

How to Prepare for a Manifestation Determination Review (MDR)

- When a family is notified that a Manifestation Determination review is going to take place, the notice be done in writing and be accompanied by a description of the family's procedural safeguards.
- Do not allow the school to discipline your child or make a change in placement until a manifestation determination is made.
- Make a list of all of your concerns and questions and take it to the meeting.
- Gather all information relating to your child's diagnoses (evaluations, diagnostic results, observations by parents and teachers, doctors, therapists, etc.) that will show the current behavior is related to the diagnoses. If the IEP team agrees the behavior that got the student in trouble is directly related to the disability, the student cannot be long term suspended.
- Take a professional with information about your child's diagnoses if possible. It is a good idea to get supporting letters from people such as your doctor, psychiatrist, psychologist, and/or behavior therapist if they can't attend.
- Try to take someone to the meeting for support, preferably someone who could help take notes and keep you focused.
- Take a copy of the current IEP and BIP which you have read carefully:
 1. If the school has not been implementing the IEP or BIP, the team must determine the behaviors were a manifestation of the child's disability and correct the deficiencies in the IEP or placement. The school must also review and correct the BIP.
 2. Read the small print on your child's IEP. For example, if the IEP says "the parent's want a one to one aide, but the school is going to give staff supervision of the child", they could mean they only have to have the teacher monitor the child...not a one on one aide. Put all important decisions you want addressed in the IEP in the Prior Written Notice (PWN) of the IEP!
- The student cannot be long term suspended.
- You may want to take information about your child's diagnoses (pamphlets, information from the Internet, current articles, etc.) to the meeting to pass out to the participants.
- You may want to tape the meeting, but you should tell the other team members and give them an opportunity to tape the meeting as well.
- You can call for a break at any time during the meeting if you need to recoup.
- If you become unhappy with the way the meeting is progressing, you can ask that it be re-scheduled or you can challenge the determination by requesting a hearing.

- If the child's behavior is not directly related to his disability, the school can long term suspend (up to 45 school days).

To Summarize, there are 2 key issues to be aware of in an MDR:

1. Was the problem behavior directly related to the student's disability? (An example would be: talking back to the teacher is directly related to the diagnosis of Oppositional Defiant Disorder.)
2. Did the school fail to do what they said they would in the IEP?

If the answer to either of these 2 questions is "Yes", the student must be put back into school and into his class and the behavior plan improved or the IEP implemented.

For additional information call:

Disability Rights New Mexico (DRNM)
(505) 256-3100 or (800) 432-4682

Families-Advocacy, Support, and Access Project (Families-ASAP)
(505) 292-7414 or (888) 292-7415

Parents Reaching Out (PRO)
(505) 247-0192 or (800) 524-5176

New Mexico Family Network
(505) 265-0432 or (800) 273-7232

Educating Parents of Indian Children with Special Needs (EPICS)
(505) 767-6630 or (888) 499-2070