

# Manifestation Determination Review Procedures: Are District Guidelines Followed and Are the Expressive and Receptive Language Skills of the Student Considered?

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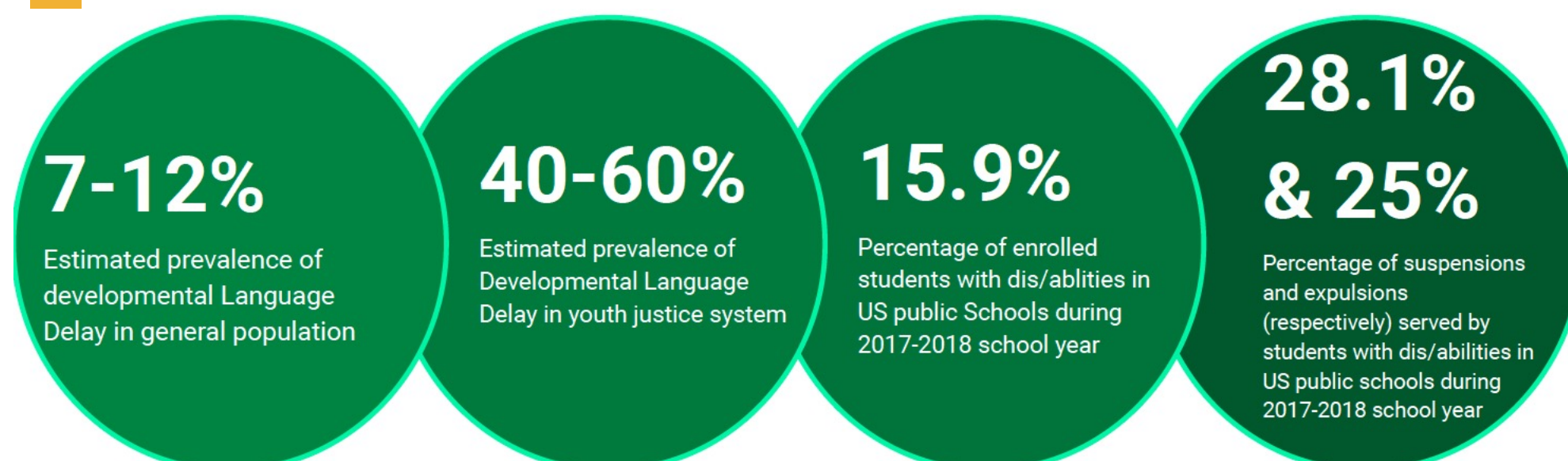
## Abstract

This action research pilot study's purpose was to investigate exclusionary discipline in schools for students with dis/abilities and Manifestation Determination Review (MDR) practices. The researcher created a protocol to answer the following research questions:

- 1) If I review 2 manifestation determination meeting documents using an evaluative tool based on district standards, in what ways, if any, will I find evidence that expressive and receptive language of the student were considered?
- 2) If I review 2 manifestation determination meeting documents using an evaluative tool based on district standards, in what ways, if any, will I see how district guidelines were followed during the meeting?

The researcher collected qualitative and quantitative data from two MDR documents from the same student in a rural school district in the Midwest. The findings indicated district guidelines were not always followed and that expressive and receptive language skills of the student were partially considered. This pilot study informed the larger field of research on exclusionary discipline practices for students with dis/abilities.

