

## ***Special Education Discipline Flow Charts for School Administrators***



***The following special education discipline Flow-Charts are designed to provide directions for school administrators in identify the general sequence of events, time-lines, and due process procedures when considering a student's disability in school discipline procedures. The flow charts are based on the regulations identified in the Individuals with Disabilities Improvement Act as of August 14, 2006. In more serious cases, a school district administrator should contact the district's school attorney.***

## **INTRODUCTION**

**Students who happen to be receiving special education are, first and foremost, general education students.** Most discipline cases involve relatively minor incidents handled with routine policy and procedure applicable to all students. Special education regulations provide an “extra measure of due process” to assure a review of possible impacts of a student’s disability in a discipline incident. Application of local general discipline policy should be diligently followed and altered only to the extent indicated by proper consideration of a disability and student’s behavior history as outlined in this document. **Regulatory compliance issues are minimized, and student progress is best achieved with the documented use of scientifically-based positive behavior support techniques, and procedures that avoid removal of a student from school.**

The flowcharts do not exhaust the topic of discipline, but rather give the general sequence of events and timelines associated with the extra measure of due process when considering a student’s disability in school discipline procedures. Some limited citations are provided here to guide the reader to further material in the IDEA regulations. In the more serious cases, a district will likely prefer to contact a school attorney.

**Start Here: General Considerations (p. 2)** – The purpose of this chart is to guide the reader to the appropriate section of the regulations appropriate for the student’s status and type of discipline procedure: (p. 2) student not in special education, (p. 3) short-term removal from school when student is receiving special education, and (p. 4) longer term removal (greater than 10 school days) when student is receiving special education.

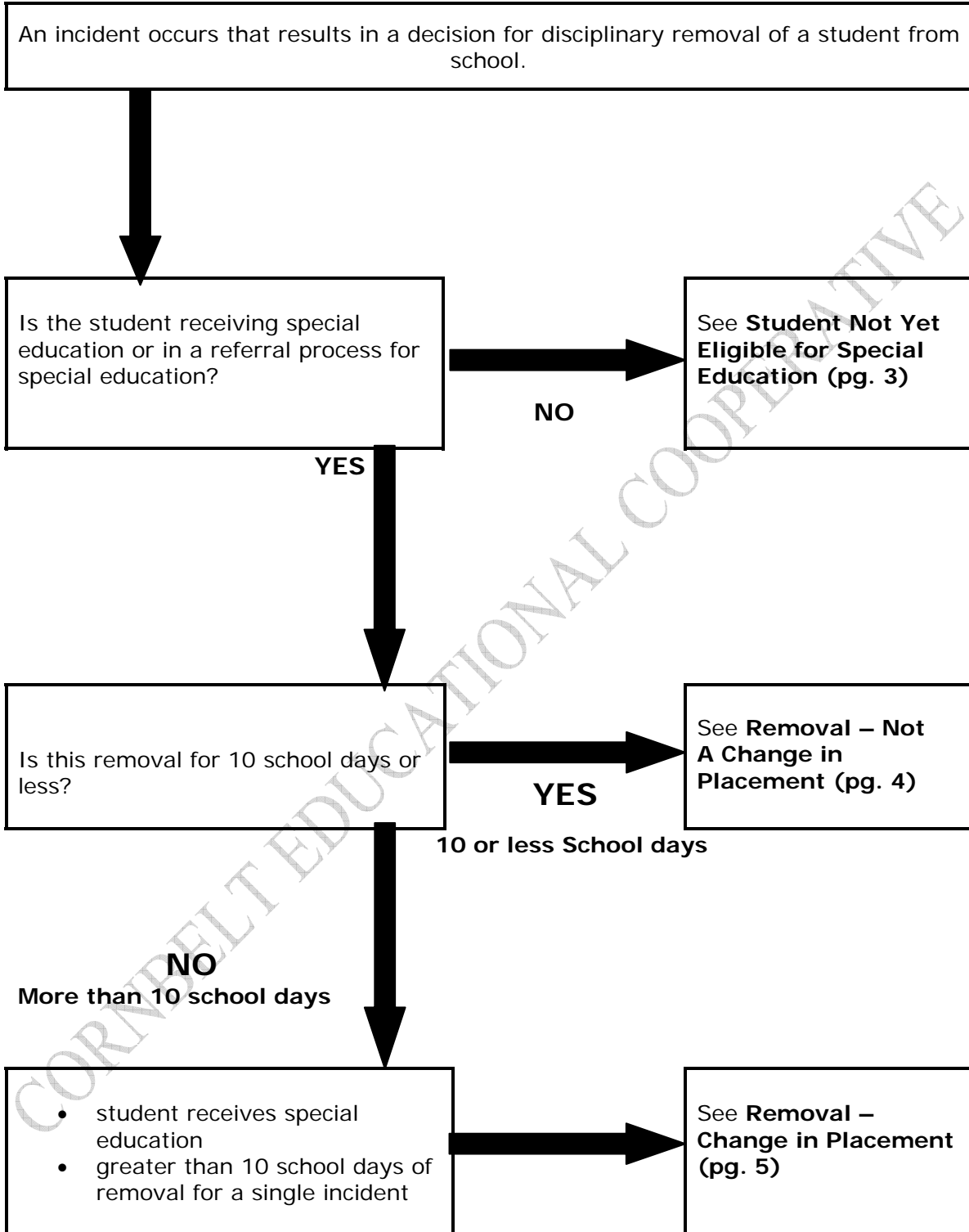
**Student Not Eligible for Special Education (p. 3)** - When a student is not currently receiving special education, the district is still responsible to consider the existence of “prior knowledge” about a disability.

