

# *Statewide Psych Professional Learning Community*

February 2022

Presented By:

El Dorado SELPA Program Specialists

# *Welcome and Introductions*



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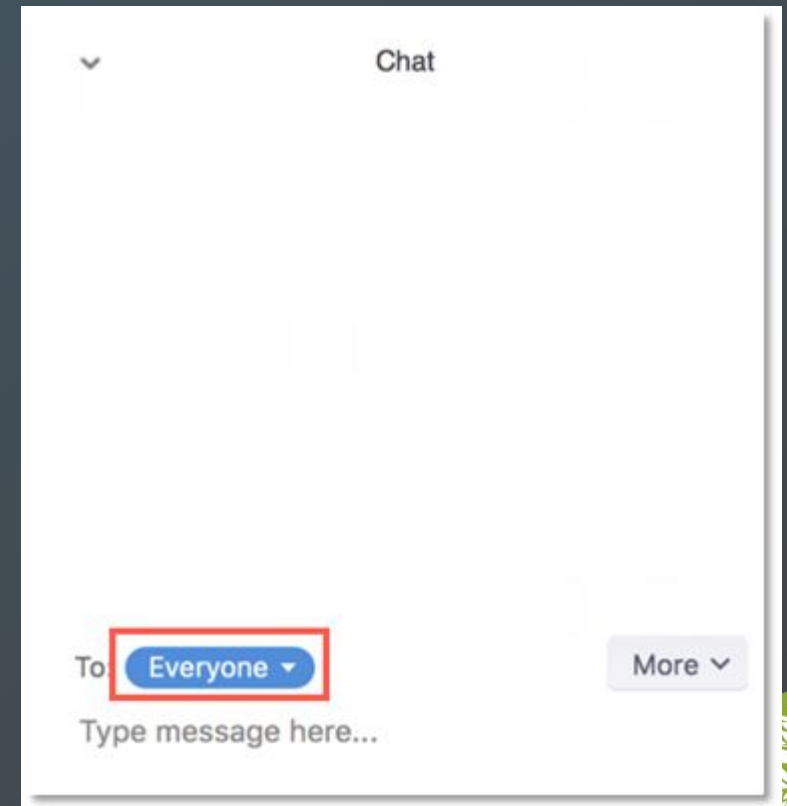
Tell us who you are!

Type into the Chatbox your name and  
your school(s)



# Instructions: Chatbox

- Click Chat in the meeting controls panel.
- This will open the chat on the right of your screen. You can type a message into the chat box to Everyone in the meeting or click on the drop down next to To: if you want to send a message to a specific person.
- When new chat messages are sent to you or everyone, a small preview of the message will appear on your screen and the Chat will flash orange in your controls



