

Student Code of Conduct Violation... Now What? Navigating Manifestation Determination Reviews with Data and Compliance

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Hello!



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Excited to be here with you!

Our Learning Objectives:

- 1)** Identify the legal requirements and timelines associated with the Manifestation Determination Review (MDR) process under IDEA to ensure procedural compliance
- 2)** Analyze behavioral data and disciplinary incidents using a structured approach to determine whether the conduct was a manifestation of the student's disability
- 3)** Apply best practices for preparing for and participating in MDR meetings through case vignettes and collaborative discussion, with an emphasis on effective communication, educator collaboration, and student-centered decision-making.

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Our Agenda:

1

Student Code of
Conduct
Violations &
Procedural
Safeguards



2

MDR: Review of
Evaluation
Data, Incident
Data, &
Decision-Making



3

Collaboration
with
Administrators,
Teachers, &
Parents



4

Supporting
Positive
Outcomes



5

Closing w/Q&A
Discussion



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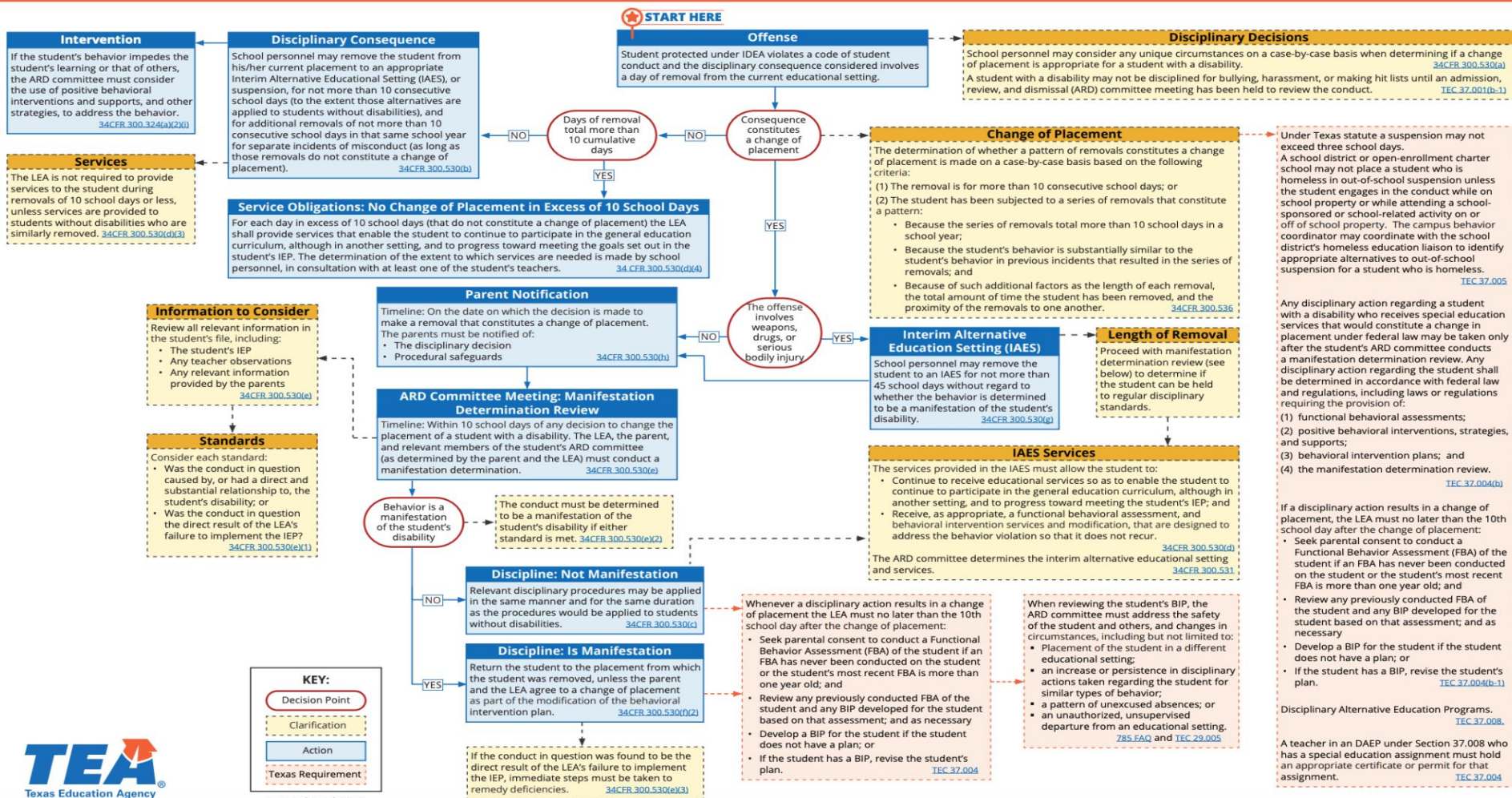


