

Manifestation Determination Reviews (MDR)

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What is a manifestation determination review?

- A review of whether a student's disability directly caused the problem behavior that led to a student's suspension.
- This determination must be made immediately or NO later than 10 school days after a suspension (or disciplinary change in placement) occurs.

When is an MDR conducted?

The school is obligated to hold an MDR when a student:

- Is suspended and has either an Individualized Education Plan (IEP) or Section 504 Plan (504); or
- Is suspended and is suspected of having special needs, but does not have an IEP or 504; or
- Is removed for disciplinary reasons from her or his classroom for more than ten days (cumulatively).

PARENTS must be invited and allowed to participate at any MDR meeting.

Additionally, the parents are entitled to bring an advocate or any provider who have knowledge about the relationship between the student's behavior and disability.

Students may also participate in the manifestation determination hearing.

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What information is reviewed?

- The information will be reviewed in an MDR team meeting: school administrators, teachers, a school psychologist and the student's parents. (Typically the individuals also involved in IEP team meetings).
- The team will review all relevant information in a student's file, including the student's IEP, any teacher observations, and *any relevant information provided by the parents* to determine:
 1. Is the student's problem behavior the result of the school's failure to implement the IEP?

If **YES** → The school district must take *immediate* steps to remedy any deficiencies.

If **NO**...

2. Is there a direct and substantial relationship (nexus) between the student's disability and the charged conduct?

If **YES** → The school must conduct a functional behavioral assessment and implement a behavioral intervention plan, or review and revise those which are already in place; AND return the student back to her or his typical school schedule.

If **NO** manifestation is found, and the school suspends the student, that student is entitled to receive all special education and related services within their IEP or 504 plan while suspended. **PARENTS must be invited to participate in the creation of the suspension plan.**