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Jerri Nave Lyons

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Development of a Test for Measuring Knowledge of the Discipline Provisions  
of the Individuals with Disabilities Education Act Amendments of 1997

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A dissertation  
presented to  
the faculty of the Department of Educational Leadership and Policy Analysis  
East Tennessee State University

In partial fulfillment  
of the requirements for the degree  
Doctor in Education

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by  
Jeri Nave Lyons  
December 2003

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Dr. Louise MacKay, Chair  
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Dr. Terrance Tollefson  
Dr. Russell West

Keywords: Individuals with Disabilities Education Act, Discipline, Special  
Education, Instrument Development

## ABSTRACT

Development of a Test Measuring Knowledge of the Discipline Provisions of the Individuals with Disabilities Education Act Amendments of 1997

by

Jerri Nave Lyons

The purpose of this study was to develop and refine an instrument to assess knowledge levels of the discipline provisions of the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97). Such an instrument will assist in determining whether or not and to what extent additional training opportunities may be needed for school personnel who are responsible for disciplining students served in special education under IDEA '97. School officials who do not have proper knowledge and understanding of these provisions may violate students' rights by denying them the free appropriate public education to which they are entitled.

The initial researcher designed instrument was a fixed-response test, consisting of 102 questions. Questions were based upon five identified areas of knowledge found in the discipline provisions: manifestation determination; functional behavior assessments; behavior intervention plans; interim alternative educational settings; and general procedural safeguards. Instrument items were written to assess knowledge for basic recall, comprehension, and application. A panel of experts reviewed this instrument to ensure content validity. Based upon the panel's recommendations, the instrument was revised and several questions were removed. A pilot study was then conducted with the resulting 68-question instrument. Fifty-eight graduate school students at East Tennessee State University participated in a test-retest study of the instrument.

Pearson Product Moment Correlations and paired samples t-tests were used to determine test-retest reliability on the total test as well as each subscale. Additionally, KR-20 estimates of internal consistency were obtained to determine the power of the instrument. The corrected item total correlations were used for each subscale to eliminate items that did not contribute to the consistency of the instrument. Finally, an item analysis was used to determine the final make up of the instrument. The final instrument contained 35 items, with seven items for each subscale.

## DEDICATION

This project is dedicated to my dad, Jerry Nave, who has always been my role model, my friend, and my hero. It is also dedicated to my son, Jake Carsen Lyons, who is the absolute joy of my life. Finally, I express gratitude to Dr. Carol Whaley for her support and friendship through this long process.

In loving memory of two special women who helped shape my life: my mother, Jacqueline Nave; and my grandmother, Blonnie Nash.

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Dr. Louise MacKay

Dr. James Fox

Dr. Russell West

Dr. Terrance Tollefson

# CONTENTS

	Page
ABSTRACT .....	2
DEDICATION .....	3
ACKNOWLEDGMENTS .....	4
LIST OF TABLES .....	8
 Chapter	
1. INTRODUCTION .....	10
Background of the Problem .....	10
Purpose of the Study.....	12
Limitations and Delimitations.....	12
Definitions.....	13
Significance of the Study .....	16
2. REVIEW OF RELATED LITERATURE .....	21
Introduction .....	21
History of Treatment of People with Disabilities.....	21
History of the Individuals with Disabilities Education Act.....	25
Discipline in Public Schools .....	32
Legal Aspects of Exclusionary Discipline .....	39
Reauthorization of the IDEA in 1997 .....	43
Long-term Disciplinary Removals .....	50
Principals' Role in Special Education and Discipline .....	56
Instrument Design .....	59

3. METHODS AND PROCEDURES .....	65
Introduction .....	65
Description of the Study .....	65
Instrument Development .....	66
Manifestation Determination .....	66
Interim Alternative Educational Setting .....	67
Functional Behavior Assessment .....	67
Behavior Intervention Plan .....	68
General Procedural Safeguards .....	68
Panel of Experts .....	71
Testing the Instrument .....	76
Population .....	76
Reliability Analysis .....	76
Data Analysis .....	77
Summary .....	78
4. RESULTS AND FINDINGS .....	79
Introduction .....	79
Pilot Study .....	79
Phase I of Data Analysis .....	79
Phase II of Data Analysis .....	83
Phase III of Data Analysis .....	92
5. SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS .....	103
Summary .....	103
Conclusions .....	105
Recommendations for the Improvement of Practice .....	114

Recommendations for Further Research .....	114
REFERENCES .....	116
APPENDICES .....	125
Appendix A: Initial Instrument .....	125
Appendix B: Letters to Reviewers .....	143
Appendix C: Question Reviews and Comments .....	145
Appendix D: Revised Instrument with References.....	149
Appendix E: Informed Consent Document .....	173
Appendix F: Final Test Instrument.....	175
VITA .....	183

## LIST OF TABLES

Table	Page
1. Question Matrix of Areas and Levels of Knowledge .....	70
2. Multiple-choice Questions Removed and Revised .....	73
3. Yes/no Questions Removed and Revised .....	75
4. Question Matrix of Areas and Levels of Knowledge .....	75
5. Pearson Product Moment Correlations and Paired Samples t-tests .....	80
6. Scores with Changes of at Least 25% .....	81
7. Pearson Product Moment Correlations and Paired Samples t-tests on Trimmed Data File.....	82
8. KR-20 Estimates of Internal Consistency .....	84
9. KR-20 Estimates of Internal Consistency for Reduced Sample .....	85
10. KR-20 Estimates of Internal Consistency for Reduced Sample II...	86
11. KR-20 Estimates of Internal Consistency for Reduced Sample III..	88
12. KR-20 estimates of Internal Consistency for Reduced Sample IV ..	90
13. Subscale Items after Elimination Process.....	91
14. Item Analysis for Manifestation Determination .....	92
15. Manifestation Determination Questions and Levels of Knowledge..	93
16. Item Analysis for Functional Behavior Assessments .....	94
17. Functional Behavior Assessment Questions and Levels of Knowledge.....	95
18. Item Analysis for Behavior Intervention Plans.....	96
19. Behavior Intervention Plan Questions and Levels of Knowledge ....	97

20. Item Analysis for Interim Alternative Educational Setting .....	98
21. Interim Alternative Educational Setting Questions and Areas of Knowledge .....	99
22. Item Analysis for General Procedural Safeguards.....	100
23. General Procedural Safeguards Questions and Levels of Knowledge .....	101
24. Question Matrix of Final Test Instrument .....	102

# CHAPTER 1

## INTRODUCTION

### *Background of the Problem*

Public Law 94-142 was passed in 1975 to greatly expand previous legislation and provide many legal protections for students with disabilities. The law did not, however, specifically address the issue of student discipline. Since the passage of that legislation, the how and when to discipline eligible students has been a controversial issue throughout the country. The major components of P.L. 94-142 included the stipulation that students with disabilities must receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) (Grzywacs, McEllistrem, & Roth, 2000). The law also required that every eligible student must have an individualized education program (IEP). The law gave parents of students with disabilities the right to be involved in decision-making and an appeal process when they were not satisfied (Hammil, 1993). Problems consistently arose over the years as discipline procedures used in many schools were in violation of students' rights and prevented them from receiving the education to which they were entitled (Wright & Wright, 2000).

The most common form of discipline that schools used was that of removal, often suspending or even expelling students with behavior problems. As concern and controversy evolved regarding students' rights to education, public schools received guidance on discipline issues from sources other than the federal laws and the regulations that followed. Numerous court rulings, including rulings by the Supreme Court, as well as letters of policy from the Office of Special Education Programs (OSEP) in the U.S. Department of Education and the Office of Civil Rights (OCR) provided local

school systems with interpretations of procedures considered to be best practice (Johns, Carr, & Hoots, 1997).

Although best practices were known, school principals seemed to have difficulty keeping up with all responsibilities regarding the discipline of students with disabilities. There has always been a need for principals to have knowledge of the many ambiguous rules for serving students with disabilities. In addition, another area of concern for principals has always been the safety of all students served in their particular schools. As student discipline continued to be a major problem in the 1990s and media coverage of such problems escalated, there was a need for consistent direction to balance school safety with protection of students' rights (Hartwig & Ruesch, 2000).

The passage of Public Law 105-17, otherwise known as the 1997 IDEA Amendments (IDEA '97), included provisions to specifically address discipline for eligible students. The purpose of including such provisions was to "expand the authority of school officials to protect the safety of all children and to maintain orderly, drug-free, and disciplined school environments, while ensuring the essential rights and protections for students with disabilities" (Yell, Katsiyannis, Bradley, & Rozalski, 2000). By including the discipline provisions, "Congress sought to help school officials respond when students with disabilities show serious behavior problems and to address the problems in a proactive manner through the IEP process" (p. 4).

Although discipline provisions became part of the law, the many procedures were still complex, in particular for school officials with no formal training in the area of special education. When students served under the IDEA have behavior problems a principal must have knowledge about the particular disabilities and how they relate to the behavior. Principals must also be familiar with the IDEA regulations when they carry out disciplinary actions directed toward eligible students. Finally, they must have knowledge

of curriculum and behavior intervention planning to be able to participate in developing the individual education programs (IEP) for students with disabilities (Gorn, 1999; Hartwig & Ruesch, 2000; Katsiyannis & Maag, 1998; Smith, 2000).

Principals have numerous responsibilities in the education of students with disabilities. Without knowledge and understanding of the many components of special education, principals may make decisions that violate the rights of students served in these programs. When students' rights are violated, not only will they not receive the free appropriate public education to which they are entitled, but there is also a definite possibility of litigation for the school system at potential costs of thousands of dollars.

A review of relevant literature and tests of knowledge revealed there is currently no quantitative instrument available to assess knowledge levels of the discipline provisions of IDEA '97.

#### *Purpose of the Study*

The purpose of this study was to develop and refine an instrument to assess knowledge levels of the discipline provisions of IDEA '97. Such an instrument will assist in determining whether or not and to what extent additional training opportunities may be needed for school personnel who are responsible for disciplining students served in special education programs under the IDEA.

#### *Limitations and Delimitations*

This study is limited to 58 individuals who participated in the test/re-test analysis. The 58 participants were master's and doctorate level graduate

school students in the College of Education at East Tennessee State University.

### *Definitions*

For the purposes of this study, the following definitions are used:

Behavior Intervention Plan (BIP): A plan of strategies and supports to prevent a student from displaying inappropriate classroom behaviors and teach ones that are socially acceptable. The IEP-Team develops the plan, which becomes part of the student's IEP, based on information collected from a functional behavior assessment (Gartin & Murdick, 2001).

Change of Placement: For purposes of removal of a child with a disability from the child's educational placement, a change of placement occurs if (a) the removal is for more than 10 consecutive school days; or (b) the child is subjected to a series of removals that constitute a pattern of exclusion (Wright & Wright, 2000).

Child with a disability: In general, the term means a child – "(i) with mental retardation, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) who, by reason thereof, needs special education and related services" (Grzywacz et al., 2000, p. 355).

Education of All Handicapped Children Act (EAHCA): This landmark federal legislation, also known as Public Law 94-142, was passed in 1975 with the intention of providing handicapped children with a right to education. It has been amended and is now known as the Individuals with Disabilities Education Act (Wright & Wright, 2000).

Free Appropriate Public Education (FAPE): Special education and related services that (a) have been provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the

state education agency; (c) include an appropriate preschool, elementary, or secondary school education in the state involved; and (d) are provided in conformity with the individualized education plan of a student with a disability. FAPE is available to all children ages 3 through 21 with disabilities, including those who have been suspended and/or expelled (Wright & Wright, 2000).

Functional Behavior Assessment (FBA): "A systematic process for describing problem behavior, and identifying the environmental factors and surrounding events associated with the problem behavior" (Office of Special Education Programs Center on Positive Behavioral Interventions and Supports, 1999, p. 13).

Individual Education Program (IEP): "The IEP constitutes a written statement of each special education student's present level of educational performance, including how the disability affects the student's involvement and progress in the general curriculum, a statement of annual goals including benchmarks or short-term objectives, and a statement of the special education and related services that will be provided to the student" (Grzywacz, et al., pp. 6-7).

Individual Education Program Team (IEP-Team): A team of individuals who have knowledge of the student and his/her disability. The group is responsible for developing, reviewing, or revising an IEP of a child with a disability. A team must consist of the following: the student's parent(s)/guardian(s), a special education teacher, at least one general education teacher, an interpreter of evaluation results, and a local education agency (LEA) representative (Wright & Wright, 2000).

Individuals with Disabilities Education Act (IDEA): A federal law mandating that students with disabilities receive a free appropriate public education in the least restrictive environment with related and supplementary aids and services. The IDEA was amended in 1997 resulting in several changes to the

law, including the addition of a discipline provision for eligible students (Wright & Wright, 2000).

Interim Alternative Educational Setting (IAES): An alternative placement for students with or without disabilities. School personnel may order a change of placement for a student with a disability to an alternative setting for suspensions of less than 10 days or for up to 45 days if the student is in possession of drugs or a weapon. The IAES must allow the student to participate in the general curriculum and continue to receive services included in the child's IEP, and includes services to address the behavior problem(s) (Gorn, 1999).

Least Restrictive Environment (LRE): "To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily" (Wright & Wright, 2000, p. 43).

Local Education Agency (LEA) Representative: A person who is knowledgeable about the curriculum and has the ability to commit resources. Generally the school principal or his designee serves as the LEA representative (Bateman & Bateman, 2001).

Manifestation Determination: "An analysis of the causal relationship between a student's disability and the misconduct for which he/she is being disciplined" (Hartwig & Ruesch, 2000, p. 242). Such reviews must be conducted when a student served in special education is being removed from school for over ten days or due to a drug or weapon charge; or if appeal is made to a hearing officer to remove a child who is a danger or threat to himself or others (Hartwig & Ruesch, 2000).

Office of Special Education Programs (OSEP): The principle agency in the Department of Education for administering and carrying out the IDEA and other programs and activities concerning the education of children with disabilities (Wright & Wright, 2000).

Out of School Suspension (OSS): A removal from the school for disciplinary purposes (Johns et al., 1997)

Special Education: "Specifically designed instruction, at no cost to parents, to meet the unique needs of a child with a disability" (Grzywacz et al., 2000, p. 358).

Supplementary aids and services: "Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate" (Wright & Wright, 2000, p. 30).

### *Significance of the Study*

Student behavior and violence in schools has become a major area of concern in the United States in recent years. Despite the fact that violent crime as a whole has decreased in schools (US Dept. of Justice, 1999), public concern has grown. Fields (2000) reported that Gallup polls of community attitudes toward public schools have "consistently found discipline to be a major concern, along with drugs, smoking, teenage pregnancy, fighting and gangs" (p. 73). Fifty-eight percent of teachers reported in a 1998 survey that their classes were regularly disrupted by student misbehavior (Fields, 2000). Our entire nation is also shockingly aware of the deaths resulting from several school shootings throughout the country in the 1990s.

Graphic media coverage of school shootings, in particular at Littleton, Colorado, has fueled public worry about school safety. In response, school

administrators rushed to develop crisis plans and implement safety measures. It is not uncommon to see uniformed police officers and metal detectors in high schools and even middle schools across the United States. Zero tolerance policies were enacted for certain offenses, with the purpose of removing students who may be dangerous from public schools (Skiba & Peterson, 2000).

The removal of students from the school setting for disciplinary purposes has been one of the most commonly used practices for dealing with students who exhibit problem behaviors (Sautner, 2001). This practice may include the short-term solution of temporarily removing the student from the situation but does nothing to teach the student to change the behavior (Maag, 2001). Sautner (2001) reported that although suspensions were used frequently, "no school district was able to demonstrate its effectiveness in improving student conduct" (p. 210).

Recurrent suspensions and other forms of punishment used by school officials for discipline have been found to be a violation of students' rights under the IDEA. The discipline of students with disabilities, and in particular the removal of such students from the school setting, was addressed in court cases long before the passage of IDEA '97. Examples of particular issues included: the requirement of determining whether or not there is a relationship between the misbehavior and the student's disability (Doe v. Maher, 1986; Honig v. Doe, 1988; Kaelin v. Grubbs, 1982); the use of reasonable punishments (including short-term suspensions of less than 10 days) (Board of Education of the City of Peoria, School District 150 v. Illinois State Board of Education, 1982; Doe v. Koger, 1979; Honig v. Doe, 1988); the necessity and extent of procedural safeguards in long-term suspensions and/or expulsions (S-1 v. Turlington, 1981; Kaelin v. Grubbs, 1982; Doe v. Maher, 1986; School Board of Prince William County v. Malone, 1985); and

the student's placement during due process proceedings (*Honig v. Doe*, 1988).

Congress wanted to help school officials balance school safety and the rights of students with disabilities by including discipline provisions in the federal law in 1997 when the IDEA was amended. According to a memo from Judith Heumann, Assistant Secretary, Office of Special Education and Rehabilitative Services and Thomas Hehir, Director, Office of Special Education Programs, there are four basic themes that run throughout the federal statute concerning discipline. These themes include:

- 1.) "all children, including children with disabilities, deserve safe, well-disciplined schools and orderly learning environments;
  - 2.) teachers and school administrators should have the tools they need to assist them in preventing misconduct and discipline problems and to address these problems, if they arise;
  - 3.) there must be a balanced approach to the issue of discipline of children with disabilities that reflects the need for orderly and safe schools and the need to protect the right of children with disabilities to a free appropriate public education (FAPE); and
  - 4.) appropriately developed IEPs with well developed behavior intervention strategies decrease school discipline problems"
- (Office of Special Education Programs, 1997).

The discipline provisions of IDEA '97 specifically addressed several key points, some of which had previously been interpreted through court rulings and/or OSEP policy statements while others were entirely new requirements. The law states that students may be suspended from school for up to 10 days with only the basic due process rights. Long-term removals require that many procedural safeguards come into effect, including a manifestation determination review and continuation of services. These requirements are

basically the same as best practices followed before the IDEA '97 amendments (Gorn, 1999; Yell et al., 2000; Zurkowski et al., 1998).

There are several new policies that school personnel must follow due to the amendments. The IEP-Team of a student who exhibits behavior problems must address those problems in the IEP. The team must also complete a functional behavior analysis (FBA) and implement an appropriate behavior intervention plan (BIP) to address behaviors when a student has been removed for 10 days, has a change of placement, or is placed in an interim alternative educational setting (IAES) for a weapons or drug offense. The new law also included the protection of students not yet eligible for special education. A student would have protection under the IDEA if school officials had knowledge that the student had a disability before the misbehavior that led to the disciplinary action (Drasgow & Yell, 2001; Gartin & Murdick, 2001; Gresham, Watson, & Skinner, 2001; Zurkowski et al., 1998).

Although Congress had good intentions by including discipline, the provisions have been the most controversial aspect of the 97' amendments. Many school administrators believe there is an inequality in consequences for students with and without disabilities for misbehavior. Others complain that students served under the IDEA continue to receive services even if the conduct is not a manifestation of the student's disability, while other students simply have to miss a year of schooling when charged with a zero tolerance offense. Advocates for students with disabilities argue that any suspension or expulsion for behavior as a result of the disability would violate the student's rights because it is a change of placement (Conroy, Clark, Gable, & Fox, 1999).

Disagreements will most likely continue, but it is a fact that many school personnel have had numerous changes in their roles due to the discipline provisions of IDEA '97. General education teachers and

administrators are required to take part in IEP-team meetings. This means they must have knowledge of the manifestation determination process, the development and appropriateness of the IEP, and in conducting the functional behavior analyses as well as behavior intervention planning. According to Conroy et al. (1999), there is an extensive body of literature relating to positive behavior planning, but teachers and administrators have limited knowledge of specific techniques, even though the IDEA requires them to take part. Several researchers have suggested that it is important for IEP-Teams, and school administrators in particular, to learn more about positive behavior planning and support in order to meet the IDEA requirements of addressing student behavior in a proactive manner (Conroy et al., 1999; Gartin & Murdick, 2001; Johns et al., 1997; Skiba & Peterson, 2000; Smith, 2000; Yell et al., 2000; Zurkowski et al., 1998).

A school administrator plays many important roles in the everyday running of the school. A major concern each day must be for the safety of each child and employee in the building. A safe and orderly environment is naturally the most conducive for learning. In order to keep the school safe a principal cannot simply remove any student who misbehaves. Not only are suspensions and expulsions a reactive measure that produces no learning of correct behavior, such measures may very well violate the educational rights of students with disabilities who are served under the IDEA. It is vitally important for all school administrators to be familiar with the discipline provisions of IDEA '97. Knowledge of this law and of the correct procedures to follow will prevent the violation of students' rights as well as potential litigation. It is not only important for school administrators to know the proper procedures but also to learn about the many responsibilities of the IEP-Team, including positive behavior planning.