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DISCIPLINE FLOWCHART FOR STUDENTS IDENTIFIED WITH OR SUSPECTED TO HAVE A DISABILITY UNDER IDEA



Disciplinary Change of Placement

**>10 Consecutive
Days**

34 CFR 300.356 (a) (1)

OR

**Series of Removals
that Constitute a
Pattern**

34 CFR 300.536 (a) (2)

A Pattern

To determine if a child is subjected to series of removals that constitute a pattern we must consider three elements of pattern analysis:

- ✓ The ***series of removals*** total more than 10 school days in a school year;
- ✓ The child's behavior is ***substantially similar*** to the child's behavior in previous incidents that resulted in the series of removal; AND
- ✓ Because of such additional factors such as the ***length of each removal***, the ***total amount of time*** the child is removed, and the ***proximity of the removals*** to one another.

34 CFR 300.536 (a) (2)

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Was the behavior
caused by or in direct
and substantial
relationship to the
student's disability?

Was the conduct in
question the direct
result of failure to
implement the IEP?

Key Principles

#1

Consideration of Disability

#2

Consideration of IEP Implementation

#3

Consideration of Service Provision

#4

Consideration of Safety & Support

*Let's
Practice*

Jacob is a middle schooler receiving special education services as a student with autism. He has received an office referral with a recommendation for 60 DAEP placement for violating the student code of conduct for assault of a peer.

Alana is a 10th grader with an Emotional Disability. She is recommended for 45 days at the DAEP for violating the student code of conduct by pulling the fire alarm.

Alex is a 2nd grade elementary school student receiving special education services under emotional disability. He has a received an office referral with a 30 day ISS placement for violating the student code of conduct for assault to a teacher.

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Before the ARD Meeting

- Meet Privately with the Administrator and Case Manager
- Brief the Teacher(s) on Role and Input Expectations
- Communicate with Parents in Advance
- Ensure All Documentation is Ready

Contentious ARD Meeting

- Stay Anchored in Data and Process, Not Emotion
- Facilitate Neutral Input from All Parties
- Clarify, Reframe, and Summarize Frequently
- Acknowledge Emotion Without Letting It Derail Process
- Commit to Follow-Up Supports Regardless of Outcome

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When It's Not A Manifestation

- ✓ FBA/BIP (required by TEC 37.004)
- ✓ FAPE (required by 300.530(d)(1)(i))
- ✓ Return plan from DAEP placement (required by TEC § 37.023)

*What are we often missing
in this situation?*

TEA Recommendation: “The ARD committee should adjust the student’s IEP to reflect what will be provided in the discipline setting. *It is also recommended, but not required, for the ARD committee to draft an expected schedule for when the student returns to his or her campus so that all parties are aware of and understand the changes occurring.*”

(emphasis added)

When It Is A Manifestation

- ✓ FBA/BIP (required by TEC 37.004)
- ✓ Return the student to the placement from where they came*

*Two exceptions

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References

Texas Education Agency. (2023, October). *Discipline flowchart for students identified or suspected of having a disability under IDEA*.

https://spedsupport.tea.texas.gov/sites/default/files/2023-10/discipline-flowchart-students-identified-suspected-disability-under-idea_1.pdf

Texas Education Agency. (2023, September). *Technical assistance: Behavior supports and guidance*.

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U.S. Department of Education, Office of Special Education and Rehabilitative Services. (2022, July 19).

Questions and answers: Addressing the needs of children with disabilities and IDEA's discipline provisions.

<https://sites.ed.gov/idea/files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions.pdf>