

§ 1485. ~~BEHAVIORAL THREAT ASSESSMENT TEAMS~~ Manifestation Determination Review

(a) Definitions

- a. Threat: A threat is the use of words or other form of communication that evidence an intent to cause substantial bodily harm to a student or staff member of the school district or substantial damage to school property by means of a weapon, as defined in the Gun-Free School Act, and the student demonstrates means or intent to carry out the threat.
- b. Manifestation Determination Review: A review to determine if conduct which may result in change of placement or removal from the current school environment, including a behavioral threat:
 - i. was caused by, or had a direct and substantial relationship to the child's disability; or
 - ii. was a direct result of the LEA's failure to implement an IEP, 504 or EST; or
 - iii. was a response to hazing, harassment, or bullying which was not adequately addressed pursuant to the district's hazing, harassment, or bullying policy or procedures; or
 - iv. was a result of other circumstances which can be addressed through development of an IEP, 504, or EST, which may include completion of a Functional Behavior Assessment and implementation of a Behavioral Intervention Plan using Positive Behavioral Interventions and Supports, a Coordinated Services Plan, or connection to other school- or community-based resources.
- c. Manifestation Determination Review Team includes:
 - i. The parent(s) of the student involved.
 - ii. The student, where appropriate considering the student's chronological and developmental age, ability to communicate, known physical, medical or psychiatric condition, and personal history of physical, emotional, or sexual abuse or trauma.

- iii. If the student has or is being evaluated for an IEP or 504 plan:
 - 1. The LEA
 - 2. The members of the IEP, EPT, or 504 plan team
 - 3. If no member of the team is a mental health professional, a mental health professional
- iv. If the student is not known to or suspected to have a disability:
 - 1. The school principal or headmaster,
 - 2. A mental health professional
 - 3. Current or past teachers with knowledge of the child
- d. Substantial bodily harm: Injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any body part, organ, or which causes a fracture of any body part.
- e. Substantial damage to school property: damage which eliminates the functional use of some or all of the school property.

(b) Each supervisory union or supervisory district and each approved independent school shall ensure that a Manifestation Determination Review is conducted if a student engages in conduct, including a behavioral threat, which may result in a change of placement or removal from the current school environment.

- a. If the student is a student with a known or suspected disability the Manifestation Determination Review must be conducted in accordance with the requirements of all applicable federal and state laws and regulations, notwithstanding whether the student may be facing a suspension that would cause the student to be excluded from school for more than ten cumulative school days in a school year.
- b. If the student is not a student with a known or suspected disability, a Manifestation Determination Review team, as defined above, shall convene to conduct a Manifestation Determination Review.
- c. Law enforcement shall not be a participant in any Manifestation Determination Review.

- d. If the Manifestation Determination Review Team concludes that the conduct, including a behavioral threat, was a manifestation of disability or failure to implement an IEP or 504, the student shall be returned to the placement from which the child was removed, pursuant to Rule 4300.
 - e. If the Manifestation Determination Review Team concludes the conduct, including a behavioral threat, was a response to an inadequate response to hazing, harassment, and bullying, the student shall be returned to the prior placement with a safety plan which does not inconvenience the victim, and the district shall initiate an independent review of the hazing, harassment, or bullying.
 - f. If the Manifestation Determination Review Team concludes the conduct, including a behavioral threat, was result of other circumstances which can be addressed through development of an IEP, 504, or EST, which may include completion of a Functional Behavior Assessment and implementation of a Behavioral Intervention Plan using Positive Behavior Interventions and Supports , a Coordinated Services Plan, or connection to other school- or community-based resources then the appropriate plan shall be developed and implemented and the student returned to school.
 - g. If the Manifestation Determination Review Team concludes the conduct, including a behavioral threat, was not a manifestation, the student may be removed from the placement, provide the student is afforded the due process to which they are entitled pursuant to Rule 4300.
- (c) ~~appoint a behavioral threat assessment team to be comprised of, at a minimum, administrators, mental health professionals, a school counselor, a school nurse, and local law enforcement officials. Members of the team shall be trained at least annually in best practices of conducting behavioral threat assessments.~~ Superintendents and heads of independent schools shall report data related to completion of and outcomes of all manifestation determination reviews, including

- a. data on the student's disability status, race, age, gender, known experience of hazing harassment or bullying, and known experience of physical, emotional or sexual abuse or trauma.
- b. Data on the provision of due process to students facing exclusionary discipline,
- c. Data on the use of Functional Behavior Assessments and Positive Behavioral Interventions and Supports to respond to the conduct, including a behavioral threat. ~~behavioral threat assessment results to the Agency in a format approved by the Secretary.~~

(b) Annually, each supervisory union, supervisory district, or approved independent school shall ensure that any administrator or other staff member who may be involved in a Manifestation Determination Review or student disciplinary proceedings has received training and will receive post-training coaching on Manifestation Determination Review, Rules 4000 and 4500 of the Board of Education Rules, and implementation of Positive Behavior Intervention and Support systems and shall certify to the Agency of Education that such training and coaching has been completed by an agency-approved technical assistance and coaching provider ~~report the names of the members of its behavioral assessment team to the Agency of Education in a format approved by the Secretary.~~