## CHAPTER 2 REVIEW OF RELATED LITERATURE

### *Introduction*

Chapter 2 presents a review of the literature that describes the history of educating and disciplining students with disabilities as well as the legal components of the IDEA. Related literature regarding the specific discipline provisions of IDEA '97 and a principal's role in special education programs will be included. Specific sections include the following: the history of treatment of people with disabilities, the development of federal legislation regarding public education for people with disabilities, discipline used in K-12 schools, the need for the reauthorization of the IDEA, the discipline provisions included in IDEA '97, the role of principals in the education of students with disabilities, and test instrument design.

### *History of Treatment of People with Disabilities*

In order to understand the necessity for the passage of federal legislation regarding the public education of students with disabilities, as well as the implications of discipline practices in schools for these students, it is important to review the history of treatment of individuals with disabilities. Particularly, there must be a focus on the aspects of exclusion and inappropriate practices regarding the treatment of these individuals. Ideas and practices regarding programs for people with disabilities, both in and out of public schools, often followed the trends of society during a particular time.

Many people believe that special education came into the public's awareness in the 1970s. The Education of All Handicapped Children Act (EHA) was passed in 1975 (P.L. 94-142), bringing almost one million students into public schools who had previously been excluded

(Vanderwood, McGrew, & Ysseldyke, 1998). There were, however, earlier programs for the disabled. Unfortunately, these programs were often cruel, inhumane, and mainly served the purpose of excluding the disabled from society (Wright & Wright, 2000).

Separate institutions emerged in the 19th century for people who were considered deviant or feeble-minded. Throughout the 1800s and the first half of the 1900s the population of people in institutions for the mentally retarded grew from 2,429 in 1880 to 163,730 in 1960 (Knoblock, 1987). According to Taylor and Searl (1987) there were three main social trends in America that contributed to the development of so many institutions and the segregation of people with severe disabilities. The first of these trends was urbanization. Americans were moving away from rural communities and into cities and towns. Although the population in America was increasing everywhere in the late 1800s, the increases were about six times higher in urban areas compared to rural ones.

Taylor and Searl (1987) cite industrialization as the next major influential trend. People were moving to urban areas in order to work in factories. However, there were not enough jobs to provide appropriate employment for everyone in these industrialized settings. People with disabilities who had been allowed to contribute in the agricultural society of colonial times could not compete in this industrialized labor force.

The third major trend was immigration. Millions of people from foreign countries immigrated to America in the 1800s and early 1900s. Even though America was born as a nation of immigrants, the numbers during this period of time were astounding. According to Stockwell (as cited in Taylor & Searl, 1987), over 38 million people immigrated to America during the period of 1830 to 1930. Of particular significance was the fact that the majority of these immigrants were not from the same Anglo-Saxon backgrounds as the earlier American immigrants, leading to language and cultural conflicts.

Mainly due to the effects of these three trends there arose the “rise of the first large-scale social problems in American urban society: slums, unemployment, homeless children and adults, culture conflict, crime, and delinquency” (Taylor & Searl, 1987, p. 12). Leaders at that time used asylums to remove people from society who were perceived to be the source of problems. The targeted population included the people who were at the bottom of the new social and economic orders of the times. In other words, many people who were poor, deviant, and disabled were placed in institutions or asylums (Richardson & Parker, 1993; Taylor & Searl 1987; Thomas, 1985).

The founders and early developers of institutions advocated for people from diverse populations. They called for humane treatment and training for those in the institutions. Early leaders in establishing institutions for the mentally retarded in America included Edouard Seguin, Hervey Wilbur, and Samuel Gridley Howe (Reynolds & Birch, 1977; Taylor & Searl 1987). The three worked together in developing institutions in Massachusetts and New York. According to Taylor and Searl, they “Envisioned their institutions as small boarding schools where higher-functioning retarded people would receive the training necessary to perform useful roles in society” (p. 10).

Contrary to the hopes and ideas of these three men, large institutions began to replace the smaller, less isolated ones. Leaders in society also used these institutions to separate deviant and disabled people from society rather than to treat or help them (Reynolds & Birch, 1977; Taylor & Searl, 1987). During this same time people with various disabilities who were called feeble-minded faced cruel and harsh policies that leaders called “social control”. Many people, including legislators, social theorists, intellectuals, and researchers, believed these certain classes of individuals carried defective genes and were the cause of the spread of many of the problems facing society (Hehir & Gamm, 1999; Taylor & Searl).

Federal and state governments enacted a series of social control policies in the late 19th and early 20th centuries. People with disabilities were forced to endure segregation, sterilization, prevention of marriage and sexual relations, and restrictive immigration (Hehir & Gamm, 1999; Taylor & Searl, 1987).

People with disabilities were most often completely excluded from society, thus educational opportunities were not available to them. As the Tenth Amendment to the U.S. Constitution is interpreted, education is the responsibility of the state governments. State governments, beginning with Rhode Island in 1840, all enacted compulsory attendance laws (Shrybman, 1982; Yell, Rogers, & Rogers, 1998). Education had been the privilege of the upper classes in early America. The passage of compulsory attendance laws meant all children were required to attend school. These laws gave children with disabilities greater access to education, but many were still excluded or segregated from other students (Hehir & Gamm, 1999; Reynolds & Birch, 1977; Richardson & Parker, 1993; Wright & Wright, 2000).

Public schools were faced with the necessity of dealing with students with disabilities. These students were often considered "backward" (Richardson & Parker, 1993). According to Richardson and Parker backward could mean many things: "Slow in mind and often defective in body, poor in family background, and lazy but defiant in school" (p. 365). Many educators were unprepared to teach such students. Teachers also felt students with disabilities were a considerable disruption to their classes (Hehir & Gamm, 1999; Reynolds & Birch, 1977; Richardson & Parker, 1993).

School systems dealt with disabled children most often through segregation, by creating separate schools and special classes. Many large cities established such special classes by 1900, including New York, Philadelphia, Chicago, and Boston (Reynolds & Birch, 1977; Scheerenberger, 1983). These special classes were often filled with children who did not fit in

the regular classrooms for various reasons, including slow learners, those with behavior problems and/or physical problems, or immigrant children with language or cultural problems.

Wright and Wright (2000) reported that children with disabilities were often either excluded from school or “Lumped together in generic special education classes” (p. 8). The children were often in classes in basements or trailers to keep them from the “normal” children. Most states allowed such exclusion to happen, despite the compulsory attendance laws. School systems would do this if they felt a child “would not benefit from education or if the child’s presence would be disruptive to others” (p.8).

Several court cases across the country upheld the exclusion of children with disabilities. It was actually a crime until 1969 in North Carolina to attempt to enroll a child with a handicap in public school if the child had already been excluded. The Supreme Court in Illinois ruled in 1958 in *Department of Public Welfare v. Haas* that compulsory attendance laws did not apply to mentally handicapped children (Wright & Wright, 2000; Yell et al., 1998). Similar rulings were dealt in Massachusetts, Ohio, and Wisconsin (Hehir & Gamm, 1999; Johnson, 1986; Yell et al., 1998).

### *History of the Individuals with Disabilities Education Act*

Special education in public schools is now a federally funded program that includes individualized programs and services to help students with disabilities participate and progress in the regular education environment. This program’s roots were in federal legislation dating back to the 1950s, as well as previous court rulings relating to the education of students with disabilities (Shrybman, 1982).

Public Law 94-142, the Education for All Handicapped Children Act (EAHCA), was signed into law in 1975, marking the true beginnings of equal

educational opportunities for students with disabilities. There were six major principles found in the EAHCA:

1. To ensure that all handicapped children had available a free appropriate public education to meet their unique needs
2. To ensure the rights of handicapped children and their parents were protected. These included nondiscriminatory testing, an educational program developed from a variety of sources of information, and due process rights
3. To ensure that students with disabilities had an individualized and appropriate education
4. To ensure students with disabilities were educated in the least restrictive appropriate placement
5. To offer due process protections by an impartial hearing officer
6. To allow parents participation and shared decision-making in their child's educational program (Shrybman, 1982; Turnbull, 1986; Yell et al., 1998).

Many factors led to the passage of this landmark federal law. People with disabilities had historically been subjected to unequal and/or inappropriate education. Students with disabilities were most often completely segregated from non-handicapped children. They were misdiagnosed or even ignored, and many children with disabilities simply stayed home, either by choice or forced by school officials (Johnson, 1986; Reynolds & Birch, 1977; Russo, Morse, & Glancy, 1998; Yell et al., 1998).

Advocacy groups began to form at the national level in the 1950s. These groups were instrumental in securing educational rights for students with disabilities. Many parents of students with disabilities advocated that

their children had the same rights as others. Such parents and other advocates led a movement for change at a time in which social change was happening throughout our country. The Civil Rights Movement was instigating monumental changes, most notably with the Supreme Court decision in *Brown v. Board of Education* (1954). The Brown decision called for an end to segregation based solely on race, which violated Fourteenth Amendment equal protection rights. Advocates of students with disabilities argued that the same protections should be in place for students with disabilities (Johnson, 1986; Reynolds & Birch, 1977; Yell et al., 1998).

Sixteen years after the Brown decision, there were two important cases decided in federal district courts to argue for equal opportunities for students with disabilities. *Pennsylvania Association for Retarded Citizens (PARC) v. Pennsylvania* (1972) was a class action suit that called for better education for mentally retarded students. The case was resolved by "Consent agreement specifying that all children with mental retardation between the ages of 3 and 21 years must be provided a free public education and that it was most desirable to educate children with mental retardation in a program most like the programs provided for nondisabled peers" (Yell et al., 1998, p. 223; see also Hehir & Gamm, 1999; Johnson, 1986; Reynolds & Birch, 1977; Russo et al., 1998).

The second landmark class action suit was filed in the District of Columbia. The parents and guardians of seven children with various disabilities who were not in school filed suit against the District of Columbia Board of Education (1972). This case was also founded upon the Fourteenth Amendment and charged that the students were "Excluded from school without due process of law" (Yell et al., 1998, p. 223; see also Hehir & Gamm, 1999; Johnson, 1986; Reynolds & Birch, 1977; Russo et al., 1998).

After these two successful cases, advocates of students with disabilities continued to seek equal opportunities through litigation. By June

1975 there were 46 lawsuits in 28 states seeking educational rights for students with disabilities (Shrybman, 1982). Several states developed laws regarding the education of students with disabilities. However, students were still excluded or treated unequally. There were also many issues yet to be addressed, such as compliance and administrative procedures for resolving complaints. It became obvious that federal involvement was necessary (Russo et al., 1998; Yell et al., 1998).

Section 504 of the Rehabilitation Act of 1973 was the first "Major effort to protect persons with disabilities against discrimination based on their disabilities" (Yell et al., 1998, p.223; see also Hehir & Gamm, 1999; Reynolds & Birch, 1977; Thomas, 1985; Turnbull, 1986). Section 504 is broad based in its protection and definition of a person with a disability. It prohibits discrimination by any recipients of federal funds. The agencies must "provide assurance of compliance, take corrective steps when violations are found, and to make individualized modification and accommodations to provide services that are comparable to those offered persons without disabilities" (Yell et al., p. 224).

The Education Amendments of 1974, P.L. 93-380, were to amend the Elementary and Secondary Education Act of 1965 (ESEA). "The ESEA provided funding for a variety of programs for children who were disadvantaged and for students with disabilities" (Yell et al., 1998, p. 224; see also Hehir & Gamm, 1999; Reynolds & Birch, 1977; Shybman, 1982; Thomas, 1985; Turnbull, 1982). Public Law 93-380 was significant in that it was the first national legislation recognizing the needs of students with disabilities. The purpose was to "require that each state receiving federal funding establish a goal of providing full educational opportunities for all children with disabilities" (Yell et al., p. 224). The legislation further "acknowledged the right of students with disabilities to an education, provided funds for the education of students with disabilities under Title IV-

B, specified due process procedures, and addressed the issue of least restrictive environment” (p. 225). Many advocates for students with disabilities felt this act would not suffice due to the fact that it could not be enforced. Additionally, there were issues regarding the education of students with disabilities due to a lack of teacher training and funding for research.

The EAHCA (P.L. 94-142) provided federal funding to states to help educate students with disabilities. States receiving funding had to submit a plan of policies and procedures to the Bureau of Education for the Handicapped. If the bureau approved the plan the state had to guarantee a free appropriate public education to students with disabilities in return for the federal funding. New Mexico was the only state that did not submit a plan, as they chose not to accept funds nor implement the act. An advocacy group for people with disabilities filed a suit against the state for failing to provide an appropriate education for students with disabilities under Section 504 of the Rehabilitation Act of 1973. The group, in *New Mexico Association for Retarded Citizens v. New Mexico* (1982), won the case. The decision stated that the state still had to comply with Section 504, a civil rights law. New Mexico then submitted a plan agreeing to implement the law and accept federal funding (Russo et al., 1998; Thomas, 1985; Yell et al., 1998).

The EAHCA mandated the following for qualified students: (a) educational opportunity for all students with all types of disability, or zero reject; (b) nondiscriminatory testing, evaluation, and placement procedures; (c) be educated in the least restrictive environment; (d) procedural due process, including parent involvement; (e) a free education; and (f) an appropriate education (Shrybman, 1982; Thomas, 1985; Turnbull, 1982; Yell et al., 1998). Handicapping conditions recognized by the law included: mentally retarded; hard of hearing; deaf; speech impaired; visually handicapped; seriously emotionally disturbed; orthopedically impaired; other

health impaired; deaf-blind; multihandicapped; or have specific learning disabilities (Shrybman, 1982; Thomas, 1985; Turnbull, 1982).

The Individualized Education Program (IEP) was the main piece of the EAHCA. All students served in special education programs were required to have an IEP which was to include: goals and objectives, educational placement, length of school year, and measurement and evaluation criteria. The EAHCA both recognized the rights of students with disabilities and provided federal funds to the states. Funding would go from the federal level to the states, and then to the local education agencies (LEAs). Local districts had to meet state requirements for programming. The federal funds were to be used to supplement local monies. Local schools districts were not allowed to use the federal funds to replace the local funds (Shrybman, 1982; Thomas, 1985; Turnbull, 1982; Yell et al., 1998; Wright & Wright, 2000).

The EAHCA was the federal legislation that governed special education programs. However, there were also federal regulations that specified how this law should be carried out. Each state then had to develop its own rules and regulations that were even more specific as to the implementation of the programs. The individual state rules and regulations had to relate back to the larger federal rules and regulations (Turnbull, 1982).

Congress renamed this law in 1990 and also made other significant changes. Public Law 94-142 became known as the Individuals with Disabilities Education Act (IDEA) and the language of the law changed to emphasize the person first, rather than the handicapping condition (i.e. mentally retarded became person with mental retardation). Other significant changes included the identification of traumatic brain injury and autism as separate distinct categories of eligibility. In addition, local education agencies (LEA's) were required to include a transition plan in the IEP of every student by the time the students reached the age of 16 (Yell et al., 1998).

Congress amended the IDEA again as part of the Improving America's Schools Act of 1994 (P.L. 103-382). Included in these changes was permission for school districts to use interim placements for up to 45 days for students with disabilities who brought weapons to school. The interim placement had to be determined by the IEP-Team, and if the parents requested a due process hearing, the student was to remain in the interim placement until court proceedings were finalized unless the parents and LEA agreed on a different placement (Grzywacz et al., 2000).

The latest amendment of the IDEA was in 1997 resulting in numerous changes for the education of eligible students. The Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97, P.L. 105-17) marked the first time in 22 years that this law, originally the EHA, has been thoroughly reviewed and revised (Morrissey, 1998). Congress sought to improve the IDEA through this reauthorization by meeting the following goals:

1. Strengthening the role of parents;
2. Ensuring access to the general curriculum and reforms;
3. Focusing on teaching and learning while reducing unnecessary paperwork requirements;
4. Assisting educational agencies in addressing the cost of improving special education and related services to children with disabilities;
5. Giving increased attention to racial, ethnic, and linguistic diversity to prevent inappropriate identification and mislabeling;
6. Ensuring schools are safe and conducive to learning; and
7. Encouraging parents and educators to work out their differences by using nonadversarial means (Office of Special Education Programs, 1997)

Public Law 105-17 marked the first time student discipline was addressed in the law. The intent of Congress was to balance school officials' responsibilities to ensure a safe learning environment for all students and delineate the LEA's responsibilities to protect the right to FAPE for IDEA eligible students (OSEP, 1997). The '97 amendments addressed several aspects pertaining to student discipline. School administrators were given the authority to suspend a student from the school setting for up to 10 (cumulative) days in a school year. The basis for such suspension was to assure that they are used in the same manner as students without disabilities (Katsiyannis & Maag, 1998).

School personnel may also place a student in an appropriate interim alternative educational setting (IAES) for up to 45 days for violations involving the possession of weapons or controlled substances at school. The interim alternative educational setting (IAES) must be decided by the IEP-Team and must allow the student to have access to the general curriculum and special education services. The law also mandates that IEP-Teams must conduct a manifestation determination for offenses that result in a removal of more than 10 school days or placement in an IAES. No later than 10 days after the offense, the IEP-Team must review the relationship between the offense and the student's disability. If the offense is not a manifestation of the disability, district-wide disciplinary actions may apply, although services may not cease for any student eligible under the IDEA (Katsiyannis & Maag, 1998).

### *Discipline in Public Schools*

Teachers and administrators in schools have faced common discipline problems since the inception of public education in the United States. According to Bear (1998), "Teasing, talking without permission, getting out of one's seat, disrespect toward teachers, and bullying" (p. 15) are common

misbehaviors that have always been present in schools. However, over the last decade school personnel have dealt with student behaviors that are more violent in nature, such as physical violence, vandalism, and drugs. (Bear, 1998; Crone & Horner, 1999-2000; Maag, 2001; Skiba & Peterson, 2000; Zurkowski et al., 1998). Although society and students have changed over the past 20 years, many school personnel have not changed their method of discipline. What used to work, does not meet the needs any longer (Johns et al., 1997).

Research has shown that historically the most common methods used in schools to combat student misbehavior are punitive and often involve some type of exclusion (Bear, 1998; Crone & Horner, 1999-2000; Johns et al., 1997; Maag, 2001; Sautner, 2001; Skiba & Peterson, 2000). Of all disciplinary actions taken by school personnel, out-of-school suspension (OSS) is used widely, and for inconsistent reasons, although the practice has been found ineffective. Additionally, if OSS is used excessively and without the following of proper procedures, the practice is in violation of students' rights under the IDEA (Advancement Project/Civil Rights Project, 2000; Bear, 1998; Crone & Horner, 1999-2000; GAO, 2001; Maag, 2001; Sautner, 2001; Skiba, 2002; Skiba & Peterson, 2000).

According to a report issued by the Advancement Project/Civil Rights Project of Harvard University (2000), more than 3.1 million students were suspended during the 1998 school year. Another study regarding student discipline stated that OSS is by far the most frequently used form of discipline for serious misconduct taken for both students served under the IDEA and those in regular programs (GAO, 2001). Sixty-four percent of general education students, and 58% of special education students received OSS in the 1999-2000 school year for exhibiting behaviors considered serious misconduct. The study included four types of serious misconduct:

violent behavior (including fistfights), drugs, weapons, and firearms (GAO, 2001).

Research demonstrated that administrators used OSS for a variety of reasons, but most often suspension was used for more minor offenses. Johns et al. (1997) reported on several studies from the past decade regarding suspensions. Their review found that suspensions were used for serious behavior incidents only a fraction of the time.

The Commission for Positive Change in the Oakland Public Schools issued a report in 1992 (as cited in Johns et al., 1997) regarding many issues related to suspensions. Their findings showed that 92% of student suspensions were for non-dangerous behaviors. Less than five percent of suspensions were the result of weapons, drugs, or other dangerous objects. Defiance of authority, fighting, and tardiness resulted in the majority of suspensions.

Dupper and Bosch (as cited in Johns et al., 1997) found similar results in a study of reasons for suspension in a public school district in a Midwestern town. The researchers collected data from 1988 to 1995. They found that “ten percent of total suspensions were for criminal activity; two percent were for physical confrontation with staff; 44 percent were for physical confrontation with students; and 44 percent were for other behavior problems” (chap. 1, p. 4). Disturbingly, of that 44% of suspensions for other behavior problems, the study showed the behaviors to be non-dangerous and actually minor. Many students were suspended for behaviors such as disruptive behavior, failure to follow reasonable directions, and verbal abuse to staff.

The Minnesota Department of Children, Families, and Learning reported findings in 1996 from a study about suspensions in that state. They reported that 70 to 80% of suspensions were for offenses in the following categories: physical or verbal assault, disrespect/defiance, and attendance.

Safety was an issue in 2.3% of suspensions in rural districts, 2.4% of suspensions in suburban districts, and 6.5% of suspensions in urban districts.

