



Yes. Students with an IEP or 504 are protected under the Individuals with Disabilities Education Act (IDEA). In matters that could lead to exclusionary discipline, a manifestation determination will occur before the hearing. This is a test conducted by a student's IEP or 504 team to determine whether the behavior leading to possible disciplinary action was directly and substantially related to the student's eligible disability or was caused by the school's failure to fully implement the IEP or 504 plan. A positive manifestation may result in no further exclusionary discipline; a negative manifestation allows discipline and/or an expulsion hearing to proceed.

The Hearing Officer (HO) is responsible for managing the live hearing. Hearings are recorded and used for appeal purposes. The following is an overview of what to expect.

1. Introduction of all participants (virtually).
2. Presentation of the investigative report by Title IX investigator.
3. The HO will ask the investigator to clarify facts or evidence needed to make an informed decision.
4. Next, the student has the opportunity to clarify the information presented by the investigator.

