

What Is a Manifestation Determination?

A *Manifestation Determination Conference (MDC)* is a required meeting to determine whether a student's behavior that led to disciplinary action was caused by their disability. It is part of the discipline protections under IDEA and Indiana Article 7.

Questions to Ask as the Parent

- ✓ What evidence is being reviewed in this meeting?
- ✓ How is my student's disability affecting this behavior?
- ✓ Was my student's IEP fully implemented?

Possible Outcomes

- ✓ If the behavior IS a manifestation:
 - The school cannot proceed with the proposed disciplinary change in placement.
 - Conduct a Functional Behavioral Assessment (FBA) (if not already done).
 - Develop or revise a Behavior Intervention Plan (BIP).
 - Return the student to the previous placement unless the offense involved weapons, drugs, or serious bodily injury (see special circumstances below).
- ✗ If the behavior is NOT a manifestation:
 - The school may apply standard discipline procedures, including removal, to the same extent as for students without disabilities.
 - The student must continue to receive:
 - FAPE in an alternate setting (to continue progress on the IEP)
 - Services to address behavior (e.g. social-emotional support)

MANIFESTATION DETERMINATION

Legal Triggers for an MDC

A school must conduct an MDC within 10 school days of a decision to change the placement of a student with a disability due to disciplinary action (e.g., suspension, expulsion).

A change of placement occurs when:

- The student is removed from school for more than 10 consecutive school days, or
- There is a pattern of removals that constitutes a change in placement (based on total days adding to 10, similarity of behaviors, and proximity).

Who Attends the MDC?

1. Parent/guardian
2. Building Administrator
3. Public Agency Representative
4. Special Education Teacher
5. General Education Teacher
6. School Psychologist (or someone qualified to interpret evaluation data)
7. Student (optional, but often helpful)

Two Key Questions (Required by Law)

The Case Conference Committee must answer both questions:

1. Was the conduct caused by, or did it have a direct and substantial relationship to, the student's disability?
2. Was the conduct the direct result of the school's failure to implement the IEP?

If yes to either → behavior is a manifestation of the disability.

If no to both → behavior is not a manifestation.

REMINDER

If you are unhappy with the results of a manifestation determination conference please communicate this at the meeting. However, if concerns arise after the meeting please contact the building administration or special education administration to talk through your concerns. We want to partner with you through these difficult conversations.



Questions?

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