

Manifestation Determination Review Module 2: Case Study

[00:00:00.45] BILL BROWN: Now we're going to look at a case study related to the Manifestation Determination Review process. With this case study, we're going to be talking about Toby, who is a student in a middle school setting.

[00:00:16.02] In this situation, when Toby is presented with an undesirable task, such as a math assignment, Toby engages in property destruction, ripping up the assignment, tearing items off the wall, throwing items that hit other students, flipping desks, giving him access to personal belongings of other students, which he decides to put in his pocket and take home. He became physically aggressive, hitting and kicking staff when they attempted to reduce the student's anxiety through co-regulation.

[00:00:48.99] Toby has already been removed from school for seven days. And given the severity of his behavior, school administration feels that an additional five days of suspension is appropriate consequence for Toby.

[00:01:05.08] In preparation for the Manifestation Determination Review process, now that we understand the nature of the offense that they're looking at for suspension, we need to go back to the student's IEP and see what is there. So this is a statement that comes from the evaluation page on Toby's IEP. "Toby frequently displays non-compliant behaviors within the school environment, where Toby uses his behavior to escape or avoid non-preferred activities and tasks that he believes are too difficult or require lots of effort.

[00:01:41.04] Toby will frequently do the opposite of anything that is suggested. He is highly resistant to completing his academic work. He does not like repetition with his work. And he has a perfectionism streak where he wants to have mastery immediately, or he gets frustrated. And he does not want to do things wrong.

[00:02:02.16] Toby wanders about the classroom, makes use of distracting behaviors, and will make use of attention-seeking behaviors as a means of being able to escape his schoolwork. Toby struggles with peer interactions, creating frustration for Toby, resulting in acting out behaviors for Toby. Toby makes use of both verbal and physical aggression as defense mechanisms, creating distance and space between himself and others.

[00:02:30.55] Toby has both choice behaviors and impulsive behaviors. The choice behaviors, based on observation, lack the emotional content of the impulsive behaviors. It is felt that the student's ability to be in control of his behavior is minimal. He displays higher levels of control at times when his motivation is higher. The function of his behavior is escape avoidance of both schoolwork and negative social interactions."

[00:03:01.09] Now that we understand the situation, and we've reviewed the IEP, now we need to make a determination. Was the conduct caused by or did it have a direct and substantial relationship to the student's disability? Go ahead and pause. Give yourself some time to think

about, what was the situation we're dealing with? What was the information reported on the IEP? And is this situation or is this behavior a manifestation of the student's disability?

[00:03:37.28] Now that you've had some time to think about and process the situation, we can answer that question. The noncompliant behavior, the verbal and physical aggressive behavior, based on the information that was provided in that IEP would be considered a manifestation of the student's disability.

[00:03:56.17] If we look at the stealing behavior, where the student steals personal items when the desk gets overturned and kind of puts them in his pocket, while the stealing behavior is not mentioned in the IEP document, and there's no indication that we're programming for stealing behavior, this might be considered to be an impulsive behavior in nature not a planned or calculated behavior.

[00:04:20.21] So when we consider the Manifestation Determination Review process, questions we don't ask is, does the student know right from wrong? And did the student make a choice-based behavior? Because if those are based in that emotionality or that impulsivity, they may know right and wrong when they are emotionally calm.

[00:04:39.70] But in this particular case, the student was upset. The student started destroying the room in that heightened emotion, saw something and put it in his pocket. So he might have known right from wrong, but in the emotional context of being swept up, this is probably also going to be considered a manifestation of the student's disability because it's, again, grounded in that emotional response.

[00:05:05.72] If you have any questions about the Manifestation Determination Review process, feel free to reach out to Bill Brown. My email address is brown_w@cde.state.co.us. And my cell phone number is 720-603-3000.