Cooley stated in 1995 in a report to the Kansas State Board of Education that although teachers had reported concerns about assault and weapons, those offenses were only a small portion of the reasons students were suspended or expelled. Findings indicated that disobedience was the cause of 22.77% of suspensions, and fighting resulted in 21.67% of the suspensions.

There is also a large body of literature that suggests exclusionary and punitive disciplinary practices are highly ineffective in changing or preventing further behavior problems (Bear, 1998; Constenbader & Markson, 1997; Maag, 2001; Sautner, 2001; Skiba & Peterson, 2000). Maag explained the basis of this problem as being a misunderstanding of the terms discipline and punishment. According to the author, discipline is "training that is expected to produce a specific character or pattern of behavior, especially training that produces moral or mental improvement" (p. 177). On the other hand punishment has been found to only decrease inappropriate behavior temporarily. Therefore, by only suppressing a behavior there is no way to ensure that a student has learned the appropriate behavior to use.

Maslow's (1954) hierarchy of needs should be considered. He wrote that the most successful people were those who became intrinsically motivated, rather than those acting out of coercion. The behaviorist, B.F. Skinner, discussed punishment and motivation in the following way: "The trouble is that when we punish a person for behaving badly, we leave it up to him to discover how to behave well, and then he can get credit for behaving well" (1971, p. 62).

By simply excluding students for inappropriate behavior school personnel are doing nothing to teach students to act appropriately. Research has shown that many students who have been suspended have actually been suspended more than once. Morgan-Datrio, Noithup, LaFluer, and Spera (1996) found in a study of suspensions at one large urban high school that 58% of students suspended were suspended more than one time in a school year. A study in Oakland (as cited in Johns et al., 1997) similarly found that in one school year 43% of suspended students were suspended again and 24% were suspended multiple times. Constenbader and Markson (1997) studied 620 middle school and high school students regarding suspensions. Thirty-three percent of students who had been suspended said the suspension was “not at all” helpful and that they “probably would be suspended again” (p. 70).

Research has also consistently demonstrated a racial disproportionality in exclusionary discipline (Advancement Project/Civil Rights Project, 2000; Holloway, 1997; Johns et al., 1997; Skiba, 2002). A report issued by the Advancement Project/Civil Rights Project of Harvard University (2000) stated that while African-American children account for 17% of American public school children, they account for 32% of out-of-school suspensions. Skiba (2002) reported that virtually every study over the past 25 years regarding suspension has shown a racial disparity, and that African-American students typically are suspended at a rate two or three times higher than white students.

Students with disabilities are also suspended at a high rate according to research. Leone, Mayer, Malmgren, and Musel (2000) found that students with disabilities represent 11% of the population nationally but account for around 20% of suspensions. Researchers in Kansas and Minnesota (Cooley, 1995; Minnesota Department of Children, Families and Learning, 1996)

found that students with disabilities were more than two times more likely to be suspended than students without disabilities.

Research demonstrated that the use of OSS not only has been found to be ineffective, but it can even be quite harmful. The loss of important instructional time is one negative effect of out-of-school suspension (Brock, Tapscott, & Savner, 1998; Constenbader & Markson, 1997; Johns et al., 1997; Morgan-D'Atrio, et al., 1996; Skiba, 2002). Students who have faced exclusionary discipline have been found to be more at-risk for retention and other academic failure (Brock et al., 1998). Students who are suspended are ones who need to be in school the most according to the National School Board Association (as cited in Sautner, 2001). Safer (1986) found a correlation between student suspension or expulsions and failing grades due to the disciplinary actions. The Advancement/Civil Rights Project report (2000) stated that children and communities are hurt through such exclusionary practices. Furthermore, suspensions and expulsions can lead to "alienation from the educational process, hostility on the part of the child, and eventually dropping out" (Loss of educational opp. section, para. 1).

Many studies found that there is a correlation between suspensions and drop out rates (Advancement Project/Civil Rights Project, 2000; Brock et al., 1998; Dwyer, 1997; Hyman & Perone, 1998; Johns et al., 1997; Skiba, 2002). Skiba reported that more than 30% of sophomores who drop out had previously been suspended. Research has consistently found that the more frequently a student has been suspended, the higher the likelihood that student will drop out (Constenbader & Markson, 1997; Eckstrom, Goertz, Pollack, & Rock, as cited in Skiba & Peterson, 2000; OSEP Center on Positive Behavioral Interventions and Strategies, 1999). One study revealed that "over 30 percent of high school sophomores who dropped out of school had previously been suspended, a rate three times that of their peers" (Eckstrom

et al., as cited in Skiba & Peterson, p. 338). Many students who are repeatedly suspended just simply fail to return to school at some point.

According to Rutherford (as cited in Constenbader & Markson, 1998) "Suspension is effective only if the environment from which the student is removed is more interesting and reinforcing than the environment to which the student is moved" (p. 60). This is often not the case however. Irwin Hyman, a Professor of School Psychology at Temple University, was interviewed in the Advancement/Civil Rights Project (2000) study and stated, "It is patently absurd to use suspension as a punishment for truancy or class-cutting, as it simply forces children to do what they want to do anyway" (Conflict and need for bonds section, para. 3). Many students see suspension as a reward. They may already have poor attendance, failing grades, and a desire to be out of school (Johns et al., 1997; Sautner, 2001).

Students who are out of school and who have little or no supervision may face an increased likelihood of delinquency (Sautner, 2001; Skiba, 2002). The National Association of State Boards of Education issued study findings in 1994 and urged school districts to keep students in school if at all possible, saying "it will simply not stop the tide of violence among youth, it will only put more youth on the streets" (Johns et al., 1997, chap. 1, p.5).

Suspensions and expulsions serve the purpose of removing students with behavior problems from the classrooms. Such disciplinary actions do more to help the teachers than the students. A short-term fix such as a suspension will actually do nothing to change a student's negative behavior or to teach the student how to behave appropriately. (Brock et al., 1998; Constenbader & Markson, 1998). Although no studies have shown suspensions to be effective, the process continues to be practiced widely across the country. School personnel also seemingly ignore the amount of data showing the damages that suspensions may inflict upon students.

### *Legal Aspects Of Exclusionary Discipline*

Exclusionary discipline practices such as suspension or expulsion have often been found to be in violation of the rights of students with disabilities. King (1996) defines exclusionary discipline as “any practice that removes a student from school” (p. 50). Many court rulings over the years have addressed the issue of exclusionary discipline. Following is a summary of relevant cases from the mid 1970s until the reauthorization of the IDEA in 1997.

The Supreme Court ruled in *Wood v. Strickland* (1975) that students could not be denied a right to education without due process of law based on the Fourteenth Amendment of the United States Constitution. The Supreme Court, in *Goss v. Lopez* (1975), also stated that students’ due process rights are to be given any time a student is removed from school. The rights include notice of the charges and the opportunity for a hearing to address the charges and witnesses (419 U.S. 565, 42 L Ed 2d 725-729). The decision in *Goss v. Lopez* also set the standard for what differentiates suspension from expulsion. Suspensions are removals of 10 days or less, and expulsions are more than 10 days (King, 1996). These two Supreme Court decisions were not based on cases involving students with disabilities, but the rulings have been cited in many cases regarding the discipline of students with disabilities.

*Stuart v. Nappi* (1978) was the first major court decision regarding the expulsion of a student with a disability. Federal District Court in Connecticut ruled that an expulsion is a change of placement, and therefore can only be made by an IEP-Team. The court did say that “handicapped children are neither immune from a school’s disciplinary process nor are they entitled to participate in programs when their behavior impairs the education of other children in the program” (King, 1996, p. 52). In essence the court determined that handicapped children could be disciplined for inappropriate

behaviors, but that schools should use options other than expulsion (Bartlett, 1989; Handicapped Students and Special Education, 1987; King, 1996).

Just one year later a district court in Indiana reached a different conclusion regarding the expulsion of students with disabilities. The court determined in *Doe v. Koger* (1979) that schools could not expel students whose behavior was a result of the handicapping condition. Students could, however, be expelled and special education services ceased if there was no link between the behavior and the disability (Bartlett, 1989; Handicapped Students and Special Education, 1987; King, 1996). The court did not address who should determine the link between the behavior and disability, nor did it specify a process for making such a determination.

The U.S. Fifth Circuit Court of Appeals addressed some previously unanswered questions in 1981 with its decision in *S-1 v. Turlington*. The court explained in its ruling that a trained and knowledgeable group must determine if the behavior is a manifestation of the handicap. Additionally, the court determined there could be an indirect link between the behavior and the disability such as stress (635 F.2<sup>nd</sup> 347-348). According to King (1996) this interpretation meant that it was not enough to simply determine if a student knew right from wrong to make a manifestation determination. Such an indirect link would result in a much more difficult task to determine that the behavior was not a result of the handicapping condition.

The court also ruled in *S-1 v. Turlington* that suspension and expulsion could be used so long as there was no link between behavior and the disability, but that expulsion was a change of placement. A change of placement would mean that all procedural protections of the EAHCA should be followed. According to the ruling, even when a student eligible under the EAHCA was expelled, there could not be a complete end to special education

services (Bartlett, 1989; Handicapped Students and Special Education, 1987; King, 1996).

Kaelin v. Grubbs (1982) was a Sixth Circuit U.S. Court of Appeals ruling that essentially followed the S-1 v. Turlington decision. The court stated in the decision that indefinite suspensions were equal to expulsion, which would be a change in placement; expulsion was not an option if the behavior was a manifestation of the disability; and services could not cease even when a student was expelled (EHLR 554:115, 6<sup>th</sup> Cir., 1982; Bartlett, 1989; Handicapped Students and Special Education, 1989; King, 1996).

The most significant court ruling prior to the 1997 IDEA Amendments regarding manifestation determination developed out of the decision rendered in Doe v. Maher (U.S. Court of Appeals, Ninth Circuit, 1986). This case also led to the only Supreme Court decision regarding discipline under the IDEA (Honig v. Doe, 1989). The decision followed earlier ones in denying schools the option of expulsion if the behavior was caused by the handicap (Kaelin v. Grubbs, 1982; S-1 v. Turlington, 1981). The Ninth Circuit did, however, state more clearly the definition of linkage and how to make the determination. According to the ruling, "A handicapped child's conduct is covered by this definition only if the handicap significantly impairs the child's behavioral controls" (Doe v. Maher, 793 F.2<sup>nd</sup> 1480 n.8). In other words, this court did not recognize indirect relationships such as stress or poor self-esteem because students without disabilities also may face stress or have poor self-esteem (Bartlett, 1989; Handicapped Students and Special Education, 1987; King, 1996).

The court also ruled that the manifestation determination must be decided by a consensus of the student's IEP-Team. Additionally, when consensus is not reached, the parents must have the opportunity to challenge the decision through a due process hearing (Bartlett, 1989). The ruling also said that school systems could cease all educational services if

the behavior is not a manifestation of the disability and the student is subsequently expelled. This portion of the decision went against several earlier ones regarding the cessation of services during expulsion (Kaelin v. Grubbs, 1982; S-1 v. Turlington, 1981; Stuart v. Nappi, 1978) (Yell, 1989).

The ruling in *Doe v. Maher* (1986) also seemingly contradicted earlier decisions regarding the stay-put rule under the EAHCA. According to the law (§1415(e)(3)) the child must remain in the most recent placement until the completion of any type of review proceedings. Rulings in earlier cases (Jackson C. Franklin County School Board, 1985; S-1 v. Turlington, 1981; Victoria L. v. School Board of Lee County, Fla. 1984) had recognized a “dangerousness” exception to the stay-put rule. In other words, LEAs had been allowed to unilaterally change the placement of a student who was considered to be a danger to himself/herself or others.

Bill Honig, then California Superintendent of Public Instruction, petitioned the United States Supreme Court to review the 1986 decision in *Doe v. Maher*. The Court agreed to hear two issues from the Ninth Circuit ruling. The case became *Honig v. Doe* (1988) and was the first case regarding discipline under the EAHCA to reach the Supreme Court (Bartlett, 1989). The decision rendered in *Honig v. Doe* has impacted every LEA in the country.

In regard to the stay-put rule, the Appeals court had interpreted the EAHCA literally, saying no child could be excluded during the pendency of the review. This decision did not allow for any wavering, no matter how dangerous a child’s behavior may have been. In his appeal to the Supreme Court, Honig argued that Congress could not have meant this stay-put rule so literally. He contended that such a literal interpretation would go against “common sense” in requiring school districts to allow violent or dangerous students to return to the classroom (Yell, 1989).

The Supreme Court, in its landmark decision, ruled that Congress did mean for such an interpretation in order to stop school districts from unilaterally excluding students from schools. The Court held that a student's placement would be frozen until the completion of any review unless the school and parents agree otherwise (Yell, 1989). The decision also stated that typical disciplinary measures could be taken. The use of up to a 10-day suspension was mentioned. Those 10 days could be used to meet with parents to try to agree on a change of placement. If no such agreement could be reached, the LEA could appeal to the courts to remove the student. In such instances the LEA would bear the burden of proving that the student was truly dangerous (Yell).

#### *Reauthorization of the IDEA in 1997*

The reauthorization of the IDEA in 1997 (P.L. 105-17) marked the greatest changes made by Congress since the initial passage as the EAHCA in 1975. According to Gallegos (2002), Congress sought to improve this federal act by the following:

1. strengthening the role of parents;
2. ensuring access to the general curriculum and reforms;
3. focusing on teaching and learning while reducing unnecessary paperwork requirements;
4. assisting educational agencies in addressing the costs of improving special education and related services to children with disabilities;
5. giving increased attention to racial, ethnic, and linguistic diversity to prevent inappropriate identification and mislabeling;
6. ensuring schools are safe and conducive to learning;

7. encouraging parents and educators to work out their differences by using nonadversarial means;

The many changes made in 1997 affected all educators. However, the most complicated and controversial changes have been the addition of disciplinary provisions (Zirkel, 1998). Prior to IDEA '97 the statute only specifically addressed the issue of discipline in a provision that allowed school personnel to remove a child for possession of a weapon (OSEP, 1997). Before IDEA '97 "everything we knew about disciplining special education students came from OSEP (Office of Special Education Programs) letters and case law" (Little, 1999). These letters and case law were used as Congress developed discipline provisions in IDEA '97 (Discipline of students with disabilities, 1999). According to Zurkowski et al. (1998) "Modifications to law generally reflect change within society" (p. 3). The authors suggested that IDEA is no exception to this rule. The addition of discipline provisions was to strike a balance between the rights of students with disabilities and the pressure facing administrators to ensure safe schools.

According to the Center for Effective Collaboration and Practice, four basic themes run throughout the statute concerning discipline:

1. All children, including children with disabilities, deserve safe, well-disciplined schools and orderly learning environments.
2. Teachers and school administrators should have the tools they need to assist them in preventing misconduct and discipline problems and to address these problems, if they arise.
3. There must be a balanced approach to the issue of discipline of children with disabilities that reflects the need for orderly and safe schools and the need to protect the right of children with disabilities to a FAPE; and

4. Appropriately developed IEPs with well developed behavior intervention strategies to decrease school discipline problems (Center for Effective Collaboration and Practice, 2001).

The discipline provisions of IDEA '97 are extremely complex and require the knowledge and understanding of various school personnel. A key component of the original law in 1975 was the multidisciplinary team that was responsible for the development of an individualized program for students with disabilities. This team is now called the IEP-Team and must include the following: parent or guardian of the student, special education teacher, at least one regular education teacher, an LEA representative (often the school administrator), an interpreter of evaluation results (which may be one of the others already mentioned), and the student, if appropriate (IDEA 20 U.S.C. §1414 (d)(1)(A)(7)(B); IDEA Regulations 34 C.F.R. §300.344 (a)). This team must ensure that the discipline provisions are met (Wright & Wright, 2000).

There are three major points found in the discipline provisions (Yell et al., 2000). There is an emphasis on "the use of positive behavioral interventions, supports and services for students with disabilities who exhibit problem behaviors" (p. 6). These proactive measures must be included in a student's IEPs when the student's behavior impedes his or her learning or that of others. Also, "school officials may discipline students with disabilities in the same manner as students without disabilities with a few exceptions" (p. 6). Finally, "discipline should be addressed through the IEP process" (p. 7).

IDEA '97 states that if a student with disabilities exhibits behaviors that impede his or her learning or that of others, the students' IEP-Team must "consider strategies, including positive behavioral intervention strategies, and supports to address that behavior" (IDEA, 20 U.S.C. §1414

(d)(3)(B)(i)). There are three steps that must be taken to proactively address such behaviors. First, there must be an assessment of the problem behavior. Second, there must be measurable goals and objectives to address the behaviors. Finally, a student must have the appropriate special education and related services that are required to help the student meet these goals and objectives (Yell et al., 2000). According to Thomas Hehir, former director of the United States Department of Education's Office of Special Education Programs, "the key provision in IDEA '97 is using positive behavioral interventions and supports" (Letter to Anonymous, 1999). If an IEP-Team does not address problem behaviors in the IEP, Hehir said it would constitute a denial of FAPE (IDEA regulations, Appendix B, Question 38).

The assessment of behavior is called functional behavior assessment (FBA) and is done to determine the cause, or function, of behaviors. Functional behavior assessment is defined in the literature as a "process of identifying a student's impeding behavior and the events that readily predict occurrences and non-occurrences of those behaviors and maintain the behaviors over time" (OSEP Center on PBIS, 1999, p. 13). According to the authors, the purpose of an FBA is to "identify the conditions under which problem behavior is likely to occur and manipulate environments in ways to reduce the problem behaviors and replace with appropriate ones" (p. 13).

The IDEA did not set a legal definition of FBA and a number of procedures exist for conducting them (Miller, Tansy, & Hughes, 1998). Research has shown that three main results should come from a proper FBA. There must first be a hypothesis statement to define the problem behavior, along with when and why it occurs. The second result should be direct observation data to support the hypothesis. Finally, this information should result in the development of a behavior support plan to reduce problem behaviors and increase behaviors that are appropriate (OSEP Center on PBIS, 1999).

According to Drasgow and Yell (2001) there are three factors related to the occurrence of problem behaviors:

- (a) setting events (i.e., events that do not by themselves trigger problem behavior, but instead influence the likelihood that other events will trigger problem behavior),
- (b) antecedents (i.e., events or actions that immediately precede and trigger problem behavior), and
- (c) consequences (i.e., events or actions that occur as a result of problem behavior) (p. 214).

Thus, the purpose of a FBA is to collect the necessary information regarding a student's problem behaviors in order to develop an effective program to meet the student's needs.

Just as IDEA '97 does not specifically define FBA, it does not specify required components of one (Drasgow & Yell, 2001). The Department of Education intended for IEP-Teams to assess behaviors on an individual case-by-case basis. Because IDEA '97 and its following regulations did not specify procedures, the individual states and local school districts must do this (Drasgow & Yell). The state regulations in Tennessee do not define FBA or the required process. However, the Tennessee Department of Education, Division of Special Education has conducted training activities to instruct LEAs as to "best practices" for completing FBAs. Tennessee also has grant-funded programs such as the Make a Difference Project at East Tennessee State University to provide training and technical assistance to LEAs.

State educational agencies and school personnel must look to the field of applied behavior analysis for guidance in conducting FBAs. The practice has been used successfully for many years to deal with various behavior issues (Crone & Horner, 1999-2000; Gartin & Murdick, 2001; Gresham et al., 2001; OSEP Center on PBIS, 1999). According to research, there are three methods for conducting an FBA. The indirect method uses interviews,

rating scales, checklists, and review of school records. The direct method involves the direct observation of student behavior in a naturalistic setting to obtain information such as antecedent, behavior, and consequence of a behavior. The experimental method involves the systematic manipulation of certain variables regarding behavior (Gartin & Murdick, 2001; Witt et al., 2000 as cited in Gresham et al., 2001).

Regardless of the method used, IDEA '97 is clear in mandating when an IEP-Team must conduct an FBA. The school must conduct an FBA in the following circumstances:

When a student is

- (a) removed for more than ten days in a given school year or ten consecutive days
- (b) placed in an interim alternative educational setting for weapons or drug offenses or by order of a hearing officer; or
- (c) when short-term removals constitute a change of placement (IDEA, 20 U.S.C. §1415 (k)(l)(B)(I); IDEA Regulations, 34 C.F.R. §300.520(b)(1)).

The IEP-Team must use the information gained from the FBA to develop a behavior intervention plan (BIP). The IDEA '97 does not state specific components of a BIP, and like the FBA, state and local education agencies are responsible for determining the makeup of BIPs (Drasgow & Yell, 2001; Yell et al., 2000). The most important aspect school personnel must remember in developing a BIP is that it must be proactive and include multiple strategies to try to prevent misbehavior (Gorn, 1999; Yell et al., 2000).

