

# 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 MDR?

A Manifestation Determination Review (MDR) is a meeting held when a student with an IEP (Individualized Education Program) is facing suspension or expulsion for more than 10 days that results in a change of placement. A change of placement occurs 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.

There are state and federal laws in place regarding students with disabilities that require schools to notify and inform parents of certain changes being made to their student's educational program. Parents must be informed when the school district proposes a disciplinary removal that will constitute a change in placement. Families should receive [notice](#).

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 purpose of this meeting is to 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 the direct result of the school's failure to implement the IEP. At the MDR meeting, the team will go over the Manifestation Determination Review [worksheet](#).

The school district, the parent and relevant members of the IEP team determine whether the conduct is 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.

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 or the behavior involved a weapon, use or possession of illegal drugs or resulted in serious bodily harm. (Whether or not the behavior was a manifestation of the child's disability, 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 including reviewing and revising, as appropriate, the Behavior Intervention Plan (BIP). If the student does not have a BIP, the school must conduct a functional behavioral assessment and implement a behavioral intervention plan for the child.

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 the services provided and the location of services. The IEP Team is also required to determine the least restrictive environment of the student to receive their services.

## ***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.

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

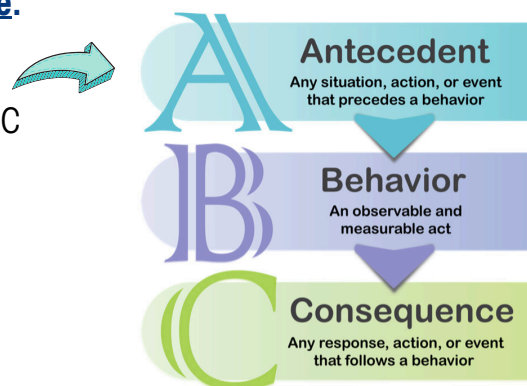
✓ **Examine the Behavior Intervention Plan (BIP)** (if applicable) – Ensure you understand how it is designed to support your child. You can learn more about BIPs [here](#).

✓ **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 specific behaviors observed at home and in the community (e.g., hitting, kicking, biting, spitting, eloping, known triggers).

✓ **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.



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



### ***DURING THE MDR MEETING:***

- ✓ **Recording the Meeting** – You have the option to request that the meeting be recorded.
- ✓ **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](#).

### ***KEY DISCUSSION POINTS:***

**How your student's disability manifests** – *What are their triggers? How do they respond when dysregulated?*

**Compare the incident to past behaviors** – *Is this incident similar to previous ones? If there have been previous MDR meetings, how does this compare to those manifestations?*

**BIP Implementation** – *Is the Behavior Intervention Plan (BIP) being implemented consistently and with fidelity?*

### ***QUESTIONS TO ASK THE TEAM:***

*Are the strategies outlined in the BIP currently being implemented to address the identified behaviors?*

*What specific strategies were used during the incident? (e.g., Was redirection attempted when the student began escalating?)*

*Were there any changes to the student's schedule that day? (e.g., a substitute teacher, a school event, unexpected transitions)*

## ***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 you feel the team is not in agreement, consider asking:

What additional questions should be considered regarding how my student's disability impacts them?

Can the behavior specialist or expert in the room provide their insight on how this incident aligns with my child's disability?

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

## ***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 and the recording to be emailed to you as soon as possible.

### **If the MDR is NOT found as a manifestation of their disability:**

✓ 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 Due Process Complaint.

### **What if criminal charges were filed for same incident?**

✓ If juvenile or criminal charges have been filed for the same incident, consult the student's defense attorney before the suspension hearing.

## ***MDR RESOURCES:***

[Legal Aid NC Advocacy Tool Kit](#)

[Manifestation Determination in School Discipline](#)

[NCDPI Manifestation Determination Review Presentation](#)

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

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

[Due Process](#)