## Introduction



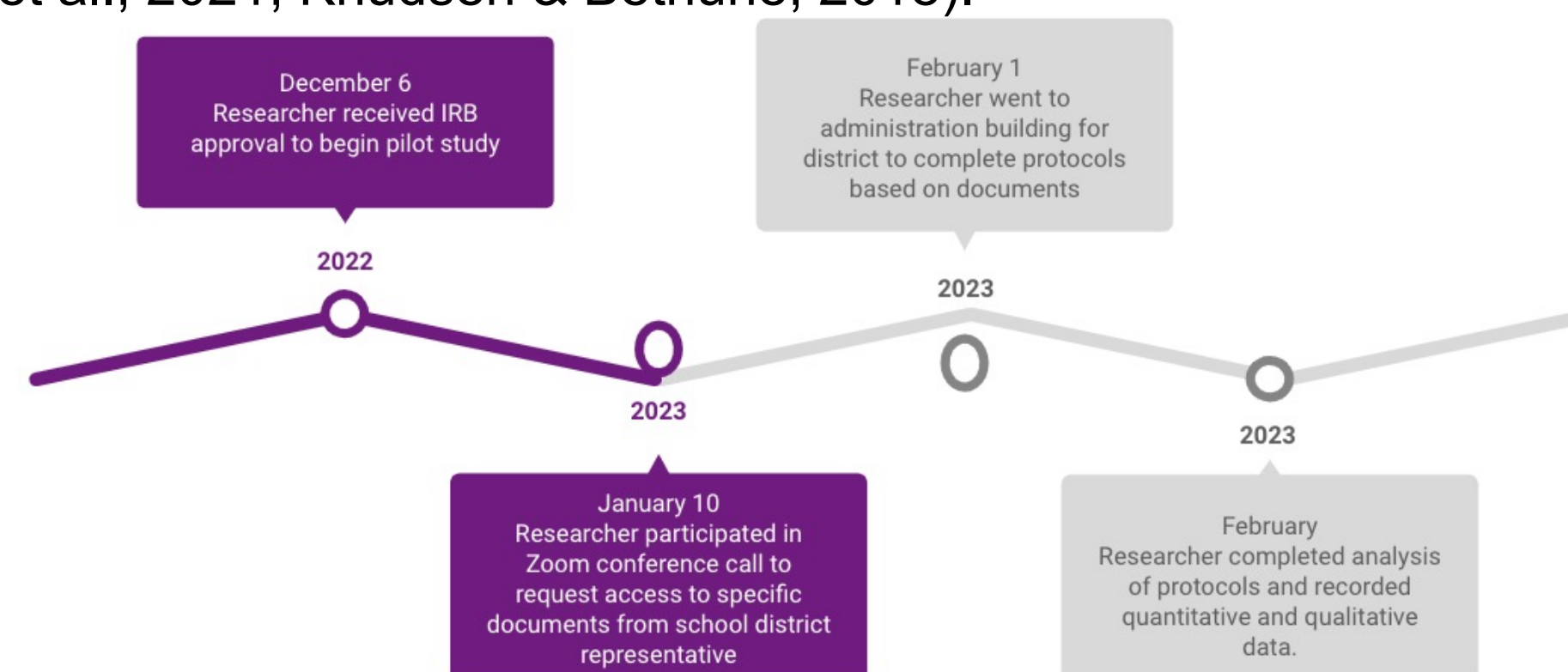
A federally mandated process occurs when a student with a dis/ability is to be suspended for 10 or more days. This process, the MDR, is conducted in order to identify whether the behavior/incident was a manifestation of the student's dis/ability or a failure by the school to correctly implement the Individualized Education Plan (IEP). This process is outlined in the Individuals with Disabilities Education Act (IDEA), but there are vague terms in the writing of the law. It is unclear which IEP team members should attend the meeting and which components should be reviewed (Allen, 2021; Fisher et al., 2021; Lewis, 2017). Students who receive school-based language therapy due to their IDEA recognized dis/ability may not have their language abilities at the time of the incident considered and there is no requirement that their speech language pathologist be present (Allen, 2021). Zero Tolerance Policies may require schools to use exclusionary discipline as the automatic consequence to an incident (Hines et al., 2018; Mallet, 2016; Walker & Brigham, 2017).

The most recent national data on suspensions and expulsions is from the 2017-2018 school year. While students with dis/abilities made up 15.9% of students enrolled, they constituted 28.1% of out-of-school suspensions and 25% of expulsions (U.S. DOE, 2022). Black students with dis/abilities made up 17.1% of students enrolled and constituted 35.7% of out-of-school suspensions, and 39% of expulsions (U.S. DOE, 2022).

In a meta-analysis of language skills of youth offenders, Chow et al. (2022) reviewed 84 studies and used the data collected to calculate the magnitude of the difference in language skills between youths in the juvenile justice setting and their typically developing peers. This data suggests that "youth in juvenile justice facilities perform 1.26 SD poorer than their typical peers on quantitative measures of language" (Chow et al., 2022, p. 1173). This is further evidence young people with DLD are over-represented in the youth justice system.