**Removals - Not A Change in Placement (p. 4)** - These are defined as a single removal of 10 school days or less. A series of removals in a school year may under the rules may require additional services if accumulating to more than 10 days form the school year, or forming an ongoing pattern of exclusion that may trigger the same procedural rights as a long-term removal (**change of placement**, below).

**Removals - Change of Placement (p. 5)** - A key concept in the more serious disciplinary exclusions is **change in placement**. Change in placement is a single removal for more than 10 school days or an ongoing pattern of short-term removals. Another key concept is the responsibility of the IEP Team to determine the relationship between a disability and the behavior precipitating a disciplinary action. The results of **manifestation determination review** (and other factors such as drugs/weapons/bodily injury) determine whether the student will remain in the **pre-incident placement** or be temporarily placed in an **interim alternative setting**.

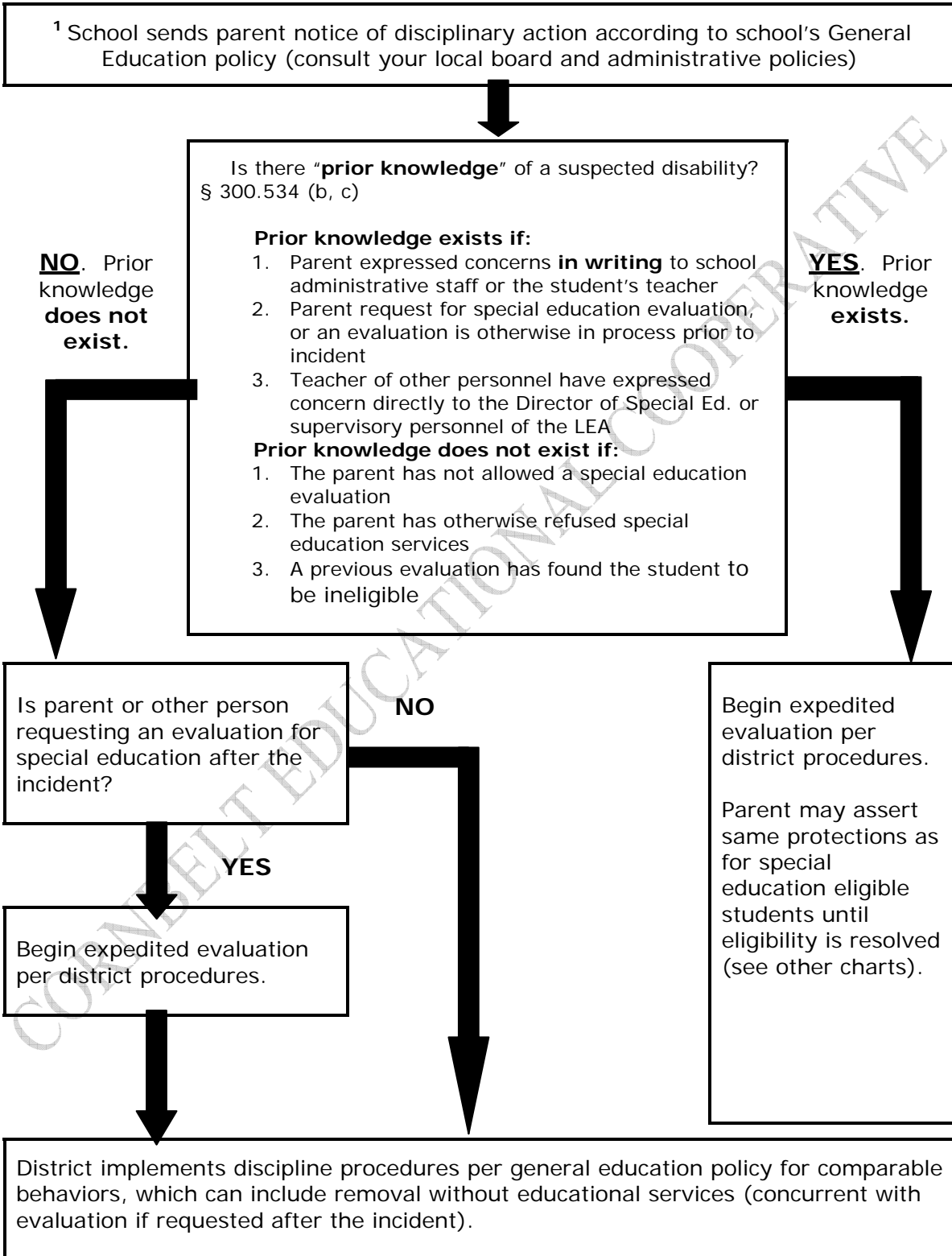
**Notes (p. 6)** -Some boxes in the flowchart are marked with a <sup>1</sup> superscript which refer to explanatory text at the end of the document.

