

# MDR

## Manifestation Determination Review

### CHECKLIST



Was the conduct in question caused by the student's disability?



Did the conduct in question have a direct or substantial relationship to the student's disability?

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

Is the violation of the student code of conduct a manifestation of their disability?



## What is a Manifestation Determination Review (MDR)?

A MDR is a meeting held to consider if there is a connection between behavior that violates code of student conduct and a child's disability when a student with an Individualized Education Program\* (IEP) is facing a disciplinary change of placement such as long-term suspension, expulsion or move to an alternative school or homebound. A change of placement can also occur with other disciplinary removals if:

- The removal is for more than 10 consecutive days, or
- The removal is more than 10 cumulative school days in a school year or
- The student has been subjected to a series of removals that constitute a pattern or
- The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals.

Parents must receive **notice** when the school district proposes a disciplinary removal that will constitute a change in placement.

A Manifestation Determination Review must be held within 10 school days after the date on which the decision to change the child's placement is made because of a violation of a code of student conduct. The school district, the parent and relevant members of the IEP team determine whether the conduct is a manifestation of the child's disability. In making the determination, **all** relevant information in the student's file must be reviewed, including the child's IEP, teacher observations, and information provided by the parents. This process helps make sure that students with disabilities are not unfairly punished for behaviors related to their disability.

At the MDR meeting, the team will go over the **[Manifestation Determination Review worksheet](#)** and decide if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability and if the conduct in question was a direct result of the school's failure to implement the IEP or BIP.

\*The MDR rules also apply to students who are in the process of being evaluated for special education services.



The school district, the parent and relevant members of the IEP team determine whether the conduct is manifestation of the child’s disability by answering the following questions:

***Was the conduct in question caused by the student’s disability?***

***Did the conduct in question have a direct or substantial relationship to the student’s disability?***

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

***Is the violation of the student code of conduct a manifestation of their disability?***

If it is determined that the conduct was a manifestation of the student’s disability the school district must return the child to the placement from which they were removed unless the parent and the district agree to a change of placement through the IEP Team process.

If the student does not have a Behavior Intervention Plan BIP, the school must conduct a functional behavioral assessment and implement a behavioral intervention plan for the child. If there is a BIP in place, the IEP Team review and revise it, as necessary, to address the behavior.

**Whether or not the behavior was a manifestation of the child’s disability, if the behavior involved a weapon, use or possession of illegal drugs or resulted in serious bodily injury, school personnel may remove a student to an interim alternative educational setting (determined by the child’s IEP Team) for not more than 45 school days.**

If the school district, parent(s), and other relevant members of the child’s IEP Team determine that the conduct in question was the direct result of the school district’s failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

If there is no manifestation found, the disciplinary removal stays in place. The student must continue to receive services to enable the student to participate in the general education curriculum and make progress on IEP goals. The IEP team determines appropriate services.

***By preparing ahead of time, you can better advocate for your child's needs and ensure the MDR process is thorough and effective.***

## **Before an MDR meeting:**

✓ **Invite Key Individuals** – Include those who know your child well and understand how their disability affects them, such as family members, friends, therapists, or other professionals. Ask the school to invite someone who has special knowledge related to your child's disability (e.g., Behavior specialist, Psychologist, Autism Specialist, etc.)

✓ **Review Your Child's IEP** – Familiarize yourself with the supports and services currently in place.

✓ **Examine the Behavior Intervention Plan (BIP)** (if applicable) – Ensure you understand how it is designed to support your child. You can learn more about BIPs [here](#).

✓ **Analyze ABC Data (if applicable)** – Review any collected ABC data related to your child's behavior patterns. Learn more about ABC data [here](#).

✓ **Document How Your Child's Disability Affects Them** – Write down known triggers and specific behaviors observed at home and in the community (e.g., hitting, kicking, biting, throwing things, eloping). It can be helpful to get written statements from professionals that can "connect the dots" between your child's diagnosis, how the disability impacts them, and the behavior that they are being disciplined for.

✓ **Identify Any Recent Changes in the Home Environment** -

Consider adjustments in therapies, family dynamics, medications, or other factors that may influence behavior.

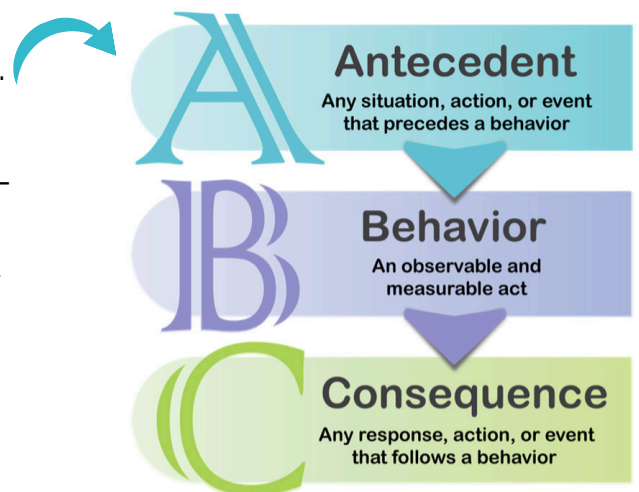
✓ **Review the Incident Report** – Take note of how the reported incident aligns with your child's disability-related behaviors. Talk to your child about what happened to get their perspective about what occurred.

## **During the MDR Meeting:**

✓ **Ask questions** – *What are the known triggers? How do they respond when dysregulated? Is this incident similar to previous ones? Does the child's IEP contain goals or information in the Present Level of Performance statements that show a similar pattern of behavior? If there have been previous MDR meetings, how does this compare to those outcomes? Is the Behavior Intervention Plan (BIP) being implemented consistently and with fidelity? What specific strategies were used during the incident? Was redirection attempted when the student began escalating? Were there any changes to the student's routine that day? (e.g., a substitute teacher, a school event, unexpected transitions)*

✓ **Refer to Your Notes** – Use the notes you prepared in advance to keep the discussion focused and ensure all key points are addressed.

✓ **Remain respectful** – Keep your cool. Listen. Ask questions. Clarify. Learn more about communicating successfully [here](#).



*Keeping the conversation structured and focused on how the disability affects your child's behavior will help ensure a productive and fair meeting.*

## **If There is Disagreement on Manifestation Determination:**

The goal of an MDR is for the team to reach consensus on whether the behavior was a manifestation of your student's disability. If the team is unable to reach a general agreement, the Local Education Agency (LEA) representative can make a final decision. If it is determined that the behavior is **NOT** a manifestation of the student's disability and the parent disagrees with the decision, they have the right to file a request for an [Expedited Due Process Hearing](#).

## **After the MDR Meeting:**

Once the team has determined whether the incident is or is not a manifestation of your student's disability, be sure to:

**Request Documentation** – Ask for a copy of the meeting documents to be provided to you as soon as possible.

## **MDR Resources:**

[Understanding FBA's and BIP's - DRNC](#)

[Parent Rights & Responsibilities in Special Education - Notice of Procedural Safeguards](#)

[Manifestation Determination in School Discipline- CPIR](#)

[NCDPI Manifestation Determination Review Presentation](#)

[Legal Aid NC Advocacy Tool Kit](#)

[NCDPI Due Process Petition](#)

