

## MANIFESTATION DETERMINATION REVIEW WORKSHEET

Meeting Date: _____	SOHO Case #: _____
Student Name: _____	Student OSIS: _____
Date of Birth: _____	Current School: _____

**Please reference the [Standard Operating Procedures Manual for Special Education Services'](#) section on Students with Disabilities Subject to Discipline (SOPM) while completing this Worksheet.**

*Complete this Worksheet in paper or electronically in SOHO at the MDR meeting. If the Worksheet is completed in paper at the meeting, the contents must be entered into SOHO within 24 hours of the meeting.*

*Include a response for all questions. Answers to these questions must be determined at the MDR meeting and must include the contributions of all meeting participants, including the parent(s) if present.*

**MANIFESTATION DETERMINATION REVIEW TEAM**

*Enter names and other relevant information for all individuals present at the meeting. It is recommended that at least two school staff members attend the MDR meeting. The following people must participate in the MDR in person, unless otherwise indicated:*

- *A representative of the school district knowledgeable about the student and the interpretation of information about the student's behavior (e.g., school psychologist, social worker, guidance counselor);*
- *The parent (the parent may participate in person or by phone); and*
- *Other individuals as determined by the school district and/or the parent (other individuals may participate by phone if necessary).*

Name (and Signature)	Title	By Phone (Y,N)
Required member		

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**WRITTEN NOTICE OF MEETING**

Date the school sent the SOHO notification of disciplinary action/MDR to the parent: \_\_\_\_\_

Check here if Superintendent’s Suspension (\*Hearing Office sends written notice of disciplinary action/MDR to parent. School must notify parent of any MDR scheduling changes.)

Notes about notice/parent participation:

**STUDENT’S DISABILITY AND BEHAVIORAL HISTORY**

*Prior to discussing the incident, it is important for the MDR Team to discuss the student’s disability and the extent to which it affects the student’s behavior. In order to do this, the MDR Team must review all relevant information from the student’s file. This includes: the student’s most current IEP or 504 Plan; special education evaluations; teacher observations; and if the student has one, the Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP). The Team must also consider any information provided by the parent and other relevant documents and information as determined by the school (e.g., OORS reports from prior incidents, report cards, etc.). The school must bring all of these documents to the meeting, if the student has them, unless the document provides no relevant information about the student’s behavior.*

1. Check here to indicate which documents were reviewed at the meeting. Discuss, review and consider each document. While reviewing the documents, focus on any behavioral concerns and triggers contained in the documents. This may include consideration of academic factors that are related to the student’s behavior.

**IEP/504 Plan (circle one)** - Date: \_\_\_\_\_

Disability classification: \_\_\_\_\_

Notes/Explanation:

**FBA** - Date: \_\_\_\_\_ Notes/Explanation:

**BIP** - Date: \_\_\_\_\_ Notes/Explanation:

**Psycho-educational Report** - Date: \_\_\_\_\_  
Notes/Explanation:

**Social History Report** - Date: \_\_\_\_\_ Notes/Explanation:

**Written Teacher Observations** – Date(s): \_\_\_\_\_ Notes/Explanation:

**Document(s) provided by the parent** - Date: \_\_\_\_\_ Notes/Explanation:

**Other Documents** – Specify: \_\_\_\_\_ Notes/Explanation:

2. Are there any behavioral concerns or observations about the student that are not contained in the above noted documents (e.g., narrative information provided by the parent, staff observations)? If so, describe these concerns/observations?

3. Based on your review of the documents and any other information about the students behavior that was discussed, describe the student’s disability and how it affects the student’s behavior (i.e., disability-related behavior). The Team must look beyond the disability classification and generalizations about the classification to discuss how the specific characteristics of the disability are evidenced with this student.

**INFORMATION ABOUT THE INCIDENT**

*MDR Teams must review incident-related documents/information and discuss the student’s behavior.*

- *OORS Report and charges;*
- *Sustained charges or findings of fact, if available (for Superintendent’s Suspensions);*
- *Summary of principal’s conference, if available (for Principal’s Suspensions);*
- *Notes from teacher conference or parent communication, if available (for Teacher Removals); and/or*
- *Other evidence, such as video, if it demonstrates information relevant to the MDR discussion.*

4. Describe the behavior and circumstances that resulted in the disciplinary action (e.g., where and when did the incident take place, how did other students and adults behave, the student’s role, reaction and any immediate consequences).

5. What prompted the student's behavior and what were the triggering events that led to the incident (e.g., what occurred immediately prior to the incident, motivation behind engaging in the behavior)?

