


Sifting the Wheat from the Shaft:

How to Determine Whether Behavior is Related to a Disability

NELI 24th Annual Assessment Bootcamp
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Objectives:

1. Understand the legal basis of Manifestation Determination Reviews (MDR)
2. Learn how to evaluate behavior in the context of disability and IEP implementation
3. Apply structured reasoning through case examples

What is Manifestation Determination?

- Mandated under IDEA 2004, 34CFR 300.530(e)
- Required when:
 - A student with a disability faces disciplinary action constituting a **change of placement**
- More than **10 consecutive or cumulative school days**

The MDR team must determine:

- Was the behavior ***caused by or directly related*** to the student's disability?
- Was the behavior the ***direct result of the school's failure to implement the IEP?***

Two-Prong Test Overview

1. Direct and Substantial Relationship to the disability?

- Not superficial or loosely related
- e.g., “Impulse control” \neq all impulsive behavior

2. Failure to Implement the IEP?

- Were accommodations, supports, or services ***not delivered*** as written in the IEP?

Analyzing Behavior in Context



What is the child’s identified disability? Medical diagnosis?

What are the ***expected behavioral characteristics***?

What was the ***context*** of the behavior?

Was the behavior ***typical*** of this student’s disability?

Common Pitfalls



Overgeneralizing disability traits

Assuming misconduct = non-disability

Excluding relevant team members from the MDR

Missing implementation gaps

Analysis



What is the *pattern* of the student's behavior?

Is the behavior *predictable*?

Does the behavior occur across settings and people? (*regularly*)

Analysis



Emotional disability
or conduct disorder?

Case Review

Student: John, 10 years old

Disability: OHI – ADHD

Incident: Threw a chair after being told to stop playing a game

IEP: Includes BIP with prior-warning of transitions, calm-down space, de-escalation strategies



Key Questions:

- Was the outburst impulsive and aligned with ADHD symptoms, patterns? Premeditated?
- Did staff follow the de-escalation protocol?
- Was John redirected as per the BIP?



MDR Team Conclusions:

- Behavior had a direct and substantial relationship to ADHD
- Evidence the IEP was implemented

Manifestation of disability



Case Review

Student: Sarah, 12 years old

Disability: SLD – Reading

Incident: Took headphones from another student's backpack

IEP: Reading support and access to written instructions



Key Questions:

- Does SLD in reading relate to decision to steal?
- Any indication of impulsivity, poor comprehension of consequences?
- Was behavior addressed previously? Pattern?

MDR Team Conclusions:

- No substantial link between SLD and theft
- The IEP was implemented as written

Not a manifestation of disability



Final Thoughts

MDRs are both compliance-driven and child-centered

They protect students' rights AND support staff decision-making

Documentation and data are essential



Resources:

[Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions. July 19, 2022 \(PDF\)](#)

[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 \(PDF\)](#)

Thank you!

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