



STATE OFFICE OF SPECIAL EDUCATION

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Holiday Edition

MANIFESTATION DETERMINATION REVIEW (MDR)



From Desk of Acting State Director:

This Bimonthly Newsletter is part of a series covering many topical areas in Special Education under the Individual with Disability Education Law (IDEA) Statute. In Part 1 of this Holiday Issue, the State Office of Special Education (SOSE) will highlight the topic of **Manifestation Determination Review**, its procedure and protection for students with disabilities who face disciplinary actions. The guidance offered in this article is not legal advice, nor should it be relied on as legal advice.

INTRODUCTION

Students with disabilities have special rights and protections when they are suspended from school or removed from class. One of those rights is a meeting that might help the student stay in the current classroom. **The meeting is called a Manifestation Determination Review or MDR. What is the main goal of the MDR?** A child cannot be removed from class or suspended from school for behavior that was caused by his/her disability or if the school is not following the child's IEP.

SCHOOL DISCIPLINE

- The primary goal is to prevent excessive disciplinary removals due to behaviors that are caused by, or directly and substantially related to, a child or youth's disability. This also includes situations where the school district fails to implement the student's Individualized Education Program (IEP).
- The MDR process is designed to ensure discipline is not applied in a discriminatory manner.
- To uphold the right of child or youth with disabilities to receive a free appropriate public education (FAPE). Removing essential services necessary to enable FAPE through suspensions or expulsions could violate this core IDEA principle.
- To prevent interruptions of special education services and a child's or youth's participation in the least restrictive environment (LRE).
- Disciplinary removals could hinder a school district from implementing a child/youth Individualized Education Program (IEP) within their LRE and, therefore, from enabling the provision of FAPE.
- To preclude school districts from using suspensions and/or expulsions as a means to indirectly change a student's placement outside of the IEP team process.
- To provide extra protection given the way prejudices against the disabled results in misinterpretation of behaviors of children/youth with disabilities.

Manifestation Determination Review Team

- The MDR Team is the same as your IEP team. The team decides if the behavior that caused the suspension was because of the child's disability
- When the school wants to remove a student to a different placement a manifestation determination review must be held.
- Removals that are a change of placement are for more than ten days in a row or a series of short-term removals that show a pattern of behavior.
- The MDR Team must consider all important information, including evaluations, parent input, the child's IEP and placement, including behavioral intervention plans (BIP), related services, and other supports.
- The MDR Team must decide if the child's behavior was caused by, or had a direct relationship to their disability; or the behavior was a direct result of the school district's failure to follow the IEP.
- The MDR meeting happens if the child has been expelled or suspended out of school for more than 10 days. Whole days and partial days count as part of those 10 days.
- The meeting must happen within 10 school days of when the school decided to suspend the student. The school must let the parent know about the meeting.
- The team will decide whether the behavior was or was not related to the child's disability. The MDR team will also determine whether the school failed to follow the IEP
- If the Team decides that the behavior was related to the disability, the student will return to the same placement, and the school will (a) not continue with the suspension or expulsion; (b) conduct a functional behavioral assessment (FBA); and (c) change the child's behavioral intervention plan (BIP) or make a BIP if the child doesn't have one

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