

MANIFESTATION DETERMINATION

§300.530(e)

Within 10 school days of a decision to change a placement because of a violation of a code of conduct, the IEP team MUST:

1. Review all relevant information in the student's file and information from parents, AND
 2. Determine if:
 - ✓ The conduct in question was *caused by or had a direct and substantial relationship to* the student's disability;
- OR
- ✓ The conduct in question was the direct result of the LEA's failure to implement the IEP.

YES, THE BEHAVIOR IS A MANIFESTATION OF THE STUDENT'S DISABILITY:

1. Conduct (or review) and FBA;
2. Implement (or review and revise) a BIP; AND
3. RETURN THE STUDENT TO THE PREDISCIPLINARY PLACEMENT!

NO, THE BEHAVIOR IS NOT A MANIFESTATION OF THE STUDENT'S DISABILITY:

1. Discipline without regard to disability; AND
2. Provide FAPE in the disciplinary setting.



The disciplinary placement is the stay-put placement if challenged!
§300.533