

Office of Special Education
Kerri A. Canzone-Ball, Ed. D.
Director of Special Education

(518) 884-7195, Ext. 1336
Fax: (518) 602-0393
E-mail: kcanzone@bscsd.org

MANIFESTATION CHECKLIST- Revised for 2004 IDEA Amendments

Name of Student: _____ Disability: _____

Date: _____

Description of behavior subject to disciplinary action:

STEP I - Consider, in terms of the behavior subject to the disciplinary action, all relevant information including:

- ☐ Evaluations and diagnostic result, including information supplied by the parents;
- ☐ Observations of the child;
- ☐ The child's IEP and placement.

STEP II - Taking into consideration the information above, answer the following questions:

- 1) Was the conduct in question a direct result of the school district's failure to implement the IEP?

☐ YES☐ NO
- 2) Was the conduct in question caused by or substantially and directly related to the child's disability?

☐ YES☐ NO

GUIDELINES - MANIFESTATION DETERMINATION

Who is included on the Manifestation Team? The school district, the parent and relevant members of the IEP team (as determined by the parent and the school district).

☐ **NO MANIFESTATION:**

If the answer to question (1) is **NO** and the answer to question (2) is **NO** the student's behavior is not related to his/her disability and the student and parent may return to the superintendent's hearing for the penalty phase of the suspension hearing. The superintendent may impose the same discipline as a non-disabled student where the behavior of a student with a disability is not a manifestation of his/her disability.

The CSE shall arrange for services which:

1. Enable the child to continue to participate in the general education curriculum, although in another setting; and
2. Appropriately advance toward achieving the goals set out in the student's IEP.

☐ **MANIFESTATION FOUND**

If the answer to question (1) is YES or the answer to question (2) is YES the Team must find that the behavior is related to the student's disability and

1. Take immediate steps to remedy deficiencies in the IEP; **and**
2. Conduct a functional behavioral assessment and implement a behavioral intervention plan for the child (or review the child's current BIP if one had been developed previously and modify as necessary to address the behavior) **(see step III below); and**
3. Return the student to his/her current educational placement; **or**
4. Return the student to an agreed upon change of placement between the parent and the District

EXCEPTIONS: **Regardless of Manifestation Determination, a student with a disability may be placed in an IAES for up to 45 school days if the student is found:**

1. In possession of a weapon (as defined in the law) on school grounds or at a school function; or
2. In knowing possession of a controlled substance or the sale or solicitation of illegal drugs at school or at a school function; or
3. If the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local education agency; or
4. An impartial hearing officer (or the court) orders placement in an interim alternative education setting.
5. The hearing officer may order the placement for up to 45 school days after considering whether:
 - maintaining the child's current placement is likely to result in injury to the child or others;
 - The interim alternative educational setting is appropriate.

CSE MUST RECOMMEND AND ARRANGE FOR THE STUDENT'S PLACEMENT IN AN INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES). THE IAES MUST:

1. Enable the child to continue to **participate** in the general curriculum, although in another setting, and
2. [To continue to receive those services and modifications, including those described in the child's current IEP that will enable the child to meet the goals set in that IEP] Enable the child to **progress toward meeting the goals in the IEP** and
3. Enable the student to receive, as appropriate, *a functional behavioral assessment and behavioral intervention services* and modifications to address the behavior leading to the placement in the IAES to prevent the behavior from recurring.

III. FUNCTIONAL BEHAVIOR ASSESSMENT (FBA)

A FBA MUST BE CONDUCTED:

As appropriate; when a district removes a child to an IAES due to weapons, illegal drugs, controlled substances or the infliction of serious bodily harm.

When it is determined that a child's conduct was a manifestation of his or her disability; unless the district had conducted such an assessment prior to the manifestation determination before the behavior that resulted in a change in placement.

If the district **previously conducted** a FBA and implemented a Behavior Plan review the plan and modify, as appropriate.

If not **arrange for a FBA** and schedule another meeting to develop a BIP.