

Students with Disabilities and School Expulsion

To expel or remove your child with a disability for more than 10 school days in a school year, the school must follow special rules.

Your child with an Individualized Education Plan (IEP) or Section 504 Plan has special rights.

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A “Manifestation Determination Review” or “MDR”, should take place before the school expels your child from school.

An MDR is held to decide if your child’s disability caused or was substantially related to the behavior that got your child in trouble. **If your child’s behavior is related to his/her disability, the school cannot expel your child.**

All members of the IEP Team and/or 504 Plan Team attend the MDR and participate in this decision making process. You are a member of the Team. To make the decision, the Team must look at your child’s evaluations, IEP and/or 504 Plan, other relevant school records, information from teachers, and information from you and any mental health providers at the meeting. The team must answer the following questions:

- Was your child’s disability the reason or a big part of the reason the behavior happened?
- Did the behavior happen because the school did not do what the IEP or 504 Plan says?

If the answer to any question is “yes,” the expulsion should be dropped and the child should return to school. If the answer to all the questions is “no,” the school can have an expulsion hearing.

The Team should consider making changes to your child’s IEP or 504 Plan to help your child improve his/her behavior. The Team may decide to make Behavior Intervention Plan (BIP) or revise an existing BIP to support your child.

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The school must educate your expelled child with an IEP.

To help your child reach his/her IEP goals the school district must provide instruction by a teacher for at least one hour for each school day missed. The instruction can take place at an agreed-upon safe location such as home, school before or after the school day, or at a library or community center. A student with a 504 Plan who is expelled from school may also be provided instruction.