

WAC 392-172A-05146 Manifestation determination. (1) Within ten school days of any decision to change the placement of a student eligible for special education services because of a violation of a code of student conduct, the school district, the parent, and relevant members of the student's IEP team (as determined by the parent and the school district) must review all relevant information in the student's file, including the student'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 student's disability; or

(b) If the conduct in question was the direct result of the school district's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the student's disability if the school district, the parent, and relevant members of the student's IEP team determine that a condition in subsection (1) (a) or (b) of this section was met.

If the school district, the parent, and relevant members of the student's IEP team determine the conduct was manifestation of the student's disability, the school district must take immediate steps to remedy those deficiencies.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-172A-05146, filed 9/14/21, effective 10/15/21; WSR 17-23-054, § 392-172A-05146, filed 11/9/17, effective 12/10/17.]