## START HERE: GENERAL CONSIDERATIONS



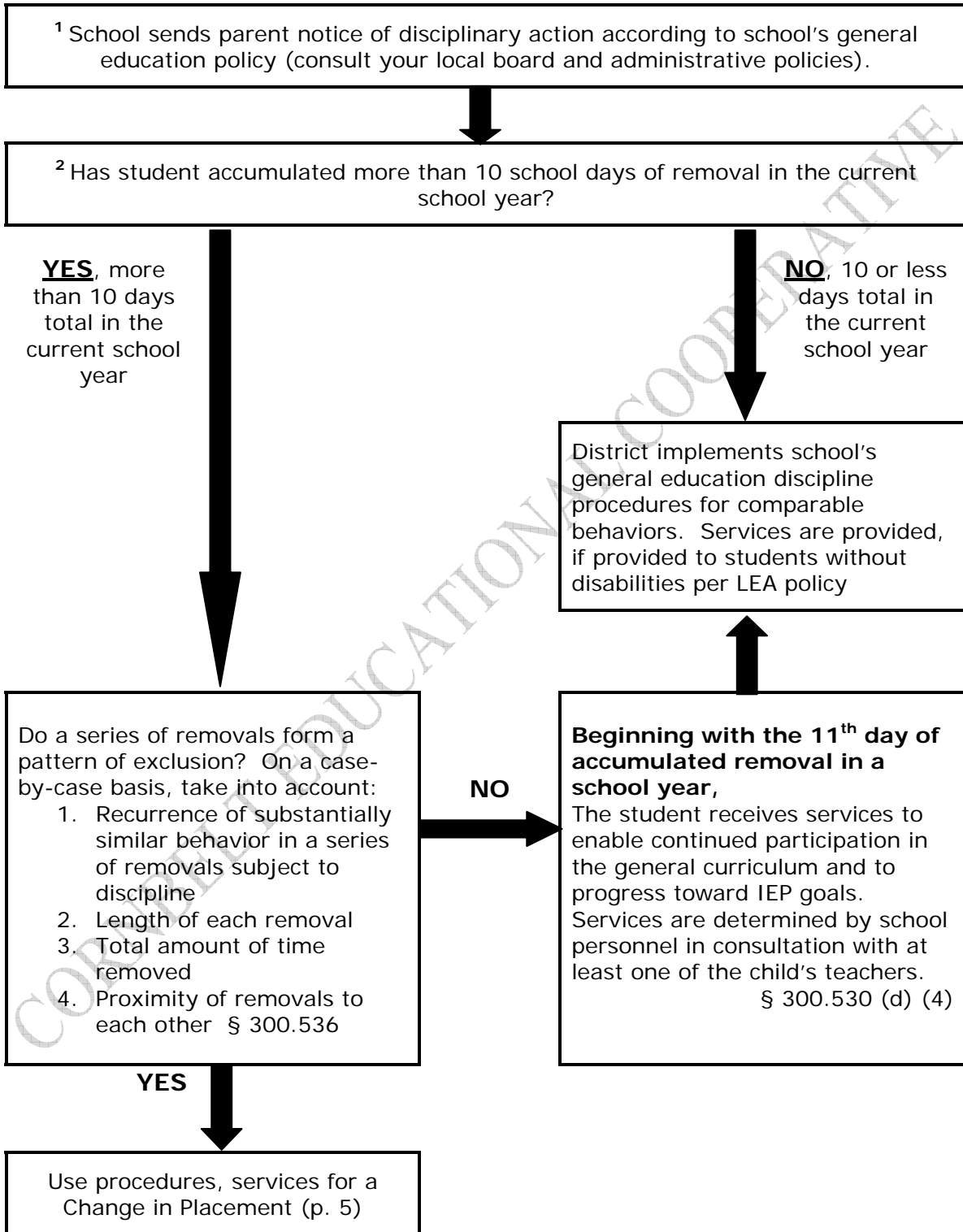
# STUDENT NOT ELIGIBLE FOR SPECIAL EDUCATION

(Student is not currently referred for a special education evaluation and does not currently receive special education programs/services.)