The behavior intervention plan is a behavior change program. The goal is to teach the student to change negative behaviors into ones that are positive and acceptable in the classroom environment (Drasgow & Yell,

2001; OSEP Center on PBIS, 1999; Yell, Katsiyannis, Bradley, & Rozalski 2000). According to Drasgow and Yell (2001) an appropriate BIP should include a variety of strategies to reduce misbehavior. The authors state:

These strategies may include setting, event and antecedent interventions, functional equivalence training (i.e., teaching socially acceptable behaviors to replace the inappropriate ones), general skills instruction, cognitive behavioral interventions, differential reinforcement strategies, or any other combination of behavior change strategies (p. 243).

Research regarding BIPs consistently stresses the use of multiple positive interventions that do not focus on punishment or coercion to cause behavioral changes (Drasgow & Yell, 2001; Dunlap & Koegel, 1999 in Drasgow & Yell 2001; Gartin & Murdick, 2001; Skiba & Peterson, 2000; Yell et al., 2000). In 1999, the OSEP Center on Positive Behavioral Interventions and Supports provided a technical assistance guide for applying positive behavior support and FBA (OSEP Center on PBIS, 1999). According to this guide, positive interventions can be categorized into four areas: (a) setting event strategies; (b) antecedent strategies; (c) behavior teaching strategies; and (d) consequence strategies (p. 13). The BIP must specify implementation details such as who is responsible for what strategy when, where, how often, and why. A BIP should also include a crisis plan for emerging situations and how the implementation and effectiveness of the plan will be monitored and evaluated (OSEP, 1999; Yell et al., 2000).

### *Long-term Disciplinary Removals*

IDEA '97 does allow for the long-term removal of students for disciplinary purposes. However, specific procedural safeguards must be followed (WCASS, 2000; Walther-Thomas & Brownell, 1998; Yell et al., 2000; Zuroski et al., 1998). There must first be an IEP-Team meeting to

conduct a manifestation determination. This is done to determine the relationship between the student's offense and disability. If, and only if, the behavior is not a manifestation of the student's disability, the IEP-Team must determine the interim alternative educational setting (IAES) in which the student will receive services. Finally, the team decides how to continue to deliver a free appropriate public education (FAPE) to the student while in the IAES. (Gorn, 1999; Wright & Wright, 2000; Yell et al., 2000; Zurkowski et al., 1998)

According to Katsiyannis and Maag (2001), "Manifestation determination can be traced back to Honig v. Doe (1988) in which the Supreme Court ruled that unilateral expulsion of students with disabilities was not permitted because it constituted a change of placement and was subject to IDEA procedural requirements" (p. 86). Manifestation determination did, in fact, play a role in many case law decisions and had been used as best practice for years before the passage of IDEA '97 (Doe v. Koger, 1979; Doe v. Maher, 1986; Honig v. Doe, 1988; Kaelin v. Grubbs, 1982; S-1 v. Turlington, 1981). IDEA '97 clarified the procedure for school personnel who had been conducting manifestation reviews for years based on case law (Katsiyannis & Maag, 1998; Smith, 2000; Yell et al., 2000).

IDEA '97 specified the requirements for conducting a manifestation determination in Section 1415(k)(4)(A) and in the following regulations in Section 300.523 of IDEA '97. According to guidelines, this review must take place in three disciplinary scenarios. Manifestation determination will be conducted when:

- (a) a student will be removed to an IAES for drug [34 C.F.R. (a)(2)(ii) 300.520] or weapon [34 C.F.R.(a)(2)(i)] offenses,

- (b) appeal is made to a hearing officer to remove the student to an IAES because the student's behavior is a threat to others [34 C.F.R. 300.521], and
- (c) a removal of over ten days, which is a change of placement [34 C.F.R. 300.523(a)] (Katsiyannis & Maag, 2002; WCASS, 2000; Yell et al., 2000; Zurkowski et al., 1998).

The manifestation determination must be conducted as soon as possible but no later than 10 school days after the disciplinary decision is made (34 C.F.R. 300.523(a)(2)). Manifestation determination is defined as an "Analysis of the causal relationship between a student's disability and the misconduct for which they are being disciplined" (WCASS, 2000, p.17). Some researchers have criticized this process, calling it "A qualitative judgment, often distorted by emotions...." (p.17), and "Conceptually and methodically flawed and appears to serve more of a political than educational purpose" (Katsiyannis & Maag, 2002, p.85). Regardless of one's personal opinion, the manifestation determination review is a complicated process that must be conducted by individuals who have an understanding of the process.

IDEA '97 clearly states that a student's IEP-Team and other qualified personnel must conduct the manifestation determination (Section 1415(k)(4)(B)). In doing so, the IEP-Team must consider relevant information regarding the offending behavior. Such information includes evaluation and diagnostic data, observations, and the student's current IEP and placement (Katsiyannis & Maag, 2002; WCASS, 2000; Walther-Thomas & Brownell, 1998; Yell et al., 2000; Zurkowski et al., 1998). That information must be used to determine whether or not:

1. the IEP and placement are appropriate in regard to the behavior in question;

2. the disability did not impair the student's ability to understand the impact/consequences of the behavior; and
3. the disability did not impair the student's ability to control his/her behavior (Katsiyannis & Maag, 2002; Meloy, 2002; WCASS, 2000; Walther-Thomas & Brownell, 1998; Yell et al., 2000; Zurkowski et al., 1998)

According to researchers (Gorn, 1999; Katsiyannis & Maag, 2002; Wright & Wright, 2000), it is important for school officials to note the broad issue of whether or not the student was receiving a FAPE in the least restrictive environment, with all the necessary supports and services when the behavior occurred" (Wright & Wright, 2000, p.1). Gorn (1999) stated that even if a student understood the consequences and had the ability to control the behavior, the disability would be related to the behavior if the placement was not appropriate and the IEP was not followed correctly.

If after the review the behavior is determined to be a manifestation of the disability, then no disciplinary action can be taken. The only option available to schools would be to make a change of placement or programming through the IEP-Team process. If, however, the IEP-team decides the behavior was not a manifestation of the student's disability, the student may be disciplined as any student not served under the IDEA, including long-term suspensions or expulsion (Gorn, 1999; Katsiyannis & Maag, 1998; Walther-Thomas & Brownell, 1998; Yell et al., 2000; Zurkowski et al., 1998). However, a student who receives a long-term suspension or expulsion is still entitled to receive FAPE.

The interim alternative educational setting (IAES) is a procedural safeguard found in IDEA '97 used to provide FAPE to students who have been removed from school. An IAES may be used in the following instances: (a) a student is removed for 10 school days or less; (b) a student is removed for 45 calendar days for possession of a weapon or possession,

use, or sale of illegal drugs; (c) a student is removed by a hearing officer through the safety-dangerousness process; or (d) an IEP-Team decision (IDEA, 20 U.S.C. §1415(k)(3); 34 C.F.R. 300.520(a)(2) or 300.520 521).

School officials may unilaterally place a student in an IAES for up to 45 calendar days if the student (a) brings or possesses a weapon on school property or at a school function; or (b) knowingly possesses, uses, or sells illegal drugs or sells a controlled substance at school or at a school function (IDEA, 20 U.S.C. §1415(k)(l); IDEA Regulations 34 C.F.R. 300.521). This type of removal may be used even if the infraction is related to the student's disability (Yell et al., 2000).

School officials do not have unilateral authority to remove a student who is considered to be a danger or threat to himself or others. However, schools may request that an impartial hearing officer temporarily remove a dangerous student to an appropriate IAES for 45 days (IDEA 20 U.S.C. §1415(k)(2); IDEA Regulations 34 C.F.R. 300.521) In order to have a student removed through the dangerousness clause the school must prove by substantial evidence, beyond a preponderance that:

1. maintaining the student's current educational placement would be substantially likely to result in injury to that student or others,
2. the school district had made reasonable efforts to minimize the risk of harm in the current placement, including the use of supplementary aids and services, and
3. the proposed IAES will meet the requirements of IDEA '97 in allowing access to the general curriculum and implementation of the IEP (Hartwig & Ruesch, 2000; WCASS, 2000; Yell et al., 2000).

Following such a removal, the IEP-Team must convene during the 45 days to collect additional data and information to develop a plan for the student.

According to an interview with Yell (Walther-Thomas & Brownell, 1998), some possible decisions might be to “rewrite the behavior intervention plan, change the student’s placement, and hold a manifestation determination” (p. 48).

Finally, IDEA '97 allows for a student to be removed to an IAES through the IEP-Team process. There may be situations in which for behavioral reasons a change of placement and programming is necessary. According to a technical assistance guide for educators in Wisconsin (WCASS, 2000), “The IEP-Team can change the student’s IEP to reflect the practicalities of a disciplinary setting; the location, structure and content is determined by that IEP-Team” (p. 22).

Regardless of the situation resulting in the removal to an IAES, the IAES “must be planned and determined by the IEP-Team” (Yell et al., 2000, p. 12). An appropriate IAES is one in which the student is able to continue to participate in the general curriculum, provided the services and modification in the IEP that will allow the student to meet IEP goals, and provided supports and services to help change the problematic behaviors (Hartwig & Ruesch, 2000; WCASS, 2000; Zurkowski et al., 1998).

School districts may face legal challenges to an IAES if the student does not continue to receive FAPE. Placements used in the past, such as homebound, may no longer be appropriate. According to Yell et al. (2000) a homebound placement would be very difficult because students would not have access to the general curriculum and may not have all the supports and services outlined in the IEP. Legal challenges that have arisen regarding a system’s IAES have centered on the quality and availability of educational services (Akron Central School District 1998; Freeport Public Schools, 1997; Oregon City School District, 1998; William S. Hart Union High School District, 1997). School districts have been at fault when they did not provide

the appropriate special education and related services to students in an IAES (Yell et al., 2000).

Parents have the right to request an expedited due process hearing if they disagree with the results of a manifestation determination or an IAES decision. If the parents request a due process hearing, the student's placement is frozen, which is known as "stay-put," until a decision is made (Zurkowski et al., 1998).

Finally, IDEA '97 allows protections for students not yet eligible for special education (IDEA Regulations, 34 C.F.R. 300.527(A)). This means that students have procedural rights under the IDEA if school officials had knowledge that the student had a disability before the behavioral offense that resulted in disciplinary action (Hartwig & Ruesch, 2000; WCASS, 2000; Yell et al., 2000; Zurkowski et al., 1998). A school is said to have had such knowledge if:

1. the parent of the student has expressed concern in writing that the student may be in need of special education,
2. the student's behavior or performance shows a need for such services,
3. the parent of the student has requested an evaluation, or
4. the teacher of the student or other school personnel has expressed concern regarding the student's behavior or performance to the special education director or other school personnel (Hartwig & Ruesch, 2000; Yell et al., 2000; Zurkoski et al., 1998)

If the school had previously conducted an evaluation, or found it unnecessary and provided appropriate notice to the parents, then there is no knowledge of a disability (C.F.R. 300.527). In this instance a student is subject to the same disciplinary action of students without disabilities.

### *Principals' Role in Special Education and Discipline*

Public school principals today face more demands and challenges than ever before, and the expectations continue to grow. Principals must manage personnel, facilities, and budgets. They are the instructional leaders of schools who are ultimately responsible for ensuring that student achievement is on the rise. Principals facilitate programs such as transportation, food services, and extracurricular activities. In today's society they must especially be aware of safety concerns and any potential threats of violence. Finally, principals must have a working knowledge of education law, in particular ones dealing with the special programs found in every school (Daresh, Gantner, Dunlap, & Hvizdak, 2000; Doud & Keller, 1998; Lashway, 2000; Kennedy, 2002; McAdams, 1998; Portin, Shen, & Williams, 1998; Whitaker & Turner, 2000). Kennedy (2002) stated that in considering today's principalship she felt a job posting should read, "Only God need apply" (p. 29).

Although principals have numerous tasks, roles, and responsibilities in the day-to-day running of schools, it is a necessity that they have knowledge and understanding of educational programming for students with disabilities. Principals have various responsibilities in the education of students served under the IDEA. Without a working knowledge of the many components and laws regarding special education, they may make decisions that violate the rights of students served in these programs. When students' rights are violated, not only will they be denied the free appropriate public education to which they are entitled, but there is also a possibility of litigation for the school system at potential costs of thousands of dollars (Bateman & Bateman, 2001; Council for Exceptional Children (CEC), 2001).

According to research, there has been more litigation in special education than any other area of school law (Katsyannis et al., 2001; Petzko, 2001). Much of the litigation has centered on the denial of FAPE to

students. Often such denials have been the result of the disciplining of students with disabilities. There have been over 200 cases regarding the IDEA discipline provisions since 1997 in due process hearings, Office of Civil Rights rulings, and in the courts (Katsiyannis, Zhang, & Frye, 2002).

The principal of a school is ultimately responsible for enforcing the discipline of students and ensuring a safe school environment (Bateman & Bateman, 2001). Research has shown that principals consistently rank student discipline in the top three areas in which they spend time in the day-to-day school operations (Doud & Keller, 1998; Fenwick & Pierce, 2001; Whitaker & Turner, 2000). That ranking, coupled with the fact that more students than ever are eligible for special education services (U.S. Department of Education, 2000), means it is imperative that principals understand the IDEA '97 discipline provisions and see they are carried out appropriately.

Principals must understand how actions resulting from a student's misbehavior may violate the law. It is important for principals to familiarize themselves with students who have behavioral problems and are served in special education. Although the needs of students with disabilities vary tremendously, many can receive the appropriate supports through the overall school-wide discipline plan and a particular teacher's classroom management plan. However, a student whose behavior impedes his or her learning or that of others must have an individualized behavior support plan as part of his/her IEP. These plans must be positive and proactive in nature and not focus solely on punishment, which is a major change from student discipline in the past (Dragow & Yell, 2001; Gartin & Murdick, 2001; Gorn, 1999; Hartwig & Ruesch, 2000; Katsiyannis & Maag, 1998; Skiba & Peterson, 2000; Smith, 2000; Yell et al., 2000). Thus, principals must know the contents of these plans when behavioral concerns arise to ensure the provision of FAPE (Bateman & Bateman, 2001).

According to Bateman and Bateman (2001) it is especially important for principals to follow certain requirements when there are suspensions or expulsions of students served under the IDEA. These requirements are as follows:

1. Students with disabilities cannot be denied educational services because of behavior. Services must be provided to any student served in special education who received suspensions or expulsion (more than 10 school days per year).
2. School personnel may remove a student for up to 45 days for behaviors involving drugs or weapons. The student must be placed in an interim alternative educational setting to be determined by the IEP-team.
3. Principals may suspend students with disabilities without services for up to 10 days per school year, as long as the same disciplinary actions would be taken for students without disabilities.
4. IEP-Teams must conduct manifestation determination reviews when a disciplinary action would constitute a change in placement. Within 10 school days from the disciplinary action the IEP-Team must meet to determine whether or not the misbehavior is related to the student's disability. The student may be disciplined in the same manner as students without disabilities if the behavior is ruled not to be a manifestation of the disability. However, educational services may not cease for the student.
5. Principals may report any alleged criminal activity committed by students served under the IDEA to law enforcement authorities (p. 37).

Principals not only play a role in administering discipline to students, but they have important roles in the development and implementation of students' IEPs. The IEP is the most important document there is for students with disabilities. It serves as a legally binding contract between a school system and a student's parents/guardians (Bateman & Bateman, 2001).

Although the IDEA does not specifically require a principal by title in IEP meetings, it does require a local education agency (LEA) representative. According to the IDEA, an LEA representative:

- (i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- (ii) is knowledgeable about the general curriculum; and
- (iii) is knowledgeable about the availability of resources of the local education agency [(20 U.S.C. §1414 (d)(1)(B); 34 C.F.R. Sec. 300.344 (a)(4)].

Often, principals serve as the LEA representative. They have the knowledge of curriculum and resources available at the school to help children make progress. Principals must also serve as a resource during IEP meetings when students' social, emotional, and behavioral needs require the development of individualized support plans because they are aware of existing discipline programs found in their schools. Principals can provide meaningful input in designing positive behavioral supports that will work within the behavioral expectations found in the school (Bateman & Bateman, 2001).

### *Instrument Design*

Measurement instruments can help people make better decisions by providing the information needed to make those decisions (Ebel & Frisbie, 1991; Hopkins, Stanley, & Hopkins, 1990; McDonald, 2002; Thorndike,

1997). There are several human attributes that may be measured, such as abilities, interests, and personality traits. According to Thorndike, measurement in any field requires three common steps: "(1) identifying and defining the quality or attribute to be measured, (2) determining the set of operations by which the attribute is to be measured, and (3) establishing a set of procedures or definitions for translating our observations into quantitative statements of degree or amount" (p. 9).

Tests are one form of measurement. "A test is a set of questions, each of which has a correct answer, that examinees usually answer orally or in writing" (Ebel & Frisbie, 1991, p. 26). According to Gronlund (1993 in McDonald, 2002) a test should consist of a "sampling of tasks which represent the larger domain of behavior that is being assessed" (p. 14). Tests may serve a variety of functions. The purpose of a test will determine not only the type of test, but also some of the test characteristics.

Ward et al. (1996) report that the primary concern in test development is that a test will be valid for the purpose in which it will be used. According to research, there are at least five steps to be followed in test development: "Define the construct (or domain); determine the method of assessment; prepare item specifications; develop items; try out and revise items" (p. 1).

The most important consideration in developing and evaluating tests is validity (McDonald, 2002; Ward et al., 1996). According to McDonald, validity refers "to the appropriateness of the interpretation of the test scores – the extent of the evidence that exists to justify the inferences we make based on the results of the test" (p. 24). Validity means a test is useful for the purpose for which a test is developed, and not useful for other purposes. Validity does not exist on an all-or-none basis. Every test is valid to a certain degree; high, moderate, or weak (McDonald, 2002). There are three types of evidence of validity: content-related validity; criterion-related validity; and

construct-related validity (Ebel & Frisbie, 1991; McDonald, 2002; Thorndike, 1997).

Content-related evidence represents the degree to which test items reflect the content that is being tested. Content-related validity cannot be quantified with an objective number but must be documented beginning with the test development (McDonald, 2002). A test blueprint must be developed to indicate exactly what is to be measured. "A blueprint establishes content-related evidence of validity by ensuring that a test provides a representative sampling of the objectives and content domain" (p.25). According to Thorndike (1997), the correspondence between the test blueprint and the definition of the trait to be measured is the content validity of the test.

A test blueprint is a plan to guide the construction of a test. A blueprint contains two basic components: the specifications of cognitive processes and the description of content to be covered by the test (McDonald, 2002; Thorndike, 1997). A test blueprint also displays the types of items to be used; the total number of items for the test; and item difficulty and distribution (Thorndike). The test developer will prepare items based on this blueprint.

Criterion-related evidence is an empirical matter, in contrast to content-related evidence, which is based largely on logical considerations (p. 108).

The reliability of an instrument is another important aspect for test developers to consider. Reliability "refers to the degree of consistency with which an instrument measures an attribute for a particular group" (McDonald, 2002, p. 19). Reliability refers to scores obtained from a test, not to the test itself. A test must have a certain degree of reliability in order to be valid, but the test may have reliability without validity (Hopkins et al., 1990; McDonald, 2002; Thorndike, 1997). This means that a test may be highly reliable, but may not actually measure what is intended.

A measure is reliable to the extent that repeated measures stay the same, as shown by a low standard error of measurement or by a high reliability coefficient. There are several statistical formulas that may be used to quantify reliability, and Thorndike (1997) named three possibilities of data sources to obtain reliability measurements: "repeating the same test (retest); administering a second 'equivalent' form of the test; or subdividing the test into two or more equivalent fractions from a single administration" (p. 99).

The acceptable levels of score reliability depend on the purpose of the testing. The intended use of the scores also affects the type of reliability needed. The following propositions apply to test reliability:

1. Longer tests of more discriminating items will more likely have more reliable scores than shorter tests of less discriminating items.
2. Tests of homogeneous content are more reliable than those of heterogeneous content.
3. The more variable the scores obtained from a test, the higher their reliability is likely to be.
4. Scores obtained from groups heterogeneous in achievement are likely to be more reliable than those obtained from homogeneous groups.
5. Groups that are heterogeneous in testwiseness are likely to produce less reliable scores than homogeneous groups (Ebel & Frisbie, 1991, p. 98).

The most commonly used types of tests are the essay, the objective, and the numerical problem. Each can be written to require the same level of ability, and each can result in satisfactory levels of reliability and validity (Ebel & Frisbie, 1991). Essay and problem tests can be designed more

easily, but objectively scored tests can be scored quicker and more reliably than the other two.

Objective tests with fixed-response items include multiple-choice, true-false, and matching questions. Such items offer those taking the test only a limited number of response options. Hopkins et al. (1990) offered the following advantages of fixed-response tests: "(1) applicability to a wide range of subject matter; (2) objectivity of scoring; and (3) efficiency (p. 224). Thorndike (1997) gave the following suggestions for writing objective test questions:

1. Keep the reading difficulty and vocabulary level of the test item as simple as possible.
2. Be sure each item has a correct answer on which experts would agree.
3. Be sure each item deals with an important aspect of the content area.
4. Be sure each item is independent.
5. Avoid the use of trick questions.
6. Be sure the problem posed is clear and unambiguous (pp. 444-447).

