

**LeRoy Central School
Manifestation Determination Review Form**

A manifestation determination must be conducted immediately, if possible, but in no case later than 10 school days after a decision is made to impose a suspension that constitutes a disciplinary change in placement¹ because of a student's violation of the school code of conduct. The *New York State Manifestation Determination Review Sample Form* below may be used by manifestation determination teams to assist in determining if a student's conduct is a manifestation of the student's disability (i.e., is related to the disability). This form should be used in conjunction with guidance provided in the *Manifestation Determination Policy Brief* and *Manifestation Determination Flowchart*, available on the New York State Education Department, Office of Special Education's [Behavioral Supports and Interventions and Discipline Procedures for Students with Disabilities webpage](#), and the U.S. Department of Education, Office of Special Education and Rehabilitative Services [Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions](#).

Student:	Date of Manifestation Determination Meeting:
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<p>Manifestation Team Members:</p> <p>Representative of the School District:</p> <p>Parent:</p> <p>Relevant Members of the Committee on Special Education (CSE):</p>

<p>Description of the student behavior that resulted in the disciplinary action:</p> <p>Date of Incident:</p>

<p>Does the student have an individualized education program (IEP)?</p> <p>Yes</p> <p>No</p> <p>If "No," is the student presumed to have a disability for discipline purposes?</p> <p>Yes</p> <p>No</p>

<p>Does the student have a behavioral intervention plan (BIP)?</p> <p>Yes</p> <p>No</p>

<p>Did an impartial hearing officer (IHO) order the placement of the student to an interim alternative educational setting (IAES) in the instance of a dangerous situation (i.e., determination that the current placement of the student is substantially likely to result in injury to the student or others)?</p> <p>Yes</p> <p>No</p>

¹ *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:

- for more than 10 consecutive school days; or
- for a period of 10 consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another. [8 NYCRR §201.2(e)]

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Was the change in placement for special circumstances (i.e., behavior involving serious bodily injury, weapons, illegal drugs, or controlled substances)?
 Yes
 No

Section I: Review of Student's File²	Check All Relevant Information Reviewed	Comments/Evidence		
IEP				
Teacher Observation of the Student				
Relevant Information Provided by the Parents				
Other Relevant Information (list):				
Section II: Determination Questions		Yes	No	Comments/Evidence
Check "yes" or "no" based upon the review of the information in the student's file in Section I:				
Was the conduct in question caused by or directly and substantially related to the student's disability?				

² Please note, helpful examples are provided when you hover over the items in Section 1: Review of Student's File column.

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<p>Was the conduct in question the direct result of the school district's failure to implement the IEP?</p>	<input type="checkbox"/>		
<p>Section III: Manifestation Determination</p> <p>Check the appropriate determination based on the questions in Section II (check one)</p>		<p>Required Actions</p>	
<input type="checkbox"/>	<p>If the answer to either question from Section II is Yes, the behavior was related to the student's disability.</p>	<ul style="list-style-type: none"> • The CSE must conduct an FBA (unless one was already conducted) and implement a BIP or review and modify, if necessary, an existing BIP to address the behavior. • Except for behavior involving serious bodily injury weapons, illegal drugs, or controlled substances or when an IHO has ordered a change in placement to an IAES in a dangerous situation, the student must be returned to their IEP placement unless the school district and parent agree to a change in placement as part of modifying the BIP. • If the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate steps to remedy those deficiencies (see Section II). 	
	<p>If the answer to both questions from Section II is No, the behavior was not related to the student's disability.</p>	<ul style="list-style-type: none"> • During the first 10 days of suspension in a school year, the student may be disciplined and receive services to the same extent as a student without a disability. • Beginning on the 11th day of suspension in a school year (and any subsequent suspensions) the student with a disability must continue to receive a free appropriate public education (i.e., educational services necessary to enable the student to continue to participate in the general education curriculum, and to progress toward meeting their IEP goals.) although in another setting. • The student must receive, as appropriate, an FBA and behavioral intervention services and modifications designed to address the behavior violation, so it does not recur. 	