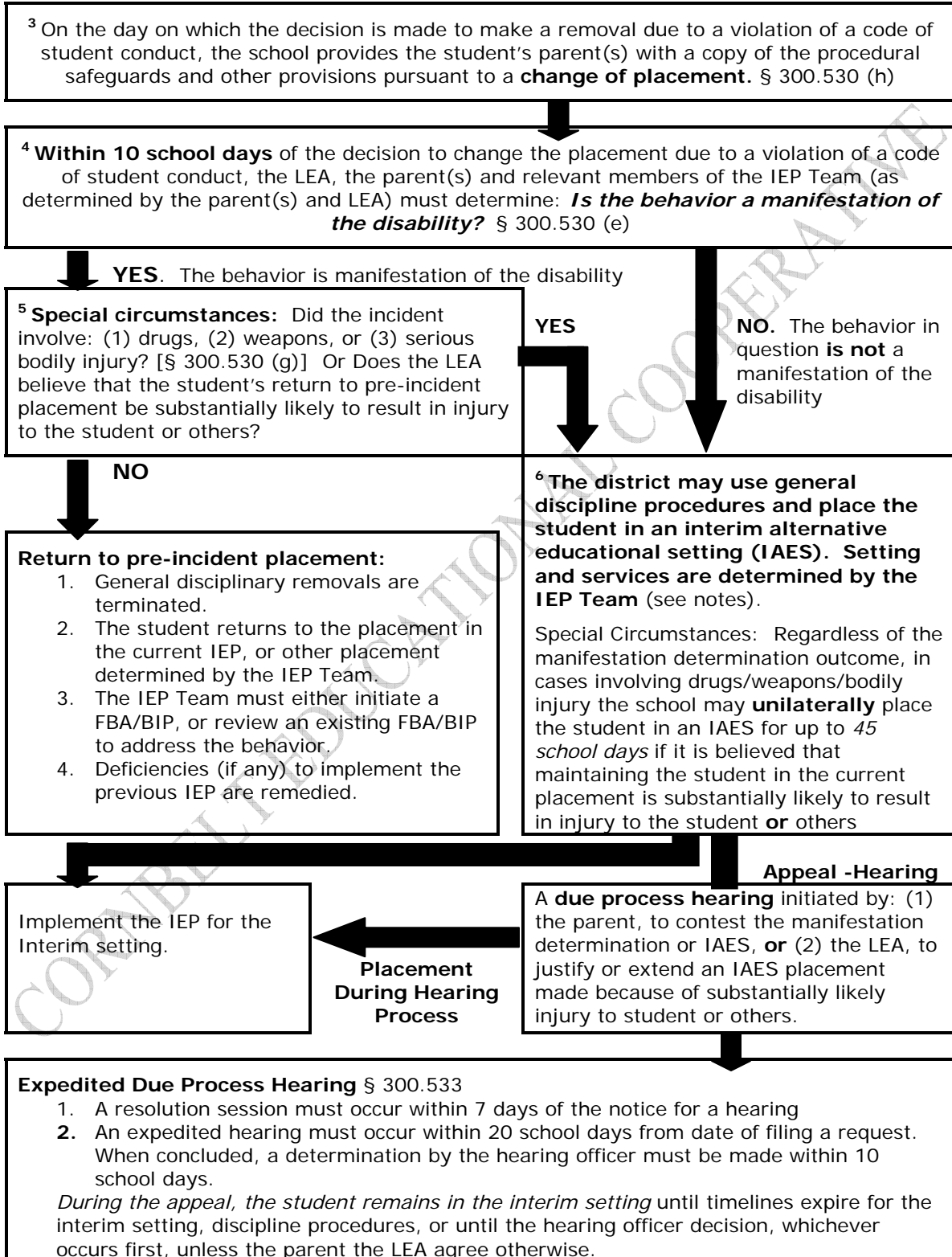
## REMOVALS – NOT A CHANGE IN PLACEMENT

10 or less school days per incident - § 300.530 (b) and student receives special Education or is involved in an initial evaluation for special education



## REMOVALS – CHANGE IN PLACEMENT

11 or more days per incident, or pattern of removals constituting a change in placement  
- § 300.536 and student receives special education or is involved in an initial evaluation for special education



**Notes:**

All references e.g., §300.xxx refer to the regulations for the IDEA 2004, published in the Federal Register on August 14, 2006.

<sup>1</sup> **School sends parent notice of disciplinary action according to school's general education policy (consult your local board and administrative policies).**

Students who happen to be receiving special education are, first and foremost, considered to be general education students. Most discipline cases involve relatively minor incidents handled with routine policy and procedure applicable to all students. Special education regulations provide an extra measure of due process to assure that a review of possible impacts (if any) of a student's disability (if any) in a discipline incident. Application of local general discipline policy should be diligently followed, and altered only to the extent indicated by proper consideration of a disability and student's behavior history, as outlined in this document.

<sup>2</sup> **Has student accumulated more than 10 school days of removal in the current school year?**

It is important that complete records are maintained on all suspensions and expulsions throughout the school year in a building, for dealing with individual cases and to fulfill end-of-year state/federal reporting requirements. Consult your data management staff for available tracking assistance in the local student management system.

**What counts as a day of suspension?**

- Any part of a day suspended is a full day
- Actual days removed from school, regardless of any other conditions set by the school. For example, any day (or part of a day) missed by the student **still counts as suspension** when: (1) the student's return is contingent upon a parent meeting, or (2) a parent voluntarily takes a student home by school request.
- Days of school missed because of suspension from special IEP transportation. While the school cannot require parent to provide special transportation, parent transportation may be a mutually agreeable alternative.

**What does not count as a day of suspension?**

- An in-school suspension would not be considered a part of the days of suspension addressed in § 300.530 as long as the child is afforded the opportunity to continue to appropriately participate in the general curriculum, continue to receive the services specified on the child's IEP, and continue to participate with nondisabled children to the extent they would have in their current placement. (IDEA Regulations, **Federal Register**, Vol. 71, No. 156, Monday, August 14, 2006, p. 46715)
- Nonattendance when general non-IEP transportation privileges are interrupted/terminated.

**When are days of suspension in a school year re-set to zero?**

- Only at the beginning of the school year. Transfers between districts in the same school year, other types of suspensions, etc. do not reset the days of suspension within a school year.

