

Manifestation Determination Review Module 3: MDR Meeting Structure

[00:00:00.37] BILL BROWN: In this module, we're going to look at a meeting structure that can be applied to the manifestation determination review process.

[00:00:10.95] Prior to the manifestation determination review meeting, the team needs to review the student's file and information. They need to look at the student's IEP, which would include the evaluation page, possibly accommodations and modifications, and what goals are being worked on. They need to look at any type of observational data that might exist related to the incident, or in general, and any information provided by the parent. Schools have to take into consideration outside diagnostic information provided by the family within the MDR process.

[00:00:49.83] Before the meeting, the IEP case manager should review the data that has been collected from the special and regular education files, the IEP observations, and any relevant information from staff members and relevant information from the parent or guardian. This information should be summarized for the meeting. So you don't want to provide a high detail, just a summary of the following information. A summary of the last PLAAFP or the present levels for that student's IEP; the student's current IEP and what might be on that IEP that's relevant-- again, a summary.

[00:01:28.47] If there's an FBA or a behavior intervention plan, then that needs to be reviewed. If there are any special or regular education files, teacher observations, discipline records, proposed disciplinary action, current evaluation information, current progress towards the IEP, and behavioral goals. So, basically, you need to look at all these different areas and come to the manifestation determination review meeting with the summarized information.

[00:02:00.94] Now, we're going to talk about a possible agenda for your manifestation determination review meeting. We're going to start that meeting with introductions, identifying all team members and their different roles. Then we're going to talk about the purpose of the manifestation determination review meeting. The purpose of the manifestation determination is to determine if the student's conduct was a manifestation of the child's disability or a result of the failure to implement the student's IEP.

[00:02:29.44] If the behavior was caused by the disability or failure to implement these supports, then the student cannot be suspended or removed. And you could look at other ways of holding the student-- accountability, but not through suspension or other types of removals. If the behavior was not caused by a disability or failure to implement supports, the student can participate in the student discipline process. The next part of the meeting agenda is making sure that we provide the parents with procedural safeguards or the Parent Bill of Rights.

[00:03:03.73] The next agenda item is to review the summary that was conducted prior to the MDR meeting. In the summary, you want to share any behaviors and supports that might be listed as being provided in the IEP. It might be talking about how the student's behavior might

impact their ability to access education, with that. What are the student's goals from their IEP or 504? Do the goals relate back to that student's behavior?

[00:03:34.33] What type of services does the student currently receiving, with that? And do those services impact or relate to that student's behavior-- and any kind of accommodations or modifications that also might be related to that behavior? So, in this section, we're just sharing our previously developed summary.

[00:03:56.75] Our summary might include our hypothesis statement from our functional behavior assessment or behaviors of concern, including our target behavior and what are the operational definitions with that. It might be any type of goals that we have related to our behavior intervention plan-- what interventions we've tried in the past or are currently there with that?

[00:04:18.34] And this is a time to review the functional behavior assessment and behavior intervention plan, if it exists, and determine if it's still appropriate and still meeting that student's needs. Or, this might be a chance to really kind of look at the FBA and BIP and decide that changes are needed-- that we need to change or adjust that BIP in order to provide better services to the student.

[00:04:44.59] Next, we will review the current data related to the student's most current IEP. Are they making progress towards the goals? Are they struggling on some of those goals? What is the indicated need of support for that particular student?

[00:04:59.53] You can review teacher/staff observations and information relevant to the student behavior, which might include their grades or attendance with that. We're going to review relevant information from parents or guardians, any new outside assessments, student home behavior, student community behavior. Again, this is all going to be part of that summary.

[00:05:24.05] The next agenda item is going to review the specifics of the behavior and the proposed action. So you want to review the details of the incident, what happened. And then after we know and have this information, also what proposed actions. Then we're going to be prepared to engage in our discussion.

[00:05:46.28] Once the review of the summary has been completed, including any relevant data, and we've reviewed the incident, now you want to get into our analysis or our discussion of all the presented information. In our discussion-- our analysis-- we want to look at, is the behavior listed in that suspension report similar or different from the behavior described with the students' disability; how the behavior might be connected to the student's disability; how the behaviors might not be connected to the student's disability?

[00:06:20.33] We want to have discussion of behaviors that might be related to an emotional disability versus the behaviors that might be considered to be socially maladjusted. We might want to consider the current hypothesis, related to this particular incident, on why we think the student engaged in the current behavior that we're seeing.

[00:06:43.12] Once the discussion and the analysis has been concluded, the next step is to answer our two MDR questions. And our MDR questions are, was the conduct caused by or did it have a direct and substantial relationship to the student's disability? Was the conduct a direct result of the district's failure to implement the 504? Just as a reminder, we are not asking the questions, did the student know the difference between right or wrong or was this choice-based behavior?

[00:07:13.75] We want to focus on the two earlier questions. And we're going to come up with answers to that question at this part of the IEP manifestation determination review meeting.

[00:07:26.84] After we have answered our two MDR questions, we want to provide a conclusion to the meeting. And that conclusion is going to include a summary of the results of the discussion analysis, and a summary of the decisions made, and a review of next steps to be taken. This conclusion is an important part, to provide closure to the manifestation determination review meeting.

[00:07:52.48] To just review our agenda for a manifestation determination review meeting, we're going to start with instructions. We're going to share the purpose of the meeting. We're going to provide the parent with the procedural safeguards.

[00:08:03.55] We're going to review relevant and historical information and provide that summary. We're going to review the functional behavior assessment and behavior intervention plan, if they exist. We want to review current progress towards goals and any new information that was provided.

[00:08:18.46] Then we want to do a review of the current situation. We want to have an analysis and discuss all that information we just talked about. Then we're going to answer our MDR questions. And then we're going to summarize and look at next steps.

[00:08:34.48] If you have any questions about the process you can contact Bill Brown at brown_w@cde.state.co.us. Or you can call him on his cell phone, which is area code 720-603-3000.