

PREPARING FOR A MANIFESTATION MEETING

ADVOCATING FOR STUDENTS
WITH DISABILITIES



GEORGIA APPLESEED™
Center for Law & Justice

Steps for Advocates

FOR STUDENTS WITH DISABILITIES FACING LONG-TERM SUSPENSION OR EXPULSION

Students with disabilities can have trouble learning and following rules. Schools cannot suspend children with disabilities for more than ten days in the same school year without a special meeting. This meeting is called a Manifestation Meeting or MDR (for Manifestation Determination Review). At the Manifestation Meeting, the school must decide whether the child's disability was related to or caused the behavior challenge. If the disability did cause the behavior, the school usually cannot suspend or expel the child. You should advocate for and defend the child at a Manifestation Meeting. The steps below will help you know if the child should have a Manifestation Meeting and how to prepare for the meeting.

If the child is in foster care, reach out to your Education Support Monitor and fill out a referral form to request help from Georgia Appleseed at www.ReferralGAA.org. Ask for help from an attorney or an Education Advocate if you can.

Step One:

Is the child entitled to a Manifestation Meeting?

The school must give a child a Manifestation Meeting before suspending the child if both of the following statements are true.

1. The school wants to suspend or expel the child for more than 10 days in one school year, and
2. The child has a disability.

How do you know if a child has a disability?

Look at the following list. A child may have a disability if any of the statements below apply:

1. The child has a Section 504 Plan or an IEP (Individual Education Program).
2. An adult asked the school to evaluate the child for special education services before the behavior issue occurred.
3. The child was diagnosed with a learning, emotional, or behavioral disability.
4. The child has a pattern of behavior that shows the child might have a disability.

More information and resources to help understand if a child has a disability are on Georgia Appleseed's website at www.GaAppleseed.org. Search for the *Common Disabilities and Behaviors* guide and *Help Guides* on Disabilities and Learning Disabilities.

Steps for Advocates

FOR STUDENTS WITH DISABILITIES FACING LONG-TERM SUSPENSION OR EXPULSION

Step Two:

Ask the school to schedule a Manifestation Meeting

Ask the school to have a Manifestation Meeting as soon as you learn that the school is trying to remove the child for more than 10 days. Ask the school for the meeting in a letter or email. Also ask in person, if possible. State that the child has a disability that caused the behavior that got the child in trouble. Name the disability. Put the date on your letter or email. Keep a copy of your letter or email. If the child is in foster care, also send a copy of the letter or email to the child's case manager and Education Support Monitor.

Step Three:

Get ready for the Manifestation Meeting

Collect any or all of the documents below. Bring them to the Manifestation Meeting.

1. A copy of the email or letter that an adult sent the school to ask for special education services for the child.
2. Documents showing the child's disability diagnosis, or any medications the child takes for the disability.
3. Letters from counselors or mental health providers who are familiar with the child's disability.
4. Ask the school to send you any current or former Individual Education Program (IEP), any Behavior Intervention Plan (BIP), any 504 Plan, or student support services the child has received from the school.

Ask counselors, psychologists, social workers or others who know about their child's disability to come to the Manifestation Meeting with you and speak.

Steps for Advocates

FOR STUDENTS WITH DISABILITIES FACING LONG-TERM SUSPENSION OR EXPULSION

Step Four:

Go to the Manifestation Meeting

At the Manifestation Meeting, you will explain what the child's disabilities are. Explain how the symptoms of the child's disability are connected to the behavior issue.

1. Ask to speak and explain the child's disability. Show the documents you collected for the hearing about the child's disability. Explain why each document is important. Show any medication the child takes for the disability.
2. List your child's behaviors at school that can be caused by the child's disability. Look at our *Common Disabilities and Behaviors* guide for behaviors caused by some disabilities.
3. Ask the school staff these questions:
 - *What did the school do to accommodate the child's disability, or address the child's suspected disability?*
 - *What events led to the behavior incident that may have triggered the child?*
 - *If the child is in foster care, did the school have a Case Management Consultation or a Trauma Impact meeting to consider the child's trauma? Tell the school that the law requires that they provide case management.*

4. Tell the school that the child's behavior was caused by or related to the child's disability. Explain what might have triggered the child's behavior.

After the Manifestation Meeting, the school will decide whether the child's disability caused the behavior that got the child in trouble. If the disability caused the behavior, then the school should schedule an IEP meeting and the school usually cannot suspend the child.

TIP: If *any* disability caused the discipline problem, the school usually cannot suspend the child and must call a new IEP meeting instead. This is true even if the child's IEP does not talk about the specific disability that caused the discipline problem. For example, if the child's IEP only mentions a specific learning disability, but their disability of PTSD is what caused the behavior incident, the school should call a new IEP meeting without suspending the child.

The school can still suspend the child if the child brings a dangerous weapon or illegal drugs to school or school function or causes serious bodily injury to another person at school. But while the child is suspended, the school must still provide educational services.

If you think the school made the wrong decision, or the school refused to hold a Manifestation Meeting at all, you can complete a "Due Process Hearing Request" form at the GaDOE website. While you do not need an attorney to file this complaint, you can reach out to a lawyer at Georgia Legal Services Program or Atlanta Legal Aid Society for assistance.

gaappleseed.org
(678) 426-4640
info@gaappleseed.org

Justice at our core

since 2005

Georgia Appleseed is a non-profit, nonpartisan law center advancing justice in Georgia through law and policy reform and community engagement.

