

MANCHESTER PUBLIC SCHOOLS

Manifestation Determination

To be used for situations when disciplinary action is considered that goes beyond the statutory limitations for students with a disability.

Student: _____ **Grade:** _____ **Date:** _____

Section 504 Meeting Participants:

Administrator	
Regular Education Teacher	
Special Education Teacher	
Pupil Personnel Member	
Student	
Parent/Guardian	
Parent/Guardian	
Other	
Other	
Other	

Did the Manifestation Determination Team consider all relevant information in carrying out this review (each item following must be considered - check each topic as it is addressed)? **Yes / No**

- Teacher Observations of the Student
- Relevant Information Supplied by Parent/Guardian
- Evaluations and Diagnostic Results
- Student's 504 Plan
- Relevant Information Supplied by School Staff
- Other (describe): _____

Describe the nature of the student's disability:

Description of the act of misconduct:

Date of the decision for disciplinary action:	
Date(s) parents/guardians notified: <i>(Procedural safeguards must be provided with notice)</i>	
504 of Notice of Rights Given?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Was the misconduct in question caused by the student's disability, or does the misconduct in questions have a direct and substantial relationship to the student's disability?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Comments:
Was the misconduct in questions a direct result of the district's failure to implement the 504 (in relationship to the misconduct in question)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Comments:

If either of the standards set forth above is met, the behavior under review is considered a manifestation of the student's disability under Section 504.

Procedure if Misconduct is not a Manifestation of the Student's Disability

If the manifestation determination team determines that the misconduct in question is not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

Procedure if Misconduct is a Manifestation of the Student's Disability

If the manifestation determination team determines that the misconduct in question is a manifestation of the student's disability, a Section 504 Meeting must be convened to:

1. conduct a functional behavioral assessment unless the district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
2. if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

3. return the student to the placement from which the student was removed, unless the parent and the district agree to change of placement as part of the modification of the behavioral intervention plan. *

*School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is a manifestation of the student's disability, in cases where a student:

1. carries or posses a weapon at school, on school premises, or to a school function;
2. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or
3. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

Attach this form to the 504 meeting minutes for this meeting.