

# **Kansas Administrative Regulations**

## **State Department of Education**

### **Article 40.—Special Education**

#### **91-40-38. Manifestation determination; appeal.**

(a) If an agency proposes to make a change in educational placement for disciplinary reasons, the agency shall implement the provisions of K.S.A. 72-991a and amendments thereto.

(b) An agency may conduct the manifestation determination at the same IEP team meeting that is held in regard to developing or reviewing a behavioral intervention plan under K.S.A. 72-991a and amendments thereto.

(c) If, in making a manifestation determination, deficiencies are identified in the child's IEP or placement or in the provision of services to the child, the IEP team shall make any changes it deems appropriate, and the agency shall implement those changes.

(d) An agency shall convene meetings under this regulation as expeditiously as possible and shall be required to give only 24 hours' prior notice of a meeting to the child's parent or parents.

(e)(1) If a parent files a due process complaint concerning the manifestation determination, a resolution meeting between the parties shall be held within seven days of the filing of the complaint, unless the parties agree, in writing, to waive the resolution meeting or to engage in mediation.

(2) If the matter has not been resolved to the satisfaction of both parties within 15 days of the filing of the due process complaint, the due process hearing may proceed. (Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-991a; effective May 19, 2000; amended May 4, 2001; amended March 21, 2008.)

\*\*\*\*\* Authenticated Kansas Administrative Regulation \*\*\*\*\*