<sup>3</sup> **On the day on which the decision is made to make a removal due to a violation of a code of student conduct, the school provides parent a copy of the procedural safeguards and other provisions pursuant to a change of placement.**

A key concept in discipline procedures is that a removal to an interim alternative setting for more than 10 consecutive days is a **change in placement**, triggering the same procedural safeguards for IEP Team meetings, notice, etc. as for non-disciplinary changes in placement. Also note that notice is due "On the day a decision is made" to make a change in placement.

Special education services [§300.530(d) (5)] and the interim setting (§300.531) in a disciplinary case are specified before implementation in an IEP. If a dispute arises, however, there is a key difference between non-disciplinary and disciplinary cases. During due process dispute resolution in a disciplinary case (§500.532), the student's placement while the dispute is being resolved is the **interim setting** for up to 45 school days, or until timelines associated with the disciplinary action or the hearing expire (§300.533). The school may also repeat hearing procedures to extend the interim setting beyond 45 school days. This is in contrast to non-discipline cases, in which the student's placement during dispute resolution for a proposed IEP is the setting in the last agreed-upon ("pendant") IEP (§300.518)

<sup>4</sup> **Within 10 school days of the decision to change the placement due to a violation of a code of student conduct, the LEA, the parent and relevant members of the IEP Team (as determined by the parent and LEA) must determine: *Is the behavior a manifestation of the disability?* §300.530(e)**

This box refers to an IEP Team meeting (with the LEA, parent and relevant members of the IEP Team) held within **10 school days** of any decision to change the placement (single disciplinary removal of more than 10 school days, or pattern of removal) of a child with a disability because of a violation of a code of student conduct. (§300.530(e)). The Team considers the relationship between the behavior in question and the student's disability. The behavior is determined to be a manifestation of the disability **only if** there is a documented:

- A. IEP Team review of: (1) the IEP; (2) any teacher observations; and (3) relevant information supplied by the parent.
- B. Determination that **either of the following is true**:
  - 1. The conduct in question was caused by, or had a direct and substantial relationship to the student's disability; **or**
  - 2. The conduct in question was the direct result of the LEA's failure to implement the IEP.



5

**Special circumstances: Did the incident involve: (1) drugs, (2) weapons, or (3) serious bodily injury? Or does the LEA believe that return to pre-incident placement be substantially likely to result in injury to the student or others?**

**Drugs:** Violations involving drugs refer to when a student 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 under the jurisdiction of a SEA or a LEA.

**Weapons – State and Federal Definition:**

**South Dakota Definitions:** The definition of a weapon in South Dakota is defined in SDCL 22-1-2 (10). The definition reads as follows: "Dangerous weapon" or "deadly weapon," any firearm, stun gun, knife, or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm.

In South Dakota a "Firearm" is defined as any weapon from which a projectile or projectiles may be discharged by gunpowder. The term, gunpowder, includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges (SDCL 22-1-2 (16)).

**Federal Definitions:** The term dangerous weapon means 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 term does not include a pocket knife with a blade of less than 2 ½ inches in length.

The Federal definition of "firearm" refers to the definition in the federal *Gun-Free Schools Act of 1994* which in turn refers to another section of federal law which defines "firearm" as: Any weapon (including a starter gun) which will or is designed or may readily be converted to expel a projectile by the action of an explosive; The frame or receiver of any such weapon; Any firearm muffler or firearm silencer; or Any destructive device.

**Serious Bodily Injury:** The term "serious bodily injury" is defined in Section 1365(h)(3) of Title 18, U.S. Code, to mean a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. [615(k)(7)(D)].

**Other cases:** In other cases, if the LEA believes that returning the student to the pre-incident placement will likely result in injury to the student or others, the district may seek a court injunction or hearing officer decision to unilaterally place the student in an IAES.

6

**The district may use general discipline procedures and unilaterally place the student in an interim alternative educational setting (IAES). Services are determined by the IEP Team (see Notes).**

The IEP Team determines services in an interim setting during a disciplinary removal which must:

- (1) Enable the child to continue to:
  - o participate in the general education curriculum, although in another setting
  - o to progress toward meeting the goals set out in the child's IEP
  - o appropriately progress in the general curriculum
  - o advance toward IEP goals; and;
- (2) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. [300.530(d)]

**FUNCTIONAL BEHAVIOR ASSESSMENT WORKSHEET  
TO BE COMPLETED BY STUDENT'S IEP TEAM**

<b>Student's Name:</b> _____	<b>Date:</b> _____
<b>Birth Date/Age:</b> _____	<b>Grade:</b> _____
<b>Address:</b> _____	<b>Home Phone :</b> _____
<b>City:</b> _____	<b>School:</b> _____
<b>Parent's/Guardian(s) Name:</b> _____	

The IEP team should collect the most current student behavioral data available. Sources of student data may include: teacher/counselor interviews; direct observations; contents of referrals; evaluation reports; parental in-put; BASC Parent/Teacher/Student Rating Scales; and/or school files that reflect incident reports.

**CLASSROOM INTERVENTION COMPONENTS:**

**I. PREVENTATIVE/PROACTIVE COMPONENTS:** (√ Check all that apply)

- Clearly posted rules; frequently revisited.
- Instructional level/methods appropriate for the student.
- Predictable routine – posted and reviewed each day.
- Classroom setting/schedule set up to promote positive behavior.
- Behavior monitoring system in place; frequent feedback given to all students for positive and negative behavior.
- Other: \_\_\_\_\_
  - List or attach rules/expectations posted in the classroom.
  - List or attach the motivators/incentives the teacher is using to create positive student behavior (i.e., free time, privileges).

