Manifestation Determination Review (MDR) in a Nutshell

34 CFR 300.530 to 300.536

**Manifestation**

**Determination Review (MDR)**

**in a Nutshell**

**Did the student violate the code of conduct?**

**NO**

**Less than 10 days (cumulative) in a school year – this is not a change in placement and the student may be disciplined in the same way as non-disabled peers.**

**MAYBE, IT DEPENDS**

*Parents should request an MDR*

If this exclusion is less than 10 days but the total of all exclusions during the school year is more than ten days, school must determine if there is a series of removals constituting a pattern and, therefore, a change in placement based on the following criteria:

1. Series of removals total more than 10 school days in a school year;
2. Child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; AND
3. Such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

Parents have a right to challenge the decision through due process.

**IS EXCLUSION A CHANGE IN PLACEMENT?**

**YES – MDR REQUIRED**

School seeking expulsion (exclusion for more than 10 consecutive days) – this is always a change in placement and MDR is required prior to expulsion hearing

**MDR team* must decide:**

1. If the conduct in question is caused by, or had substantial relationship to, the child’s disability; OR
2. If the conduct in question was a direct result of the school’s failure to implement the IEP.

If the answer to either question is YES, the conduct IS a manifestation of the child’s disability

If the answer to both questions is NO, the conduct is not a manifestation of the child’s disability.

*if the exclusion is an expulsion (more than 10 consecutive days), the PPT must conduct the MDR; if not, then the school, the parent and the “relevant members” of the PPT conduct the MDR

**NO MDR required**

Student may be disciplined in the same way as non-disabled peers

School personnel (including at least one teacher) must determine the extent to which educational services are necessary to enable the child to continue to participate in the general education curriculum and progress toward meeting goals set out in the child’s IEP

**If conduct IS manifestation of disability, child may not be excluded and school must EITHER conduct a functional behavioral assessment and implement a Behavior Intervention Plan (BIP) or, if BIP already in place, review and modify to address behavior**

If conduct is a result of the school’s failure to implement IEP, the school must immediately remedy that

BUT there are exceptions related to weapons, drugs and serious bodily injury

Parent’s have a right to challenge decision through due process

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