

**DETERMINING MANIFESTATION OF THE DISABILITY**

Student: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Total Days of Suspension: \_\_\_\_\_

Behavior Prompting Suspension: \_\_\_\_\_

List previous suspensions that have occurred during the current school year: (List dates and behaviors leading to the suspensions.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Review of all Relevant Information:**

**It is not the purpose of the manifestation determination to decide if the student did what she/he is accused of doing or to decide what the student's punishment should be. The team's task is to determine whether there is a causal relationship between the behavior for which the student was suspended and the student's disability (or suspected disability of which the school had prior knowledge.) The IEP team first considers the following information:**

**Evaluation and Diagnostic Results and Information from the Parent**

- A. Evaluation: Date of last evaluation: \_\_\_\_\_  
Was the behavior that gave rise to this suspension ever a concern previously?  Yes  No  
Was discussion of this behavior included in the student's evaluation and disability determination?  
 Yes  No
- B. Does the parent/guardian have other information the team should know about the student's current functioning?  Yes  No If Yes, record below  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Observation(s) of the Student's Behavior**

- C. Anecdotal Records: Is there a record of the current behavior subject to discipline?  Yes  No
- D. Academic Performance: Describe the student's present school performance (grades, attendance, work habits, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Current IEP and Behavior Intervention Plan**

- E. Current ESE classification: \_\_\_\_\_
- F. IEP: Date of last IEP: \_\_\_\_\_ Is IEP current?  Yes  No  
Was the student receiving all the services set forth in the IEP?  Yes  No  
Did the IEP team develop a goal or objective that addresses any component of the current behavior?  
 Yes  No If yes, did they address the behavior subject to discipline?  Yes  No  
Was the student showing progress achieving the goals before the misconduct?  Yes  No  
The student's placement was appropriate before the misconduct?  Yes  No

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**The IEP team then determines:**

- **Was the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability?**  Yes  No
- **Was the conduct in question the direct result of the district's failure to implement the student's IEP?**  
 Yes  No

**IF** the answer to either of the two questions above is **Yes**, then the behavior is considered a manifestation of the student's disability.

- Therefore:**  **The behavior is a manifestation of the student's disability**  
 **The behavior is not a manifestation of the student's disability**

If the behavior is a manifestation of the disability, then the student must return to the suspending school after his/her suspension unless the parent and the district agree to a change in placement as part of the modification to the behavior intervention plan or unless special circumstances (weapon, drugs, or serious bodily injury) are involved.

The IEP Team must also conduct a functional behavioral assessment, develop and implement a behavioral intervention plan unless there is a preexisting FBA and BIP. Does the student need an FBA and BIP? If so, then Consent for Reevaluation is needed. Does the student's current FBA need updating? If so, what arrangements have been made to update the FBA? Does the student's preexisting BIP need updating? If so, can the team do it at this meeting or does another meeting need to be scheduled?

**Recommendation(s) of the Committee:**

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If the behavior is **not** a manifestation of the disability, then for disciplinary changes of placement, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration in which they would be applied to students without disabilities. Students with disabilities who are suspended, expelled or placed in an interim alternative educational setting must continue to receive educational services and, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation.

**IEP Team Members:**

<b>Name</b>	<b>Title</b>	<b>Name</b>	<b>Title</b>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Homework assignments were sent home with the student on the day of suspension?  Yes  No  
Parent received a copy of the Manifestation Determination form and a copy of Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities?  Yes  No If no, forms were mailed on \_\_\_\_\_.

Distribution:  School Cum  Parent/guardian  ESE Office  ESE Teacher