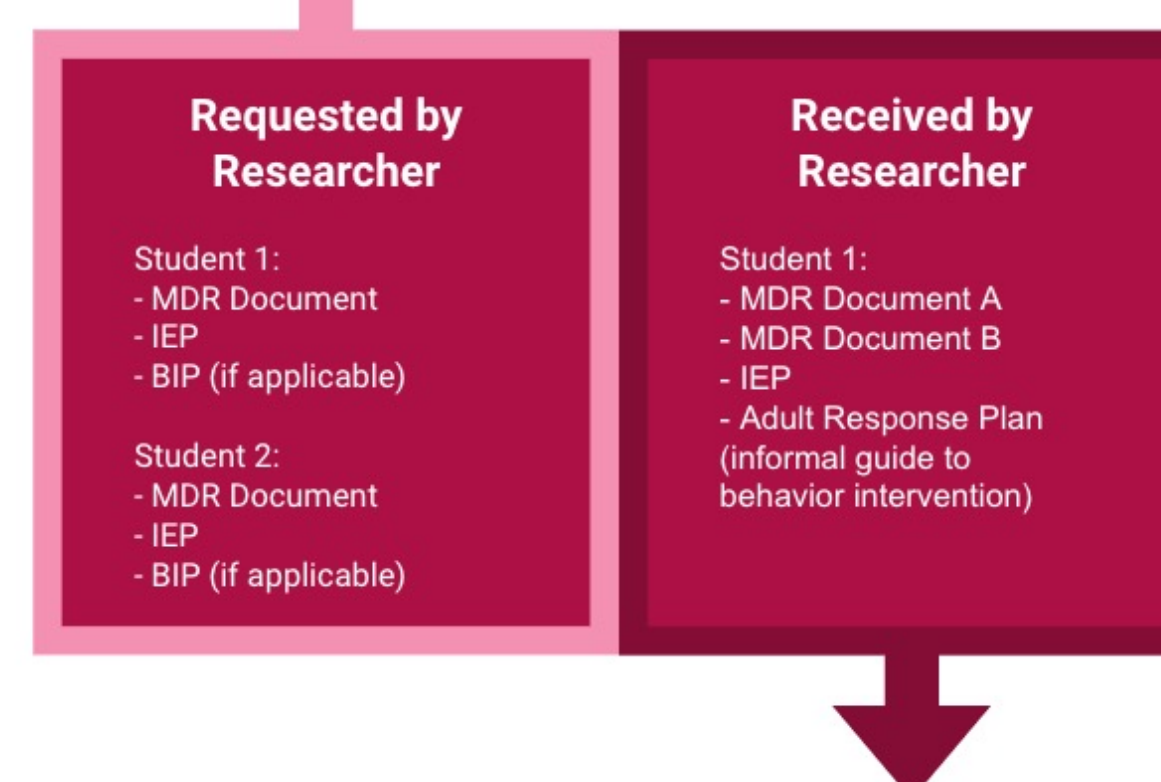
## Methodology

The problem addressed in this study is students in elementary and secondary education are being disciplined with exclusionary practices at disproportionate rates to their typically developing peers (U.S. DOE, 2022). Further, the literature review revealed that SLPs are not consistently invited to manifestation determination meetings and expressive and receptive language of the student being disciplined are not consistently considered in the manifestation determination meetings and process (Fisher et al., 2021; Knudsen & Bethune, 2018).



The district in which this pilot study was conducted had 1,529 students enrolled for the 2021-2022 school year. During the 2022 calendar year, 78.2 % of students qualified for free or reduced lunch, there were 10 out of school suspensions lasting longer than 10 days and there were 0 expulsions (DESE, 2022).

The researcher developed protocols for data collection. On February 1, 2023, the researcher went to the administration building of the district to spend time with the physical documentation to complete the research protocols as hard copies.



IEPs and BIPs were requested to provide information about the student's dis/ability, the individuals on the IEP team, the strategies that best support the student's learning, the services the student receives, and the student's accommodations and modifications.

The researcher did not make copies or take pictures of the documentation and left only with the completed protocols after 1 hour and 50 minutes with the documents.

The researcher received one student with two MDR documents from two separate MDR events. The student cases studied were from a convenience sample. The student subject was a 12-year-old male student with an educational diagnosis of Autism at the time of the MDR incidents.

Using the protocols to record information, the researcher examined the documentation from the MDR meetings and compared it to federal guidelines, district guidelines, and best practices in the research to determine if district guidelines were followed and what factors related to expressive and receptive language were considered. The data in the protocols was then coded qualitatively and quantitatively.

