

Aiken County Public Schools

Manifestation Determination Review

Student's Name _____ Date of Review _____

School _____ Grade _____ Date of Birth _____

1. Check one of the following:

Student has an Individualized Education Program (IEP)

Student has a Section 504 Accommodation Plan

The student does not have an IEP or 504 plan but the district is deemed to have knowledge that the student has, or may have, a disability

2. Disabilities (include special education disabilities and/or medical diagnoses): _____

3. This meeting is required due to: Expulsion recommendation Suspension recommendation

4. Persons present include relevant members of the IEP/504 team including:

Parent,

Local Educational Agency representative, and

Others mutually determined by the parent and the local education agency: (indicate below)

Student

School Psychologist

Special Education Coordinator

Special Education Teacher

Regular Education Teacher(s)

School-Based Counselor

School Section 504 Coordinator

District Section 504 Coordinator

5. Brief description of the alleged disciplinary offense: _____

6. The district, the parent, and relevant members of the student's IEP/504 team (as determined by the parent and the local education agency) are required to review all relevant information in the student's file, including but not limited to:

The student's IEP or 504 plan,

Teacher observations, and

Any relevant information provided by the parent (specify) _____

Other information reviewed by the team: (list below)

7. After reviewing all required and relevant information listed above, the team has determined:

YES NO The conduct in question was **caused by**, or had a **direct and substantial relationship to**, the student's disability; or

YES NO The conduct in question was the **direct result** of the district's **failure to implement** the IEP/504 (including the BIP). If yes, specify the services that have not been implemented:

If the team determines that the answer to either of the above questions is "yes," the conduct in question must be determined to be a manifestation of the student's disability. The district must return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the BIP. Note: In special circumstances (weapons, drugs, serious bodily injury), school personnel may remove a student to an interim alternative educational setting for a maximum of 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability.

If the team determines that the answer to both questions above is "no," the conduct in question must be determined to not be a manifestation of the student's disability, and the district may implement the relevant disciplinary procedures that it would otherwise apply to a student without a disability in the same manner and for the same duration.

8. Is the disciplinary offense in question determined to be a manifestation of the student's disability?

YES, the offense is a manifestation of the student's disability.

NO, the offense is not a manifestation of the student's disability.

COMMITTEE MEMBERS

The individuals listed below, including the parents, guardian, or adult student, have attended the IEP/504 meeting and participated as equal members:

<i>Name</i>	<i>Position</i>	<i>Date</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____

NOTICE: The parent of a student with a disability who disagrees with any decision regarding a disciplinary placement or the manifestation determination, or a district that believes that maintaining the current placement of a student is substantially likely to result in injury to the student or others, may request a due process hearing. When an appeal has been requested by either the parent or the district, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period of removal, whichever occurs first, unless the parent and the local school district agree otherwise.