

SAU 24

SECTION 504 MANIFESTATION DETERMINATION CHECKLIST

Student's Name: _____ Date of Meeting _____

1. The 504 Team meeting for Manifestation Determination must be held within 10 school days of any decision to change the placement of a child with a 504 disability because of a violation of a student code of conduct. A "change of placement" generally means:
 - A. A disciplinary removal from school for more than 10 consecutive school days; or
 - B. A series of removals totaling more than 10 school days in a school year that constitutes a pattern because the behavior is substantially similar to the previous incidents that resulted in removals, and because of additional factors such as length of each removal, the total removal time, and proximity of removals.
2. The Manifestation Determination must be made by relevant members of the student's 504 Team, including the parent/guardian, and not only by school staff. At the Team meeting, the Team must review all relevant information in the student's file, including the child's 504 Plan, any teacher observations and any relevant information provided by the parents.
3. The 504 Team will answer the following questions:
 - A. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the child's disability?
 YES NO
 - B. Was the conduct in question the direct result of the district's failure to implement the 504 Plan?
 YES NO

If the answer to either of these two questions is yes, then the behavior in question should be considered a manifestation of the student's disability.
4. If the 504 Team determines that the misconduct is a manifestation of the student's disability, then the Team should determine how to address the student misbehavior, and should consider a possible functional behavior assessment and possible development of a behavior intervention plan for the student. In addition, the Team must decide on the student future placement, and ensure that the student continues to receive a free appropriate public education.
5. If the Team determines that the misconduct is not a manifestation of the student's disability, then the district may use the regular disciplinary procedures applicable to students without disabilities and in the same manner. The district need not provide educational services to the student if he or she is suspended or expelled for misbehavior that is not a manifestation of the child's disability.
6. **Special Rule for Drug and Alcohol Violations**

If a Section 504 student is found 1) to be currently engaging in the illegal use of drugs or alcohol, and 2) to have violated school policies, rules or a code of conduct about the use or possession of drugs or alcohol, then the district may take disciplinary action against that student to the same extent and degree as the district would undertake for students who are not disabled. The district is not required to have a prior 504 Team meeting, need not determine if the use or possession is related to the student's disability, and need not provide any alternative services during any removal that may be ordered for the use or possession violation, as long as such a consequence is consistent with the policy for non-disabled students. [29 U.S.C § 705(20)(C)(iv)]