The student will be disciplined as any other GE student committing a similar offense in a non-discriminatory manner.

Manifest Determination Review: A Due Process Right for Students Protected under §504

- Confirm student as protected under §504
- Obtain details of the offense (referral forms, staff statements, student statements, etc.)
- Send §504 meeting NOTICE indicating the need to conduct the MDR – include copy of Parent Rights for §504
  - This meeting can be held in conjunction with the administrative meeting; a notice still needs to be generated, signed and uploaded into the electronic record system for §504
- Briefly review the existing §504 evaluation data, identify the eligible disability, and the accommodations
- Determine whether the committee has all the data necessary to make an informed manifestation determination
- Answer, with fidelity, the two questions for which the team is charged:
  - Is the conduct in question the direct result of the campus’ failure to implement the §504 plan?
  - Is there a direct and substantial relationship between the student’s disability and the conduct in question?
- Summarize the basic underlying rationale by which the committee reached the determination
- Officially notify the campus and the parents of the committee’s determination

- Hold a §504 MDR Parents must be notified, at least 2 relevant school professionals must be present

The §504 committee must determine an appropriate response as the discipline for the offense

- If the §504 plan was not implemented with fidelity, the accommodations must be reviewed and or revised. Implementation procedures will be addressed with all staff.
- If the offense was a direct and substantial manifestation of the disability, the §504 committee will review the accommodations and develop a plan to support the student’s access to a free and appropriate public education.
Why do we have to hold a manifestation determination review?

- The MDR meeting affords the student with an impairment the **civil rights protections guaranteed under §504** when the school proposes to remove the student from his or her current placement for more than 10 consecutive school days or if the student has been subjected to a series of removals that constitute a pattern.

- Students with disabilities who are suspended for more than 10 school days are subject to special rules and regulations under §504.
What is a §504 Manifest Determination Review Meeting?

- It is a step in the process of §504 between a significant disciplinary event and assigning a student to an off-campus placement, such as suspension or Alternative Education Setting (AES). Changes that accumulate to 10+ school days constitute a change of placement.

- The purpose of the meeting is to determine whether the student’s behavior was a result of his impairment or the failure to implement his §504 plan.
Who attends the §504 manifest meeting?

- Campus administrator
- Campus §504 coordinator
- Teacher(s)
- Parent
- Student, if appropriate
§504 manifest meeting agenda

The campus schedules a §504 MDR with the parent, and includes the following:

1. Review the student’s §504 plan including any physician’s report: impairment, severity of impairment, impact of impairment and student’s accommodations

2. Discuss the conduct incident.

3. Answer 2 questions:
   - Was the conduct in question caused by or in direct and substantial relationship to the student’s disability?
   - Was the conduct in question the direct result of the school’s failure to implement the §504 plan?

4. Make the decision
When the action is **NOT** A MANIFESTATION OF THE DISABILITY OR FAILURE TO DELIVER THE APPROPRIATE PROGRAM

- The §504 Committee determines that the conduct exhibited during the incident is not caused by or in direct and substantial relation to the student’s disability or the failure to implement the accommodations plan.

- Therefore, the student can be disciplined as any other general education student committing a similar offense.
When the action is a manifestation of the disability or failure to deliver appropriate program

The §504 Committee determines that the conduct exhibited during the incident is caused by or in direct and substantial relation to the student’s disability or the failure to implement the accommodations plan.

Therefore, the student has a right to stay on/be returned to his/her home campus. The §504 Committee discusses the consequences for this conduct and determines an appropriate consequence, such as

- ISS for xx days
- 3 day suspension with xx days of ISS
- Etc.
The §504 Committee determines that the conduct exhibited during the incident is caused by or in direct and substantial relation to the student’s disability or the failure to implement the accommodations plan. Therefore, the student has a right to stay on/be returned to his/her home campus.

- The §504 Committee discusses the consequences for this behavior and determines an appropriate consequence.

- The §504 Committee discusses the student’s program needs and determines that his/her program requires more intense or frequent accommodations or services. The committee may decide to refer to special education if added accommodations are not sufficient to meet his needs.
The decision at a §504 manifest determination review...

- If either question is answered “YES”, the behavior must be considered a manifestation of the student’s disability and the student **cannot** be expelled or placed in the DAEP for more than 10 school days.

- If both questions are answered “NO”, the behavior is not considered a manifestation of the student’s disability and the student **can** be expelled or placed in the DAEP for more than 10 school days as any other student.
Essentials in a §504 Manifestation Determination Review

- Ensure accommodations are correct
- Provide a copy of the §504 plan/meeting to the alternative school staff **and** to the parent to take to hearing.
- Provide the parents with a copy of the rights and get a signed receipt
What paperwork is completed during the §504 manifestation Review meeting?

- The manifest determination §504 meeting is completed in eSPED, as are other §504 meetings. Verify that the information (prepopulated from previous meetings) is correct and up to date, and complete the screen titled “504 Manifestation Determination”.

- Complete the “information considered” section

- Answer the 2 questions.

- Deliberations must be entered for the meeting, and signatures obtained.
If parent disagrees, note their disagreement in deliberations and state that the consequences of the behavior will be determined by the Pupil Personnel Hearing Officer.

Give parent a copy of the NOTICE OF PARENT AND STUDENT RIGHTS UNDER §504.

Do not recess or table a manifest meeting. Complete documentation and archive immediately.