**II. CONSEQUENCES: What is the teacher's consistent response to the following negative behaviors?** (√ Check all that apply)

- Non-compliance (failure to follow a reasonable request):
- Physical aggression (i.e., hitting, kicking):
- Other:

<b>PRO-SOCIAL BEHAVIORS:</b>		
What does the student do well?	Where does it occur?	What is or can be done to reinforce this behavior?

**STUDENT'S MOST SIGNIFICANT INAPPROPRIATE BEHAVIOR(S):** (√ Check all that apply)

- Tardy     Inappropriate Language     Disrupts class activity     Hyperactivity     Work completion     Verbal harassment  
 Inattentive     Fighting/aggression     Insubordinate/disrespect     Vandalism     Sleeping     Under achievement  
 Theft     Other (Describe) \_\_\_\_\_

Identify the two (2) most significant, **inappropriate behaviors** that are interfering with the student's classroom performance. Estimate or directly observe the frequency (how often), intensity (high, med., low), and duration of each:

Behavior: (baseline levels)	Frequency (How often)	Intensity (High, med, or low)	Duration (How long)

From the list below indicate the triggers (antecedents), concurrent events, and consequences that seem to be supporting the inappropriate behavior(s).

**TRIGGERS**

- Lack of social attention  
 Demand/Request  
 Difficult Task  
 Transition (task)  
 Interruption in routine  
 Negative social interaction  
 Consequences imposed for negative behavior

**CONCURRENT EVENTS**

- Independent seat work  
 Group instruction  
 Crowded setting  
 Unstructured activity  
 Unstructured setting  
 Peer attention  
 Adult attention

**CONSEQUENCES**

- Behavior ignored  
 Reprimand/Warning  
 Time-out  
 Loss of privileges  
 Communicate with home  
 Sent to office  
 Out-of-School suspension  
 In-School suspension

What is/are the function(s) or the purpose(s) of the student's behavior?

**ESCAPE**

- Avoid a demand or request     Escape the classroom/setting  
 Avoid an activity/task     Escape the school  
 Avoid a person     Other: (Identify) \_\_\_\_\_

**ATTENTION/CONTROL**

- Get desired item/activity     Get sent to preferred adult  
 Gain adult attention     Other: (Identify) \_\_\_\_\_  
 Gain peer attention

**IEP TEAM DETERMINATION** (√ Check one)

The IEP Team  Does  Does Not recommend a behavior plan be completed at this time. (Place this FBA form in the student's IEP file).

This Functional Behavioral Assessment reflects the IEP team's consensus determination regarding the student's behavior. Person(s) in disagreement may indicate by checking no after their signature and attaching a statement summarizing their reason for disagreement.

IEP Team Members Signatures:	Date	Team Decision Agreement
Administrator _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Sp. Ed. Teacher _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reg. Ed. Teacher _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Parent(s)/Guardian _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other _____ Title _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ Title _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ Title _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

The parent(s)/guardian have received notification and a copy of their Parental Rights including the right to request a hearing, if in disagreement with the IEP Team consensus determination.

Parent's/Guardian Signature Verifying Notification:

# BEHAVIORAL INTERVENTION PLAN

Check one:  Initial Plan  Revised Plan

To be completed by student's IEP Team

Student's Name: _____	Date: _____
Birth date/Age: _____	Grade: _____
Address: _____	Home Phone: _____
City: _____	School: _____
Parent(s)/Guardian Name: _____	

### STUDENT'S PROBLEM BEHAVIOR(S):

- |                                      |                                                 |                                                   |                                        |                                          |                                            |
|--------------------------------------|-------------------------------------------------|---------------------------------------------------|----------------------------------------|------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Tardy       | <input type="checkbox"/> Inappropriate Language | <input type="checkbox"/> Disrupts class activity  | <input type="checkbox"/> Hyperactivity | <input type="checkbox"/> Work completion | <input type="checkbox"/> Verbal harassment |
| <input type="checkbox"/> Inattentive | <input type="checkbox"/> Fighting/aggression    | <input type="checkbox"/> Insubordinate/disrespect | <input type="checkbox"/> Vandalism     | <input type="checkbox"/> Sleeping        | <input type="checkbox"/> Underachievement  |
| <input type="checkbox"/> Theft       | <input type="checkbox"/> Other: _____           |                                                   |                                        |                                          |                                            |

(Describe)

### What is/are the function(s) or the purpose(s) of the student's behavior?

- |                                                    |                                                       |                                                    |                                                      |
|----------------------------------------------------|-------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|
| <b>ESCAPE</b>                                      |                                                       | <b>ATTENTION/CONTROL</b>                           |                                                      |
| <input type="checkbox"/> Avoid a demand or request | <input type="checkbox"/> Escape the classroom/setting | <input type="checkbox"/> Get desired item/activity | <input type="checkbox"/> Get sent to preferred adult |
| <input type="checkbox"/> Avoid an activity/task    | <input type="checkbox"/> Escape the school            | <input type="checkbox"/> Gain adult attention      | <input type="checkbox"/> Other: (Identify)           |
| <input type="checkbox"/> Avoid a person            | <input type="checkbox"/> Other: (Identify)            | <input type="checkbox"/> Gain peer attention       |                                                      |

### BEHAVIORAL GOAL(S): State in observable and measurable terms the desired REPLACEMENT behavior(s) for the student.

1.

