

School Administrative Unit #24

Districts of

Stoddard

Henniker

Weare

John Stark

MANIFESTATION DETERMINATION

Student:

Date:

DOB:

School:

Grade:

A manifestation determination IEP meeting must be convened within ten school days following a decision to remove a student with a disability from his/her program for more than ten school days within a school year. The purpose of the meeting is to determine whether the student's conduct subject to disciplinary action is, or is not, a manifestation of the student's identified disability(ies).

IDENTIFICATION AND PLACEMENT

Disability Identification:

Describe the student's misbehavior(s) that resulted in disciplinary action:

The team has considered, in terms of the behavior subject to the disciplinary actions, all relevant information, such as evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child, teacher observations, and the student's current IEP and placement. After considering this information the team concludes:

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YES

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NO

1. Was the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability?

Explain:

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YES

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NO

2. Was the conduct in question a direct result of the local school district's failure to implement the student's IEP as written?

Explain:

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YES

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NO

3. Is the conduct in question a manifestation of the student's disability?

Note: If the answer to either question 1 or question 2 above is yes, then the behavior in question must be considered a manifestation of the student's disability.

MANIFESTATION DETERMINATION (continued)

Student:

Date:

If yes, the IEP team must conduct and/or review a functional behavior assessment and behavior intervention plan for the student. In addition, the team must return the student to his/her prior placement unless the IEP concludes that a change of placement is warranted.

If no, the school may use the regular disciplinary procedures applicable to students without disabilities in the same manner as would be applied to students without disabilities, except that the student must continue to receive educational services during any suspension or expulsion that may be ordered. These services need to target the behavior to limit its reoccurrence and must also enable the student to participate in the general curriculum as well as to progress toward his/her IEP goals.

Team Members in Agreement with Conclusion

Signature

Position

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*Team members who do not agree with this conclusion must file a written dissenting opinion report, addressing the specific question with which they disagree and explain why.

Note: Regardless of the manifestation determination, school officials may remove a student with a disability(ies) for 45 school days if the child 1) carries or possesses a weapon to or at school, on school premises, or to or at 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.

Definitions:

Weapon - a weapon, device instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such terms do not include a pocket knife with a blade of less than 2.5 inches in length.

Serious Bodily Injury - 1) A substantial risk of death; 2) extreme physical pain; 3) protracted and obvious disfigurement; or 4) protracted loss or impairment of the function of a bodily member, organ or mental facility.