

What Families Need to Know About Manifestation Determination

School staff are trained to understand how a student's disability might affect their actions and to use strategies like calming techniques, positive behavior supports, and clear expectations and routines to help them be successful in school. Even with these strategies in place, a student's behavior can lead to a disciplinary change in placement. When that happens, the school must conduct a manifestation determination meeting to determine whether the behavior was related to the student's disability.

What is a Disciplinary Change in Placement?

A disciplinary change in placement occurs, when:

- The student is excluded from their current education setting due to suspension or expulsion for more than 10 school days in a row, or
- The student is removed for more than 15 school days in one school year, or
- A series of suspensions total more than 10 days in a school year and constitute a pattern, or
- For a student with an intellectual disability, any suspension would be considered a change in placement.

Understanding Manifestation Determination

A manifestation determination meeting is part of the discipline process for students with disabilities. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, a manifestation determination meeting must be held. The goal of the meeting, which includes school staff, parents, and other relevant IEP team members, is to decide if the student's behavior was:

- Caused by or directly related to their disability, or
- A result of the school not following the Individualized Education Program (IEP).

Find more information in the [Pennsylvania Department of Education's Basic Education Circular, *Disciplinary Exclusions of Students Who Are Eligible for Special Education*](#).

What Schools Are Required to Do When a Student Is Excluded From School

When the school decides to change the placement of a child with a disability because of a violation of a code of student conduct, the school must:

- Hold a meeting with the family and relevant members of the student's IEP team within 10 school days of any decision to change the placement.
- Review information about the student's actions related to the behavior in question.
- Answer the following questions:
 - Was the student's behavior caused by, or directly and substantially related to, their disability?
 - Was the behavior the direct result of the school's failure to implement the student's IEP?

If the team answers "yes" to either question:

- The behavior is considered a result (manifestation) of the student's disability.
- The student should be returned to the placement from which they were removed, unless the parent and school agree to a change of placement or if one of the special circumstances described below applies.
- A functional behavior assessment (FBA) must be completed, unless an FBA was completed before the behavior that resulted in the removal occurred.
- A positive behavior support plan must either be created or reviewed and modified, if necessary.

If the team answers “no” to both questions:

- The behavior is not a result (manifestation) of the student’s disability.
- Standard disciplinary action may be applied.
- The school must provide a Free Appropriate Public Education (FAPE) after 10 consecutive school days of disciplinary removal.

Special Circumstances

There are special circumstances when a school may move a student to an interim alternative educational setting (IAES) for not more than 45 school days, even if the behavior is related to their disability. These situations, which take place at school, on school premises, or at a school function under the jurisdiction of the school, include:

- Carrying or possessing a weapon.
- Knowingly possessing or using illegal drugs or selling or soliciting a sale of a controlled substance.
- Inflicting serious bodily injury upon another person.

While in the interim alternative educational setting, the student must be provided FAPE. As appropriate, the student must receive an FBA and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.



Steps Families Can Take

If your child is facing disciplinary action that could lead to a change in placement, here’s what you can do:

Learn About the Process

- Familiarize yourself with Pennsylvania’s laws and your school’s positive behavior support policies.
- Review your school’s code of conduct and the Individuals with Disabilities Education Act (IDEA).

Understand Your Child’s Rights

- Know that your child is entitled to a Free Appropriate Public Education (FAPE), after 10 consecutive school days of removal.
- Be aware that schools must consider whether the behavior was caused by your child’s disability when the removal constitutes a change in placement.

Prepare for the Manifestation Determination Meeting

- Gather all relevant documents, including IEPs, positive behavior support plans, incident reports, and communication with the school.
- Write down details about the behavior, including any factors that may have influenced your child’s actions (e.g., medication changes, bullying).

Participate Actively

- Attend the IEP team meeting and share your perspective on your child’s behavior and disability.
- Ask questions to understand how the IEP team reached their decision.
- Save copies of all reports, meeting notes, and disciplinary letters.

Seek Support if Needed

Contact [Consultline](#), a [local Parent Training and Information Center \(PTI\)](#), a special education advocate, or the Bureau of Special Education if you need help or disagree with the school’s decision. (See Related Resources)

Related Resources

- [Annotated Positive Behavior Support Plan](#)

This resource provides guidance on integrating positive behavior support strategies into a student's Individualized Education Program (IEP).



- [Center for Parent Information & Resources](#)

This website provides an interactive map that can be used to find your Parent Training and Information Center.



- [Consultline](#)

This service provides a direct help line to a special education specialist. If you're a family member of a special education student or an advocate, call ConsultLine with questions and concerns.



- [Disciplinary Exclusions of Students Who Are Eligible for Special Education](#)

This Basic Education Circular (BEC) provides written guidance regarding disciplinary exclusions of students eligible for special education.



- [Functional Behavioral Assessment Process](#)

This publication explains the Functional Behavioral Assessment (FBA) process of gathering information to understand the function (purpose) of behavior in order to write an effective Positive Behavior Support Plan.



- [Manifestation Determination Worksheet](#)

This resource can be used to guide IEP teams through the Manifestation Determination process.



- [Pennsylvania School Code on Positive Behavior Supports, 22 Pa. Code §§ 14.133 and 711.46](#)

These sections of the Pennsylvania School Code, applicable to school districts and charter schools respectively, outline the requirements for positive behavior support plans, emphasizing the use of research-based, positive strategies to address student behavior.



- [Special Education for School-Age Children in Pennsylvania: A Guide for Families](#)

This booklet explains special education law, so parents will feel comfortable and can better participate in the educational decision-making process for their child.