2.

### METHODS OF TEACHING THE DESIRED REPLACEMENT BEHAVIOR:

- |                                                  |                                                 |                                                   |                                                |                                                         |
|--------------------------------------------------|-------------------------------------------------|---------------------------------------------------|------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Direct instruction      | <input type="checkbox"/> Social skills training | <input type="checkbox"/> Anger management         | <input type="checkbox"/> Use of mentors        | <input type="checkbox"/> Teach alternate behaviors      |
| <input type="checkbox"/> Providing cues          | <input type="checkbox"/> Role playing           | <input type="checkbox"/> Modeling                 | <input type="checkbox"/> Teach self-monitoring | <input type="checkbox"/> Use differential reinforcement |
| <input type="checkbox"/> Behavior contract       | <input type="checkbox"/> Stress management      | <input type="checkbox"/> Decision-making training |                                                |                                                         |
| <input type="checkbox"/> Other: (Identify) _____ |                                                 |                                                   |                                                |                                                         |

### ACCOMMODATIONS TO ASSIST THE STUDENT IN DISPLAYING THE REPLACEMENT BEHAVIOR:

- |                                                          |                                                        |                                                             |
|----------------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Clear, concise directions       | <input type="checkbox"/> Supervise free time           | <input type="checkbox"/> Provide alternate recess           |
| <input type="checkbox"/> Frequent reminders/prompts      | <input type="checkbox"/> Avoid strong criticism        | <input type="checkbox"/> Avoid physical contact             |
| <input type="checkbox"/> Frequent breaks/Allow to escape | <input type="checkbox"/> Predictable, routine schedule | <input type="checkbox"/> Provide cooling off period         |
| <input type="checkbox"/> Teacher/staff proximity         | <input type="checkbox"/> Specified study area          | <input type="checkbox"/> Provide highly structured setting  |
| <input type="checkbox"/> Reprimand the student privately | <input type="checkbox"/> Preferential seating          | <input type="checkbox"/> Minimize/Structure transition time |
| <input type="checkbox"/> Modify assignments              | <input type="checkbox"/> Avoid power struggles         | <input type="checkbox"/> Communicate regularly with parents |
| <input type="checkbox"/> Review rules and expectations   | <input type="checkbox"/> Specifically define limits    |                                                             |
| <input type="checkbox"/> Other: (Identify) _____         |                                                        |                                                             |

### POSITIVE REINFORCEMENTS FOR DISPLAYING THE DESIRED REPLACEMENT BEHAVIOR:

- |                                                    |                                        |                                             |                                                           |
|----------------------------------------------------|----------------------------------------|---------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Verbal praise             | <input type="checkbox"/> Computer Time | <input type="checkbox"/> Immediate Feedback | <input type="checkbox"/> Earned Privileges                |
| <input type="checkbox"/> Positive Phone Calls Home | <input type="checkbox"/> Free Time     | <input type="checkbox"/> Tangible Rewards   | <input type="checkbox"/> Positive Visits to Administrator |
| <input type="checkbox"/> Other(s): _____           |                                        |                                             |                                                           |

**METHODS OF MEASURING THE STUDENT'S PROGRESS:**

- Direct Observation
- Weekly behavior sheet
- Self-monitoring
- Daily behavior sheet
- Charting/graphing
- Number of discipline referrals
- Other: (Identify) \_\_\_\_\_  
(Identify)

**NEGATIVE CONSEQUENCES FOR DISPLAYING INAPPROPRIATE BEHAVIOR:**

- Phone call home
- Level drop/Loss of points
- Verbal reprimand
- Planned ignoring
- In-school suspension
- Send to office
- Loss of privileges
- Physical management
- Exclusion from extra-curricular activity
- Out-of-school suspension
- Time out/Cool off
- Detention
- Escort to another area
- Other: (Identify) \_\_\_\_\_

The student will follow the District's School Wide Discipline Policy. (If NO, complete next statement.)  Yes  
 No

Because of the nature of the student's disability (i.e., inability to understand and/or follow directions) the following adaptations will be applied to the District's School Wide Discipline Policy: Student's Primary disability is: \_\_\_\_\_

Identify the Interim Alternative Educational Setting (IAES) to be used if the student's suspension may exceed ten (10) consecutive school days: \_\_\_\_\_

**PERSON(S) RESPONSIBLE FOR IMPLEMENTING THIS BEHAVIOR INTERVENTION PLAN:**

- Gen ed teacher(s)
- School administrator(s)
- Classroom assistant(s)
- Related service provider(s)
- Sp ed teacher(s)
- Parent(s)/Guardian
- Behavior intervention specialist(s)
- School Counselor
- Other: (Identify) \_\_\_\_\_

Indicate the number of instructional weeks before this Behavioral Intervention Plan is evaluated: \_\_\_\_\_.

