

QUICK GUIDE: PREPARING FOR A MANIFESTATION DETERMINATION REVIEW (MDR)

The IEP team must answer two key questions during the MDR:

1. Was the conduct caused by, or directly and substantially related to, the disability?
2. Was the conduct a direct result of the school's failure to implement the student's IEP?

The school team members may not fully understand the process or may try to rush through discussion of these critical questions. Therefore, you should be prepared to discuss these questions and, if possible, present evidence that the answer to either is "yes."

Below are suggestions on how to prepare for each question. Each bullet suggests a way to prepare or source to go to for information, and then contains questions you can think about and ask at the MDR meeting for other IEP team members to consider.

Was the conduct related to the disability?

- Review any assessment that has been completed on the child. Look especially for the diagnosis and any discussion of how the disability might affect conduct.
- Talk to your doctor or search medical resources at a library or the internet to learn about the disability. Does the disability sometimes have behavioral aspects? Was the child's conduct consistent with a behavioral aspect of the disability.
- Review the IEP. Does the IEP identify behavioral issues that the child has? Is there a section that discusses whether the disability affects behavior? Was this misconduct similar to behavior problems identified in IEP?

Did the conduct occur because the school failed to implement the IEP?

- Review the IEP. What does the IEP say the school will do for the child? Has the school done that? Would that service have helped prevent the student's misconduct? Did the child get a reevaluation within the last three years?
- If a Behavior Intervention Plan already exists, review it. Was the BIP followed here? If not, would interventions contained in BIP have helped prevent the misconduct?