Manifestation Determination Reviews: A Brief Overview

When a student with a disability violates a school code of conduct or engages in behavior that would initiate a school to propose removing that student from their current placement or their school (e.g., suspension or expulsion), the school must engage in a hearing known as a Manifestation Determination Review (MDR). This hearing brings together all relevant Individualized Education Program (IEP) team members to determine (a) if the student’s actions caused or had direct and substantial relationship to the student’s disability and (b) if the student’s actions were the direct result of the local education agency’s (LEA) failed implementation of the IEP. If the IEP team determines the LEA failed to properly implement the IEP and that may have contributed to the behavioral infraction, the LEA must take action to remedy the deficiencies in IEP implementation efforts.

FULL IDEA DESCRIPTION

Sec. 300.530 (e) of IDEA (2004) states:

(1) 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, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine
   i. If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
   ii. If the conduct in question was the direct result of the LEA’s failure to implement the IEP.
(2) The conduct must be determined to be a manifestation of the child’s disability if the LEA, the parent, and relevant members of the child’s IEP Team determine that a condition in either paragraph (1)(i) or (1)(ii) of this section was met.
(3) If the LEA, the parent, and relevant members of the child’s IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

SOURCES OF INFORMATION FOR MDRS

Allen (2021) described information (see Table 1) that should be collected and requested before the MDR. This information helps the IEP team develop a complete picture of the student and consider relevant information that may demonstrate a direct and substantial relationship (or lack thereof) to the incident that led to the MDR. School psychologists are often involved in this data collection as part of the IEP team.

Table 1. Information Sources for MDR

<table>
<thead>
<tr>
<th>Information collected prior to meeting</th>
<th>Information requested ahead of meeting</th>
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<tbody>
<tr>
<td>• Current Individualized Education Program</td>
<td>• Recent evaluation from a licensed health professional</td>
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<td>• Current or recent functional behavioral assessment</td>
<td>• Parent statement</td>
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<tr>
<td>• Description of behavioral intervention plan</td>
<td>• Student statement</td>
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<tr>
<td>• Recent comprehensive psychoeducational evaluation</td>
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<tr>
<td>• Description of the behavioral infraction</td>
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<td>• Review of historical disciplinary records</td>
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MEMBERS OF AN IEP TEAM FOR MDRS

The IEP team may be composed of several members:

- The parent(s) or legal guardian(s) of the child
- At least one general education teacher of the child
- At least one special education teacher of the child
- A representative of the school district who is qualified to provide or supervise special education services and who is knowledgeable about the availability of resources of the school district (known as the LEA representative)
- An individual, such as a school psychologist, who can interpret evaluation results
- Others who have knowledge about the child, at the discretion of the parent or the school district
- The child, when appropriate

Parents’ Roles in Manifestation Determination

Parents are important members of the IEP team. The role of parents in these hearings includes providing relevant information that would help the IEP team make the most informed decision about the event that led to the hearing. Relevant information provided by the parents may include, but is not limited to, medical records, reports from service agencies outside of the school setting, and other sources of information to be considered that may be reviewed and considered by the IEP team. In the table above, Allen (2021) suggests that information via a parent statement on their perspective regarding the relationship between the child’s behavior and the child’s disability should be encouraged. Parents may supplement their statement with the child’s statement on their own perspective on the behavior–disability relationship, if applicable, as well as updated information from a qualified health professional such as a licensed therapist.

School Psychologists’ Roles in Manifestation Determination

School psychologists are often part of IEP teams that assess, report findings, and contribute to IEP decision-making based on their knowledge of interventions that would be beneficial in developing a child’s academic, behavior, social, emotional, and mental health needs. The level of involvement of school psychologists at various stages of the special education process does vary by state and district; however, the contributions of a school psychologist during manifestation determination may be essential due to their knowledge and skill set with conducting functional behavioral assessments (FBAs) and the development of function-based behavior intervention plans (BIPs).

Administrators’ Roles in Manifestation Determination

School officials (e.g., principals, superintendents, special education directors) are team members who may contribute details of the behavioral infractions that led to the MDR and knowledge of the district and state policies that apply to the situation. They may take on additional leadership roles relevant to the circumstances or responsibilities unique to their state or district. They may also serve as a line of communication and support to the parents during the process for scheduling and planning when and where the MDR will take place.

Teachers’ Roles in Manifestation Determination

Input from teachers who work directly with the student provides a unique lens of how the teacher–student relationship works within the classroom setting. Often, classroom teachers can provide a perspective of the student’s interactions with adults and peers that lends a great deal of understanding of the student’s circumstances within a school environment. This information assists the IEP team in better understanding the student as they navigate their school day and how incidents that led up to an MDR may help IEP team members consider the context of the situation.
REFERENCES


RESOURCES

https://sites.ed.gov/idea/regs/b/e/300.530/e
U.S. Department of Education link for the Individuals with Disabilities Education Act (IDEA) section on Manifestation Determination.

https://kidslegal.org/special-education-discipline-suspensions-and-expulsions
Kid’s Legal link for “Special Education Discipline: Suspensions and Expulsions” Q&A explaining circumstances for discipline within a special education context.

https://www.parentcenterhub.org/manifestation/
Center for Parent Information & Resources: Manifestation Determination in School Discipline.


This document is designed to summarize guidance based on federal legislation. State and territorial laws and regulations and local education agency policies may be more restrictive than federal guidance. Readers are encouraged to also access their state or territorial department of education and school district websites for this state and local guidance. Please also note that the function of this document is informational and is not intended to provide official legal advice.

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