This Behavioral Intervention Plan reflects the IEP team's consensus determination regarding appropriate behavioral intervention services. Person(s) in disagreement may indicate by checking no after their signature and attaching a statement summarizing their reason for disagreement.

IEP TEAM	SIGNATURE	Team Decision Agreement	
Administrator	_____	Yes	No
Sp. Ed. Teacher	_____	Yes	No
Reg. Ed. Teacher	_____	Yes	No
Parent(s)/Guardian	_____	Yes	No
Other	Title _____	Yes	No
Other	Title _____	Yes	No
Other	Title _____	Yes	No

The parent(s)/guardian have received notification and a copy of their Parental Rights including the right to request a hearing, if in disagreement with IEP Team consensus determination.

Parent's/Guardian Signature Verifying Notification:

## IEP TEAM MANIFESTATION DETERMINATION

Student's Name	Date of Birth	Today's Date
Parent's/Guardian Name	IEP Manager and Phone Number	District/School

**Complete this form when any of the following occur:**

- School administration has recommended long-term suspension/expulsion for alleged violation of school rules or codes of conduct (up to or exceeding ten [10] school days).
- Short-term suspension days have or will **exceed** ten (10) school days.
- Placement by school personnel in an interim alternative educational placement for not more than 45 school days for student codes of conduct violations involving weapons, drug violations or serious bodily injury.
- Placement by an impartial hearing officer in an interim alternative educational setting.

**1. Identify the Specific inappropriate behavior(s) that resulted in the student's suspension/expulsion:**

**2. Date suspension/expulsion began:** \_\_\_\_\_

**3. This behavior(s) represent(s) a:**                       **Single Incident**                       **Pattern of Behavior**

**4. The following data has been reviewed by the student's IEP Team:**

- Classroom behavior(s) from Assessments, Observations, and Teacher/Staff Interviews.
- Related Services Providers' Observations and/or Reports.
- Evaluations and Information provided by the parent(s)/guardian of the student.
- Other: (Identify) \_\_\_\_\_
- Other: (Identify) \_\_\_\_\_

**5. FAPE Requirement (s) Check List for the student's IEP Team:**

- |                                                                                  |                              |                             |
|----------------------------------------------------------------------------------|------------------------------|-----------------------------|
| The student has a current IEP?                                                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| The student has shown progress toward achieving IEP goals before the misconduct? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| The student had an appropriate educational placement before the misconduct?      | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| The student had a functional behavioral assessment administered (FBA)?           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| The student had an appropriate behavior interventions implemented (BIP)?         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**6. Attach a statement to describe the rationale for the IEP team's determination for each statement checked "Yes" in section 5 (above).**

**6. Upon completion of its review, the student’s IEP team consensus determination is:**

Yes     No    The conduct in question was caused by, or had a direct and substantial relationship to, the student’s disability.

Yes     No    The conduct in question was the direct result of the district’s failure to implement the student’s IEP.

If the members of the IEP team determine that the answer is **YES** to either of the above questions, the conduct shall be determined **to be a manifestation of the student’s disability**.

The conduct in question **WAS** a manifestation of the student’s disability.

The conduct in question **WAS NOT** a manifestation of the student’s disability.

A child with a disability **who is removed** from his/her educational setting for disciplinary reasons for more than **10 consecutive school days** (or who is removed for **45 school days** for weapons, drugs or serious bodily injury) must continue to receive the services in his/her IEP as well as access to the general education curriculum. Such student **must** also receive, as appropriate, a **functional behavioral assessment and a behavior intervention plan with modifications** that are designed to address the behavior violation so that it does not recur.

If school personnel seek to order a change in placement that would exceed 10 consecutive school days and the behavior that gave rise to the violation of the school code is determined **not** to be a manifestation of the student’s disability, **the relevant school wide disciplinary procedures for nondisabled students may be applied to the student with a disability in the same manner and for the same duration as would be applied to a nondisabled student**. When removal is for more than 10 consecutive school days, the student must continue to receive the services in his/her IEP as well as access to the general education curriculum.

If appropriate, a plan has been developed for the child in order to receive the services in his/her IEP as well as access to the general education curriculum while in an alternative setting.

**Plan is attached.**                       **Plan is not required.**

The following persons, as indicated by their signatures, have participated in this Manifestation Determination: **IEP team members in disagreement with the consensus determination may attach a summary statement identifying their reason(s) for disagreement.**

IEP TEAM	SIGNATURE	Agreement with IEP team determination	
<u>Administrator</u>	_____	<u>Yes</u>	<u>No</u>
<u>Sp. Ed. Teacher</u>	_____	<u>Yes</u>	<u>No</u>
<u>Reg. Ed. Teacher</u>	_____	<u>Yes</u>	<u>No</u>
<u>Parent/Guardian</u>	_____	<u>Yes</u>	<u>No</u>
<u>Other</u>	<u>Title</u> _____	<u>Yes</u>	<u>No</u>
<u>Other</u>	<u>Title</u> _____	<u>Yes</u>	<u>No</u>
<u>Other</u>	<u>Title</u> _____	<u>Yes</u>	<u>No</u>

The parent(s)/guardian have received notification and a copy of their Parental Rights including the right to request a hearing, if in disagreement with the IEP Team consensus determination.

Parent’s/Guardian Signature Verifying Notification: