



# MANIFESTATION DETERMINATION REVIEW TEMPLATE

Manifestation determination review (MDR) meetings are required when a student protected under the Individuals with Disabilities Education Act (IDEA) and who is eligible for special education services under Indiana Article 7 violate a school code of conduct that results in a disciplinary change of placement.

Disciplinary change of placement occurs when a student is removed from their current educational setting due to a violation of the school code of conduct (511 Indiana Administrative Code [IAC] 7-44-4). This includes:

- Out-of-school suspension for over 10 consecutive instructional days in the same school year, and
- Out-of-school suspension for over 10 cumulative instructional days in the same school year if the removals constitute a pattern (511 IAC 7-44-2).
  - The public agency determines on a case-by-case basis whether a series of removals constitutes a pattern that results in a change of placement. Series of removals may constitute a pattern because:
    - The series of removals cumulate to over 10 instructional days in a school year;
    - The student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals;
    - Additional factors such as length of each removal, cumulative amount of time a student has been removed, and proximity of the removals to one another; and/or
    - Manifestation determination.

## MANIFESTATION DETERMINATION PROCESS

Within 10 school days of the placement change decision, the local educational agency (LEA), parent, and relevant Individualized Education Program (IEP) team members must convene to determine if the behavior is a manifestation of the student’s disability through two questions:

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

If ‘Yes’ to Either Question: It Is a Manifestation of the Disability

If ‘No’ to Both Questions: It Is Not a Manifestation of the Disability

The LEA must:

1. Take immediate steps to remedy deficiencies if conduct was a direct result of the LEA’s failure to implement the IEP.
2. Conduct a functional behavior assessment (FBA) and implement a behavioral intervention plan (BIP) **or** review and modify an existing plan.
3. Return the student unless the parent and LLEA agree to a different placement, a hearing officer orders a new placement, or removal is for special circumstances (e.g., weapon, illicit drugs, infliction of serious injury) under 34 Code of Federal Regulations (CFR) 300.530(g).

The LEA may apply relevant disciplinary procedures in the same manner/for the same duration as students without disabilities.

The IEP team determines the extent to which free and appropriate public education (FAPE) services (including FBA and behavior interventions and modifications) are needed to enable the student to continue to participate in the general education curriculum and progress toward meeting their IEP goals.

Under the following special circumstances, an LEA may unilaterally remove a student to an interim alternative educational setting (IAES) for up to 45-school-days without regard to whether the behavior is determined to be a manifestation of the student’s disability (511 IAC 7-44-6):

- Carries a weapon to or possesses a weapon white at school, on school premises, or at a school function;
- Knowingly possesses, uses, sells, or solicits the sale of a controlled substance white at school, on school premises, or at a school function; or
- Has inflicted serious bodily injury upon another person white at school, on school premises, or at a school function.