

The Arc Guide to Manifestation Determination Review

When a school wants to change the classroom setting or school building where a student with a disability attends school because the student did something against the school's student Code of Conduct*, a Manifestation Determination Review (MDR) must take place.

A Manifestation Determination Review is a process to look at the behavior of the student and determine whether it is a result (a manifestation) of the student's disability or the school's failure to follow the student's Individualized Education Program (IEP). The student's IEP team will schedule a Manifestation Determination Review within 10 school days of deciding to change where the student—your child—goes to school.

The best thing you can do is take time to prepare for the meeting. You are your child's best advocate and can make sure the school follows the process while protecting your child's rights.

This guide provides general information about Manifestation Determination Review meetings. Please call The Arc Minnesota and ask to speak with an advocate about your specific situation.

Prepare for the meeting

- Your child's IEP case manager will contact and invite you to the Manifestation Determination Meeting. Ask who will be at the meeting. Find out how long the meeting may last.
- Gather and review important documents about how the disability affects your child. These could include evaluations, IEP, Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), reports and assessments from other professionals who work with your child, etc. Look for anything that relates to the behavior and what happened with your child at school.
- Have there been any changes at school? Has the school contacted you with concerns about your child's behavior? If so, who contacted you? How often? What was school staff going to try? Did they notice any patterns with your child's behavior?
- Talk to others who know your child outside of school, like your childcare provider, child's therapist, support staff, etc. Share what happened. What do they think? Is this behavior expected or unusual for your child?
- Have there been any changes in your family or your home life? Does the school know? Do you want to share with them?

At the meeting

- Is everyone who should be at the meeting there? Everyone should introduce him/herself and state their role.

For further information or advocacy services, contact The Arc Minnesota at 952-920-0855 or toll-free at 833.450.0855 or visit www.arcminnesota.org. Thank you!

This document is not legal advice, and should not be construed as such. Thus, no information herein should replace the sound advice of an attorney.

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- You and the school district staff will each have the chance to present information. The school staff usually goes first. Listen carefully. Ask questions to be sure you understand what they are saying.
 - The school district staff will:
 - Describe what happened—who was there, what they did, what they noticed, what happened immediately before and after, etc.
 - Tell if they have seen your child do this before and what happened.
 - Talk about any contact they have had with you about your child’s behavior and what they have tried in the past.
 - Refer to your child’s IEP, the FBA and the BIP to discuss what they say.
 - When it’s your turn:
 - Describe what the school has told you about what has been going on.
 - State concerns and questions.
 - Explain how your child’s disability relates to what happened.
 - It is often beneficial to share what you have noticed about your child’s behavior at home and in other places.
 - Tell the school about anything else that is going on with your child and/or your family, if you feel comfortable.
 - If you invited a professional to the meeting, ask him/her to share what s/he knows about your child and his/her behavior.
 - Answer questions.

- School staff will discuss, summarize and decide if they think there is a relationship between the behavior, what happened and your child’s disability.
 - If the team decides yes, there is a relationship between the disability and the behavior: Does a Functional Behavior Assessment need to be done or redone? Does a Behavior Intervention Plan need to be done or redone?
 - If a FBA is done, then a new BIP should be done.
 - If a FBA is done and/or a BIP is done, a new IEP must be done.
 - Even if the team agrees that what happened is related to your child’s disability, it still has the right to:
 - Move your child to another place if s/he had a weapon, had/used/sold drugs or seriously hurt someone at school.
 - Suspend your child for a short time (typically less than 5 days).
 - If the team decides no, there is not a relationship between the disability and the behavior; the school can treat your child like any other student: they may send him/her to a different school, suspend or expel him/her. Your child, however, must continue receiving Special Education services through his/her IEP.
 - You may still ask the school to do a FBA.

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- Discuss if any documents need to be signed at the meeting. It is often preferable to take the documents home to read and review.
 - Find out whom to call with questions and concerns.
 - Find out when they must be signed and returned.

*The Code of Conduct is often part of the Student Handbook. The Student Handbook is available on the school website.

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