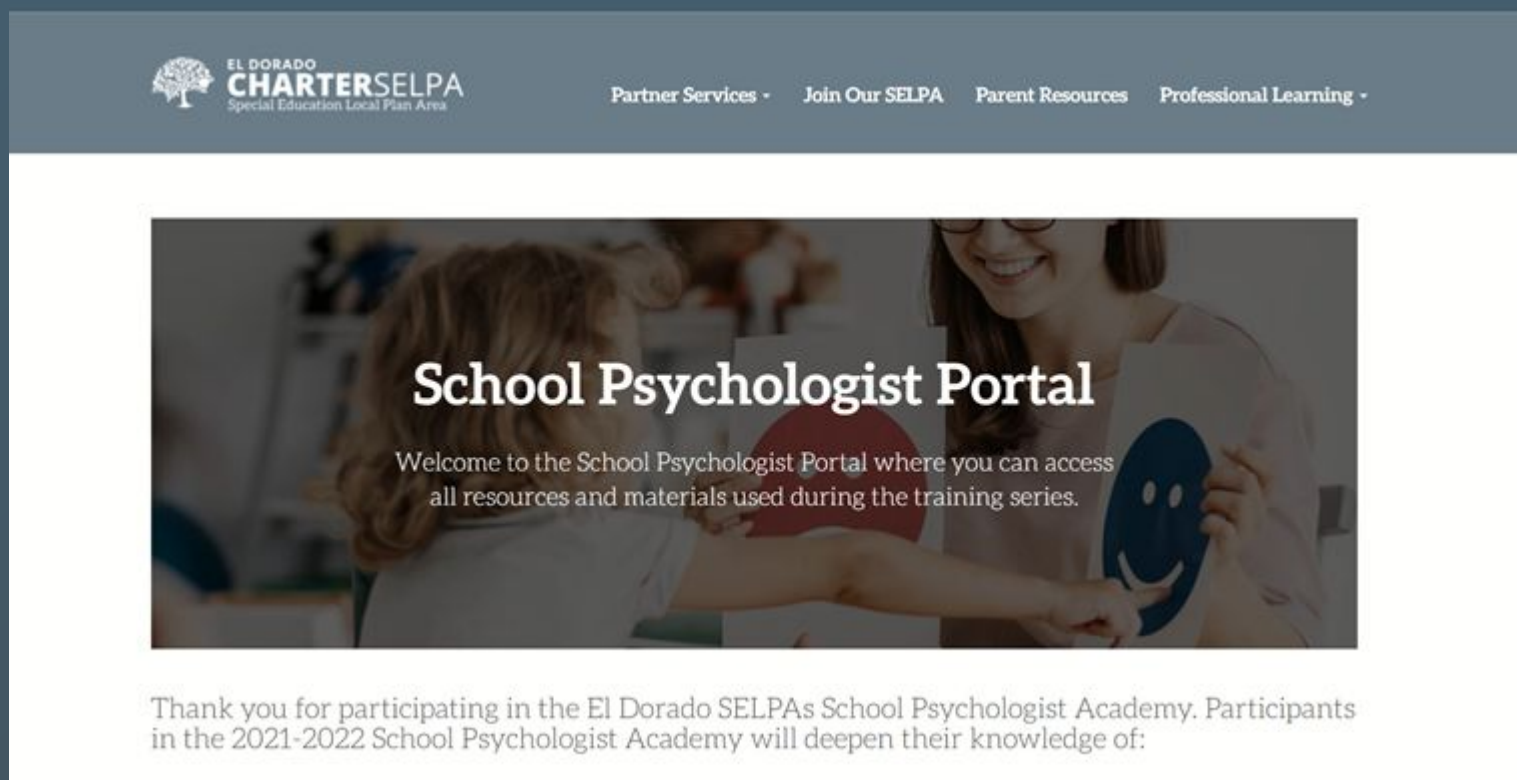
# *Instructions: Rename Yourself*

Rename yourself to include your Region FIRST, please use these naming conventions:

- Sacramento, First Name, Last Name
- Bay Area, First Name, Last Name,
- LA, First Name, Last Name
- OC, First Name, Last Name
- SD, First Name, Last Name



# School Psychologist Academy Portal



**EL DORADO CHARTERSELPA**  
Special Education Local Plan Area

Partner Services · Join Our SELPA · Parent Resources · Professional Learning ·

## School Psychologist Portal

Welcome to the School Psychologist Portal where you can access all resources and materials used during the training series.

Thank you for participating in the El Dorado SELPAs School Psychologist Academy. Participants in the 2021-2022 School Psychologist Academy will deepen their knowledge of:

<https://charterselpa.org/school-psych-portal/>



# Meeting Agenda

## -Welcome

- *Manifestation Determination Process, What is the role of the school psychologist? (FAQ)*

## -Regional Networking Opportunity





# *Manifestation Determination*



# *The Purpose of the Manifestation Determination Meeting Process*

The **Manifestation Determination (MD)** meeting is held to

- Evaluate a student's misconduct
- Determine whether the misconduct is a manifestation of the student's disability
- Determine if the student's Individualized Education Program (IEP) was being fully implemented at the time of the misconduct





# *When to Initiate the Manifestation Determination Meeting Process*

- Disciplinary Removals of 10 Days or More
- If a student's removal from his/her current placement exceeds ten days in an academic school year, the removals qualify as a change in placement and the LEA/district shall conduct a Manifestation Determination (MD) meeting within ten days of the decision to change the student's placement.



# *Manifestation Determination Meeting Process*

The MD meeting attendees will **review all relevant information** in the student's file, including:

- Student's IEP
- Teacher Observations
- Any relevant information provided by the parents (34 CFR 300.530).
- Current educationally related assessments (including health and medical information)

*Note: If determined necessary, the team may propose additional assessments to the IEP team for their consideration*



# *Manifestation Determination Meeting Process*

The MD meeting attendees shall **answer to the following two questions:**

- Was the conduct in question *caused by the student's disability* (medical or educational) or did it have a *direct and substantial* relationship to the disability?
- Was the conduct in question the direct result of the LEA/district's *failure to implement the IEP*?



# Manifestation Determination Meeting Process

1. *Was the conduct in question caused by the student's disability (medical or educational) or did it have a direct and substantial relationship to the disability?*
2. *Was the conduct in question the direct result of the LEA/district's failure to implement the IEP?*

- 
- "No" to both questions = the determination is made that the behavior was NOT a manifestation of the disability.
  - "Yes" to either OR both questions = the determination is made that the behavior was a manifestation of the disability.