Multiple-choice is the most common type of fixed-response questions used (Hopkins et al., 1990; McDonald, 2002; Thorndike, 1997). These items are extremely flexible and may be written to measure various levels of knowledge. Advantages to multiple-choice questions include adaptability to all types of subject matter and accurate and efficient scoring (Hopkins et al., 1990).

Multiple-choice items consist of two parts: the stem, which presents the problem or question, and a list of possible answers or options. One of the options listed is the correct, or best, answer while the others are distractors. There must be at least three answer options for the question to

be multiple-choice. Generally, test developers offer either four or five choices to reduce the possibility of guessing (Hopkins et al., 1990; McDonald, 2002; Thorndike, 1997).

No item format is flawless and researchers consistently address the fact that the construction of a test must measure the desired outcome.

## CHAPTER 3 METHODS AND PROCEDURES

### *Introduction*

This section presents an overview of research methodology used in this study. It includes a description of the procedures used in the development and revision of the test instrument and analysis of data from the test-retest pilot study. It also includes information as to how the pilot study participants were chosen.

### *Description of the Study*

The purpose of the study was to develop and refine an instrument to assess knowledge levels of the discipline provisions of the Individuals with Disabilities Education Act Amendments of 1997. The literature review revealed the necessity of including such provisions in the law, as well as the importance of those involved in the education of students with disabilities having a working knowledge and understanding of these provisions. The development of an instrument will allow school systems to ascertain whether school officials who discipline students with disabilities know how to follow the correct procedures. If these procedures are not followed, students may not receive the free appropriate public education to which they are entitled. The literature review also showed there are currently no tests of knowledge regarding the discipline provisions of IDEA '97.

The focus of the instrument was to assess knowledge in the five areas of discipline provisions found in IDEA '97. A review of IDEA '97, its regulations, and relevant literature identified the following five areas of provisions: manifestation determination review; interim alternative educational settings; functional behavior assessments; behavior intervention plans; and general procedural safeguards. The instrument was designed to

assess knowledge in three levels: basic recall, comprehension, and application.

### *Instrument Development*

The first step in developing the instrument was to review the actual discipline provisions found in the law (IDEA, 97) and regulations (IDEA Regulations, 98). Based on this review, a list of factual statements was devised regarding the five areas of provisions. The provisions in the law related to functional behavior assessments (FBA) and behavior intervention plans (BIP) require that they be completed, but do not specify the necessary components and procedures for completing them. Therefore, a review of literature was necessary to determine best practices in the field with regard to specific procedures. Information obtained from this review led to a greater listing of factual statements under the areas of FBA and BIP (Drasgow & Yell, 2001; Gartin & Murdick, 2001; Gorn, 1999; Miller et al., 1998; OSEP, 1999; Skiba & Peterson, 2000; Yell et al., 2000 ). The following section shows the factual statements in the identified five areas of knowledge generated from the review of law and literature.

### Manifestation Determination

1. A review conducted of the child's disability and the behavior subject to disciplinary action
2. Must be conducted any time a child with a disability faces a change of placement due to disciplinary action
3. Must be conducted by the IEP Team
4. Must be conducted within the first 10 days when an IDEA eligible child is suspended for more than 10 school days
5. Must be conducted when an IDEA eligible child commits a zero tolerance offense
6. IEP and placement must be reviewed during the review
7. Student's ability to understand the consequences of the offending behavior must be considered
8. Student's ability to control the behavior must be considered
9. Automatically a manifestation of the disability if student cannot control the behavior

10. Student may be disciplined like any general education student if behavior is not a manifestation of the disability
11. If IEP is found to be inappropriate, the behavior is a manifestation of the disability
12. If behavior is a manifestation of the disability, the IEP must be changed
13. Evaluation and diagnostic results, classroom observations, and parental information must be reviewed
14. Parents have the right to appeal a manifestation decision to an impartial hearing officer

### Interim Alternative Educational Setting

1. Placement in which a student with a disability may receive educational services when removed from the school setting for disciplinary purposes
2. Must be determined by the IEP Team
3. Must allow the student to have access to the general curriculum and to receive services listed in the IEP
4. Must include services to address the behavior for which the student was disciplined
5. Used for 45 calendar days for students with zero tolerance offenses
6. Hearing officer may determine placement is necessary for longer than 45 days if school can prove there is significant danger in the student returning to the regular school setting
7. Manifestation determination is not necessary to place a student in an IAES for 45 days for zero tolerance offenses
8. Can be used for students suspended for less than 10 days
9. Alternative schools can be used for IAES

### Functional Behavior Assessments

1. Must be conducted when a student is suspended for more than 10 school days
2. Must be completed on or before the 10<sup>th</sup> day of removal for a zero tolerance offense
3. IDEA '97 set no legal definition of the components
4. The assessment is to determine the function, or cause, of the behavior
5. Must be reviewed if a student who already has one commits a serious behavioral offense
6. The information is used to develop a behavior intervention plan
7. Must be conducted when a series of short-term suspensions constitutes a change of placement
8. SHOULD be conducted by a team of individuals familiar with the student
9. Three methods – direct, indirect, and experimental
10. Must be conducted when a student is removed to an IAES by a hearing officer

### Behavior Intervention Plans

1. IDEA '97 does not define specific procedures
2. Must be proactive and include multiple strategies
3. IEP Team develops the plan
4. Must be developed when a child's behavior interferes with his/her learning or that of others
5. Developed for zero tolerance offenses; suspensions over 10 days; removal by a hearing officer
6. Can include consequences, but focus should be positive
7. It is a behavior change program
8. Can include: teaching of socially acceptable behaviors; cognitive behavioral interventions; setting, event, and antecedent interventions
9. Everyone who works with the child is responsible for implementation
10. Should include crisis plan and evaluation information
11. Must specify implementation details such as who is responsible for what strategy, when, where, how often, and why

### General Procedural Safeguards

1. A student may go no more than 10 school days per year without services due to disciplinary actions
2. A principal only has unilateral authority to suspend a student up to 10 days
3. A student not currently eligible has disciplinary protections under IDEA if the school has knowledge that the student may have a disability
4. The school has knowledge if: behavioral or academic performance shows a need for special education services; the parents have expressed a concern in writing that the student may need special education services
5. A student currently being evaluated for special education services has disciplinary protections under IDEA
6. If a parent requests an evaluation for special education services after a disciplinary action, the evaluation must be expedited
7. A student served in special education can never be expelled without educational services – even if the behavior is not a manifestation of the disability
8. Law enforcement authorities may be called any time a student served in special education commits a crime on school property
9. Parents have the right to participate in determining a manifestation determination; an interim alternative educational setting; and a behavior intervention plan

The second step in the instrument development was to use the factual statements in each of the five areas of knowledge to develop multiple-choice questions. According to Thorndike (1997), “the multiple-choice item is the most flexible of the objective item types” (p. 453). Multiple-choice items can be written to measure recall of knowledge, comprehension, or application. A multiple-choice item has two parts. The first is the stem, which presents the problem or question. The second part of a multiple-choice item is the list of options or answers. A multiple-choice item must have at least three answer options. Typically, multiple-choice items have four or five answer options in order to reduce the possibility of guessing. Eighty-four multiple-choice items were initially developed.

Additionally, 16 scenarios were written based on the list of factual statements regarding the five areas of provisions. Factual statements were used to develop situations that arise in schools regarding the disciplining of students with disabilities. The scenario questions were developed in order to assess the ability of those taking the test to apply knowledge of the discipline provisions of IDEA '97 in specific situations. For ease of scoring, yes/no questions were written for the scenarios. Eighteen yes/no questions were included in the initial test. The multiple-choice and scenario questions initially written can be found in Appendix A. Table 1 shows a Question Matrix of Areas and Levels of Knowledge for the initial instrument.

Table 1

*Question Matrix of Areas and Levels of Knowledge*

	Man. Det.	FBA	BIP	IAES	GPS
Basic Recall	1, 11,	6, 17,	7, 8,	14, 52,	10, 25,
	29, 31,	36, 43,	20, 44	53, 60,	40, 56,
	48, 50,	47		76, 81	59, 64,
	58, 83				68, 69
					72
Comprehension	2, 12,	5, 16,	19, 21,	3, 4,	9, 22,
	28, 30,	35, 62,	34, 39,	15, 33,	41, 49,
	38, 42,	67, 79	70, 82	65, 74,	51, 54,
	57			77	55, 71
					73
Application	13, 26,	18, 46,	78, 86,	32, 37,	23, 24,
	27, 45,	90, 100	88, 91,	87, 96,	75, 80,
	61, 63,		93, 101	98	84, 89,
	66, 85,				91, 92,
	94, 99				95, 97,
					102

Note: Abbreviations in tables throughout this study include the following: Man. Det., manifestation determination; FBA, functional behavior assessment; BIP, behavior intervention plan; IAES, interim alternative educational setting; GPS, general procedural safeguards.

The next step in instrument development was to ensure the content validity of the instrument by having various experts review and comment on the instrument. Those who were contacted to review the test instrument included: attorneys who primarily work in the field of special education law; local education agency special education supervisors; academic researchers from across the country who specialize in the field of special education; advocates of parents of children with disabilities; and educational consultants from the Tennessee Department of Education, Division of Special Education.

Reviewers were contacted by phone, email, or in person. All were asked to review the instrument for content, wording, coverage of the provisions, and accuracy. Reviewers were informed that their responses could be as brief or lengthy as they wished.

Three of the five attorneys contacted responded. All five Special Education Supervisors, three Department of Education consultants, and two advocates who were contacted responded. Twenty-two academic researchers from colleges and universities across the country were contacted for assistance. Seven of the 22 researchers responded. A complete list of those who responded follows, and Appendix B shows a copy of letters emailed to reviewers.

#### Panel of Experts

1. E. Patrick Hull, Attorney
2. Leah Dennen, Attorney
3. Gloria Samuels, Attorney
4. Dr. Carol Whaley, Special Education Director, Elizabethton City Schools
5. Dr. Susan Belcher, Special Education Director, Washington County Schools

6. Dr. Janie Snyder, Special Education Director, Johnson City Schools
7. Cindy Greene, Special Education Director, Sullivan County Schools
8. Stephen Long, Special Education Director, Greeneville City Schools
9. Doris Matraw, Educational Consultant, Tennessee Department of Education, Division of Special Education
10. Dr. Judy Walters, Educational Consultant, Tennessee Department of Education, Division of Special Education
11. Robert Winstead, Educational Consultant, Tennessee Department of Education, Division of Special Education
12. Barbara Dyer, Advocate
13. Laurie Draves, Advocate
14. Dr. Marueen Conroy, University of Florida
15. Dr. Antonis Katsiyanis, Clemson University
16. Dr. Kathleen Lane, Vanderbilt University
17. Dr. Michael Nelson, University of Kentucky
18. Dr. Rob O'Neil, University of Utah
19. Dr. George Sugai, University of Oregon
20. Dr. Janine Stichter, University of Missouri

The researcher reviewed all comments. If more than one reviewer had a comment or suggestion about a particular question, the question was either revised or removed based on the suggestions given. Several reviewers commented that there were too many questions regarding manifestation determination reviews, which resulted in the removal of any manifestation determination questions about which reviewers had commented. Appendix C shows a chart containing the numbers of questions to be removed and

revised with the names of reviewers and specific comments for each question.

Thirty-one multiple-choice questions were removed during the instrument revision. Fifteen of the remaining 53 multiple-choice questions were revised. Most changes were the addition or changing of wording to make the questions and/or answer choices more clear. Table 2 shows a list of multiple-choice questions that were removed and revised.

Table 2

*Multiple-choice Questions Removed and Revised*

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MC QUESTIONS REMOVED	13, 23, 29, 30, 31, 32, 33, 34, 36, 39, 43, 45, 51, 53, 54, 56, 57, 58, 61, 63, 64, 65, 66, 68, 70, 71, 73, 75, 79, 81, 83
MC QUESTIONS REVISED	1, 4, 8, 9, 14, 15, 16, 20, 21, 24, 26, 32, 44, 51, 52

---

Several reviewers commented on the scenarios and yes/no questions. Reviewers were concerned that many of the questions could not be answered with a clear yes or no because the scenarios could be interpreted in various ways. Two scenarios with a total of three yes/no questions were removed from the instrument due to these suggestions. Of the remaining 14 scenarios, changes were made to 10. All changes made were to clarify the

situations in order to make a clearer yes or no response. Table 3 shows a list of yes/no questions that were removed and revised.

Table 3

*Yes/No Questions Removed and Revised*

---

YES/NO QUESTIONS REMOVED	88, 89, 92
YES/NO QUESTIONS REVISED	53, 55, 56, 57, 58, 60, 62, 64, 65

---

The revised instrument contained 53 multiple-choice questions and 15 yes/no questions. Appendix D shows the revised instrument with references for each question, and Table 4 shows a Question Matrix of Areas and Levels of Knowledge.

Table 4

*Question Matrix of Areas and Levels of Knowledge – Revised Instrument*

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	Man. Det.	FBA	BIP	IAES	GPS
Basic	1, 11, 35,	5, 6, 16	7, 19, 32	13, 41, 48	10, 23, 29
Recall	37	34			38, 40, 43 45, 46
Comp.	2, 12, 28	15, 26, 42 44	8, 18, 20 52	3, 4, 14, 39, 47	9, 21, 30 36, 49
Application	24, 25, 31 54, 60, 65	17, 33, 57 66	50, 55, 59, 67	27, 56, 62, 64	22, 51, 53 58, 61, 63 68

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## *Testing the Instrument*

### Population

A pilot study was necessary to validate the instrument once it was developed. The desired research population was one in which the participants had some general knowledge of special education in public schools. The population for the study included graduate students in the College of Education at East Tennessee State University. Specifically, the population consisted of students pursuing Master's Degrees in Special Education, as well as students in both Master's and Doctorate programs in Education Administration. The professors of five graduate classes were identified and contacted for permission to request participation from their students. All professors contacted were agreeable to providing assistance. The total population of graduate students in the five classes was 61. However, three students were absent during the second administration, leaving a total pilot study population of 58. Of the 58 participants, 46 were practicing educators, meaning they were currently employed by school systems as teachers, assistant principals, principals, or support personnel (e.g. counselor).

### Reliability Analysis

The study employed a descriptive research design using a test-retest reliability analysis of the researcher-developed instrument. The questions sought to measure the level of knowledge of the discipline provisions of IDEA '97.

Appointments were made in three classes for the researcher to administer the instrument. The professor of the remaining two classes, Dr. Russell Mays, administered the instrument in those classes. All participants were first given the Informed Consent document to review and sign if they were willing to volunteer to participate in the study. A copy of the Informed

Consent can be found in Appendix E. Participants were then given a test instrument.

All instruments were numbered in the upper right corner. The professors of each class made a list containing participants' names and test numbers. This was done to ensure that the participants had the same number on their tests for the second administration two weeks later. The professors kept the lists until the second administration, then destroyed them. This was necessary to ensure the confidentiality of participants. Participants were reminded not to try to learn the answers to instrument questions before the second administration. In doing so, participants could harm the reliability of the test-retest process.

All participants were given a second administration of the instrument two weeks later. The professors ensured that participants had the same number test as the first administration. After doing so, the professors destroyed the lists of students' names.

### Data Analysis

Data from the test-retest pilot study were analyzed in three phases. In Phase 1, instrument data was quantified and entered into a computer data file and analyzed using the Statistical Package for Social Sciences (SPSS 11.0). Pearson Product Moment Correlations and paired samples t-tests were used to determine the test-retest reliability analysis. Phase 2 of the data analysis included obtaining KR-20 estimates of internal consistency. Finally, in Phase 3, an item analysis was conducted using the Lertap 2.0 program. The three phases of data analysis resulted in a final test instrument of 35 questions, with seven questions from each of the five subscales.

### *Summary*

The purpose of the study was to develop and refine an instrument to measure knowledge levels of the discipline provisions of the Individuals with Disabilities Education Act Amendments of 1997. The instrument was designed to measure knowledge in the five areas of discipline provisions from IDEA '97. These five areas of knowledge include manifestation determination, functional behavior assessments, behavior intervention plans, interim alternative educational settings, and general procedural safeguards. Questions were written to assess knowledge in basic recall, comprehension, and application.

The revised test instrument included 53 multiple-choice and 15 yes/no questions. The pilot study sample consisted of 58 graduate students in College of Education programs at East Tennessee State University. The numerical data gathered in the pilot study were entered into a computer data file and analyzed using the statistical package for Social Sciences (SPSS 11.0). The data were also entered into the Lertap 2.0 program for an item analysis. The development and refinement of such an instrument can help school systems ensure that personnel who discipline students with disabilities know the proper procedures to follow to ensure such students receive the free appropriate public education to which they are entitled.

## CHAPTER 4

### RESULTS AND FINDINGS

#### *Introduction*

The purpose of this study was to develop and refine a test of knowledge regarding the discipline provisions of the Individuals with Disabilities Education Act Amendments of 1997.

#### *Pilot Study*

Fifty-eight students of East Tennessee State University College of Education graduate programs participated in a test-retest study of the researcher-designed instrument. Forty-six of those students were currently employed in a school setting. The instrument contained 53 multiple-choice, and 15 yes/no questions based on the discipline provisions of IDEA '97. Questions measured five areas of knowledge: manifestation determination, functional behavior assessments, behavior intervention plans, interim alternative educational settings, and general procedural safeguards. Data from the pilot study were quantified and entered into a computer data file using the Statistical Package for the Social Sciences (SPSS 11.0), and also into the Lertap 2.0 program for item analysis. Data were analyzed in three phases in order to determine a final test instrument.

#### *Phase I of Data Analysis*

Phase 1 of data analysis included Pearson Product Moment Correlations and paired samples t-tests to obtain a test-retest reliability analysis of the total test scale as well as the five subscales. The means were also compared between test 1 and test 2. Table 5 shows the results of these analyses.

Table 5

*Pearson Product Moment Correlations and Paired Samples t-tests*

SUBSCALE	MEANS			PAIRED T TEST		CORRELATION ANALYSIS	
	Test 1	Test 2	Diff.	<i>t</i>	<i>P</i>	<i>r</i>	<i>p</i>
Total Test	49.78	49.26	.52	.47	.64	.60	.001
Man. Det.	9.68	9.57	.10	.34	.74	.37	.01
FBA	8.38	8.26	.12	.43	.67	.40	.001
BIP	8.62	8.36	.26	.99	.33	.44	.001
IAES	8.72	8.76	-.03	-.12	.90	.54	.001
GPS	13.50	13.29	.21	.62	.54	.69	.001

As shown in Table 5, these analyses determined the means, t-test statistics, and correlation analyses of the total test and for each of the five subscales for both test 1 and test 2 of the pilot study. The greatest difference in means was found for the total test (.52). The greatest difference between means in the subscales was .26 for questions relating to behavior intervention plans. The least difference between means was found in questions about interim alternative educational setting (-.03). The correlation between total test 1 and total test 2 was .60. The highest subscale correlation was found in questions about general procedural safeguards (.69). The least amount of correlation was found in questions relating to manifestation determination (.37).

It was noted in the data analyses that there were significant changes in the scores of seven participants of the pilot study from test 1 to test 2.

The scores of these seven participants changed at least 25% between the two tests. The scores of these seven participants from test 1 and test 2 are shown in Table 6.

Table 6

*Scores with Changes of at Least 25%*

ID Number	Test 1 Score	Test 2 Score
26	34.00	49.00
36	52.00	36.00
37	50.00	28.00
38	55.00	27.00
39	42.00	21.00
44	40.00	22.00
45	52.00	35.00

*Note.* Scores shown are raw scores indicating the number of questions out of 68 that a participant answered correctly.

The assumption was made that changes this great resulted from a lack of effort by the participants, because at least 15 of the 68 questions were answered differently between test 1 and test 2 (see Table 6). Based on this assumption, the Pearson Product Moment Correlations and paired samples t-tests were run on a trimmed model of the pilot study data without the scores of seven participants. Results of this analysis are found in Table 7.

