

Section 504 Disciplinary Action Review Form (DARF)/ Manifestation Determination Review (MDR)

Local Educational Agency Name _____

Student Full Name _____ Date _____

School _____ Date of Birth _____

Parent(s)/Guardian(s) _____ Grade _____

Address _____ WVEIS # _____

City/State/Zip _____ Telephone _____

The LEA is proposing to suspend or expel the student for the following dates. _____

Determine if this is a change of placement by answering the following criteria:

Yes ___ **No** ___ A removal for more than ten consecutive school days is being recommended including all recommended expulsions.

Yes ___ **No** ___ A series of removals that meet the following three criteria:

Yes ___ No ___ More than ten cumulative school days this school year.

Yes ___ No ___ Similarity of behaviors assigned suspensions.

Yes ___ No ___ Length and proximity of removals to one another.

Answering no to both criteria means a change of placement has not occurred. An MDR is not required.

The student can be suspended or expelled the same as a non-disabled peer.

Answering yes to either criteria means the suspension/expulsion is considered a change of placement. A Section 504 Re-evaluation Committee shall meet to review available student information and conduct an MDR. This must be held prior to the eleventh (11th) day of suspension.

MANIFESTATION DETERMINATION REVIEW DOCUMENTATION (Completed by the Re-evaluation Committee):

Date of Section 504 Reevaluation Committee Meeting _____

List the behavior subject to disciplinary action _____

List the student's physical or mental impairment(s) _____

1. Was the conduct in question caused by, or directly and substantially related to the student's disabilities? YES NO
2. Was the conduct in question the direct result of the school's failure to implement the student's Section 504 Plan? YES NO

If the re-evaluation committee answered yes to either question the behavior must be considered to be a manifestation of the student's disability. In that event, the student cannot be expelled, suspended or placed in an alternative education setting for more than ten (10) cumulative school days*†.

If the committee answered no to both questions the student can be suspended or expelled similar to their non-disabled peers.

***Note:** This does not preclude the parents and the LEA, agreeing on a change of placement. The parents' agreement must be informed, voluntary and not coerced.

†Note: Section 504 allows schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities. When there is evidence of current illegal drug or alcohol use, a student may be disciplined regardless of the outcome of the MDR.