



a Family Guide to **Special Education Services**

MANIFESTATION DETERMINATION REVIEW

VOLUME 15







MISSISSIPPI
DEPARTMENT OF
EDUCATION

Family Guides for Special Education Services

- VOLUME 1: Autism (AU)
- VOLUME 2: Deaf-Blind (DB)
- VOLUME 3: Developmentally Delayed (DD)
- VOLUME 4: Emotional Disability (EmD)
- VOLUME 5: Hearing Impairment (HI)
- VOLUME 6: Intellectual Disability (ID)
- VOLUME 7: Language or Speech Impairment (LS)
- VOLUME 8: Multiple Disabilities (MD)
- VOLUME 9: Orthopedic Impairment (OI)
- VOLUME 10: Other Health Impairment (OHI)
- VOLUME 11: Specific Learning Disability (SLD)
- VOLUME 12: Traumatic Brain Injury (TBI)
- VOLUME 13: Visually Impaired (VI)
- VOLUME 14: Significant Cognitive Disability (SCD)
- VOLUME 15: Manifestation Determination Review (MDR)

Other MDE Resources

- **General resources for parents:**
 mdek12.org/OSE/Information-for-Families/Resources
- **Parent Engagement and Support**
 mdek12.org/OSE/Information-for-Families
 601.359.3498
- **Procedural Safeguards: Your Family's Special Education Rights**
 mdek12.org/OSE/Dispute-Resolution

MANIFESTATION DETERMINATION REVIEW (MDR)

MDR Definition

When children with disabilities face disciplinary action, they are protected by specific laws to ensure that their educational needs and rights are met. **Manifestation Determination Review (MDR)** is a process to determine whether the behavior that led to disciplinary action is linked to the child's disability or due to the school's failure to implement their IEP (Individualized Education Program).



What is a Manifestation Determination?

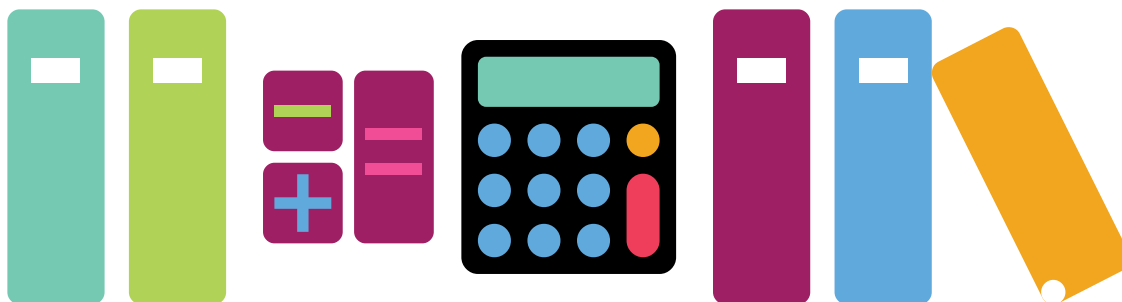
Manifestation Determination is a meeting where the school, the child's parent(s), and relevant members of the child's IEP committee review the facts to decide if the behavior in question:

- **was caused by the child's disability**
- **was directly related to the school's failure to implement the IEP**

When Does a Manifestation Determination Happen?

The meeting must occur **within 10 school days** of deciding to:

- remove the child from their current placement
- place the child in an **Interim Alternative Educational Setting (IAES)** due to serious disciplinary issues



The Manifestation Determination Review Process

1. Gathering Information

The IEP committee, including the parents, reviews:

- the child's IEP and all related records
- teacher observations and discipline history
- input and information provided by the parent(s)
- medical, academic, and psychosocial reports
- the behavior in question and any contributing factors, like environmental or developmental challenges
- any other relative documentation



2. Making a Decision

The IEP committee considers:

- **Was the behavior caused by the child's disability?**
 - Does the child's disability affect their understanding of rules or consequences?
 - Does the child's disability impair their ability to control their behavior?
- **Was the behavior a direct result of the school's failure to implement the IEP?**
 - Were all IEP services, supports, and goals implemented correctly?
 - Did the school fail to provide a necessary Behavioral Intervention Plan (BIP) or other supports?
 - If the answer to **either question is yes**, the behavior is determined to be a **manifestation of the child's disability**.

What Happens Next?

