

Special Services Deadlines

Age of majority: By age 17, student's iep must contain statement of student's rights that will transfer to them at age of majority (age 18).

Child Find: "In by 3" refers to AzEIP/DDD referrals, in which the child's evaluation and IEP process must be completed by the child's third birthday.

Discipline: A student can be removed from current placement due to code of conduct violations for no more than 10 days. After 10 days, the district is responsible for services/assessment/modifications. Within 10 days of any change of placement based on violation of code of conduct, a manifestation determination hearing must be held.

End of year: end of year paperwork is due to the special services office approximately a month prior to end of school, date to be determined by Special Services Director

ESY: A decision pertaining to eligibility for extended school year must be made 45 days prior to the end of the school year.

45 day screen: All Kindergarten and new students to the district must be screened within 45 days of the date of enrollment (not necessary for students with an active iep). The parent/guardian is notified of concerns within 10 school days and informed of procedures to assist student.

IEP: annually, and within 30 days of eligibility determination

MET: Eligibility determination within 60 calendar days from receipt of parental consent

Meeting notice: at least 10 days prior to meeting (or sooner if agreed upon by parent and district staff)

Progress reports: due to parents at time of report cards, earlier to district office

Re-evaluations: A review of existing data and possible evaluation(s) must be completed before the 3 year re-evaluation due date.

SIT team referrals: need to be submitted to Special Education teams by the end of February (to enable completion before end of school year).

Transfer students: within district – contact case manager asap. In state transfers require a new iep within 30 days of enrollment (services can not be delayed and begin immediately). A new IEP needs to be developed with 10 days of enrollment if the iep is unavailable or inappropriate to state special education criteria. For out of state transfers, an new IEP needs to be developed within 10 days of enrollment.

Transfer of records: within 45 days of request to another agency/district/state

Transition meetings: Transitions occur into and from preschool, between elementary and CDJH, CDJH to AHS, and at graduation from AHS. Transitions need to be planned and started early to ensure smooth transitions, and need to include all Team members (at sending and receiving schools).

Transition Plan: AHS: a transition plan must be included in the iep for any student turning 16 years of age during the school year.

Work Folder destruction: Teachers and specialists can destroy work folders for students who have exited special education, moved to another school, etc. when those records are 5 or more years old. Be sure all originals are at the District Office. Records need to be destroyed in compliance with confidentiality policy.

MANIFESTATION DETERMINATION REVIEW

1. When must a school conduct a manifestation determination review?

When a disciplinary action involving a change of placement for more than 10 consecutive or cumulative school days in a school year is contemplated for a classified student, because he/she engaged in behavior that violated any rule or code of conduct of the district that applies to all children:

- a. The parents shall be notified of that decision and of all procedural safeguards accorded, not later than the date on which the decision to take that action is made; and
- b. Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

2. Who carries out the manifestation review and what must be considered?

The district representative, the parent, and relevant members of the IEP Team (as determined by the parent and the district representative) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine-

- a. if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

3. When must the IEP team consider a behavior as a manifestation of the student's disability?

If the district representative, the parent, and relevant members of the IEP Team determine that either the conduct in question was:

- a. Caused by, or had a direct and substantial relationship to, the child's disability; or
- b. The direct result of the district's failure to implement the IEP.

4. When must the IEP Team determine that the behavior of the child was not a manifestation of such child's disability?

If the district representative , the parent, and relevant members of the IEP Team determine that either the conduct in question was not:

- a. Caused by, or had a direct and substantial relationship to, the child's disability ; or
- b. The direct result of the local educational agency's failure to implement the IEP.

5. What happens if the manifestation review determines that the student's misbehavior was a manifestation of their disability?

The IEP Team shall--

- a. Conduct a functional behavioral assessment , and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement ;
- b. In the situation where a behavioral intervention plan has been developed , review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary , to address the behavior ; and
- c. Return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

6. What happens if the manifestation review determines that the student's misbehavior was not a manifestation of their disability?

- a. The relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities .
- b. If the district initiates disciplinary procedures applicable to all children , the district shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

7. What actions must occur after the manifestation review?

- a. If the student's behavior is a manifestation of their disability, the IEP must be reviewed and revised as appropriate .
- b. If the student's behavior is not a manifestation of their disability, disciplinary action

may be taken , but Newark must continue to make FAPE available to the student.

8.Can the parent (s) or district appeal the manifestation decision and subsequent disciplinary action (s)?

The parent of a child with a disability who disagrees with the manifestation determination, or if the district believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others , may request a hearing.

9. What decisions does the Hearing Officer make when an appeal is made:

- a. Return a child with a disability to the placement from which the child was removed;
or
- b. Order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

10. Where is the student placed during the appeals?

When a parent requests a hearing regarding a disciplinary action or to challenge the interim alternative educational setting or the manifestation determination, the child shall:

- a. Remain in the interim alternative educational setting pending the decision of the hearing officer or
- b. Until the expiration of the time period whichever occurs first , unless
- c. The parent and the State or local educational agency agree otherwise.

