



590 South Avenue
Rochester, NY 14620

Discipline/Suspension Meetings

1. What is a Manifestation Determination?

“A review of the relationship between the student’s disability and the behavior subject to disciplinary action.”

What does this mean? When a child with an IEP (Individual Educational Plan) has behaviors that are in violation of a school’s code of conduct and a suspension or a change of placement is suggested, the district is required to have a formal manifestation meeting to determine whether or not the behavior is a result of the child’s disability.

Exceptions:

Drugs & weapons – It is important to recognize that if drugs and/or weapons are involved that the school may hold a manifestation hearing but is not mandated to have one.

2. What factors must the school use when deciding that a behavior is a manifestation of the child’s disability? According to the federal law, IDEA (Individuals with Disabilities Education Act) the following must be considered:

- A. *If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or*
- B. *If the conduct in question was the direct result of the school district’s failure to implement the IEP*

What does this mean? Was the behavior due to the disability? Was it a symptom? Was it a result of a symptom? Did the behavior occur because the IEP was not followed?

Example A: A student with autism walks to the room in which he receives music therapy every week at the same time. The teacher is absent that day. The student begins throwing items that are on the teacher’s desk. During the manifestation meeting, parents discuss that due to the child’s disability he requires a high level of structure and notification of changes in his schedule. Therefore his behavior **MAY** be a manifestation of his disability.

Example B: A 9th grader’s IEP states that he may leave the room to speak with his counselor when he is experiencing high anxiety. The student approaches the teacher stating that he is going to his counselor. The teacher says that he cannot do this until all of his work is completed. The student swears and kicks over his desk. This **MAY** be a manifestation because there was a failure to implement the IEP.



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3. How do I prepare for the meeting?

- Know the date, time, and place of the meeting.
- You may ask that the meeting be delayed if you are unable to attend or if you need more time to prepare – however this must be a short delay.
- Discuss the importance of this meeting with your child. Physical appearance, attitude, and body language are all extremely important.
- Demonstrate to the school:
 - You take this meeting seriously.
 - You want to be involved in determining what supports and services your son/daughter requires so that this behavior does not re-occur.
 - Your commitment is that your child receives an appropriate education that will support them in being successful in school and as an adult.

4. How do I present information demonstrating that the behavior is due to my son/daughter's disability?

- Be prepared to go to the meeting with a good knowledge of typical symptoms and how the disability specifically impacts your child.
- If your son or daughter is working with an outside specialist you may want to ask them to either attend or write a letter stating that the behavior was due to the disability.
- Research well-respected websites that describe symptoms of your son's/daughter's disability. Use these at the meeting to show that the symptoms are directly related to the behavior.

NOTE: If members of the team continue to state that the behavior was not related to the disorder ask them to explain why they disagree with your child's specialist or research.



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5. If there is a Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP), ask for a copy and read it prior to the meeting.

- a. During the meeting, ask the team to review the Behavior Plan to determine if the plan was followed. If it was not followed, it may be determined that the incident was a manifestation.
- b. If there is no Behavior Plan, ask if this behavior has occurred in the past. If yes, ask why there was never a Functional Behavior Assessment conducted.

For more information: NYS Dept. of Ed. FBA & PBIP:

<http://www.p12.nysed.gov/specialed/publications/policy/functionbehav.htm>

Have a discussion with your son/daughter prior to the meeting regarding what occurred before the incident so that he/she is comfortable to talk about this at the meeting. Presenting this information in a non-accusing and factual manner is important.

6. How do I promote my child's strengths during the meeting?

- a. Be prepared to ask questions that will result in positive statements early in the meeting; begin with the person most likely to speak positively about your child. This often results in others joining in with positive statements.
- b. If the school psychologist has worked with your son or daughter, it may be helpful to speak with him/her prior to the meeting in an attempt to having him/her understand your child's disability and how it impacted the event.
- c. Provide examples of your child wanting to be successful (clubs, after school jobs, etc.)

7. Can the school take into consideration unique circumstances regarding my daughter's/son's situation?

The Federal Law, IDEA, encourages careful consideration of the student and the situation prior to suspending or determining a change of placement. The law reads: "School personnel may consider any *unique circumstances* on a case-by-case basis in determining whether a change of placement is appropriate for a child with a disability". §300.530(a)



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What Does this Mean?

As an example: Your child has been bullied for months by another student, and one day swears at the other student. As a parent, you would want to be prepared to discuss how the bullying resulted in your child's behavior. Therefore, this may be seen as a *"unique circumstance"*. Some schools may not be familiar with this section of IDEA and/or your child's unique situation. This could make all the difference in determining whether they suspend your child.

Manifestation meetings do not always result in suspension. The focus of the meeting should always be on determining what actions should be taken to ensure that the student receives an appropriate education.