

Preparing for a Manifestation Determination

When a [manifestation determination review](#) is scheduled for your child, it is important that you gather all the necessary information to ensure that an informed accurate decision is made by the IEP team as to whether your child's behavior was caused by or is related to their disability or the failure to implement their IEP. It is most important that the information considered by the school team reflects the true nature of your child's disability and experiences.

Below are some steps you should take before the manifestation determination meeting takes place:

- ☐ Gather documents from outside professionals
 - This can include doctors and therapists
- ☐ Talk to your child's therapist or other professionals
 - They can help you choose the right language to discuss your child's disability, as well as inform you about how the disability might impact your child's behavior.
- ☐ Talk to your child
 - Make sure you understand the incident from their perspective. Specific information about how they were feeling in that moment when the incident happened can help you connect the behavior in question to previous behaviors known to be caused by or related to their disability.
 - Ask them about other things going on in school that might have contributed to the behavior in question.
 - Ask them to describe the supports they received in the time leading up to the incident. If they were not receiving the supports or services required in their IEP, even during the days before the incident, that could be relevant to the team's decision.
- ☐ Review your child's current IEP and reevaluation
 - Schools are required to hold an IEP meeting at least once a year for all children, and to conduct a reevaluation at least every three years (unless the parent and IEP team agree a reevaluation is not necessary). Make sure you have the most recent copy of each document, and if you don't, request one from the school.
- ☐ Complete the tool below
 - The MDR team is required to consider any relevant information provided by the parent, and a parent may invite any relevant personnel to the meetings to provide additional context.
 - By completing the tool below and bringing it to your child's MDR, you will be equipped with information that can influence the outcome of the meeting and ensure your child receives necessary support and understanding to address their behavior in a positive manner.

The Education Law Center-PA crafted this form to help caregivers and students communicate about their rights with their school. Use of this form does not indicate representation by Education Law Center-PA.

MANIFESTATION DETERMINATION REVIEW PREPARATION TOOL

Use this tool to organize and present the information you have at the manifestation determination meeting.

WHAT IS THE BEHAVIOR THAT OCCURRED?

**If you do not know the behavior that resulted in the MDR, contact the school before the meeting to get clarification on what specific behavior will be considered, as well as a report of the incident.*

Date/Time of Incident _____

Location of Incident _____

Students/School personnel involved:

Witnesses:

Student Code of Conduct provision that was allegedly violated:

Discipline Consequence Received:

** If you do not know the Code of Conduct provision that was allegedly violated or school discipline sought (e.g. expulsion) ask the school before the meeting to get clarification.*

Incident description:

HOW DOES MY CHILD DESCRIBE THE INCIDENT? WHAT WERE THEY FEELING IN THAT MOMENT? CAN THEY THINK OF ANY SUPPORTS THAT COULD HAVE HELPED THEM AVOID THE BEHAVIOR? IS ANYTHING MISSING FROM THE SCHOOL'S INCIDENT REPORT THAT MY CHILD MENTIONED?

HOW DOES MY CHILD'S DISABILITY USUALLY IMPACT THEIR BEHAVIOR? ARE ANY OF THEIR PAST BEHAVIORS SIMILAR TO THE ONE AT ISSUE HERE?

**The IEP team is required to review and consider any relevant information presented by the parent in the MDR. The team is also required to consider the effect on a child's behavior of all disabilities or health conditions, including those that are not documented in the child's evaluations or IEP. Include examples below that might not already be in your child's IEP or disciplinary record.*

For example: A child with ADHD has difficulty with emotional regulation and impulse control. The child is suspended for yelling at the teacher and leaving the classroom without permission when he was provided with a math test. Below, the parent could write about how a few months ago, the child became very angry and ran out of the house after being asked to clean up his room. That helps show that when the child is prompted to engage in a low-interest activity, he tends to struggle more to control his emotions and impulses which sometimes leads to escalated behavior and elopement. A former teacher might also recall a time when the student had a similar reaction in the classroom that you could include below.

- Examples from home of this behavior

- Examples from school (current or former) of this behavior

**These might be incidents that did not result in a formal report but did result in a call or note home, or events your child or the teacher told you about independently.*

- Examples from teachers of this behavior

**Is there a teacher or other school staff who is especially close with your child that frequently observes their regular behavior and is familiar with their disability? Consider inviting this teacher.*

- Examples from medical professional's reports of this behavior

**Is there a therapist or other professional from an outside agency working with the child? You should invite this professional to add input on the student's disabilities and needs. They may also be invited to attend the meeting.*

DID THE SCHOOL FOLLOW THE STUDENT'S IEP BEFORE THE BEHAVIOR OCCURRED?

- Does the IEP contain a positive behavior support plan with specific steps that the school is supposed to take to manage the student's behaviors? If so, write steps here that should be taken according to the IEP.

**For example: A student who has difficulty focusing during class time might have a plan that instructs staff to redirect the student's behavior and offer him an alternative space to calm down. Behavior support measures may be written in a separate positive behavior support plan, but they also might be included as part of the student's other services or accommodations.*

- o _____
- o _____
- o _____
- o _____

- If the school did not follow the above plan, write the steps they took instead here:

- o _____
- o _____
- o _____
- o _____

- Did the school fail to provide any required services and supports from the IEP? (check all that apply)

- ☐ Aide/1:1
- ☐ Speech/Language
- ☐ Occupational Therapist
- ☐ Psychologist
- ☐ Medical services

☐ Interpreting services

☐ Other:

- If any of the required services from the child's IEP were not provided, would the behavior have been prevented if they were provided? Describe how below.

**For example: A student's IEP was revised to include a 1:1 aide when the student walked between classes during class transition due to concerns about peer conflicts. The aide was never provided due to staffing shortages. The student was involved in a fight between class periods. If the 1:1 aide had been provided, it is likely that the fight would not have occurred.*