

Manifestation Determination Form Guidance

This instruction document is intended to provide technical assistance to individuals completing the Manifestation Determination form, which is posted on the Minnesota Department of Education (MDE) due process forms web page. 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 district, the parent, and relevant members of the student's individualized education program (IEP) team (as determined by the parents and the district) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents, to determine: 1) If the conduct in question was caused by, or had a direct relationship to, the child's disability, or 2) If the conduct in question was the direct result of the district's failure to implement the IEP. This team meeting must occur if the student is removed for more than 10 consecutive school days and/or any time a removal constitutes a change in placement. A series of removals that total more than 10 cumulative school days in a school year may result in a disciplinary change of placement.

Form Completion

Provide the student demographic information and the date of the IEP team meeting at the top of the form.

Describe the specific behavior/incident that is being reviewed and the date it occurred.

The IEP team must follow steps 1- 3 provided on the form and document the team decision as to whether the behavior is or is not considered a manifestation of the student's disability.

If the IEP team determines the district failed to implement the IEP, the district must take immediate steps to remedy those deficiencies.

If the IEP team determines the student's behavior was a manifestation of the student's disability, the IEP team must either: 1) Conduct an FBA, unless the district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan and modify it, as necessary, to address the behavior; and 2) Return the student to the placement from which he or she was removed, unless the parent and district agree to a change of placement as part of the modification of the behavioral intervention plan. If an FBA has already been conducted, the IEP team must determine whether the FBA is still valid or if a new FBA should be conducted. The student need not be returned to his or her placement, even though the behavior was a manifestation of the student's disability, if the child:

- carries a weapon to school or possesses a weapon at school, on school premises, or to or at a school function;
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

“Federal law defines “dangerous weapon” as:

- (i) an instrument capable of inflicting death or serious bodily injury; or (ii) an object that is not an instrument capable of inflicting death or serious bodily injury but (I) closely resembles such an instrument; or (II) the defendant used the object in a manner that created the impression that the object was such an instrument (e.g. a defendant wrapped a hand in a towel during a bank robbery to create the appearance of a gun).”

“Illegal drugs” means:

- drugs included on the federal controlled substances schedules.

The definition of “illegal drugs” does not include possession or sale of alcohol or tobacco.

“Serious bodily injury” is defined as bodily injury which involves:

- a substantial risk of death;
- extreme physical pain;
- protracted and obvious disfigurement; or
- protracted loss or impairment of the function of a bodily member, organ or mental faculty.

“Bodily injury” means:

- a cut, abrasion, bruise, burn, or disfigurement;
- physical pain;
- illness;
- impairment of the function of a bodily member, organ, or mental faculty; or any other injury to the body, no matter how temporary.

If the parents do not agree that the student’s behavior was a manifestation of his or her disability, they may request an expedited due process hearing to challenge that determination. The district and parents may also agree to attempt conciliation, mediation, or some other alternative to a hearing to resolve the dispute.

Include the names and titles of the team members who participate in the manifestation determination.

For a comprehensive explanation of requirements related to the discipline of students with disabilities, see the Minnesota Pupil Fair Dismissal Act (PFDA). APFDA brochure is available on the MDE website and includes the federal regulations that address the discipline of students with disabilities and includes the federal definitions for “dangerous weapon,” “serious bodily injury,” and “illegal drugs and controlled substances.”

Applicable Citations:

Minn. Stat. §§ 121A.40-121A.56 and 125A.091
Minn. R. 3525.4750; 3525.4770 and 3525.3900
34 C.F.R. §§ 300.530 and 300.536
18 USCS Appx § 1B1.1