



Manifestation Determination Meeting: Students with 504 Plans

Children with mental health disorders and related disabilities may have difficulty regulating their emotions while at school. Sometimes school staff may discipline a child who has a 504 Plan related to mental health, behavioral disorders, or other disabilities because of the child's challenging behaviors. This discipline may include being sent home early, in-school or out-of-school suspension, or other consequences that align with the school district's discipline policy. However, there are some situations under which schools are required to continue to provide educational services for children with disabilities. When this occurs, parents and school staff need to hold a meeting called a manifestation determination.

What is a manifestation determination meeting?

A manifestation determination is a meeting where parents and school staff review relevant information about a student and answer two questions:

1. Was the behavior caused by, or have a direct and substantial relationship to the child's disability?
2. Was the behavior the direct result of the school's failure to implement the 504 plan?

If the answer is "yes" to either of the above questions, then the behavior is determined to be a manifestation of your child's disability. Parents and school staff need only answer "yes" to one of the above questions for the behavior to be considered a manifestation of your child's disability.

When does a manifestation determination meeting need to be held for a student on a 504 Plan?

A manifestation determination meeting must be held within 10 school days if a child with a disability:

- Has been suspended for more than 10 days in the same school year for similar behaviors
- Has been suspended for 10 days in a row
- Is being considered by the school for expulsion

Tips for Parents: Suspensions and class removal

- When your child with a disability is sent home early due to their school's discipline policy, it should be considered a day or partial day of suspension
- If your child is regularly being removed from class but not being sent home, this may not be considered a suspension but you should talk with school staff about:
 - Positive behavior interventions that can be added to the 504 Plan
 - Whether your child should be evaluated for special education

What relevant information should be reviewed by the school before deciding if my child's behavior was a manifestation of their disability?

- 504 evaluation
- 504 Plan
- School discipline records
- Information from the parent about the child's disability and its unique impact on that child
- Diagnostic assessment or neuropsychological evaluation (if parents choose to share)

Tips for Parents: Preparing for a Manifestation Determination Meeting

Prior to the manifestation determination meeting, you can prepare by looking through these documents and highlighting statements that demonstrate how your child's mental health disorder impacts their behavior. Be prepared to discuss this with school staff at the manifestation determination meeting.

You may also choose to share other information from outside providers (mental health care provider, county case manager, pediatrician, children's therapeutic services and supports (CTSS) worker, etc.) to help determine whether the behavior is related to your child's disability.

What happens if the team determines the behavior is a manifestation of my child's disability?

- If it is decided that the behavior is a manifestation of your child's disability, the school must evaluate your child for special education and the evaluation needs to include a Functional Behavioral Assessment (FBA)
- Parents and school staff should consider additional behavioral interventions or other needed services while the evaluation is being conducted
- If your child is eligible for special education, the school must develop a Behavior Intervention Plan
- The school must continue to educate your child, but they may provide educational services in an alternative educational setting
- If the school district was considering expulsion, your child cannot be expelled
- Your child cannot be suspended for more than 10 days in a row without receiving educational services
- Your child has the right to return to their current classroom and school after the suspension, in most circumstances

Under what circumstances is my child not allowed to return to their current classroom or school?

School staff may place your child in an alternative education setting for up to 45 school days, even if the behavior is a manifestation of their disability, if the behavior was related to:

- Possession of a dangerous weapon at school or during a school event
 - A dangerous weapon does not include a pocket knife shorter than 2½ inches in length
- Serious bodily injury to others, which includes:
 - Serious risk of death
 - Disfigurement
 - Permanent injury to a body part or mental abilities
 - Serious bodily injury does not include scratches and bruises, in most cases
- Possession or sale (not use) of illegal drugs or controlled substances
- This may include medication prescribed to your child, if it is a controlled substance

Tips for Parents: Discipline related to drugs and alcohol

If school staff can establish that the behavior included the use of drugs or alcohol, they may discipline your child as outlined in the district's discipline policy, including the possibility of expulsion.

At the completion of the alternative educational setting, your child can return to their previous school.

What is an alternative education setting?

If you and school staff decided that the behavior was not a manifestation of your child's disability, your child may be disciplined in the same way as any other student, including expulsion. However, the school is still responsible for educating your child when:

- Your child has been suspended for more than five days in a row, even though a manifestation determination meeting is not required until the 10th day of suspension
- Your child has been suspended for more than 10 total days during the school year
- Your child has been expelled
- Your child is being placed in a 45-day alternative educational placement for possession of weapons or drugs, or for inflicting serious bodily injury

Under these circumstances, your child may receive education in an alternative setting. An alternative education setting is individually determined and depends on the student's unique circumstances. The child must be able to participate in the general education curriculum and make progress toward meeting the goals in the IEP.

An alternative education setting may include:

- A different school
- Meeting with a teacher in the home or community (for example, at a library or community center)
- Virtual meetings with teachers
- Other alternative means of providing education for your child

What if I disagree with school staff about whether the behavior is a manifestation of my child's disability?

You can request an expedited due process hearing if you do not agree with school staff about whether the behavior is a manifestation of your child's disability.

- If you request an expedited due process hearing, the school district is required to participate in the hearing
- Parents and the school district have the right to include a lawyer and other experts to advise them in a due process hearing
- If your child has been placed in a 45-day alternative education setting for possession of a weapon or drugs or for serious bodily injury, they will continue their education in the alternative education setting until a decision can be made by an impartial hearing officer

Understanding the Student Code of Conduct and School Discipline Policy is an important part of supporting your child with a mental health or emotional or behavioral disorder at school. PACER offers these resources specific to discipline when resolving disagreements with the school:

- School Discipline of Minnesota Students with Disabilities: [PACER.org/school-discipline-information](https://www.pacer.org/school-discipline-information)
- What is a Functional Behavioral Assessment and How is it Used?: [PACER.org/parent/php/php-c215a.pdf](https://www.pacer.org/parent/php/php-c215a.pdf)
- Due Process Options in the Special Education Process: [PACER.org/parent/php/PHP-c258.pdf](https://www.pacer.org/parent/php/PHP-c258.pdf)

For individual support, please contact PACER at PACER@PACER.org, call 952-838-9000 or visit [PACER.org](https://www.pacer.org).