

# MANIFESTATION DETERMINATION REVIEW (MDR) FLOW CHART

June 2024

An MDR must occur immediately, if possible, but in no case later than **10 school days** after a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement for a student with a disability because of a violation of the code of student conduct.

## THE SCHOOL DISTRICT MUST:

- Prior to imposing a suspension or removal that constitutes a disciplinary change in placement, the parent must be provided:
  - [Prior Written Notice](#) of the decision; and
  - a copy of the [Procedural Safeguards Notice](#).
- Provide written notification of the MDR meeting, informing the parent of the purpose of the meeting, the names of the individuals expected to attend; and the parent's right to have relevant members of the committee on special education (CSE) participate at parent's request.

### CONVENE MANIFESTATION TEAM

The MDR is made in a meeting by the "manifestation team," which must include:

- a representative of the school district knowledgeable about the student and the interpretation of information about child behavior;
- the parent; and
- relevant members of the CSE (as determined by the parent and school district)

### CONDUCT REVIEW

The manifestation team must review all relevant information in the student's file including:

- the student's individualized education program (IEP);
  - any teacher observations; and
  - any relevant information provided by the parents.
- (list is not exhaustive)

### MANIFESTATION DETERMINATION

The manifestation team must determine:

- Was the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability?

**OR**

- Was the conduct in question the direct result of the school district's failure to implement the IEP?

### IF "YES" TO EITHER QUESTION

The behavior was a manifestation of the student's disability.

The CSE must:

- conduct a functional behavioral assessment (FBA) (unless already conducted); and
- implement a behavioral intervention plan (BIP) (or review an existing BIP and modify it if necessary to address the behavior).

The student must be returned to the placement from which they were removed:

- except for removals for drugs, weapons or serious bodily injury; or
- unless the school district and parent agree to a change in placement as part of a modification to the BIP.

If the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate steps to remedy those deficiencies.

### IF "NO" TO BOTH QUESTIONS

The behavior was not a manifestation of the student's disability.

During the first 10 days of suspension in the school year, the student may be disciplined and receive services to the same extent as a student without a disability.

Beginning on the 11th day of suspension in a school year (and any subsequent suspensions), the student must receive a free appropriate public education (i.e., services necessary to enable the student to continue to participate in the general education curriculum and to progress toward their IEP goals) although in another setting. Since the suspension constituted a disciplinary change in placement, the CSE determines interim alternative educational setting and services.

The student must receive, as appropriate, an FBA, behavioral intervention services and modifications designed to address the behavior violation so it does not recur.