# *The Misconduct is a Manifestation*

- If the MD team determines that the misconduct is indeed a manifestation of the student's disability:
  - the student shall return to the placement from which the student was removed and an IEP meeting shall be convened.
  - The IEP team shall then do one of the following:
    - Conduct a Functional Behavioral Assessment (FBA), unless the LEA/district had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a Behavioral Intervention Plan (BIP) for the child; or
    - If a BIP already has been developed, review the plan and modify it, as necessary, to address the behavior.



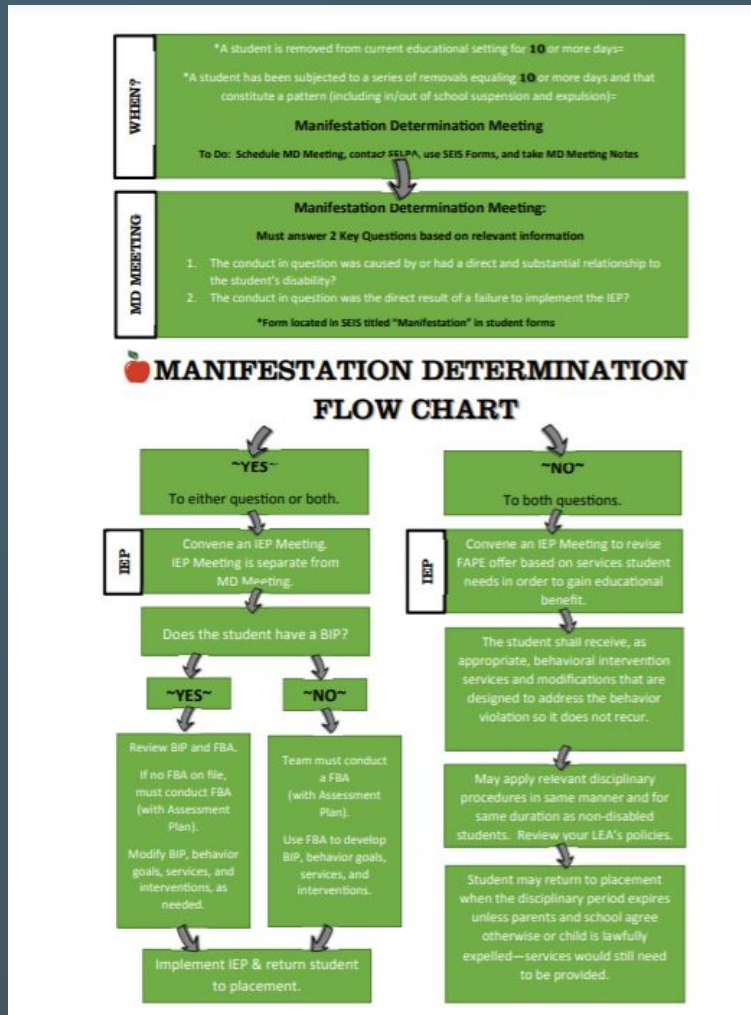
## *The Misconduct is NOT a Manifestation*

- If the MD team determines that the misconduct was not a manifestation of the student's disability, then the student is subject to the same sanctions for misconduct as a child without a disability.
- Thus, disciplinary action goes forward.





# Manifestation Determination Flowchart



Follow [this link](#) to access the MD Flowchart in the SELPA's Procedural Guide





# Manifestation Determination SEIS Form

There is a form in the SEIS Form Tower that should be utilized to document the MDR meeting discussion and determination



<input type="checkbox"/>				PWN of Proposed Action Completion of Course Study
<input type="checkbox"/>				Referral
<input type="checkbox"/>				Receipt of Referral
<input type="checkbox"/>				Revocation of Consent
<input type="checkbox"/>				Service Plan (Private School)
<input type="checkbox"/>				Manifestation



# Manifestation Determination: The Report

Although not legally required, it is helpful for a school psychologist to conduct a review of records to develop a short report to be considered at a Manifestation Determination Review Meeting. Many OAH hearing decisions reference, with approval, the development of such a report by the school psychologist associated with an MDR meeting.