Table 7

*Pearson Product Moment Correlations and Paired Samples t-tests on Trimmed Data File*

SUBSCALE	MEANS			PAIRED T TEST		CORRELATION ANALYSIS	
	Test 1	Test 2	Diff.	<i>t</i>	<i>P</i>	<i>r</i>	<i>p</i>
Total Test	50.24	51.74	-1.51	-2.27	.03	.82	.001
Man. Det.	9.69	10.06	-.37	-1.53	.13	.55	.001
FBA	8.43	8.69	-.25	-1.01	.32	.46	.001
BIP	8.69	8.74	-.06	-.28	.78	.59	.001
IAES	8.88	9.24	-.35	-1.60	.12	.69	.001
GPS	13.67	13.92	-.25	-.86	.39	.75	.001

As shown in Table 7, the differences between the means of the total test as well as every subscale were greater for the trimmed data file, but more significantly, there were higher correlations between test 1 and test 2. The differences between means showed that participants scored slightly better on test 2 than test 1. The total test correlation rose from .60 on the original data file to .82 on the trimmed data file. The highest subscale correlation was found in general procedural safeguards (.75), just as in the original data file (.69). The lowest correlation found in the trimmed data file was found in questions relating to functional behavior assessment (.46). The original data file identified questions about manifestation determination as having the lowest correlation between test 1 and test 2 (.37).

Based on the assumption made due to seven participants showing a 25 percent change in scores from test 1 and test 2, as well as the higher correlation values obtained from the removal of those seven scores, the remainder of data analyses was conducted on the trimmed data file.

### *Phase II of Data Analysis*

KR-20 estimates of internal consistency were obtained on the trimmed data file. These figures were used to begin eliminating questions that did not contribute to the consistency of the instrument. KR-20 estimates were determined on the total scores and subscale scores on test 1 and test 2. Table 8 shows the KR-20 estimates for all questions in the trimmed data file.

Table 8

*KR-20 Estimates of Internal Consistency*

Subscale	No. of Items	KR-20
Total Test 1	68	.83
Total Test 2	68	.81
Man. Det. Test 1	13	.40
Man. Det. Test 2	13	.39
FBA Test 1	12	.37
FBA Test 2	12	.49
BIP Test 1	11	.38
BIP Test 2	11	.51
IAES Test 1	12	.58
IAES Test 2	12	.49
GPS Test 1	20	.63
GPS Test 2	20	.64

As shown in Table 8, the KR-20 estimates for the total test were the highest at .83 for test 1 and .81 for test 2. Questions about general procedural safeguards held the highest KR-20 of the five subscales (.63 and .64). The lowest KR-20 estimate was found for questions about functional behavior assessments in test 1 (.37).

The next step in Phase II of the data analysis was to consider the corrected item total correlations for the total tests and each subscale in

order to eliminate certain questions. The initial step involved removing all questions that showed a negative number for the corrected item total correlation. Table 9 shows which questions were removed and the resulting KR-20 for the total tests and each subscale on test 1 and test 2.

Table 9

*KR-20 Estimates of Internal Consistency for Reduced Sample*

Subscale	No. of Items	KR-20	Items Removed
Total Test 1	66	.83	16, 32
Total Test 2	64	.82	16, 28, 32, 38
Man. Det. Test 1	11	.48	24, 65
Man. Det. Test 2	10	.50	24, 28, 65
FBA Test 1	9	.54	17, 44, 66
FBA Test 2	9	.49	17, 33, 66
BIP Test 1	9	.51	19, 32
BIP Test 2	10	.59	32
IAES Test 1	11	.62	64
IAES Test 2	10	.60	27, 56
GPS Test 1	20	.63	None
GPS Test 2	19	.65	43

As shown in Table 9, all KR-20 estimates except total test 1 (.83) rose as a result of removing questions with negative numbers for corrected item

total correlations. No items were removed from general procedural safeguards test 1 because there were no questions with negative corrected item total correlations. The greatest increase in KR-20 was found in the subscale containing questions about functional behavior assessment on test 1 (.37 to .54).

The next step was to remove all questions with corrected item total correlations of less than .05. Table 10 shows the results of this analysis.

Table 10

*KR-20 Estimates of Internal Consistency for Reduced Sample II*

Subscale	No. of Items	KR-20	Items Removed
Total Test 1	66	.83	None
Total Test 2	62	.83	22, 40
Man. Det. Test 1	10	.52	11
Man. Det. Test 2	7	.54	2, 12, 60
FBA Test 1	9	.54	None
FBA Test 2	8	.52	16
BIP Test 1	7	.58	7, 8
BIP Test 2	10	.59	None
IAES Test 1	11	.62	None
IAES Test 2	10	.60	None
GPS Test 1	20	.63	None
GPS Test 2	18	.67	38

Five subscales and total test 1 did not have numbers less than .05 for corrected item total correlations, as seen in Table 10. Thus, the KR-20 estimates did not change for: functional behavior assessment test 1 (.54); behavior intervention plan test 2 (.59); interim alternative educational setting test 1 (.62); interim alternative educational setting test 2 (.60); general procedural safeguards test 1 (.63); and total test 1 (.83). KR-20 estimates on the remaining subscales rose as a result of the removal of items.

Next, all items were removed that showed a corrected item total correlation between .05 and .10. The results of this procedure can be found in Table 11.

Table 11

*KR-20 Estimates of Internal Consistency for Reduced Sample III*

Subscale	No. of Items	KR-20	Items Removed
Total Test 1	65	.84	22
Total Test 2	62	.83	None
Man. Det. Test 1	8	.56	1, 28
Man. Det. Test 2	7	.54	None
FBA Test 1	8	.56	16
FBA Test 2	7	.55	6
BIP Test 1	7	.58	None
BIP Test 2	9	.60	19
IAES Test 1	10	.64	62
IAES Test 2	9	.63	3
GPS Test 1	16	.66	9, 10, 56, 68
GPS Test 2	17	.68	22

Again, KR-20 estimates rose with the removal of certain items, as seen in Table 11. Two subscales, manifestation determination test 2 and behavior intervention plan test 1, did not have any questions with corrected item total correlations within the identified numbers for removal. Total test 2 also did not have any questions removed in this step.

The final step in Phase II of the data analysis included the removal of all items in the subscales with the lowest corrected item total correlations

until there were seven items remaining in the subscale, or the KR-20 estimate decreased. Items were removed from total test 1 and total test 2 until the KR-20 decreased. The projected total number of items per subscale for the final test instrument was seven. This number would reduce the total test from 68 questions to 35, making it more practical to use for assessment. By allowing seven items per subscale, it was felt each area and level of knowledge could still be appropriately measured. Table 12 shows the results of the final elimination of instrument items during Phase II of the data analysis.

Table 12

*KR-20 Estimates of Internal Consistency for Reduced Sample IV*

Scale	No. of Items	KR-20	Items Removed
Total Test 1	55	.83	1, 9 14, 28, 30, 31, 40, 41 43, 51
Total Test 2	56	.82	6, 30, 31, 34, 42, 43
Man. Det. Test 1	7	.56	35
Man. Det. Test 2	7	.54	None
FBA Test 1	7	.58	33
FBA Test 2	7	.55	None
BIP Test 1	7	.58	None
BIP Test 2	7	.67	18, 50
IAES Test 1	8	.63	41, 48
IAES Test 2	7	.67	14, 62
GPS Test 1	12	.63	29, 36, 46, 61
GPS Test 2	7	.69	9, 10, 21, 30, 36, 40, 45, 56, 58, 61

As shown in Table 12, KR-20 estimates of internal consistency for total test 1 and total test 2 stayed relatively high (.83 and .82) with the removal of 13 and 12 questions from the original 68. Only two subscales, interim alternative educational setting test 1 (.64 to .63) and general procedural safeguards test 1 (.66 to .63), had KR-20 estimates that decreased before only seven items remained. Table 13 shows the remaining instrument items for each subscale.

Table 13

*Subscale Items after Elimination Process*

Scale	Remaining Items
Man. Det. Test 1	2, 12, 25, 31, 37, 54, 60
Man. Det. Test 2	1, 11, 25, 31, 35, 37, 54
FBA Test 1	5, 6, 15, 26, 34, 42, 57
FBA Test 2	5, 15, 26, 34, 42, 44, 57
BIP Test 1	18, 20, 50, 52, 55, 59, 67
BIP Test 2	7, 8, 20, 52, 55, 59, 67
IAES Test 1	3, 4, 13, 14, 27, 39, 47, 56
IAES Test 2	4, 13, 39, 41, 47, 48, 64
GPS Test 1	21, 22, 23, 30, 38, 40, 43, 45, 49, 51, 53, 58
GPS Test 2	23, 29, 46, 49, 51, 53, 68

The remaining items in each subscale were further analyzed to determine which seven were the most appropriate for the final test instrument. All analyses were performed on the subscales from both test 1 and test 2. Participants' answers were not perfectly correlated between the two administrations, making it impossible to obtain the best seven items per subscale based only on the KR-20 estimates of internal consistency and necessitating a further item analysis.

### *Phase III of Data Analysis*

The final phase of data analysis involved an item analysis to determine the difficulty index and discrimination index for the remaining items in each subscale. The difficulty index showed the percentage of participants who answered a question correctly. Therefore, the higher the number, the easier the question was for participants. The identified desired range in the difficulty index was .60 - .80. The discrimination index number showed a determination between the overall knowledge of those who answered a question right, and those who answered incorrectly. The identified desired range in the discrimination index was between .40 and .70. The top seven items in each subscale were then checked to ensure there was at least one item each measuring basic recall, comprehension, and application. Table 14 shows the item analysis for the remaining questions in the manifestation determination subscales.

Table 14

#### *Item Analysis for Manifestation Determination*

Test 1/ Item #	Difficulty Index	Discrimination Index	Test 2 / Item #	Difficulty Index	Discrimination Index
2	92.2	.73	1	82.4	.61
12	96.1	.86	11	60.8	.40
25	82.4	.29	25	76.5	.55
31	68.6	.32	31	72.5	.17
37	68.6	.32	35	70.6	.51
54	76.5	.48	37	66.7	.38
60	90.2	.85	54	70.6	.49

As shown in Table 14, the best question according to the item analysis is number 54, with a difficulty index of 76.5 on test 1 and 70.6 on test 2. The discrimination index was .48 on test 1 and .49 on test 2. The remaining questions chosen were: 1, 11, 12, 25, 35, and 37. Table 15 shows these questions with the levels of knowledge they assess.

Table 15

*Manifestation Determination Questions and Levels of Knowledge*

Question No.	Level of Knowledge	Question No.	Level of Knowledge
1	Basic recall	11	Basic recall
12	Comprehension	25	Application
35	Basic recall	37	Basic recall
54	Application		

Question 31 was a slightly better indicator of knowledge than question 12 based on the item analysis. However, no items measuring comprehension were in the top seven, so number 12 was chosen.

The next subscale to be considered was functional behavior assessment. Table 16 shows the item analysis information for that subscale.

Table 16

## Item Analysis for Functional Behavior Assessment

Test 1/ Item #	Difficulty Index	Discrimination Index	Test 2 / Item #	Difficulty Index	Discrimination Index
5	78.4	.86	5	60.8	.54
6	49.0	.48	15	86.3	.59
15	82.4	.55	26	64.7	.64
26	62.7	.56	34	84.3	.28
34	74.5	.36	42	86.3	.39
42	96.1	.44	44	64.7	.19
57	84.3	.74	57	82.4	.52

As shown in Table 16, question 26 was the best indicator of knowledge pertaining to functional behavior assessment. Number 26 had a difficulty index of 62.7 on test 1 and 64.7 on test 2, and discrimination indexes of .56 and .64. Other questions chosen were 5, 6, 15, 34, 42, and 57. All three levels of knowledge were measured by this group of questions. The levels of knowledge of questions about functional behavior assessment can be found in Table 17.

Table 17

*Functional Behavior Assessment Questions and Levels of Knowledge*

Question No.	Level of Knowledge	Question No.	Level of Knowledge
5	Basic recall	6	Basic recall
15	Comprehension	26	Comprehension
34	Basic recall	42	Comprehension
57	Application		

Behavior intervention plan was the next subscale that was addressed. Table 18 shows the item analysis information for the remaining questions about behavior intervention plan.

Table 18

*Item Analysis for Behavior Intervention Plan*

Test 1/ Item #	Difficulty Index	Discrimination Index	Test 2 / Item #	Difficulty Index	Discrimination Index
18	66.7	.53	7	78.4	.47
20	47.1	.31	8	80.4	.67
50	72.5	.34	20	43.1	.50
52	74.5	.72	52	70.6	.80
55	86.3	1.02	55	92.2	.68
59	90.2	-.74	59	80.4	.76
67	96.1	.39	67	92.2	.57

As shown in Table 18, questions 7, 8, and 18 all showed to be very good indicators of knowledge about behavior intervention plans, with difficulty indexes of 78.4, 80.4, and 66.7, and discrimination indexes of .47, .67, and .53. The remaining questions chosen were 20, 50, 52, and 67. The corresponding levels of knowledge measured by these questions can be found in Table 19.

Table 19

*Behavior Intervention Plan Questions and Levels of Knowledge*

Question No.	Level of Knowledge	Question No.	Level of Knowledge
7	Basic recall	8	Comprehension
18	Comprehension	20	Comprehension
50	Application	52	Comprehension
67	Application		

Interim alternative educational setting was the next subscale to consider. The item analysis information on the remaining questions in the subscale can be found in Table 20.

Table 20

*Item Analysis for Interim Alternative Educational Setting*

Test 1/ Item #	Difficulty Index	Discrimination Index	Test 2 / Item #	Difficulty Index	Discrimination Index
3	82.4	.91	4	86.3	.80
4	80.4	.83	13	88.2	.27
13	90.2	.53	39	78.4	.72
14	31.4	.46	41	62.7	.35
27	58.8	.50	47	70.6	.57
39	66.7	.54	48	98.0	.72
47	62.7	.64	64	88.2	.49
56	84.3	.40			

As shown in Table 20, questions 39 and 47 were found to be the best indicators of knowledge in the area of interim alternative educational setting. These questions had difficulty indexes of 66.7 and 62.7, and discrimination indexes of .54 and .64. Other questions chosen based on the item analysis included 13, 27, 41, 56, and 64. Table 21 shows the levels of knowledge these questions measure.

Table 21

*Interim Alternative Educational Setting Questions and Levels of Knowledge*

Question No.	Level of Knowledge	Question No.	Level of Knowledge
13	Basic recall	27	Application
39	Comprehension	41	Basic recall
47	Comprehension	56	Application
64	Application		

General procedural safeguards was the final subscale from which to eliminate questions. Table 22 shows item analysis information for questions in that subscale.

Table 22

*Item Analysis for General Procedural Safeguards*

Test 1/ Item #	Difficulty Index	Discrimination Index	Test 2 / Item #	Difficulty Index	Discrimination Index
21	68.6	.51	23	64.7	.88
22	52.9	.11	29	78.4	.67
23	70.6	.66	46	80.4	.90
30	43.1	.27	49	66.7	.33
38	13.7	.03	51	39.2	.38
40	70.6	.31	53	66.7	.58
43	88.2	.36	68	82.4	.57
45	64.7	.20			
49	62.7	.62			
51	52.9	.14			
53	70.6	.55			
58	84.3	.52			

As shown in Table 22, several questions in the general procedural safeguards subscale were good indicators of knowledge based on the item analysis. Questions 21, 23, 29, 49, and 53 had both difficulty index numbers and discrimination index numbers within the desired range (.60 - .80 for

difficulty and .40-.70 for discrimination). The final two questions chosen for this subscale were 58 and 68. Table 23 lists the questions with the levels of knowledge that they measure.

Table 23

*General Procedural Safeguards Questions and Levels of Knowledge*

Question No.	Level of Knowledge	Question No.	Level of Knowledge
21	Comprehension	23	Basic recall
29	Basic recall	49	Comprehension
53	Application	58	Application
68	Application		

The pilot study instrument of 68 questions was narrowed to 35 questions based on the data analyses. The final instrument contained seven questions for each of the five subscales, which were the identified areas of knowledge of the discipline provisions of IDEA '97 based upon the review of literature. Table 24 shows a question matrix of the areas and levels of knowledge assessed by the final test instrument.

Table 24

*Question Matrix of Final Test Instrument*

	Man. Det.	FBA	BIP	IAES	GPS
Basic Recall	1, 11, 35, 37	5, 6, 34	7	13, 41	23, 29
Comprehension	12	15, 26, 42	8, 18, 20, 52	39, 47	21, 49
Application	25, 54	57	50, 67	27, 56, 64	53, 58, 68

The final test instrument contained 28 multiple-choice items and seven yes/no items. The questions can be found in Appendix F in its final presentation form.

## CHAPTER 5

### SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

#### *Summary*

The purpose of this study was to develop and refine a test instrument to measure knowledge levels of the discipline provisions of the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97). The disciplining of students with disabilities has long been a controversial issue due to many so-called "gray areas" when put into practice. The addition of specific provisions to address discipline in IDEA '97 provided guidance, but school personnel continued to have problems with implementation, as seen by the many due process hearings and court cases (Katsyannis, Yell, & Bradley, 2001; Petzko, 2001). The most problematic issue that arose was the denial of a free appropriate public education for students with disabilities due to disciplinary actions imposed upon them.

The development and refinement of an instrument to measure knowledge levels of the IDEA '97 discipline provisions will assist school systems in ensuring the proper disciplinary procedures are followed by school personnel. It is of particular importance that school principals follow the proper procedures because they typically administer disciplinary actions on a daily basis, as well as serve as members of IEP Teams for students with disabilities.

It is of vital importance for local education agency special education departments to provide the necessary training for school personnel in all areas of educating students with disabilities. This could be a daunting task, considering the many responsibilities placed on school administrators and teachers in today's accountability driven educational environment (Kennedy, 2002). The use of an instrument to assess knowledge of the IDEA '97 discipline provisions would help school systems identify which areas of the

provisions that school personnel are weak, thus, identifying the key areas for training.

The instrument development in this study followed the five steps recommended by Ward et al., (1996): "Define the domain; determine the method of assessment; prepare item specifications; develop items; try out and revise items" (p. 1).

Instrument items were developed based upon a list of factual statements derived from the legislation, its regulations, and relevant literature. The construct of the instrument was objective, with fixed-response questions. Hopkins et al. (1990) offered three advantages to fixed-response tests: "(1) applicability to a wide range of subject matter; (2) objectivity of scoring; and (3) efficiency" (p. 224). In writing the test questions, Thronthike's (1997) suggestions were followed:

1. Keep the reading difficulty and vocabulary level of the test item as simple as possible
2. Be sure each item has a correct answer on which experts agree
3. Be sure each item deals with an important aspect of the content area
4. Be sure each item is independent
5. Avoid the use of trick questions
6. Be sure the problem posed is clear and unambiguous (pp. 444-447)

The initial test instrument contained a total of 102 questions.

A panel of experts who work in various fields, all of whom have knowledge of the IDEA and the education of students with disabilities, ensured the content validity of the instrument. Based upon suggestions from these 20 experts, the instrument was revised. Fifteen instrument items were

rewritten, and 31 items were removed from the instrument. The resulting test instrument contained 68 items.

The reliability of the instrument was assessed through a test-retest pilot study. Fifty-eight students in graduate school programs in the College of Education at East Tennessee State University participated in the pilot study. Data from the test-retest study were quantified and entered into a data file in the Statistical Package for the Social Sciences 11.0 and the Lertap 2.0 program for analyses.

### *Conclusions*

Data analyses from the pilot study were used to eliminate items from the instrument that did not contribute to the reliability or consistency of the instrument. KR-20 estimates of internal consistency were obtained for each of the five subscales for test 1 and test 2. The corrected item total correlations were used to eliminate items in each subscale.

The remaining instrument items were assessed through an item analysis to obtain a difficulty index and a discrimination index. These figures were used to determine the best seven questions in each of the five subscales. Seven questions per subscale resulted in the desired total of 35 items for the final instrument. This number would be efficient for the time of administration, yet still assess each area and level of knowledge.

Because the design and refinement of this instrument followed all pertinent steps as recommended in the literature, it is felt the resulting product is both valid and reliable for assessing knowledge levels of the discipline provisions of IDEA '97. The final test instrument contained the following questions. The item numbers have been kept the same as in the pilot study instrument, and the correct answers are underlined.

