



WHAT IS A MANIFESTATION DETERMINATION REVIEW?



KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

This flyer is part of a series of one-page flyers covering over 30 Special Education topics. They are designed to give you “just in time” information for each step of the Special Education process. You can download the whole series in the form of an extensive booklet, or simply choose the topics and view the individual flyers as you need them. See the whole series here.



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The manifestation determination review (MDR) team is the same as your IEP (Individualized Education Program) team. The team decides if the behavior that caused the suspension was a because of your child’s disability. When the school wants to remove your child to a different placement a manifestation determination review (MDR) 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 team must consider all important information, including evaluations, your input, your child’s IEP and placement including behavioral intervention plans (BIP), related services, and other supports. The team must decide if:

1. Your child’s behavior was caused by, or had a direct relationship to their disability; or
2. The behavior was a direct result of the school district’s failure to follow the IEP

This meeting typically happens if your child has been expelled or suspended out of school for more than 10 days. Whole days and partial days count as part of these 10 days.

The meeting must happen within 10 school days of when the school decided to suspend your child. The school must let you know about the meeting.

The team will decide whether the behavior was or was not related to your child’s disability. The team will also determine whether the school failed to follow the IEP.

If the team decides that the behavior was related to the disability, your child will return to the same placement, and the school will:

- Not continue with the suspension or expulsion
- Conduct a functional behavioral assessment (FBA)
- Change your child's behavioral intervention plan (BIP) or make a BIP for your child if they do not have one.

The team might also decide that your child's behavior was not related to their disability. If this happens, they can continue with the suspension. Your permission is not required for this to happen. However, your child still needs to get all the services from their IEP and BIP during the time that they are in a different setting. You can still ask for the BIP or other parts of the IEP document to be reviewed. Your child will receive the same discipline measures that the school would give to a child without a disability. This could include sending your child to another setting called an interim alternative educational setting. This cannot be for more than 186 school days.

There are times when it does not matter if a behavior was related to your child's disability. In these situations, your child can be taken out of the place where they usually learn and put into a new setting for up to 45 school days. This is called an interim alternative educational setting. These situations are:

- Your child brings a weapon to school or to a school activity
- Your child has or uses illegal drugs at school or at a school activity
- Your child seriously injured someone else at school or at a school activity

If the school believes your child is a danger to self or others, they cannot take your child out of their current educational setting without the decision of a hearing officer. This decision must come through a due process hearing. You can attend the hearing and make your points. If you disagree, you can provide your facts.

If you do not agree with the decision that was made at an MDR team meeting or with the placement to an interim alternative education placement, you can appeal. To do this, you must request a due process hearing. Your child will stay in the alternative setting until a decision is made or the suspension is done. See the Dispute Resolution link below.

Sources & Additional Resources:



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[Kansas Special Education Process Handbook, Chapter 13.](https://tinyurl.com/442w2dt3) Kansas State Department of Education.
<https://tinyurl.com/442w2dt3>



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[Dispute Resolution.](https://tinyurl.com/3uj4583v) Kansas State Department of Education.
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