

TECHNICAL ASSISTANCE PAPER
Manifestation Determination – ESE

Considerations for Review

Describe the behavior subject to disciplinary action:

This is the specific behavior which caused the out-of-school suspension (or expulsion) to exceed 10 school days.

In carrying out a Manifestation Determination Review, the IEP team must consider, in terms of the behavior subject to disciplinary action, all relevant information, including:

Evaluation and diagnostic results (Describe)

Include the date of the current FBA/BIP, list the student's ESE programs, indicate which evaluations were reviewed (psych, social history, etc...) and indicate any relevant or significant findings. It is not necessary to list test scores or rating scales.

Relevant information supplied by the parent (Describe)

Any information that is relevant either from the parent at the meeting or from previous documentation.

Observations of the student (Describe)

Consider past history of behavior difficulties, referrals, a present level of functioning statement and how it affects the student's behavior, any present medical diagnosis and any medications.

The student's IEP and placement (Describe)

Review current IEP, educational settings (resource, self contained...) services, goals,

Manifestation Questions/Statements

1. Is the IEP appropriate in relationship to the behavior subject to the disciplinary action?

*Do the goals and provision of services accurately address the documented behaviors?
Based on how the behavior manifests itself, is the IEP appropriate? Is the behavior subject to disciplinary action part of the overall pattern of behavior AND is it addressed on the IEP?*

2. Is the placement appropriate in relationship to the behavior subject to the disciplinary action?

*Has the student been placed in an appropriate ESE program based on documented behavior?
(review pre-referral information and referral for EH, SLD, etc....)*

3. Have the special education services been provided consistent with the IEP and placement?

4. Have the supplementary aides and services been provided consistent with the IEP and placement?

5. Have the behavior intervention strategies been provided consistent with both the IEP and placement?

6. Does the disability impair the ability of the student to understand the impact and consequences of his/her behavior subject to the disciplinary action?

7. Does the disability impair the ability of the student to control the behavior subject to the disciplinary action?