1. Which of the following best defines a manifestation determination review?
  - a. a review to determine whether a student must have a behavior intervention plan
  - b. a review to determine whether a change of educational placement is necessary
  - c. a review to determine whether there is a relationship between a student's disability and his/her misbehavior
  - d. a review to determine whether a student may be expelled for a misbehavior
  
5. A functional behavior assessment is used to:
  - a. determine when a student needs a change of educational placement
  - b. determine when a student may be suspended
  - c. determine when a student must have a manifestation determination review
  - d. determine when and why a student misbehaves
  
6. IDEA '97 mandates that a functional behavior assessment must include:
  - a. parental information
  - b. classroom observations
  - c. behavior rating scales
  - d. IDEA '97 does not define the necessary components of a functional behavior assessment
  
7. Which of the following best defines a behavior intervention plan:
  - a. a series of consequences for a student who misbehaves frequently in school
  - b. a behavior change program that includes multiple strategies to change a student's negative behaviors to ones that are positive
  - c. a series of rewards to give a student for acting appropriately
  - d. a behavior program with strict rules to control behavior
  
8. Which of the following may be included in a behavior intervention plan?
  - a. social skills instruction
  - b. consequences for negative behaviors
  - c. setting, event, and antecedent interventions
  - d. any of the above

- 11.** A manifestation determination must be conducted:
- a.** any time a student served in special education is suspended
  - b.** when a student served in special education is suspended over 10 days in a school year
  - c.** any time a student served in special education has a functional behavior assessment
  - d.** when a student served in special education needs a new behavior intervention plan
- 12.** Which of the following must be reviewed during a manifestation determination?
- a.** the student's IEP
  - b.** the student's placement
  - c.** the student's current evaluations
  - d.** all of the above
- 13.** Who determines a student's interim alternative educational setting?
- a.** the student's parents
  - b.** the student's IEP Team
  - c.** the Special Education Director
  - d.** the student's teachers
- 15.** According to IDEA '97 the intent of conducting a functional behavior assessment is to:
- a.** make a special education eligibility determination
  - b.** choose an educational placement
  - c.** develop a behavior intervention plan
  - d.** determine when a student may be suspended
- 18.** The focus of a behavior intervention plan should be:
- a.** punishment
  - b.** control
  - c.** proactive
  - d.** rewards
- 20.** According to IDEA '97, when must a behavior intervention plan be developed for a student?
- a.** any time a student is suspended
  - b.** when a student has a zero tolerance offense
  - c.** when a student fails a grade
  - d.** all of the above

21. A student who is currently being evaluated for special education services:
- a.** may not be suspended
  - b.** does not have disciplinary protections under the IDEA
  - c.** has disciplinary protections under the IDEA
  - d.** may be suspended only after the completion of a functional behavior assessment
23. A principal has the unilateral authority to:
- a.** expel a student for 180 days without services for a zero tolerance offense
  - b.** choose the interim alternative educational setting
  - c.** suspend a student up to 10 school days
  - d.** make a manifestation determination
25. If an offending behavior is found not to be a manifestation of the student's disability:
- a.** the student's IEP must be revised
  - b.** the student may not be suspended
  - c.** the student must stay in his/her current educational placement
  - d.** the student may be disciplined like any student served in general education programs
26. According to IDEA '97, a functional behavior assessment must be conducted in all of the following instances except:
- a.** when a student is suspended for five school days
  - b.** when a student commits a zero tolerance offense
  - c.** when a student is suspended for 10 consecutive school days
  - d.** when a student has a series of short-term suspensions that accumulate to 10 school days
27. Which of the following is required before a student is placed in an interim alternative educational setting?
- a.** a due process hearing
  - b.** an IEP Team meeting
  - c.** completion of new evaluation data
  - d.** the student must commit a zero tolerance offense

29. If a school system has no knowledge that a student may have a disability:
- a.** the student may receive the same disciplinary actions as any other student
  - b.** the student may be suspended only after a manifestation determination review
  - c.** the student must have a behavior intervention plan before receiving any disciplinary action
  - d.** the student must receive a full evaluation for special education services
34. In considering "ABC" data for a functional behavior assessment, "ABC" means:
- a.** action, behavior, cumulation
  - b.** acting badly counts
  - c.** antecedent, behavior, consequence
  - d.** none of the above
35. The procedure in which the relationship between a behavior and the student's disability is determined is called:
- a.** functional behavior assessment
  - b.** IEP team meeting
  - c.** manifestation determination review
  - d.** due process hearing
37. IDEA '97 requires which of the following for a zero tolerance offense:
- a.** automatic expulsion for 180 school days
  - b.** a manifestation determination review
  - c.** a full psychological evaluation
  - d.** suspension for 45 days
39. Which of the following is not immediately allowed when a student is found in possession of a controlled substance:
- a.** call to law enforcement authorities
  - b.** place the student in an interim alternative education setting for 45 days
  - c.** call an IEP Team meeting
  - d.** expel the student for 180 school days

41. A student must have access to the general curriculum and all services listed in the IEP:
- during any suspension
  - when ordered by a hearing officer
  - in an interim alternative education setting
  - none of the above
42. Which of the following is not included in a functional behavior assessment:
- observation data
  - information from the IEP
  - information from other students
  - parental information
47. The IEP Team is responsible for which of the following:
- making a three-day suspension
  - referring to a juvenile judge
  - determining educational placement during a long-term suspension
  - none of the above
49. If a student is suspended over 10 days, then on the 11<sup>th</sup> day of suspension:
- no action is necessary
  - educational services must be provided
  - the student has a new eligibility category
  - an IEP Team meeting must be held
50. If school personnel do not follow a behavior intervention plan and a student has a serious behavioral offense:
- the school may demand a change of placement
  - the behavior may be found to be a manifestation of the disability
  - an interim alternative education setting is necessary
  - new evaluation data is necessary
52. According to "best practice," which of the following is not appropriate for a behavior intervention plan:
- social skills instruction, rewards for meeting behavior goals, and loss of privileges for misbehavior
  - social skills instruction, rewards for meeting behavior goals, and suspensions up to 10 days for misbehaviors
  - rewards for meeting behavior goals, counseling, and loss of privileges for misbehavior
  - loss of privilege, suspensions for misbehaviors, and no proactive intervention

53. A student has had a functional behavior assessment and has a behavior intervention plan to include multiple strategies such as social skills training and counseling. The student is eligible under the category of learning disabled. The student has been making passing grades in the general curriculum with resource for English. The student pulls a five-inch knife on two other students and threatens to kill them.

Which of the following would not be true?

- a. a manifestation determination review must be held
- b. the student may be removed to an interim alternative education setting for 45 calendar days
- c. the student may be removed from school for 180 days without educational services
- d. the student's functional behavior assessment and behavior intervention plan must be reviewed

54. Based on the information given in question #53, would you consider the behavior a manifestation of the student's disability?

Yes

No

56. Amy is an eighth-grade student who was sexually abused as a child. She is eligible for special education services under the category of emotionally disturbed. She has received special education services for several years. She has been placed in a self-contained behavior modification classroom due to aggressive behaviors. Her behavior intervention plan includes strategies such as: social skills instruction, role-playing, counseling, and cognitive behavioral interventions.

Amy brings a gun to school, which is found by her teacher. At the manifestation determination review, the behavior is found to be a manifestation of her disability. School personnel want to move Amy to a more restrictive alternative setting for 45 days. The setting will provide Amy with all services in her IEP, as well as ones to further address her violent tendencies. Amy's parents say she can remain in her current school because her behavior was a manifestation of her disability.

According to IDEA '97, may the school demand an interim placement that is more restrictive even though the behavior is a manifestation of Amy's disability?

Yes

No

57. Steve is a fourth-grade student served in special education. He has a history of behavior problems. School personnel have conducted a functional behavior assessment and have developed a behavior intervention plan. He has been doing well in school for several months. However, during the last month he has been exhibiting new problem behaviors. He has been suspended nine school days this year. Steve misbehaves again, which warrants another three-day suspension. The principal says that another IEP Team meeting does not need to be held because the school has done all they need to do by having a functional behavior assessment and behavior intervention plan. The principal wants to proceed with the three-day suspension and not have another IEP Team meeting to review and/or revise the behavior intervention plan.

Is the principal taking the correct action?

Yes

No

58. Carol is a student served in special education. She has problems socially and is diagnosed as having Asperger's Syndrome. Carol has a behavior intervention plan. She has been doing well in school, but one day becomes angry with her teacher and kicks her. The teacher falls and sprains her ankle. The principal suspends Carol for five school days. She had been suspended two days previously in the school year.

Is this suspension allowed under the Individuals with Disabilities Education Act Amendments of 1997?

Yes

No

64. Kathy is a high school student with a learning disability in written expression. She has been served in special education programs for several years. She currently has general education classes with inclusion services in English. Kathy is on track to graduate with a regular diploma. One day a teacher finds Kathy with a bag of cocaine on school grounds. Law enforcement authorities are called and Kathy has been suspended five days when an IEP Team meeting is held.

During the meeting the team agrees that this zero tolerance offense is not a manifestation of Kathy's disability. The team decides Kathy will attend a mental health program for 45 days, which will include a focus on substance abuse problems, along with general and special education classes. After the 45 days, Kathy will return to her home

school where she will attend the classes listed in her IEP. She will also continue to have counseling services.

Will Kathy be in an appropriate interim alternative education setting?

Yes

No

67. Julie is a student served in special education with a history of behavior problems. She had a functional behavior assessment two years ago and school personnel have been following the same behavior intervention plan for one year. She has been having more serious behavior problems lately. In an IEP Team meeting, her special education teacher says a new functional behavior assessment and behavior intervention plan are needed.

Is the special education teacher correct in making this suggestion?

Yes

No

68. Susie is an eighth-grade student who has only marginally passed from grade to grade. She has no history of behavior problems at school, but the teachers who have had Susie are familiar with her academic difficulties. Because Susie is a sweet, likeable student, teachers have modified her grades and assignments over the years, which has allowed her to pass. Susie's mother always attends parent/teacher conferences and asks the teachers for suggestions to help Susie. The teachers offer suggestions and discuss modifications. Susie's mother and her seventh-grade teacher discussed having Susie evaluated for a learning disability, but a formal referral to special education was never made. Susie's seventh and eighth-grade teachers have discussed her problems among themselves and with the principal. They feel she has "some problems in processing information."

A group of eighth-grade girls are caught selling prescription drugs (which are considered a controlled substance). Susie is one of the girls involved and was caught in possession of the drugs.

Does Susie have disciplinary protections under the Individuals with Disabilities Education Act Amendments of 1997 as a child suspected of having a disability?

Yes

No

### *Recommendations for the Improvement of Practice*

The following recommendations are based upon the development and refinement of an instrument to assess knowledge levels of the IDEA '97 discipline provisions.

1. Local school systems should assess the knowledge levels of school personnel, in particular principals and assistant principals, to determine specific training that may be needed in regard to the IDEA '97 discipline provisions. The resulting assessment would be utilized to show if there is a particular area or level of knowledge in which school personnel are weak.
2. Local school systems and/or parent advocacy groups should utilize the instrument with parents of students with disabilities. The purpose would be to ensure parents are aware of specific rights their children have in the discipline process in schools.
3. College and university classes in which subject matter includes the education of students with disabilities or school law should use the instrument to assess students' mastery of this subject matter.
4. The subject matter in the instrument should be transformed into a training session to be used for any school personnel or parents in a proactive manner to ensure knowledge.

### *Recommendations for Further Research*

Because the interpretation of the law is often based upon case law and there is an ever increasing amount of litigation in the field of special education, it is imperative for educators to keep abreast of such case law decisions. Additionally, Congress is currently reauthorizing the Individuals with Disabilities Education Act, and there have been various proposed changes to the discipline provisions. The following recommendations are made for further research.

1. This instrument should be used in a research study to determine the actual levels of knowledge possessed by various school personnel.
2. The instrument should be used in an experimental study to assess personnel's knowledge before and after specific instruction on the subject.
3. The design of this study should be used to develop test instruments measuring knowledge in other areas.
4. Dependant upon the coming reauthorization of the IDEA, this test instrument may have to be revised to reflect the current law.

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## APPENDICES

### APPENDIX A

#### Initial Instrument

Survey of Knowledge about the  
Discipline Provisions of the Individuals with Disabilities Education Act Amendments of 1997

Please complete the following questions to the best of your knowledge. Unless otherwise specified, the questions pertain to students who are served in special education programs under the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97).

The following acronyms may be used throughout the survey:

IEP = Individualized Education Plan

IDEA= Individuals with Disabilities Education Act

Please circle the correct answer.

**1. Which of the following best defines a manifestation determination review?**

- a. a review to determine whether or not a student must have a behavior intervention plan
- b. a review to determine whether or not a change of educational placement is necessary
- c. a review to determine whether or not there is a relationship between a student's disability and his/her misbehavior
- d. a review to determine whether or not a student may be expelled for a misbehavior

**2. Who must conduct a manifestation determination review?**

- a. the student's teachers and principal
- b. the student's Individualized Education Plan Team (IEP Team)
- c. the student's parents and the special education teacher
- d. the student's parents and the principal

**3. An interim alternative educational setting is one in which:**

- a. all special education students who are suspended must be placed
- b. a special education student may receive educational services during disciplinary removals from school
- c. parents may place students who have behavior problems at home and school
- d. only a juvenile judge may place students who have had criminal offenses

**4. Which of the following is not required in an interim alternative educational setting?**

- a. students must have access to extracurricular activities
- b. students must have access to the general curriculum
- c. students must have the services listed in the individualized education plan (IEP)
- d. students must have services to address the behavior for which they were disciplined

**5. A functional behavior assessment is used to:**

- a. determine when a student needs a change of educational placement
- b. determine when a student may be suspended
- c. determine when a student must have a manifestation determination review
- d. determine when and why a student misbehaves

- 6. IDEA '97 mandates that a functional behavior assessment must include:**
- parental information
  - classroom observations
  - behavior rating scales
  - IDEA '97 does not define the necessary components of a functional behavior assessment
- 7. Which of the following best defines a behavior intervention plan?**
- series of consequences for a student who misbehaves frequently in school
  - a behavior change program that includes multiple strategies to change a student's negative behaviors to ones that are positive
  - a series of rewards to give a student for acting appropriately
  - a behavior program with strict rules to control behavior
- 8. Which of the following may be included in a behavior intervention plan?**
- cognitive behavior interventions
  - consequences for negative behaviors
  - setting, event, and antecedent interventions
  - all of the above
- 9. A student who is not currently eligible for special education services has disciplinary protections under IDEA '97 if:**
- the student has failing grades for the current school year
  - the student has been suspended
  - the school has knowledge that the student may have a disability
  - the student has a medical condition
- 10. A school system is said to have knowledge that a student may have a disability if:**
- the behavioral performance of the student shows a need for special education services
  - the academic performance of the student shows a need for special education services
  - the student's parents have expressed concern in writing that the student may be in need of special education services
  - all of the above
- 11. A manifestation determination must be conducted:**
- any time a student served in special education is suspended
  - when a student served in special education is suspended over 10 days in a school year
  - any time a student served in special education has a functional behavior assessment
  - when a student served in special education needs a new behavior intervention plan
- 12. Which of the following must be reviewed during a manifestation determination?**
- the student's individualized education plan (IEP)
  - the student's placement
  - the student's current evaluations
  - all of the above

- 13. If a misbehavior is found to be a manifestation of the student's disability:**
- the student must be suspended
  - the student's educational placement must be changed
  - the student's individualized education plan (IEP) must be changed
  - the student's category of eligibility must be changed
- 14. Who determines a student's interim alternative educational setting?**
- the student's parents
  - the student's IEP-Team
  - the Special Education Director
  - the student's teachers
- 15. How long may a student automatically be placed in an interim alternative educational setting for a zero tolerance offense?**
- 180 school days
  - 365 calendar days
  - 45 school days
  - 45 calendar days
- 16. The information obtained from a functional behavior assessment is used to:**
- make a special education eligibility determination
  - choose an educational placement
  - develop a behavior intervention plan
  - determine when a student may be suspended
- 17. An appropriate functional behavior assessment should include which of the following?**
- observation data
  - input from the student
  - a review of the current individualized education plan (IEP)
  - all of the above
- 18. A student who commits a zero tolerance offense must have a completed functional behavior assessment:**
- the day of the offense
  - within 10 days
  - before the student returns to school from suspension
  - within 45 days
- 19. The focus of a behavior intervention plan should be:**
- punishment
  - control
  - proactive
  - rewards
- 20. Who is responsible for carrying out a behavior intervention plan?**
- everyone who works with the student
  - the special education teacher
  - the regular education teacher
  - the principal

- 21. When should a behavior intervention plan be developed for a student?**
- a. any time a student is suspended
  - b. when a student has a zero tolerance offense
  - c. when a student fails a grade
  - d. all of the above
- 22. A child who is currently being evaluated for special education services:**
- a. may not be suspended
  - b. does not have disciplinary protections under the IDEA
  - c. has disciplinary protections under the IDEA
  - d. may be suspended only after the completion of a functional behavior assessment
- 23. A school system would not have knowledge that a student may have a disability if:**
- a. the teachers and principal think the student is not motivated
  - b. an evaluation has been completed and the student was not eligible
  - c. the student's attendance is poor
  - d. the student's standardized test scores are average
- 24. If a parent requests an evaluation for special education services after a disciplinary action:**
- a. the student may not be suspended more than 10 school days without services
  - b. the evaluation must be expedited
  - c. a functional behavior assessment must be conducted if the student is suspended for 10 days
  - d. all of the above
- 25. A principal has the unilateral authority to:**
- a. expel a student for 180 days without services for a zero tolerance offense
  - b. choose the interim alternative educational setting
  - c. suspend a student up to 10 school days per year
  - d. make a manifestation determination
- 26. If, during a manifestation determination review, a student's individualized education plan (IEP) is found inappropriate:**
- a. the behavior is to be considered a manifestation of the student's disability
  - b. the behavior may not be considered a manifestation of the student's disability
  - c. the student's educational placement must be changed
  - d. the student may be suspended
- 27. If an offending behavior is found not to be a manifestation of the student's disability:**
- a. the individualized education plan (IEP) must be revised
  - b. the student may not be suspended
  - c. the student must stay in his/her current educational placement
  - d. the student may be disciplined like any student served in general education programs

- 28. A misbehavior would be considered a manifestation of the student's disability if:**
- the student has failing grades
  - the student has a behavior intervention plan
  - the student is eligible for special education due to Attention Deficit Hyperactivity Disorder
  - the student is found not to be able to control the behavior
- 29. Which of the following is not considered during a manifestation determination review:**
- extracurricular activities
  - parental information
  - classroom observations
  - evaluation data
- 30. Which of the following is not a parental right during a manifestation determination review:**
- the right to appeal the decision
  - the right to attend the review
  - the right to provide information during the review
  - the right to make the decision as to educational placement
- 31. Who may determine that a student must stay for an extended period of time in an interim alternative educational setting?**
- the principal
  - a hearing officer
  - the Special Education Director
  - the parents
- 32. An interim alternative educational setting may be used for all of the following except:**
- when an IEP Team decides it is the most appropriate placement
  - when a student has a zero tolerance offense
  - when ordered by a hearing officer
  - when ordered by the principal
- 33. Which of the following would be the most appropriate interim alternative educational setting?**
- an alternative school with both general education and special education classes, as well as a counseling program
  - placement on homebound with 10 hours educational services and five hours counseling services per week
  - placement on homebound with 20 hours of educational services per week
  - placement in an intensive counseling program
- 34. Who would be the most appropriate to conduct a functional behavior assessment:**
- the school psychologist
  - a team of individuals who are familiar with the student
  - the teachers and the principal
  - the parents and the teacher

- 35. A functional behavior assessment must be conducted in all of the following instances except:**
- a. when a student is suspended for five school days
  - b. when a student commits a zero tolerance offense
  - c. when a student is suspended for 10 school days
  - d. when a student has a series of short-term suspensions that accumulate 10 school days
- 36. Which of the following is not a researched method of conducting a functional behavior assessment?**
- a. experimental
  - b. evaluative
  - c. indirect
  - d. direct
- 37. Which of the following is required before a student is placed in an interim alternative educational setting?**
- a. a due process hearing
  - b. an Individualized Education Plan (IEP) Team meeting
  - c. completion of new evaluation data
  - d. the student must commit a zero tolerance offense
- 38. If, during a manifestation determination review, it is concluded that the student did not understand the consequences of the misbehavior:**
- a. the behavior must be considered a manifestation of the disability
  - b. the student's individualized education plan (IEP) must be reviewed
  - c. the student's educational placement must be reviewed
  - d. all of the above
- 39. All of the following should be included in a behavior intervention plan except:**
- a. a description of who is responsible for each strategy
  - b. evaluation criteria
  - c. test scores
  - d. proactive interventions
- 40. If a school system has no knowledge that a student may have a disability:**
- a. the student may receive the same disciplinary actions as any other student
  - b. the student may be suspended only after a manifestation determination review
  - c. the student must have a behavior intervention plan before receiving any disciplinary action
  - d. the student must receive a full evaluation for special education services
- 41. A student may be expelled for 180 school days without services:**
- a. if the student is considered a danger to himself or others
  - b. for a zero tolerance offense when it is not a manifestation of the disability
  - c. if the student is suspended from an alternative placement
  - d. never

