

Manifestation Determination

A manifestation determination is required by the Individuals With Disabilities Education Act (IDEA) when considering the exclusion of a student with a disability that constitutes a disciplinary change of placement.

The local educational agency (LEA), parent, and relevant members of the Individualized Education Program (IEP) team conduct a review to determine if the behavior that is subject to disciplinary action is directly related to the student's disability (i.e., a manifestation of the student's disability).

Students with disabilities cannot be disciplined for behaviors that are related to or are manifestations of their disabilities.

The IEP team must answer the following questions:

1. Was the behavior caused by, or directly and substantially related to, the student's disability?
2. Was the behavior the direct result of the LEA's failure to implement the IEP?

If the IEP team answers "yes" to either question, and therefore determines that the behavior **is** a manifestation of the student's disability, the proposed disciplinary action is voided and the team must immediately take steps to remedy any and all deficiencies in the IEP. A functional behavioral assessment (FBA) must be conducted and a positive behavior support plan must be implemented. If an FBA and a positive behavior support plan were completed, then the IEP team must review and modify them as necessary.

If the IEP team determines that the behavior **is not** a manifestation of the student's disability, the disciplinary action may be applied with the provision that the LEA must continue to provide a Free Appropriate Public Education (FAPE).

School personnel may unilaterally remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an LEA;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an LEA; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.

Disciplinary Change of Placement

A disciplinary change of placement occurs when a student who is receiving special education services is excluded from school:

1. For more than 10 school days in a row,
or
2. For more than 15 school days in any one school year,
or
3. When days 11-15 constitute a pattern of exclusion,
or
4. For even one school day for a student with an intellectual disability.

**For more information about
manifestation determination, visit:
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