

## **Manifestation Determination Review (MDR)**

### **What is it?**

A manifestation determination is a process conducted when considering the suspension or expulsion of a student with a disability that constitutes a change of educational placement.

- ·Suspension/Expulsion – the student is sent home from school for some type of violation of school policies. A student can be suspended up to **9** days but on the **10th** day, a MDR needs to be scheduled. This number is cumulative for one school year.
- ·Change of educational placement – any type of physical change from where the student was receiving education.

### **Why would a Manifestation Determination Review be conducted for my child?**

- Per the Individuals with Disabilities Education Act (IDEA 2004) this is legally required for all students who have an IEP. The purpose of this review is to determine whether the student's behavior that led to the disciplinary action (suspension) is linked to his or her behavior. The team will look at:
- If the conduct or behavior in question was caused by, or had a direct relationship to, the child's disability; or
- Was the IEP and/or BIP followed?

### **When will the Manifestation Determination Meeting be held?**

- A manifestation determination review must occur within **10** school days of the suspension.

### **Who should attend the Manifestation Determination Review?**

- The school staff,, the parent, and any other relevant members of the IEP team.

### **What happens at a Manifestation Determination Meeting?**

To make these determinations, the group will review all relevant information from the student's school files, teacher observations of the child, review of the student's IEP in place at the time of the incident and information provided by the child's parents. The team will also discuss the incidents/behavior that led to the behavior. They will also review the BIP if one exists.

It may also include relevant information in the student's file, including placement appropriateness, supplementary aides and services, and whether the behavior intervention strategies were appropriate and consistent with the IEP.

## **If the team determines that the behavior was a manifestation of the student's disability.**

### **What happens next?**

The IEP team must:

- Either conduct a functional behavioral assessment (FBA) unless the school district or public agency conducted an FBA previously, and implement a behavioral intervention plan (BIP) for the student; or
- If a BIP has already been developed, review the BIP and modify it as necessary to address the behavior.
- Return the student to the placement from which the child was removed, unless parent and LEA (school) agree to the change or unless one of the three special circumstances exist involving drugs, weapons, or serious bodily injury. They are:
  - Carries or possesses a weapon to or 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.
  - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

## **If the team determines that the behavior was not a manifestation of the student's disability. What happens next?**

If it is determined that the student's disability was not the cause of the violation and the student's behavior was not the direct result of the LEA's (school) failure to implement the IEP the school will:

- Have the authority to apply relevant disciplinary procedures to the student in the same manner and for the same time period as the procedures applied to a student without disabilities.
- The school must continue to provide special education and related services within the student's IEP during this time.

### **Helpful links**

[www.manifestationdetermination.com](http://www.manifestationdetermination.com)

[www.pacer.org](http://www.pacer.org)

[www.understood.org/en/articles/8-steps-to-take-if-your-child-is-facing-disciplinary-action](http://www.understood.org/en/articles/8-steps-to-take-if-your-child-is-facing-disciplinary-action)