11. What happens if a classified student commits a crime?

School officials can report crimes committed by children with disabilities to appropriate law enforcement authorities to the same extent as they do for crimes committed by non-disabled students.

12. When must the IEP Team determine that the behavior of the child was not a manifestation of such child's disability?

If the district representative , the parent, and relevant members of the IEP Team determine that either the conduct in question was not:

- a. Caused by, or had a direct and substantial relationship to, the child's disability ; or
- b. The direct result of the local educational agency's failure to implement the IEP.

13.What happens if the manifestation review determines that the student's misbehavior was a manifestation of their disability?

The IEP Team shall--

- c. Conduct a functional behavioral assessment , and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement ;
- d. In the situation where a behavioral intervention plan has been developed , review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary , to address the behavior ; and
- e. Return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

14. What happens if the manifestation review determines that the student's misbehavior was not a manifestation of their disability?

- f. The relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities .
- g. If the district initiates disciplinary procedures applicable to all children , the district shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

15. What actions must occur after the manifestation review?

- h. If the student's behavior is a manifestation of their disability , the IEP must be reviewed and revised as appropriate .
- i. If the student's behavior is not a manifestation of their disability , disciplinary action

may be taken, but Newark must continue to make FAPE available to the student.

16. Can the parent (s) or district appeal the manifestation decision and subsequent disciplinary action (s)?

The parent of a child with a disability who disagrees with the manifestation determination, or if the district believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.

17. What decisions does the Hearing Officer make when an appeal is made:

- j. Return a child with a disability to the placement from which the child was removed;
or
- k. Order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

18. Where is the student placed during the appeals?

When a parent requests a hearing regarding a disciplinary action or to challenge the interim alternative educational setting or the manifestation determination, the child shall:

- l. Remain in the interim alternative educational setting pending the decision of the hearing officer or
- m. Until the expiration of the time period whichever occurs first, unless
- n. The parent and the State or local educational agency agree otherwise.

19. What happens if a classified student commits a crime?

School officials can report crimes committed by children with disabilities to appropriate law enforcement authorities to the same extent as they do for crimes committed by non-disabled students.



Mrs. Mary Kline, SPED Director
PO BOX 190, Whiteriver, AZ 85941 (928) 338-2005, Fax: 338-4840

MANIFESTATION HEARING AGENDA

Date: _____ Student's Name: _____

I. Background information _____ Number of days suspended prior to this incident.

YES/NO

____ Has a behavior plan been developed?

____ Special Education

____ **Has** a Functional Behavior Assessment/Behavioral Screening been conducted?

____ Was a weapon involved in this incident?

____ Special Education

____ 504 Accommodation Plan

____ Evaluation Pending, not yet eligible

II. **Incident:** Describe the nature of the allegations against the student and related information that were considered by the team (i.e. discipline and other reports)

Date of incident: _____ Description: _____

III. Document the relevant information reviewed and considered:

1. Teacher observations:
 2. Current evaluation and diagnostic results:
 3. Information supplied by parent:
 4. Appropriateness of the current IEP & Placement:
 5. Any other relevant information considered: (including attendance, previous discipline, information from counselors).
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Manifestation Determination Form ieppro

Whiteriver USD#20
Department of Special Education

Student Name _____ **Manifestation Determination Form** _____ Student ID: _____

I. Background

Student Name: _____ Date of Birth _____

Grade: 9 _____ teacher: _____

School: Alchesay High School

Description: Specific Learning Disability

Placement: Special Education

Date of Current IEP: 10/4/2013

Date of Current Evaluation: 11/16/2011

Illegal drugs/controlled substances were involved in this incident: No

A weapon was involved in this incident: No

Serious bodily injury was involved in this incident: No

II. Manifestation Determination Review

Date: 10/29/2013

Time: 9:00 A.M.

Location: Alchesay High School

Date of the infraction: 10/25/2013

Nature of the offense(s) alleged against the student and information related to allegations that were considered by team:

Multiple Discipline Referrals

Assault

Current suspension: 9 days

Total accumulated days of suspension: 13

III. The Team Considered the Following Relevant Information in the Student's File:

- Current evaluation and diagnostic results
- Attendance records
- Current academic performance
- Disciplinary records
- Teacher observation of student
- Staff reports
- Information supplied by parents
- Current IEP

Description of any other relevant information considered:

has 8 discipline referrals. See details below:

1. August 29, 2013 - Disrespectful and defiance (2 days School detention)

2. September 3 2013 - insubordination (School detention)

3. September 6, 2013 - Harassment/Threat (1 day Suspension)

4. September 16, 2013 - Defiance/Use foul languages (3 days Suspension)

5. September 17, 2013 - insubordination/Leaving class without permission

6. September 30, 2013 - Defiance/Disruption of educational process
(wrote letter of apology)

7. October 22, 2013 - Defiance/Disruption of educational process (3 days school detention)

8.- October 22, 2013 - Assault (9 days of Suspension)

*Description of any other relevant information considered:

October 22, 2013 - Violation: Assault

Description of Incident: (Source: Incident Referral Form)

In passing, _____ tried to stop _____ in the hallway to talk; she attempted to walk away, he pushed her against the wall; attempted to restrain her and pulled her hood as she walked away. He was very combative with staff members () and he ran away from staff.