## Results

	# of days between incident and MDR decision	# of individuals documented as making MDR decision	Was the incident a manifestation of the student's dis/ability? Was it a failure by the LEA to implement the IEP?
MDR Meeting A	0	2	Yes No
MDR Meeting B	4	4	Yes No

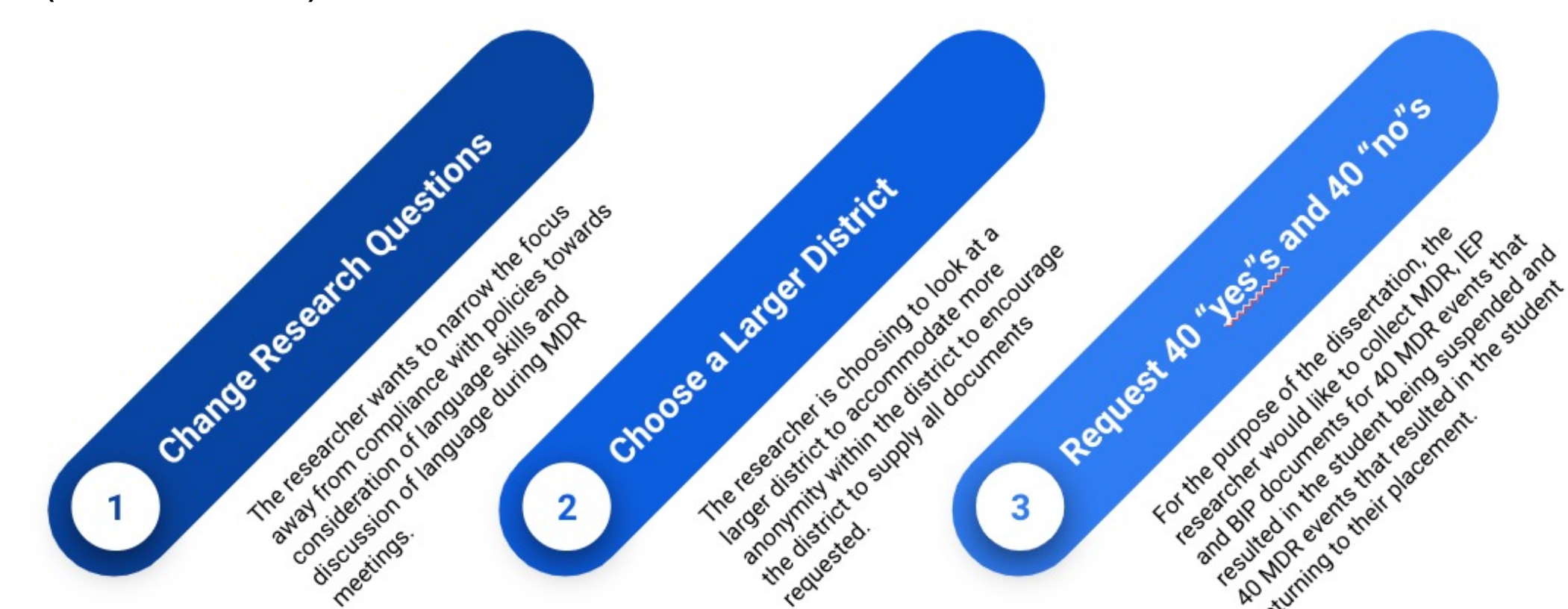
Description of the Incident and Individuals Involved	Justification for MDR Decisions	Individuals in Attendance
MDR A & B: Student's language was described expressively but not receptively. Morphology, syntax, and semantics were within normal limits.	MDR A & B: Behavior was a manifestation of student's dis/ability. Pragmatic language briefly mentioned.	MDR A: SLP/Case Manager and special education process consultant in attendance. MDR B: SLP/Case Manager, special education process consultant, principal/LEA, special education teacher in attendance.
Areas of MDR Analyzed for Qualitative Data Each section was coded qualitatively to identify if district policies and guidelines were followed and to identify if expressive and receptive language skills of the student were considered. Expressive language was considered, district guidelines and policies were not always followed.		

## Conclusion

**Findings for Research Question 1:** Looking at the description of the incident and the justification for the MDR decisions, the researcher identified some evidence the student's expressive language abilities were considered. In both MDR events, the description of the incident included information about the student's expressive language. There is no evidence of consideration of receptive language skills. Social communication is mentioned briefly.

**Findings for Research Question 2:** There was evidence that indicated district guidelines were not followed during the MDR meetings. In both meetings, the individuals listed as having made the MDR decision did not include a parent. In the first meeting, there was no LEA representative. Also, in the justification for the MDR decision in the second meeting, there is no explanation as to how they answered the question of whether there was a failure to implement the IEP.

This pilot study with an action research design was successful in that it validated the protocol created. Though the results are not generalizable, the researcher identified areas of strengths in the current design and areas that need to be changed for the dissertation (listed below).



## Acknowledgements & Contact Information

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For more information on this pilot study, or to view the references, scan the QR code