If the Behavior is a Manifestation of the Disability:

1. The IEP committee must:

- conduct a **Functional Behavioral Assessment (FBA)** (if one hasn't already been done)
- create or update a **Behavioral Intervention Plan (BIP)** to address the behavior
- return the child to their previous placement unless:
 - the parent(s) and school agree to a new placement as part of the intervention plan
 - a special circumstance (e.g., weapons, drugs, serious bodily harm) applies

2. The school cannot apply disciplinary measures, like extended suspension or expulsion, for the behavior.

If the Behavior is Not a Manifestation of the Disability:

1. The school may enforce disciplinary actions in the same way as for students without disabilities.
2. However, the child:
 - must continue receiving **Free and Appropriate Public Education (FAPE)**
 - must still participate in the general education curriculum, even if in a different setting
 - should receive appropriate supports, such as a **BIP** or counseling, to prevent future incidents

Special Circumstances

The school may remove a child to an **Interim Alternative Educational Setting (IAES)** for up to **45 school days**, regardless of whether the behavior is a manifestation, if the child:

- **brings a weapon** to school or a school function
- **possesses or uses illegal drugs** or sells controlled substances at school
- **inflicts serious bodily injury** on oneself and/or another person at school or during a school function

Parents' Role in the Process

As a parent, you are a vital part of this process. Here's how you can help:

- **Stay Informed:** Review your child's IEP, BIP, and discipline records before the meeting.
- **Be Involved:** Share your insights about your child's disability and behavior.
- **Ask Questions:** If something is unclear, ask for clarification about how the team made its decision.
- **Advocate:** If you disagree with the decision, you can request mediation or a due process hearing.



Your Child's Rights

- **Right to FAPE:** Even if disciplinary actions are applied, your child must continue receiving an appropriate education tailored to their needs.
- **Right to Protections:** Discipline must account for your child's disability and IEP.
- **Right to Return:** If the behavior is linked to their disability, your child should return to their previous placement unless there's mutual agreement to change it.



Due Process Rights

If parents disagree with the MDR decision or the resulting disciplinary action, they can invoke their due process rights under IDEA. These include:

1. Filing a Due Process Complaint:

- Parents can file a complaint with the state education agency if they believe the school violated IDEA procedural safeguards or improperly determined the behavior was not a manifestation of the disability.

2. Requesting a Hearing:

- A due process hearing is conducted before an impartial hearing officer. The hearing includes examining whether the school followed the proper procedures and made a correct determination.

3. Resolution Meeting:

- Before the due process hearing, the school must convene a resolution meeting within 15 days of receiving the complaint, unless both parties agree to waive it or proceed to mediation.

4. Mediation:

- Mediation is available as an alternative to a due process hearing. It is voluntary and conducted by a neutral mediator provided by the state education agency.

5. Stay-Put Provision:

- During the dispute process, the student typically remains in their current placement unless the parents and school agree otherwise. However, for disciplinary cases involving serious offenses (e.g., weapons, drugs, or significant injury), the school may place the student in an interim alternative educational setting for up to 45 school days.

Resolution Process

- **State Complaint Procedures:** Parents can also file a written state complaint with the Mississippi Department of Education (MDE) Office of Special Education (OSE) for violations of IDEA procedural safeguards. The state education agency will investigate and issue findings within 60 days.



- **IEP Committee Review:** If the behavior is determined to be a manifestation of the child's disability, the IEP team must:
 - conduct a Functional Behavioral Assessment (FBA), if one hasn't already been done
 - develop or revise a Behavior Intervention Plan (BIP)
 - return the child to their previous placement unless parents and school agree to a change



Helpful Vocabulary

BIP (Behavioral Intervention Plan): A plan to help prevent problem behaviors and reinforce positive ones.

FAPE (Free and Appropriate Public Education): An appropriate special education and related services provided at public expense, without cost to the parent, and under public supervision and direction.

FBA (Functional Behavioral Assessment): A process to identify reasons for problem behaviors and how to address them.

IAES (Interim Alternative Educational Setting): A temporary placement for students removed from their regular school.

IEP (Individualized Education Program): A plan that outlines the special education and services your child receives.

MDR (Manifestation Determination Review): A process to determine whether the behavior that led to disciplinary action is linked to the child's disability or due to the school's failure to implement their IEP (Individualized Education Program).



Conclusion

Manifestation Determination ensures that children with disabilities are treated fairly and supported appropriately in disciplinary situations. By understanding the process and participating actively, you can help protect your child's rights and educational success.

For more information or assistance, contact your school's special education coordinator or the Mississippi Department of Education.

Acknowledgments