- If the report only constitutes a record review, discussion/interview with staff, parents and administrators then no assessment plan is required. If any standardized assessments are implemented then written parental consent on an assessment plan **MUST** be obtained.
- The report should be discussed/reviewed at the MDR meeting and be attached to the manifestation determination meeting IEP document along with the meeting notes



# *Manifestation Determination: The Report*

## Remember:

- The details matter
- Provide an accurate description of what actually happened
- Consider information provided by the parent
- Ask what the student/parent version of the conduct was
- Put the behavior into context (what happened before, what happened after)
- Do not pick and choose what historical information is included, the team must consider all relevant information
- Consider “potential disabilities” if new information arises while gathering information for the MDR report (or at the meeting!)
- Don't focus on the disability category (consider a history/pattern of behavior associate with the disability or potential disabilities)



# *Breakout Room Collaboration*

In your breakout room, individually review the sample MD report/Case Study. As a group discuss the following:

- strengths of the report
- areas of weakness
- questions/reflection

*Use the notecatcher & be ready to share!*



# Frequently Asked Questions (FAQ)

## 1. Does the MD have to occur before or after the decision to pursue expulsion?

- a. *It must be performed when a district proposes disciplinary measures that will result in a change of placement for a child with a disability, 34 CFR 300.530 (e).*
- b. *The MDR analysis must be performed within 10 school days of “any decision to change the placement of a child with a disability...” 34 CFR 300.530 (e)*

*Ultimately, it is at the discretion of the LEA to determine when the disciplinary action is being “proposed.” The MDR must be held prior to pursuing the action disciplinary action (e.g., expulsion, change of placement)*

## 2. Can a student with an IEP be legally expelled without an MD?

*No. It must be undertaken when an LEA/District proposes to take disciplinary action that results in a change of placement. 34 CFR 300.530*





# Frequently Asked Questions (FAQ)

## 3. Does an FBA need to be completed prior to completing an MDR?

*FBA's and BIP's are required when the MDR determines that a student's conduct was a manifestation of his or her disability under 34 CFR §300.530(e). If a child's misconduct has been found to have a direct and substantial relationship to his or her disability, the IEP Team will need to conduct an FBA of the child, unless one has already been conducted. Similarly, the IEP Team must write a BIP for this child, unless one already exists. If a BIP already exists, then the IEP Team will need to review the plan and modify it, as necessary, to address the behavior.*

## 4. Can an MDR be completed if there is a suspected disability that is not currently reflected on the IEP?

*No. The IEP team must consider all relevant information including potential disabilities. Under this circumstance, a full re-evaluation would be conducted and the MDR would pause to allow the assessment to be completed. Following completion of the updated assessments, the MDR would resume.*



# *Share Out*





# Resources



## Manifestation Determinations

- Following the Rules: Discipline for Students with Disabilities, presented by Heather Edwards, Esq. (Webmodule)  
<https://charterselpa.org/online-learning-center/discipline-for-students-with-disabilities/>
- School & College Legal Services of California, *An In-Depth Discussion Around the Manifestation Determination* (Downloadable PPT pdf)



# *Networking and Resources*



# *Regional Networking*

In your breakout rooms:

- Introduce yourselves
- Identify a facilitator
  - First, gather emails for your group via the notecatcher for your region (link in the chat)
  - Then, send an introductory email (template in notecatcher) to begin a thread for future collaboration!



# Professional Learning Catalog Link

The screenshot shows the EDCOE Events & Trainings website. The header includes the EDCOE logo (El Dorado County Office of Education) and the text 'EVENTS & TRAININGS'. Navigation links for 'Store', 'Events', 'Groups', and 'Login' are visible. The main content area is titled 'Events' and features a grid of event cards. Each card includes the EDCOE logo, the event title, the workgroup providing the training, the training category, and the target audience. The events listed are:

Event Title	Workgroup Providing the Training	Training Category(ies)	Target Audience(s)	LCAP Priority Area(s)
Charter SELPA	CPI Nonviolent Crisis Intervention - Sacramento			SELPA
SELPA	School Psychologist PLC			SELPA
SELPA	SEIS Open Learning Lab			Curriculum Instruction & Accountability
Charter SELPA	CPI Nonviolent Crisis Intervention - Los Angeles/Orange County			SELPA
SELPA	Ethically and Legally Defensible Speech-Language Service			SELPA
Curriculum Instruction & Accountability	LCAP 101			Curriculum Instruction & Accountability

2021-2022 Professional Learning Catalog has been updated to include Spring trainings:  
<http://charterselpa.org/professional-learning-catalog/>



# *Save the Date: School Psychologist PLCs*



# *Psych PLC Feedback Survey Link*

Please complete a short survey regarding the session today:

<https://forms.gle/3SiFjaYn25t7hRSt6>



***Thank you!***

