

Manifestation Determination Review

Special Education Students

Manifestation Determination Review (MDR)

A Manifestation Determination Review (MDR) meeting must take place when a special education student is facing a suspension or expulsion for more than 10 school days.

It is a meeting between the school district, the parent, and relevant members of the student's Individualized Education Program (IEP) team (determined by the parent and the school district) to decide if the student's behavior is related to their disability.

Please see Washington Administrative Code (WAC) under WAC 392-172A-05146. Manifestation determination.

Did You Know?!

A Manifestation Determination Review (MDR) meeting must take place when a special education student is facing a suspension, or expulsion, for more than 10 school days.

Did You Know?!

A student missing more than ten (10) schools is a change of placement for the student.

Did You Know?!

It is ten (10) school days, not ten (10) consecutive school days.

Did You Know?!

A Manifestation Determination Review (MDR) meeting can take place before ten (10) school days, and should, if a pattern of behavior exhibits.

Did You Know

If there is a relationship between the student's behavior and their disability, the student can't be punished.

How will the Manifestation Determination Review (MDR) meeting help the student?

Determines educational placement and what additional supports and services the student might need.

What additional supports and services could the student need?

Supports and services are based on the individual and unique needs of the student.

The **Individuals with Disabilities Education Act (IDEA)** has set out the IEP content that regulations require. The IEP must include what **Special Education Services, Related Services** and **Supplementary Aids and Services** will be provided to the student.

It is the **Special Education Services, Related Services** and **Supplementary Aids and Services** where you will see what **Supports and Services** can be provided.

One example would be whether the student needs the support of a Paraeducator or Registered Behavior Technician (RBT).

When does the Manifestation Determination Review (MDR) meeting have to take place?

Immediately if possible or within ten (10) school days after the school district decides to change the placement of the student.

Is the parent a part of the Manifestation Determination Review (MDR) meeting?

Absolutely! The parent is an important member of the student's Individualized Education Program (IEP) and the school district must include the parent.

Who else should be a part of the Manifestation Determination Review (MDR) meeting?

All relevant members of the student's Individualized Education Program (IEP) team (as determined by the parent and the school district). This would mean that not all Individualized Education Program (IEP) team members need to be present, however the parents do have a say in who.

Please see Washington Administrative Code (WAC) under WAC 392-172A-03095

What happens in the Manifestation Determination Review (MDR) meeting?

The Manifestation Determination Review (MDR) team must consider any information the parents bring to the meeting (outside evaluations, doctors notes, information about the student's disability, etc.) and school district documents (Individualized Education Program (IEP), evaluation documents, observations of the student, school district staff input of the behavior in question, etc.)

Two questions have to be answered.

1. Was the conduct in question caused by, or have a direct and substantial relationship to the student's disability?
2. Was the conduct in question a direct result of the district's failure to implement the student's IEP?

What happens then?

If the answer to any of the two (2) questions is yes, the student must be allowed to return to the educational placement they were in prior to the disciplinary removal **unless** special circumstances exist or the parent and the school district agree otherwise.

Please see Washington Administrative Code (WAC) under WAC 392-172A-05149. Special circumstances

Does anything else have to happen if it is determined the student's disability was a direct cause of the behavior in question?

Yes. A Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) must be done.

If a Behavior Plan is already in place, it is to be reviewed and modified to address the student's behavior.

Please see Washington Administrative Code (WAC) under WAC 392-172A-05147. Conduct is a manifestation of student's disability.

What happens if it is determined there is no relationship between the student's behavior and their disability?

All normal disciplinary procedures are followed however the school district must still provide educational services even though it may be in an Interim Alternative Educational Setting (IAES).

Please see Washington Administrative Code (WAC) under WAC 392-172A-05148. Conduct is a not a manifestation of student's disability.

Did You Know?!

A Functional Behavior Assessment (FBA) is not required in every student's Individualized Education Program (IEP). Even if the student has behavior issues.

Did You Know?!

The Functional Behavior Assessment (FBA) is only required if a Manifestation Determination Review (MDR) has been held and it was determined the student's behavior was a 'manifestation' of the student's disability.

Additional Research: Please see Individuals with Disabilities Education Act (IDEA) 2004 Regulations under 34 CFR 300.530 **Authority of school personnel** you will find:

- General
- Additional authority
- Services
- Manifestation determination
- Determination that behavior was a manifestation
- Special Circumstances
- Notification
- Definitions

Cornell University Law School has a well written overview of 34 CFR 300.530. <https://www.law.cornell.edu/cfr/text/34/300.530>