



Procedure to Conduct Manifestation Determination Conferences

The District shall use this Procedure to prepare, schedule and conduct manifestation determination conferences (MDCs). The MDC determines if the alleged misconduct is a manifestation of the disability, not whether the conduct did or did not occur.

1. Scheduling the MDC:
 - a. A special education clerk (clerk) must schedule an MDC within ten days of the decision to remove the student.
 - b. The clerk will email proposed dates and times to the building administrator and teacher of record (TOR).
 - c. The building administrator and TOR will work together to communicate the proposed dates/times to parents to schedule a mutually agreed time within the ten-day window. The clerk will not contact parents.
 - d. When a date and time is determined, the school shall inform the Special Education Department and the clerk will email the MD Scheduling Notice to the school, the TOR, and FACE outlining the next steps.
 - e. The TOR must send a Notice of Case Conference (which he/she will generate in IIEP) to parents within 24 hours. The TOR must document all parent contacts in IIEP.
 - f. The TOR must notify all other participants as outlined below.

2. Mandatory MDC Participants:
 - a. Public Agency Representative (PAR) – Special Education Department Administration will serve as the PAR for all MDCs
 - b. TOR
 - c. General education teacher (if the student participates in general education)
 - d. Parents/legal guardians
 - e. Student – only if the parent would like the student present; when a child is fourteen-years-old or greater and the parent does not want the student present, the District must document the request and the conference shall proceed without the student
 - f. Building administrator to present the Discipline Record Review.

3. Permissible MDC Attendees:
 - a. Teacher of Service (TOS)
 - b. School psychologist – if the psychologist cannot be present, he/she should write a record review for the MD conference
 - c. Others with knowledge or special expertise, as deemed necessary by the school or parent
 - d. Parents may invite any other attendees but it is not the TORs responsibility to include other participants



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4. Preparation for the MDC:
 - a. A building administrator will complete the Discipline Record Review summarizing the student's academic and behavioral information and email it to the Public Agency Representative (PAR) prior to the day of the MDC
 - b. The Special Education Department will investigate (but not predetermine) options for alternate placement for the student. FWCS personnel should not call parents to discuss placement options. If parents request information about alternative placements, remind them that it is a case conference committee decision.

5. Conducting the MDC:
 - a. The PAR leads the meeting.
 - b. MDCs will immediately address the purpose of the meeting – that is, the alleged misconduct of the student and whether the alleged misconduct manifested from the student's disability.
 - c. The MDC shall proceed as follows:
 - i. Introduction of participants
 - ii. Procedural safeguards review: The PAR must offer to read the Verbal Summary of Parent Rights to the parent(s)/legal guardian(s); the PAR must also provide copies of the IDOE Notice of Procedural Safeguards. Document in the IEP notes.
 - iii. The building administrator shall address the misconduct that occurred through the Discipline Record Review.
 - iv. Parent/student may make a statement regarding the reported misconduct
 - v. TOR provides a brief overview of how the student is doing in class.
 - vi. General education teacher provides a brief overview of how the student is doing in class.
 - vii. The psychologist shall review the student's current evaluation – or the PAR will read the psychologist's record review.
 - viii. The MDC makes the manifestation determination (see below).

6. MDC determination. The MDC must answer the following questions:
 - a. Was the behavior caused by or had a direct and substantial relationship to the student's disability?

 - b. Was the behavior the direct result of the District's failure to implement the student's IEP?
 - i. Sometimes, the CCC will reveal that an IEP was not properly implemented. This does not necessarily mean that the student's misconduct is a manifestation of his/her disability. While failure to implement the student's IEP



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may make the SPED student's behavior worse, a defect in the IEP should not automatically result in a finding of manifestation.

7. After the two questions are answered, the CCC determines the student's placement and appropriate services
8. Following the MDC, the TOR and the PAR shall complete the appropriate documentation in IIEP within 72 hours