

## (8.9) How do I prepare for the manifestation determination meeting?

You should be prepared to discuss each of the questions that must be answered before the district can recommend that your child be expelled from school. The manifestation determination IEP team must agree that your child's behavior was not directly related to his disability and that the IEP was properly implemented before a district can change a special education student's placement. You can use school district staff (if they agree with your position) or school documents, independent experts and service providers, and your input to support your viewpoint. Therefore, if you have not done so, you should consider obtaining an independent psychological or counseling professional's opinion as to the two questions that the team must answer. You should bring that professional (or their report) to the meeting. You should also consider bringing an advocate or attorney to your manifestation determination meeting, if possible.

As a part of your advocacy at the manifestation determination IEP meeting, you should consider whether all of the components of the IEP were implemented. Were the services written into the IEP actually being provided at the time of the behavior in question? If a BIP was in place, was it being implemented as required by the IEP at the time of the behavior? If the IEP included a BIP or goals that addressed significant behaviors, it is more likely that the manifestation determination team will find that the behaviors were related to your child's disability.

In addition, you should also consider whether the district addressed *all* of your

child's behavioral needs. Were behavioral problems evident before the misconduct that led to the manifestation determination meeting? If so, was an FBA ever done? Was a behavior plan in place? Did the IEP specify a certain class size or type; a kind of classroom environment; or particular curriculum or other modifications? If so, were those IEP components being provided at the time of the misconduct in question? If ongoing behavioral issues were not addressed by staff appropriately, you may be able to convince the district that the student should not be referred for expulsion.