

## WHEN BEHAVIOR IS A MANIFESTATION

Authorities: 34 CFR Part 300; Texas Education Code

### [Additional Resources](#)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	The local education agency (LEA) must comply with the DISCIPLINARY CHANGE OF PLACEMENT framework.	
P	If the admission, review, and dismissal (ARD) committee determines in a <a href="#">MANIFESTATION DETERMINATION</a> review that the conduct was the direct result of the failure of the LEA to implement the individualized education program, the LEA must take immediate steps to remedy those deficiencies.	<a href="#">300.530(e)(3)</a>
D	If the ARD committee determines in a <a href="#">MANIFESTATION DETERMINATION</a> review that the conduct was a manifestation of the child's disability, the ARD committee must <del>either:</del> , consistent with the DISCIPLINARY CHANGE OF PLACEMENT framework:	<a href="#">TEC 37.004(b)</a> <a href="#">300.530(f)(1)</a>
D	<ul style="list-style-type: none"> <li>Conduct a functional behavioral assessment (FBA), unless the LEA had conducted an FBA <u>less than one year</u> before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the child; <del>or</del> <u>and</u></li> </ul>	<del><a href="#">300.530(f)(1)(i)</a></del> <a href="#">TEC 37.004(b-1)(1)(A)</a> <a href="#">300.530(f)(1)(i)</a>
<del>D</del>	<ul style="list-style-type: none"> <li><del>If a BIP already has been developed:</del></li> </ul>	<del><a href="#">300.530(f)(1)(ii)</a></del>
D	<ul style="list-style-type: none"> <li><del>Review the BIP; and</del> Review any previously conducted FBA of the child and any behavior improvement plan or BIP developed for the child based on that assessment; and as necessary:</li> </ul>	<del><a href="#">300.530(f)</a></del> <a href="#">TEC 37.004(b-1)(#1)(B)</a> <a href="#">300.530(f)(1)(ii)</a>
D	<ul style="list-style-type: none"> <li><del>Modify it, as necessary, to address the behavior.</del> Develop a behavior improvement plan or BIP for the child if the child does not have a plan; or</li> </ul>	<del><a href="#">300.530(f)</a></del> <a href="#">TEC 37.004(b-1)(#2)(A)</a>

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> <li>o <u>If the child has a behavior improvement plan or BIP, revise the child's plan.</u></li> </ul>	<u>300.530(f)(1)(ii)</u>
D	<p>If the ARD committee determines in a <a href="#">MANIFESTATION DETERMINATION</a> review that the conduct was a manifestation of the child's disability, the ARD committee must also return the child to the placement from which the child was removed, unless:</p>	<u>300.530(f)(2)</u>
P	<ul style="list-style-type: none"> <li>• <a href="#">Special circumstances as provided in the SPECIAL CIRCUMSTANCES framework exist; or</a></li> </ul>	
D	<ul style="list-style-type: none"> <li>• The parent and the LEA agree to a change of placement as part of the modification of the BIP.</li> </ul>	<u>300.530(f)(2)</u>

Last Updated: ~~Wednesday, April 19, 2017~~ Thursday, May 12, 2022