

Maryland State Department of Education (MSDE)
Division of Special Education/Early Intervention Services (DSE/EIS)
Maryland Statewide Online Individualized Education Program
Administrative Module
Guidance

FORM:

“Manifestation Determination, Summary of Individualized Education Program (IEP) Team Meeting” (Revised, January 25, 2012)

In addition to the Individualized Education Program (IEP) the Maryland Online IEP (MOIEP) provides administrative forms to support Local School Systems (LSSs) and Maryland Public Agencies (PAs) in complying with federal and State special education requirements. The *Manifestation Determination, Summary of Individualized Education Program (IEP) Team Meeting* form (manifestation form) is part of the administrative module of the MOIEP system. This form provides a format for users to document an IEP team’s decision-making process when determining if a child’s behavior is a manifestation of disability, as well as related requirements, including review when a student is disciplinarily removed for more than 10 days. See 34 CFR § 300.530(e) and COMAR 13A.08.03.08.

As with other forms created through the MOIEP, LSSs and PAs are not required to use the manifestation form. LSSs and PAs that appropriately use and complete the form, including proper documentation, will support compliance with federal and State requirements. Please be advised that compliance with federal and State requirements is the responsibility of each LSS and PA.

The MSDE, DSE/EIS is issuing the following guidance to assist in manifestation determinations. LSSs and PAs may also wish to refer to the MSDE, DSE/EIS resource document, *Discipline of Students with Disabilities: A Guide for Administrators, Educators, Parents and Community Members*. This document may be found on the Internet at:

http://www.marylandpublicschools.org/MSDE/divisions/earlyinterv/Special_Ed_Info

Considerations and Tips

The manifestation determination process is complex. The MSDE, DSE/EIS reviews student records as part of its general supervision and oversight responsibilities and identified similar errors in manifestation determinations across Maryland school systems. The MSDE, DSE/EIS developed this manifestation form to assist LSSs and PAs in ensuring that appropriate procedures are followed when students are disciplinarily removed for more than ten school days as well as when a change in placement occurs. The manifestation form was developed with input by local school system personnel. The form is designed to support a careful decision making process, based on accurate data and information, each time a student is disciplinarily removed after the initial 10 days of removal.

For a manifestation determination to meet the needs of students, all decisions must be student centered. When a student is disciplined as a result of a violation of the LSS/PA student code of conduct, the LSS/PA will review a spectrum of options to address the needs of the student, family, and school personnel.

To make effective decisions in the manifestation determination process, data must be current and accurate to support and validate decisions. Data informs the decision-making process for IEP teams. The IEP teams must accurately document what information is considered and the decisions that are made during the IEP team meeting. As always, parents are critical members of the IEP team and must be given the opportunity to provide input and participate in the decision making process.

Section of the Form	Considerations
Procedural Safeguards	<ul style="list-style-type: none"> • For a suspension of more than 10 consecutive days, the procedural safeguards must be provided to the parent on the date the decision to remove the student is made. This date should match the date of the parent letter of suspension notification. • For a suspension that will result in greater than 10 cumulative school days of removal, procedural safeguards can be provided at the manifestation determination IEP team meeting when the IEP team determines if the removal results in a change of placement. <p>NOTE: If an LSS/PA determines that cumulative removals resulting in greater than 10 days is a change of placement, follow procedure in <i>Section II Change in Placement Determination</i> below.</p>
Section I. Discipline Information/Data Considered by the IEP Team	<ul style="list-style-type: none"> • Ensure dates entered are consistent with dates on documents in the student’s discipline record; • Ensure data for out-of-school and in-school suspensions are accurate. If the data are not consistent, the LSS or PA cannot ensure that proper disciplinary procedures, including the provision of a free appropriate public education (FAPE), will be implemented within timelines. • Ensure attendance codes are accurate.
Section II. Change in Placement Determination	<p>When a disciplinary action will result in 10 or more cumulative days of removal, the IEP team must consider the factors related to patterns of removal to determine if there is a change of placement.</p> <p>NOTE: In the LSSs or PAs where the local policy states that the cumulative removal of more than 10 days is automatically considered a change of placement, completing the information related to the factors is optional.</p>

Section of the Form	Considerations
Section III. Services Provided After the 10 th Day of Removal	<p><u>Services determined by school personnel:</u></p> <ul style="list-style-type: none"> • If this suspension will result in greater than 10 days of removal for the school year and day 11 will occur prior to the manifestation determination IEP team meeting, check box 1 on the form and list the specific IEP services, including frequency, duration and location of each service. <p><u>Services determined by the IEP team:</u></p> <ul style="list-style-type: none"> • If the manifestation determination IEP team meeting occurs prior to the student reaching the 11th day of removal and the IEP team has determined services, then check box 2 on the form and list the specific IEP services, including frequency, duration and location of each service. <p>REMEMBER: Make certain that any recommendations for changes/revisions to the student’s IEP are also completed in the student’s IEP document, as appropriate.</p>
Section IV. Relevant Information	<p><u>Review of a student’s IEP includes:</u></p> <ul style="list-style-type: none"> • Specific questions regarding the status of a student; and • Documentation that the IEP team considered the student’s progress or needs related to a Functional Behavioral Assessment (FBA), Behavioral Intervention Plan (BIP), behavioral supports, etc. <p><u>Review of assessment data includes:</u></p> <ul style="list-style-type: none"> • Consideration of available current data; • Assessment information, including the need for additional assessments, as applicable; and • Documentation of input from parent, and the student, as appropriate. <p>The grid on the form captures the results of existing assessment data reviewed by the IEP team. The data documented in this section is the basis for decisions of the IEP team regarding manifestation, services, and placement that are the result of this process. Necessary data should be available for review. Decisions should be consistent with the data that is reviewed.</p>

Section of the Form	Considerations
	<p>NOTE: In revising this manifestation determination form, the word “Psychological” is preprinted in the section of the grid titled <i>Assessment results and evaluations</i> only as a way to link data previously entered into the field in an earlier version of this form. A psychological assessment is not specifically required. An IEP team may review an existing psychological assessment as part of the review process. If an IEP team determines updated information is needed, the IEP team may recommend a psychological assessment as a result of a student’s continued behavioral concerns.</p>
<p>Section V. Manifestation Determination</p>	<p>The Manifestation Determination section enables the user to document whether the behavior that resulted in the disciplinary action was a direct result of the:</p> <ol style="list-style-type: none"> 1) Student’s disability; or 2) School’s failure to implement the IEP. <p>This part of the process requires careful and thorough consideration of the individual student. The determination by the IEP team should be consistent with data and information considered in previous sections of this form.</p>
<p>Section VI. Summary of Actions Proposed</p>	<p>This section includes a list of the decision options that the IEP team may consider as part of the manifestation determination process. The IEP team should make decisions for implementation by school system personnel, based on current data. If the IEP team determines revisions to the IEP and/or BIP are needed, the IEP or BIP must be revised to reflect these changes. Dates should be consistent with the date of the manifestation determination meeting.</p> <p>NOTE: The second choice on the form has been added to the Summary of Actions Proposed to document the decision of the IEP team when the LSS/PA and parent agree to a change of placement as a part of modifying the student’s BIP, even when a manifestation has been determined. School personnel must ensure that parents are informed that this change of placement is voluntary and temporary.</p> <p>Parents must also be informed that they can request an IEP team meeting to reconsider the alternative placement prior to the expected exit date from the Interim Alternative Educational Setting (IAES) placement.</p>