



Manifestation Determination Review

Understanding the Manifestation Determination Review

A manifestation determination review (MDR) is a process in which the IEP Team reviews the relationship between the child's disability and the behavior subject to the disciplinary action. When a child with an IEP does not follow the student code of conduct, school administration can recommend a removal that results in a change of placement. An MDR is required for a change of placement.

A change of placement occurs when:

- a child is removed for more than ten consecutive school days, or;
- a series of short-term removals totals more than ten school days in a single school year and constitutes a pattern of behavior.

When an MDR is required, the IEP Team must meet immediately, but no later than ten school days after the decision is made by school administration to take disciplinary action. The purpose of the MDR is to decide whether the student's conduct:

- was caused by, or had a direct and substantial relationship to, the child's disability, or;
- was the direct result of the school division's failure to implement the child's IEP.



If the IEP Team determines:

- **The child's behavior was not a manifestation of the child's disability;** the child may be disciplined in the same manner as a child without a disability. The IEP Team still has the responsibility of determining the educational services a student will receive during the removal, which may occur in an alternative setting.
- **The child's behavior was a result of the school's failure to implement the IEP;** the school must take action to correct this immediately.
- **The behavior was a manifestation of the child's disability;** the child shall return to school unless the parent and the school agree otherwise through the IEP process.* The IEP Team is also responsible for conducting an FBA. The data collected during an FBA will be used to determine if a BIP is needed. If the child already has a BIP, the IEP Team will review this plan to determine if any changes are needed.



- * The exception to this provision is when the child has been removed to an interim alternative educational setting (IAES) for up to 45 days due to offenses related to weapons, drugs, or serious bodily injury.

A child not yet determined to be eligible for special education may still have the right to an MDR if the school had knowledge that the child had a disability before the behavior occurred. If the school did not have knowledge that a child may need special education services prior to the incident, the child may be disciplined in the same way as a child without a disability.