

School Expulsion for Students with Disabilities

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.

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 their 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.

The Team must review your child’s evaluations, IEP and/or 504 Plan, 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 proposed expulsion should be dropped and the child should return to school. If the answer to all the questions is “no,” the school can hold an expulsion hearing.

The Team should consider changes to your child’s IEP or 504 Plan if that might help your child improve their behavior. The Team may decide to develop a Behavior Intervention Plan (BIP) or revise an existing BIP to support your child.

Even if expelled, a student with an IEP must continue to receive a Free Appropriate Public Education (FAPE). This includes:

- Access to the general education curriculum
- Services to help the student make progress towards IEP goals

These services might be delivered in an alternative setting as agreed upon by the IEP Team.