

SPECIAL EDUCATION PROCEDURE	
District Name	Warren Woods Public Schools
Subject/Topic of This Procedure	<p>Disciplining Students with Disabilities: Manifestation Determination Review</p> <p>See separate but related procedures for more specific guidance and detailed information relative to <i>Discipline: General Provisions, Analysis of the Pattern of Removals/Determining a Change of Placement, Provision of FAPE after Removal, Interim Alternative Educational Settings, and Protections for Students Not Yet Eligible for Special Education.</i></p>
Date Procedure was Adopted or Revised	06/19/2023

Legal Requirement with Citation	<p>§300.530 of the Individuals with Disabilities Education Act (IDEA) describes the discipline procedures for students with IEPs. In general, school personnel may remove a child with a disability from school for up to 10 consecutive school days if the student violates a code of student conduct (to the extent that the same discipline would apply to students without disabilities.) School personnel also may implement additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the student. IDEA permits school personnel to consider any unique circumstances on a case-by-case basis when determining whether a disciplinary removal from school is appropriate for a student with a disability.</p> <p>§§300.530-537 of the Individuals with Disabilities Education Act (IDEA) go on to describe a number of specific provisions relative to discipline. §300.530(e) and (f) specifically address the requirements around conducting a manifestation determination review.</p>
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<p>Under what circumstances will this procedure be used?</p>	<p>This procedure will be used by administrators and other school personnel when students with disabilities experience a change of placement resulting from disciplinary action.</p>
<p>Who will implement this procedure?</p>	<p>SE administrators, building administrators and other school personnel involved in disciplinary removals</p>
<p>Describe the steps in this procedure.</p>	<p>A disciplinary "removal" means that, as a result of a behavioral violation, the student is denied the opportunity to progress in the general curriculum, progress in the annual goals or short-term objectives of the IEP, and/or to receive a free, appropriate, public education (FAPE) as defined in the IEP.</p> <ol style="list-style-type: none"> 1. If the student is removed from the current placement for more than 10 days consecutively, or for more than 10 days cumulatively in one school year, the school district must conduct an Analysis of the Pattern of Removals to determine whether the current removal constitutes a disciplinary Change of Placement. See separate procedure regarding <i>Analysis of Pattern of Removals/Determining a Disciplinary Change of Placement</i> for more detailed information. 2. If the Analysis of the Pattern of Removals determines that the current removal does constitute a disciplinary Change of Placement, the district must conduct a Manifestation Determination Review (MDR). 3. The MDR must be conducted: <ul style="list-style-type: none"> • Within 10 school days of the decision to implement the removal that results in a disciplinary Change of Placement. • By relevant members of the IEP team, as determined by the district and the parent. 4. In conducting the MDR, all of the following must be considered by the team: <ul style="list-style-type: none"> • Relevant information in the student's file, • The child's current IEP and placement, • Any teacher observations, AND • Any relevant information provided by the parent. 5. Based upon a review of the information described above, the team must determine whether:

	<ul style="list-style-type: none"> a. the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or b. the conduct in question was the direct result of the district’s failure to implement the IEP. <p>6. If the answer to either of the questions in item 5 above is “yes”, the conduct must be determined to be a manifestation of the child’s disability.</p> <p>7. At the conclusion of the MDR, the parent must be provided with prior written notice regarding the outcome of the MDR.</p> <p>8. If the conduct in question is a direct result of the district’s failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.</p> <p>9. If the MDR determines that the conduct in question was a manifestation of the student’s disability, all of the following apply:</p> <ul style="list-style-type: none"> a. The student must immediately return to the placement identified in the current IEP, unless the district and the parent agree to modify the IEP. b. If the district has not already done so, the district must conduct a functional behavioral assessment. c. If a behavioral intervention plan already has been developed for the student, the district must review the behavioral intervention plan and modify it, as necessary, to address the behavior that resulted in the disciplinary removal. <p>10. If the MDR determines that the conduct in question was not a manifestation of the student’s disability, the district may move forward with the disciplinary removal. However, FAPE must be provided for any days of removal beyond 10 (i.e., beginning with the 11th day of removal or any fraction thereof) and must continue to be provided for every subsequent day of removal within one school year. See separate procedure for FAPE after Removal for more detailed information.</p>
<p>What forms are necessary to implement this procedure?</p>	<ul style="list-style-type: none"> • Results of the Analysis of the Pattern of Removals (i.e., completed Discipline Review Worksheet) • Discipline report for the student • The student’s educational record, including the current IEP and placement • Information provided by the parent to the MDR team

	<ul style="list-style-type: none"> • Manifestation Determination Review form from PowerSchool Special Ed • Procedural safeguards available to parents
<p>How, when and by whom will this procedure be consistently documented?</p>	<p>The person responsible for consulting with the parent to determine the relevant members of the IEP team who will participate in the MDR will be the Special Education Administrator.</p> <p>The person responsible for scheduling the MDR, assuring the participation of required members, and documenting appropriate invitations/contacts will be the Special Education Administrator in collaboration with the student's special education case manager and building administrator.</p> <p>The determination of the MDR and the provision prior written notice to the parent will be documented by the Special Education Administrator, using the MDR form in PowerSchool SE.</p>
<p>How, when and by whom will this procedure be routinely supervised?</p>	<p>Documentation of the MDR process and provision of prior written notice to the parent will be supervised by the Special education administrator via monthly review of a random sample of disciplinary records for students with IEPs who have experienced removals during the preceding month.</p>
<p>How, when and by whom will changes to this procedure be communicated?</p>	<p>Changes to this procedure will be communicated by the Special education administrator.</p> <p>Changes to this procedure will be communicated annually or as a result of MDE guidance.</p> <p>Changes will be communicated using the district website, hard copies to staff and during scheduled professional development.</p>