

How to prepare for a Manifestation Determination Review

A Manifestation Determination Review, (MDR) is a meeting that is scheduled when a student with a disability is disciplined and has been excluded from their educational program for 10 or more days. It can be a stressful meeting. Being prepared can take some of the pressure off and will help you advocate for your child with more confidence. For more information about MDRs see our fact sheet: [Manifestation Determination Reviews](#)

Here are some tips to help you prepare for the meeting.

1. Get Support.

- Parents do not *have* to be represented at these meetings. You will need to determine what is best for you and your child.
- If you think you need an advocate or an attorney to represent you and your child at this meeting, you should contact someone as soon as possible to ensure they have enough time to prepare and clear their schedule. Sometimes meetings can be rescheduled if you need time to seek help.
- If you don't have an advocate, you can find one through the [Arc of Colorado's website](#). Look for your county on the map and contact the appropriate agency. If you don't have an advocate, it is always helpful to bring someone with you that can support you, even if it's a close friend that can sit with you to provide emotional support and take some notes.
- Disability Law Colorado is also a good resource for support. You can contact us at 303.722.0300 or fill out and send in an [Intake Packet](#).

2. Gather documentation, including, but not limited to:

- Your child's Individualized Education Program (IEP) or 504 plan.
- Your child's Behavior Intervention or Support Plan if they have one.
- Any Incident Reports or other documentation from the school or district about what happened.
- Threat or risk assessment paperwork if there was a threat or risk assessment.
- If possible, a letter from your child's therapist, doctor, or other outside professional written on your child's behalf about how the incident was related to your child's disability can also be very helpful.
- The district's discipline policy.

Note: You have the right to request your child's educational records and should do so in preparation for an MDR if you don't already have all of their records.

3. Craft your argument.

- You need to show the connection between your child's disability and the behavior.
- Talk to your child. Have them describe what happened and why they reacted the way they did. ***As a note of caution, however, your child should not be making any statements about the allegations if they have been charged for the conduct at issue. You should consult with the attorney representing your child in the case involving those charges before saying anything about the underlying alleged incident.***

- If the discipline is related to the school not following your child’s IEP, 504 plan, or Behavior Intervention or Support Plan, be prepared to discuss this. Note how, specifically, the plan was not followed.

4. Write up your talking points.

- These meetings can get emotional and stressful. Write down what you want to talk about so you don’t forget something important.
- Read it out loud to a friend or a family member. Have them role play with you and help you get prepared for the hard questions that will come up in this meeting.
- The more prepared you are with how and what you are going to say, the more confident you will be at the meeting.

5. Think about who will be at the meeting. People present should include:

- Parents or guardians.
- Your child if they would like to be there.
- Relevant members of the IEP or 504 team.
- The educators that work closely with your child and are most knowledgeable about them.
- School psychologists or counselors that can speak about behaviors.

What questions should I be asking myself before and during the MDR?

- Is there an attorney, advocate, family member, or friend I want to invite to this process?
- Do I have all of the documents I need?
- In what ways does my child’s disability connect to the conduct that occurred?
- Does my child have enough support in school? If not, what are ways they could use more support?
- Is the MDR focused on whether the action was related to my child’s disability?
- Is the MDR considering all of the student’s disabilities (not just the primary area of eligibility)?
- Was there a robust discussion around implementation of the student’s plan during the MDR?

Where can I get more information?

- [The Colorado Department of Education's Manifestation Determination Instructions](#)
- [34 Code of Federal Regulations \(C.F.R. Section 300.530\(e\)](#)
- [Section 504 Discipline Fact Sheet \(PDF\) \(ed.gov\)](#)
- [IDEA Procedural Safeguards](#)
- [New Guidance Helps Schools Support Students with Disabilities and Avoid Discriminatory Use of Discipline | U.S. Department of Education](#)