

Manifestation Determination Review ("MDR")

An MDR is a special meeting held to determine whether a student's misbehavior was a "manifestation" of their disability. An MDR is triggered when the school decides to change the placement of a student with disabilities for disciplinary reasons.

Students with disabilities have additional rights when facing school discipline and disciplinary changes of placement.

This applies to students with an Individualized Education Program ("IEP") or 504 Plan; or who the school had "knowledge" that the student is suspected of having a disability.

WHO ATTENDS?

- Parent
- Local education agency ("LEA") representative
- Relevant IEP Team members (as determined by both the LEA and the Parent)



Before the school takes certain types of disciplinary actions, the relationship between the student's disability and the specific act of misconduct must be examined.

WHAT INFORMATION IS REVIEWED?

- History
- Individualized Education Program ("IEP")
- Teacher observations;
- Other relevant information

The MDR must be held within 10 school days of the proposal for a disciplinary change of placement. While waiting for this meeting, the school may not transfer a student to another school or force the student to stay at home for more than 10 school days, unless the behavior involves drugs, a deadly weapon, or serious injury to another person.

At the MDR, the IEP team must answer the following two questions:
WAS THE STUDENT'S BEHAVIOR CAUSED BY OR DIRECTLY AND SUBSTANTIALLY RELATED TO, THE STUDENTS DISABILITY?
OR
WAS THE STUDENT'S BEHAVIOR A DIRECT RESULT OF THE SCHOOL'S FAILURE TO FOLLOW THE STUDENT'S IEP?

If the answer to either of these questions is YES:

The behavior is considered a manifestation of your students disability.

Your student CANNOT be suspended expelled, or transferred to a new school as punishment and must immediately be returned to the educational placement from which they were removed.

The school must conduct a Functional Behavioral Assessment ("FBA") and develop a Behavior Intervention Plan ("BIP").

If the school has already conducted an FBA and your student has a BIP in place, the IEP Team should review and modify the BIP if necessary.

If the answer to either of these questions is YES, BUT the behavior is a "special circumstance":

A "special circumstances" is behavior that happens at school, on school grounds, or at a school function, and involves:
*drugs,
*weapons, or
*serious bodily harm to another person.

If your student's behavior is one of these "special circumstances," the school can immediately remove them to an alternative placement for no more than 45 school days even if your student has a disability, and even if you and the school agree that the behavior was a "manifestation" of your student's disability.

If the answer to either of these questions is NO:

The behavior is found NOT to be a manifestation of your student's disability.

The school may discipline your student under the same procedures, in the same manner, and for the same amount of time as they would for a student without disabilities.

Students removed from their educational placement are still entitled to receive a free appropriate public education, even if they are in a different setting.

The IEP Team may consider conducting an FBA and developing BIP.

If you DISAGREE with the determination that the behavior was NOT a manifestation, you may file a due process complaint to challenge this. However, the school may still discipline your student in the meantime. If the Due Process Hearing Panel rules that your student's conduct was a manifestation of their disability, the school must return your student to the placement from which they were removed.



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