(Source : Incident Referral Form)

IV. Analysis:

The team reviewed and considered all relevant data regarding ... educational placement. is : under a behavior contact which he signed last October 4, 2013. He is very much aware that he needs to follow classroom and school rules. He was informed that he is not allowed to watch the basketball game last January 24, 2014. However, this did not stop ; he did showed up in the game under the influence of alcohol. A manifestation determination was conducted to discuss behavior issues and discipline referrals. The team concluded that the s choice to watched the basketball game under the influence of alcohol was NOT a direct result of his disability. ' will remain in the Alternative Learning Center. The team will reconvene on or before March 12, 2014 to review all the data and . educational placement.

V. Team's Conclusion Regarding Relatedness:

Was the conduct in question caused by, or did it have a direct and substantial relationship to the child's disability? No

Was the conduct in question the direct result of the District's failure to implement the IEP as written? No

Note: If either of the above questions is checked "yes" the team must find that the conduct in question was a manifestation of the child's disability.

conduct in question WAS a manifestation of the child's disability. No

Was consensus reached? If no, describe area and nature of disagreement. Yes

Based on a functional behavior assessment, was a behavior plan created/modified to address the current behavioral issue? Yes

MD/IEP to be scheduled. No

Minutes taken by:

Parental Contact:

Date: 02/04/2014 Time: 11:00 am Method: Meeting Conference

Whiteriver USD #20
Department of Special Education

Student Name: Prior Written Notice Student ID:
Notice Date:

Date Prior Written Notice Given to Parents: 10/29/2013 Initials: _____
Student: Date of Birth: 09/15/1998
School: Alchesay High School Primary Home Language: English

1 Proposes to ~~initiate~~ change the areas as described below.

Description of the action proposed:

The IEP team proposes to hold a Manifestation Determination meeting to determine if _____'s choice to assault one of the student in Alchesay High School on school grounds during school hours was a direct or indirect result of his disability. The decision the team makes will possibly impact his current placement, level of services and educational needs.

Explanation of why the agency proposes to take this action:

- 1. Implement appropriate consequence(s) for an action determined to be a manifestation of _____'s disability.
- 2. Implement appropriate consequence(s) for an action determined to NOT be a manifestation of _____'s disability.

Description of any options the agency considered:

The IEP team proposes to take this action in order to determine if _____; misconduct was or was NOT substantially related to the student's disability

Reasons the above listed were rejected:

Issuing a suspension without a manifestation determination meeting was considered and rejected because a manifestation hearing is required by law under these circumstances for _____.

Description of each evaluation procedure, test, record, or report the agency used/will use as a basis for the proposed action:

Current evaluations, reports and other existing relevant data were reviewed and discussed by the team in order to make the best decision for _____.

Description of any other factors that are relevant to the agency's proposal or refusal:

A manifestation determination was conducted to discuss behavior issues, discipline incidents and that possible change of educational placement. The team concluded that the assault to a student on school grounds during school hours was NOT a direct result of his disability. _____ will be placed at Alternative to Suspension for 45 Day Unilateral Placement. An IEP addendum was discussed and approved by the team, The team will reconvene on 01/16/2014.

Parents of a child with a disability have protection under the procedural safeguards.

A copy of a description of your procedural safeguards may be obtained by contacting the agency at, WUSD Office of Special Services Box 190 Whiteriver, AZ. 85941 (928)338-4842.

At a minimum, the provision of procedural safeguards is required for initial referral for evaluation and annually thereafter ;.

If you have questions or need assistance in understanding your procedural safeguards, you may contact the agency providing educational services to your child or contact one of the other agencies listed below :

Arizona Dept. of Education
15025 E. Washington St. #204, Phoenix, AZ 85034
602.242.4366 or 1.800.237.3007
http://www.azed.gov
Pilot Parents
2600 N. Wyatt Dr., Tucson, AZ.85712
520.324.3150 or 1.877.365.7220
ppsa@pilotparents.org

Arizona Dept. of Education/Exceptional Student Services
1535 W. Jefferson St. Phoenix, AZ 85007
602.364.4000 or 1.800.352.4558
www.azed.gov
AZ Center for Disability Law
Phoenix: 602.274.6287 (voice or TTY) or 1.800.927.2260
Tucson: 520.327.9547
www.acdi.com

(Note: Special education records are held for five years after a student exits the school district. Public notice is provided prior to the shredding of special education documents.)