



Information Sheet

Manifestation Determination Review

What happens if a child with a disability has violated a school's code of conduct and has been suspended? The Individuals with Disabilities Education Act (IDEA) outlines discipline procedures to be used at specific times and for specific violations.

This procedure is called a manifestation determination review (MDR). The purpose of this review is to determine whether or not the child's behavior that led to a disciplinary infraction is linked to his or her disability which has triggered a change of placement.

As you read this, it may seem very confusing to you. But the most important thing for you as a parent to remember is if you are invited to attend a Manifestation Determination Review for your child, it is essential for you to understand you are an essential member of this team. Take the time to read our fact sheets on the website for important information. Keep in mind also that you can invite individuals to attend this meeting with you as you can any IEP meeting.

It is critical to understand that as a parent you should keep track of how often your student with a disability is suspended from school. This includes partial days when you are asked to pick your child up from school.

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The MDR is held when a change of placement has occurred. This change of placement occurs when the student is suspended from school for more than 10 consecutive school days or there have been a series of removals for substantially similar behavior that total 10 full or partial school days.

Sometimes these ten days are referred to as a FAPE free zone, or in other words, the school is not required to provide educational services. But once the ten days limit is met, the school must provide both general and special education services.

Parents must be notified by a formal meeting notice about the MDR which should be scheduled at a mutually convenient time. During this review, the IEP team looks at what happened and determines if the behavior was a result of the student's disability. Next they determine if the behavior occurred because the IEP wasn't followed.



At this point, if it is decided the behavior is a direct result of the disability, the student must be returned to the same placement. The team will need to evaluate goals and interventions needed to address the behavior. A functional behavior assessment and a Behavior Intervention Plan may be required if they have not already been conducted or if a BIP is already in place; it may need to be modified.

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If the behavior is not a result of the disability or of failure to implement the IEP, the student is then subject to school-wide disciplinary procedures. However, general and special education services must be provided to the student after the tenth day.

There are special circumstances when a student with a disability may be placed in an interim alternative education setting, such as home-based instruction, for up to 45 school days. These special circumstances include a student carrying a weapon, possessing or using illegal drugs, or inflicting serious bodily injury at school or a school event. However, the school must provide general and special education services to the student during that time. The IEP team will meet to discuss how this will be accomplished.



For a better understanding of the disciplinary procedures for students with disabilities, watch our archived webinar: [Navigating the IDEA Discipline Pathways](#).

Material for this information sheet came from:

[Navigating the IDEA Discipline Pathways](#)

[Utah State Board of Education \(USBE\) Special Education Rules](#)

[Manifestation Determination](#)

[LRBI Technical Assistance Manual: Positive Behavioral Supports & Selection of Least Restrictive Behavioral Interventions, Utah State Board of Education, 2015.](#)