530 (e)(1).

1. Date of Incident __/__/__ Date of Disciplinary Removal __/__/__ Date of Manifestation Determination §300.530 (e)(i) __/__/__
Date of Special Education Referral (if applicable) __/__/__

2. Description of incident resulting in Manifestation Determination: _____

3. Describe context of events preceding the student's behavior (antecedents): _____

4. Description of student's behavior/incident and hypothesis for behavior (e.g. who, what, when, where) _____

5. Describe Code of Conduct Violation: _____

- Special Circumstances §300.530 (g): Weapons Drugs Serious Bodily Injury

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6. Record of behavior subject to disciplinary action within the school year §300.536 (Please provide data):

Dates of Previous Disciplinary Action	Days of Removal	Behavior/Conduct that Resulted in Removal

7. Behavioral goals from BIP are included in IEP yes no

8. List relevant IEP Behavior Goals:

- A. _____
- B. _____
- C. _____

9. Relevant information provided by parent: _____

10. Teacher Observations: _____

11. Other Relevant Information Considered: _____

Section 5: Determination Decision

YES	NO	
		The behavior in question was caused by or had a direct and substantial relationship to the student's disability? 300.530(e)(1)(i). Explain: _____
		The behavior in question was the direct result of the AU's failure to implement the IEP and/or BIP? 300.530(e)(1)(ii) Explain: _____

If "yes" is checked for either question, proceed to section 6. If "no" is checked for both questions, proceed to Section 7.

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Section 6: Manifestation of Disability

- It has been determined that the behavior is a manifestation of the student's disability. The IEP/MD team must either:
1. Conduct a functional behavior assessment and implement a behavior intervention plan (if no FBA had been completed prior to the conduct) §300.350(f)(1)(i); or
 2. Review and modify, as necessary, the existing BIP (if BIP had been developed prior to the conduct) to address the behavior §300.350(f)(1)(ii); and
 3. Return the child to his/her previous placement location (the AU and parent may agree to a change of placement as part of the modification of the BIP) §300.350(f)(2); unless, an interim alternative educational setting (IAES) is in place for 45 school days for drugs, weapons or serious bodily injury §300.530(g). Please refer to instructions for this section.
- If the conduct was a result of failure to implement the IEP, immediate steps to be taken to remedy deficiency are §300.530(e)(3).
1. _____
 2. _____
 3. _____
- IF an IAES is currently in place, please describe details §300.531: _____
- _____
- _____

Section 7: Behavior Determined Not a Manifestation of the Student's Disability

- The team reviewed all relevant information in the student's file, including the child's IEP, teacher observations and information provided by the parent and has determined that the child's conduct was **not** a manifestation of the student's disability, and that disciplinary procedures applicable to students without disabilities will be applied.
- School personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities §300.530(d); except that services must continue as the IEP team determined would enable the child to:
- Continue to receive educational services so as to participate in the general education curriculum, although in another setting and to progress toward meeting IEP goals; and receive, as appropriate, a functional behavioral

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assessment (FBA) and behavior intervention services and modifications, which are designed to address the behavior violation so that it does not recur.

Placement Decision: Describe length of removal and use of positive behavior supports §300.530(d): _____

Section 8: Prior Written Notice, Procedural Safeguards

Documentation is present that at the time the decision was made to make a removal that constitutes a disciplinary change in placement: Date / / Parent provided with Prior Written Notice.
Date / / Parent provided a copy of the Procedural Safeguards

Parents of a child with a disability have protection under the Procedural Safeguards. For a copy of the procedural safeguards or assistance in understanding this information, please contact this person:
(Contact Name) _____ (Phone Number) _____

Section 9: Identification of Team Members and Signatures

Name/Title or Role	Name/Title or Role
_____	_____
_____	_____
_____	_____
_____	_____

Name of Parent/Guardian _____ Signature _____
Name of Parent/Guardian _____ Signature _____
(Signature signifies participation in Manifestation Determination Meeting and does not reflect agreement).