**RELATIONSHIP BETWEEN DISABILITY AND INCIDENT**

*The Team must discuss the relationship between the disability and the incident to determine whether or not the incident was caused by or had a direct and substantial relationship to the student's disability. In answering these questions, the Team must refer to documents and other observations discussed in Questions 1-3 when considering disability-related behaviors and triggering events.*

6. How is the behavior that led to the incident similar to, or related to, the disability-related behaviors (see response to Question 3) that have previously been identified in the documents or other observations? Discuss whether and how, both (A) the triggering events and (B) the student behavior were related?

(A) Triggering Events:

(B) Student Behavior:

7. Was the behavior (including triggering events) focused on in the current BIP the same behavior as the behavior that led to the incident in question?  YES  NO  N/A – NO BIP

If you respond "Yes" to this question, you must answer "Yes" to Question 8.

8. Was the behavior that led to the incident in question caused by or did it have a direct and substantial relationship to the student's disability?  YES  NO

Explain your response:

**IMPLEMENTATION OF PROGRAM AND SERVICES**

*The MDR Team must discuss whether the student was receiving the program and all of the services outlined on the IEP and if not, whether the incident was a direct result of the DOE’s failure to implement that program and services.*

Check here if the student did not have an IEP at the time of the incident (e.g. DOE was “deemed to know” or student has a 504 Plan). If the student did not have an IEP at the time of the incident, a response for Question 9 is not required.

**9. Was the conduct in question a direct result of the DOE’s failure to implement the student’s IEP?**

- YES** The IEP was not fully implemented and there was a direct impact on behavior.
- NO** The IEP was not fully implemented, but there was no impact on behavior.
- NO** The IEP was fully implemented.

**Explain your response** (If applicable, list areas of non-implementation and describe whether, and how, there was an impact on the student’s behavior):

If the MDR Team concludes that the answer to either Question 8 or 9 is “YES,” the behavior is a manifestation of the student’s disability

If the MDR Team concludes that the answer to both Questions 8 and 9 is “NO,” the behavior is not a manifestation of the student’s disability.

**POST-MEETING FOLLOW UP ITEMS**

Determination of a Manifestation

If it is determined that the student's behavior was a manifestation of his/her disability, the disciplinary removal may not be imposed, and, if removed pre-hearing, the student must return to school immediately.<sup>1</sup> The following steps must also be taken if the MDR Team concludes that the action is a manifestation:

- For a student with an IEP, if the student does not already have an FBA, an FBA must be conducted and, if appropriate, a BIP must be developed and implemented immediately.
- For a student with an IEP, if an FBA has already been conducted, the FBA must be reviewed to determine whether a new FBA is needed and whether a BIP should be created. If a BIP has already been developed, it must be reviewed and modified as necessary to address the behavior that resulted in the removal.
- If the student's IEP or 504 Plan is not fully implemented, steps must be taken immediately to remedy the deficiencies.

#### Determination of No Manifestation

If it is determined that the student's behavior was not a manifestation of his/her disability, the disciplinary removal may be imposed. The following additional steps must be taken:

- At the next school-based CSE meeting, the CSE must determine whether the student's behavior necessitates conducting an FBA and/or developing or reviewing a BIP.<sup>2</sup> If the student requires an FBA, one must be conducted, and a decision must be made as to whether the student requires a BIP. If the student requires a BIP, it must be developed and implemented immediately. If the student already has a BIP, it must be reviewed to determine if a new FBA is needed to gather new data or if changes need to be made to the BIP.
- The FBA and BIP must be faxed into SESIS upon completion.

#### For Both Outcomes

Regardless of whether the behavior is found to be a manifestation of the student's disability, if any member of the MDR Team determines that the educational or related service needs of the student warrant a change in the student's program or a reevaluation of the student, the member must submit a request for an evaluation, an IEP review or a review of the 504 Plan immediately following completion of the MDR.

**Within 24 hours of this meeting, enter the MDR Record information AND this Worksheet into SOHO if not completed already. These documents can be found in the MDR Queue.**

**For more information about MDRs, FBAs, BIPs, and other behavioral supports, visit the "Special Education Resources" page within the Special Populations section on the DOE Intranet, <http://intranet.nycboe.net/SpecialPopulations/SpecialEd/pd/behavior/default.htm>.**

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<sup>1</sup> If a student's misconduct is found to be a manifestation of the student's disability, the student may still be assigned to an Alternate Learning Center (ALC) for up to 45 school days, if charges involving the following offenses were sustained at a superintendent's suspension hearing: (A) Weapons; (B) Drugs; (C) Serious Bodily Injury.

<sup>2</sup> If the student is attending an ALC, the school should work with the ALC staff to gather the relevant information to create or update the FBA/BIP.