- 42. A misbehavior would be considered a manifestation of a student's disability if:**
- a. the student has failing grades
  - b. the student has a behavior intervention plan
  - c. the student is eligible for special education as health impaired due to Attention Deficit Hyperactivity Disorder (ADHD)
  - d. the student is found not to be able to control the behavior
- 43. Teachers should provide what information for a functional behavior assessment?**
- a. a description of the classroom management plan
  - b. observation data
  - c. a description of expectations for students
  - d. all of the above
- 44. Who designs a behavior intervention plan?**
- a. the school psychologist
  - b. the special education teacher
  - c. the special education teacher and the students parents
  - d. the IEP-Team
- 45. Which of the following is not true for a student whose behavior is found to not be a manifestation of the disability?**
- a. the student may be disciplined such as any student served in general education
  - b. all educational services may cease due to the disciplinary action
  - c. the student may be placed in an interim alternative educational setting per Individualized Education Plan (IEP) Team decision
  - d. the behavior intervention plan may be revised
- 46. A student who is suspended for 10 school days must have:**
- a. a functional behavior assessment and behavior intervention plan
  - b. a full psychological evaluation
  - c. a change of educational placement
  - d. none of the above
- 47. In considering "ABC" data for a functional behavior assessment, "ABC" means:**
- a. action, behavior, cumulation
  - b. acting badly counts
  - c. antecedent, behavior, consequence
  - d. none of the above
- 48. The procedure in which the relationship between a behavior and the student's disability is determined is called:**
- a. functional behavior assessment
  - b. individualized education plan (IEP) team meeting
  - c. manifestation determination review
  - d. due process hearing

- 49. The individualized education plan (IEP) team has the responsibility of all of the following except:**
- a. determining that a student will not receive educational services after a long-term suspension
  - b. developing a behavior intervention plan
  - c. conducting a manifestation determination review
  - d. selecting the appropriate interim alternative education setting
- 50. IDEA '97 requires which of the following for a zero tolerance offense:**
- a. automatic expulsion for 180 school days
  - b. a manifestation determination review
  - c. a full psychological evaluation
  - d. suspension for 45 days
- 51. Which of the following decisions do parents have the right to appeal?**
- a. a suspension of five days
  - b. the results of a functional behavior assessment
  - c. a suspension of 10 school days
  - d. the decision in a manifestation determination review
- 52. Which of the following is required for a student facing an 11<sup>th</sup> day of suspension?**
- a. educational services
  - b. the completion or review of a functional behavior assessment
  - c. a manifestation determination review
  - d. all of the above
- 53. An interim alternative education setting may be used for which time period?**
- a. 10 school days only
  - b. 45 school days only
  - c. 180 school days only
  - d. the length of time may be determined by individualized education plan (IEP) team agreement
- 54. A student may not be suspended over 10 school days in one year without procedural safeguards because it would be considered:**
- a. an interim alternative education setting
  - b. a change of educational placement
  - c. a manifestation determination review
  - d. without a behavior intervention plan
- 55. Which of the following is not immediately allowed when a student is found in possession of a controlled substance?**
- a. call to law enforcement authorities
  - b. place the student in an interim alternative education setting for 45 days
  - c. call an individualized education plan (IEP) team meeting
  - d. expel the student for 180 school days

- 56. The Special Education Director has which right with regard to disciplining students?**
- determining an interim alternative education setting
  - making suspensions
  - participating in individualized education plan (IEP) team meetings
  - none of the above
- 57. If the parents disagree with a manifestation determination review, they have the right to:**
- move the child to a different school
  - a due process hearing
  - take the child out of school
  - request an independent educational evaluation
- 58. The student's individualized education plan (IEP), educational placement, and evaluation data must be reviewed:**
- any time he/she is suspended
  - during a manifestation determination review
  - before allowing the student to return to school after a long-term suspension
  - to determine whether or not the student has disciplinary protections under the IDEA
- 59. How many days per school year may a student be without educational services due to suspension?**
- 45
  - as many as necessary if suspensions are included in the behavior intervention plan
  - 10
  - 180 days for zero tolerance offenses
- 60. A student must have access to the general curriculum and all services listed in the individualized education plan (IEP):**
- during any suspension
  - when ordered by a hearing officer
  - in an interim alternative education setting
  - none of the above
- 61. A student who has a zero tolerance offense that is found to be a manifestation of his/her disability:**
- may be expelled for 180 days
  - may not be suspended at all
  - may be placed in an interim alternative education setting for 45 days
  - may be placed in an interim alternative education setting for 180 school days
- 62. Which of the following is not included in a functional behavior assessment?**
- observation data
  - information from the individualized education plan (IEP)
  - information from other students
  - parental information
- 63. If a behavior is not a manifestation of the student's disability:**
- the student still may not be suspended
  - the student must have a new evaluation
  - the student may be disciplined like any general education student
  - none of the above

- 64. Parents have what right regarding discipline?**
- to participate in a manifestation determination review
  - to participate in determining an interim alternative education setting
  - to participate in developing a behavior intervention plan
  - all of the above
- 65. Access to the general curriculum in an interim alternative education setting means:**
- the availability of necessary general education classes with non-disabled peers
  - a completed behavior intervention plan before returning to the home school
  - there is a general education teacher available to teach basic academic subjects
  - the student will be allowed to receive an education in a school setting
- 66. A student who commits a zero tolerance offense that is found not to be a manifestation of the disability may:**
- be expelled for 180 days without educational services
  - may be placed in an interim alternative education setting for 180 school days per individualized education plan (IEP) team agreement
  - may be suspended 10 school days
  - may be suspended 45 school days
- 67. When must a functional behavior assessment be conducted?**
- when a teacher requests it
  - when a student exhibits behaviors that interfere with his/her learning
  - when a student has been suspended five days
  - none of the above
- 68. The Individuals with Disabilities Education Act (IDEA) has included disciplinary provisions since:**
- its inception in 1975
  - the reauthorization in 1990
  - the reauthorization in 1997
  - never
- 69. Law enforcement authorities may be called to a school regarding a special education student when:**
- a crime has been committed
  - never
  - a principal feels it is necessary
  - an individualized education plan (IEP) team determines it is necessary
- 70. If a student has a functional behavior assessment and behavior intervention plan, when must they be reviewed?**
- two times per school year
  - when the student commits a zero tolerance offense
  - when the student moves to a new school
  - when the student has a new psychological evaluation
- 71. Which of the following may a parent appeal?**
- an interim alternative education setting
  - a manifestation determination review
  - an individualized education plan (IEP)
  - all of the above

- 72. A student has disciplinary protections under the IDEA if:**
- the student has failed a grade
  - the student's parent has requested an evaluation
  - the student has been suspended three days in the current school year
  - the student has said "school is too hard"
- 73. An educational change of placement may be made for disciplinary purposes if:**
- the principal demands it
  - the Special Education Director says a student is dangerous
  - the individualized education plan (IEP) team determines it is necessary
  - none of the above
- 74. The individualized education plan (IEP) team is responsible for which of the following:**
- making a three-day suspension
  - referring to a juvenile judge
  - determining educational placement during a long-term suspension
  - none of the above
- 75. A student may be suspended in all of the following cases, except:**
- up to 10 school days per year
  - over 10 days per year as long as behavior is not a manifestation of the disability and services are provided
  - as many days as necessary as long as the student has a behavior intervention plan
  - 180 days for zero tolerance as long as it is not a manifestation of the disability and an interim alternative education setting is provided
- 76. Which of the following is not required in an interim alternative education setting?**
- academic classes
  - modifications listed in the individual education plan (IEP)
  - a behavior intervention plan
  - the opportunity to continue playing on a sports team
- 77. If a student is suspended over 10 days, then on the 11<sup>th</sup> day of suspension:**
- no action is necessary
  - educational services must be provided
  - the student has a new eligibility category
  - an individualized education plan (IEP) team must be held
- 78. If school personnel do not follow a behavior intervention plan and a student has a serious behavioral offense:**
- the school may demand a change of placement
  - the behavior may be found to be a manifestation of the disability
  - an interim alternative education setting is necessary
  - new evaluation data is necessary

- 79. Why is student information important in a functional behavior assessment?**
- a. the parents demand it
  - b. the Individuals with Disabilities Education Act (IDEA) says it must be included
  - c. it will help develop a behavior intervention plan
  - d. none of the above
- 80. Who may determine that a student can be suspended over 10 days without services?**
- a. an individualized education plan (IEP) team
  - b. parents
  - c. the principal
  - d. it would never be allowed
- 81. Who would not participate in determining an interim alternative educational setting?**
- a. the attorney representing the student's parents
  - b. the parents
  - c. the principal
  - d. the special education teacher
- 82. Which of the following is not appropriate for a behavior intervention plan?**
- a. social skills instruction, rewards for meeting behavior goals, and loss of privileges for misbehavior
  - b. social skills instruction, rewards for meeting behavior goals, and suspensions up to 10 days for misbehaviors
  - c. rewards for meeting behavior goals, counseling, and loss of privileges for misbehavior
  - d. loss of privileges and suspensions for misbehaviors
- 83. The special education teacher has the authority to do which of the following with regard to disciplining students?**
- a. participating in a manifestation determination review
  - b. determining an interim alternative education setting
  - c. making suspensions
  - d. changing educational placement

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**The following questions contain scenarios regarding the discipline of students served in special education. Please use your knowledge of the Individuals with Disabilities Education Act Amendments of 1997 to answer the questions.**

- 84. A student has had a functional behavior assessment and has a behavior intervention plan to include multiple strategies such as social skills training and counseling. The student is eligible as learning disabled. The student has been making passing grades in the general curriculum with resource for English. The student pulls a five-inch knife on two other students and threatens to kill them. Which of the following would not be true?**



Ryan's family refuses, and says that his behavior plan is inappropriate, particularly during unstructured times.

**Can the school demand this change of placement?**

\_\_\_\_\_Yes

\_\_\_\_\_No

**89. Has the principal taken the correct action by sending Ryan home at noon on the days he has problems and recording it different ways?**

\_\_\_\_\_Yes

\_\_\_\_\_No

**90.** Steve is a fourth-grade student served in special education. He has a history of behavior problems. School personnel have conducted a functional behavior assessment and have developed a behavior intervention plan. He has been doing well in school for several months. However, during the last month he has been exhibiting new problem behaviors. He has been suspended nine school days this year. Steve misbehaves again, which constitutes another three-day suspension. The principal says that another IEP-Team meeting does not need to be held because the school has done all they need to do by having a functional behavior assessment and behavior intervention plan. The principal wants to proceed with the three-day suspension.

**Is the principal taking the correct action by making another three-day suspension?**

\_\_\_\_\_Yes

\_\_\_\_\_No

**91.** Carol is a student served in special education. She has problems socially due to a diagnosis of Asperger's Syndrome. Carol has a behavior intervention plan. She has been doing well in school, but one day becomes angry with her teacher and kicks her. The teacher falls and sprains her ankle. The principal suspends Carol for five school days. She had been suspended two days previously in the school year.

**Is this suspension allowed under the Individuals with Disabilities Education Act Amendments of 1997?**

\_\_\_\_\_Yes

\_\_\_\_\_No

**92.** Kevin has had failing grades for several years and a history of behavior problems. He is currently being evaluated for eligibility for special education services. Kevin has received three suspensions during the current school year for a total of nine days. The school's discipline policy says anyone suspended more than three times during the year must be placed in the system's alternative school. The student initiates a fight with another student. School policy says that offense is an automatic three-day suspension. The school principal maintains that school policy must be followed and the student will be suspended for three days then placed in the alternative school.

**Is the principal taking the correct action according to the Individuals with Disabilities Education Act Amendments of 1997?**

\_\_\_\_\_Yes

\_\_\_\_\_No

**93.** Jerry is a second-grade student served in special education. He has Attention Deficit Hyperactivity Disorder and a history of behavior problems. The IEP-Team developed a behavior intervention plan for Jerry. The plan includes a series of consequences

for his misbehaviors. Jerry's plan also says he may earn a reward after two weeks without any disciplinary actions.

**Is this an appropriate behavior intervention plan?**

\_\_\_\_\_Yes

\_\_\_\_\_No

94. Justin is a student served in special education. He is eligible as health impaired due to Attention Deficit Hyperactivity Disorder, Tourette's Syndrome, and also has learning disabilities. Justin has a lengthy history of behavior problems, in particular, fighting with peers. Justin seems to do well during his classes, but unstructured times are problematic. He has had three minor fights with students in the current school year, which have occurred in the cafeteria, on the bus, and on the playground.

Justin spent one year in the system's behavior modification program, learning social skills, anger management and conflict resolution techniques, along with his academic subject areas. He has now returned to his home school with a very detailed and structured behavior intervention plan. The plan calls for many extra supports during unstructured times during the school day.

One afternoon Justin's class is on the playground. They are having unstructured free time under the supervision of their teacher. Justin gets into an argument with two other boys. As he has learned, and as his behavior plan states, he walks away and seeks his teacher's assistance in "cooling off." However, his teacher tells Justin "not to bother him and go play with someone else." The teacher then turns his back and talks with another teacher. Justin immediately goes back to the two boys and they end up in a fistfight.

One of the other boys is injured in the fight. The boys' parents demand that Justin is removed from school and the principal agrees. They believe Justin is a dangerous student. Justin's parents disagree with this. They say this behavior is a manifestation of Justin's disability, particularly since his behavior plan was not followed.

**Are Justin's parents correct?**

\_\_\_\_\_Yes

\_\_\_\_\_No

95. Thomas is an eighth-grade student served in special education. One day his teacher finds a bag of marijuana in his desk. The principal calls law enforcement authorities, as well as Thomas' parents. When his parents arrive they are outraged to see police officers. They say that law enforcement should not be called because Thomas has a disability.

**Did the principal have the right to contact law enforcement authorities?**

\_\_\_\_\_Yes

\_\_\_\_\_No

96. Two high school senior boys are caught possessing firearms on school property. Jim is an honor student who plays on the football team. Chris is known as the "class clown" because he is always acting silly. Chris is served in special education classes at the school. Disciplinary actions for the two boys were very different.

Jim has been expelled for 180 school days. He will have to wait until next year to finish his classes and graduate. Chris will attend the system's alternative school for the remainder of the school year. Although he will not be allowed to participate in the ceremonies, he will graduate this year.

**Has the school system followed the guidelines appropriately in disciplining these two students?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

- 97.** Troy is a student with mental retardation who is served in special education comprehensive development classroom. His cognitive, self-help, and language abilities are extremely low. Troy does not have a functional behavior assessment or behavior intervention plan. He does have behavior goals in his individualized education plan (IEP) to address the inappropriate acting out he displays when he has problems communicating with others and becomes frustrated.

One day Troy becomes very angry during class. He kicks a chair over, which hits his teacher's leg. Troy then shoves the educational assistant who tries to calm him. According to the school's discipline policy, this type of offense calls for long-term suspension or placement in the alternative school.

School personnel suspend Troy for 10 days. They send notice of the suspension to his parents, along with an invitation to an IEP-Team meeting. The written notice regarding the meeting says the following are purposes of the meeting: a manifestation determination review; a functional behavior assessment; and review of Troy's IEP and placement.

**Are the school personnel planning on completing all necessary procedures at this IEP-team meeting?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

- 98.** Kathy is a high school student with a learning disability in written expression. She has been served in special education programs for several years. She currently has general education classes with inclusion services in English. Kathy is on track to graduate with a regular diploma. One day a teacher finds Kathy with a bag of cocaine on school grounds. Law enforcement authorities are called and Kathy has been suspended five days when an IEP-team meeting is held.

During the meeting the team agrees that this zero tolerance offense is not a manifestation of Kathy's disability. The team decides Kathy will attend a mental health program for 40 days, which will include a focus on substance abuse problems, along with general and special education classes. After the 40 days, Kathy will attend the system's alternative school. At the alternative school Kathy will continue in the classes she needs to graduate. She will also have a behavior intervention plan to address substance abuse.

**Will Kathy be in an appropriate interim alternative education setting?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

99. Pat is a student served in special education who has been suspended a total of nine days in the current school year. He then commits an offense that warrants a two-day suspension.

**Must a manifestation determination review be conducted?**

\_\_\_\_\_Yes \_\_\_\_\_No

100. **According to the Individuals with Disabilities Education Act Amendments of 1997, must Pat have a functional behavior assessment?**

\_\_\_\_\_Yes \_\_\_\_\_No

101. Julie is a student served in special education with a history of behavior problems. She had a functional behavior assessment two years ago and school personnel have been following the same behavior intervention plan for one year. She has been having more serious behavior problems lately. In an IEP-team meeting, her special education teacher says a new functional behavior assessment and behavior intervention plan are needed.

**Is the special education teacher correct in making this suggestion?**

\_\_\_\_\_Yes \_\_\_\_\_No

102. Susie is an eighth-grade student who has only marginally passed from grade to grade. She has no history of behavior problems at school, but the teachers who have had Susie are familiar with her academic difficulties. Because Susie is a sweet, likeable student, teachers have modified her grades and assignments over the years, which has allowed her to pass. Susie's mother always attends parent/teacher conferences and asks the teachers for suggestions to help Susie. The teachers offer suggestions and discuss modifications. Susie's mother and her seventh-grade teacher discussed having Susie evaluated for a learning disability, but a formal referral to special education was never made. Susie's seventh and eighth-grade teachers have discussed her problems among themselves and with the principal. They feel she has "some problems in processing information." A group of eighth-grade girls are caught selling prescription drugs (which are considered a controlled substance). Susie is one of the girls involved and was caught in possession of the drugs.

**Does Susie have disciplinary protections under the Individuals with Disabilities Education Act Amendments of 1997 as a child suspected of having a disability?**

\_\_\_\_\_Yes \_\_\_\_\_No

APPENDIX B  
Letters to Reviewers

-----Original Message-----

From: Jerri Lyons [<mailto:jblyons70@earthlink.net>]

Sent: Monday, March 17, 2003 5:41 AM

To: [mquinn@air-dc.org](mailto:mquinn@air-dc.org); [reich001@maroon.tc.umn.edu](mailto:reich001@maroon.tc.umn.edu);  
[erogers@stcloudstate.edu](mailto:erogers@stcloudstate.edu); [mrose@jhu.edu](mailto:mrose@jhu.edu); [gsasso@blue.weeg.uiowa.edu](mailto:gsasso@blue.weeg.uiowa.edu);  
[rutherford@asu.edu](mailto:rutherford@asu.edu); [stichterj@missouri.edu](mailto:stichterj@missouri.edu); [sugai@OREGON.UOREGON.EDU](mailto:sugai@OREGON.UOREGON.EDU);  
[jumbreit@u.arizona.edu](mailto:jumbreit@u.arizona.edu); [vanacker@uic.edu](mailto:vanacker@uic.edu); [joseph.wehby@vanderbuilt.edu](mailto:joseph.wehby@vanderbuilt.edu);  
[jjwheeler@tntech.edu](mailto:jjwheeler@tntech.edu); [myell@sc.edu](mailto:myell@sc.edu)

Subject: dissertation assistance

Hello. I am a doctoral student at East Tennessee State University, and am working on a dissertation regarding the discipline provisions of IDEA '97. I have developed a test of knowledge and will complete a test-retest analysis of the questions in order to determine the final make-up of the test. Before I do the test-retest, I need to have various experts look over my questions and provide me with feedback regarding the test. The feedback may be however brief or long, that you would like. I just need some information as to the following: the accuracy, coverage, format, etc. of the test.

The current test is rather lengthy and some questions may appear more than once, just written differently. This was recommended by my committee in order to find the most appropriate questions after the test-retest analysis. The end product of this test will most likely be about half the length of the current one.

Dr. Jim Fox, who serves on my committee, has recommended you to me for assistance. He has included a cover letter for you as well. I would greatly appreciate any assistance you could provide for this project. I would need to have your feedback by March 31, 2003. My contact information is provided below.

Thank you for your time!

Jerri Beth Lyons

Carter County Schools Special Education Director

423-547-4011 (work)

423-647-1394 (cell)

423-547-4039 (fax)

[jblyons70@earthlink.net](mailto:jblyons70@earthlink.net)

305 Academy Street

Elizabethton, TN 37643

March 12, 2003

Dear Colleagues

I am working with a doctoral student, Ms. Jerri Beth Lyons, who is conducting a study of administrators knowledge of the disciplinary provisions of the current IDEA . We would appreciate it if you would take the time to look over the test of knowledge that she has developed and give us any feedback, however brief or lengthy, as to the accuracy, sufficiency of coverage, format, etc. of this test. Once she gets feedback from a panel of experts, that is, you, she will finalize the test and conduct a test – retest reliability analysis of the test. I think this could be a very good contribution to the field and with your help the likelihood of important results will be increased. Ms. Lyons is including her contact information should you have any questions and so you may return it to directly to her. Thanks for your time and consideration.

Sincerely,

Jim Fox, PhD  
Research Director, Center for Early Childhood Learning and Development  
Professor, Special Education Program, Department of Human Development and Learning  
East Tennessee State University  
423-439-7556  
foxj@mail.etsu.edu

## APPENDIX C

### Question Reviews and Comments

#### Question Reviews and Revisions

Question Number	Reviewers who Commented	Specific Comments
1	Nelson	Grammar – removed words
4	Whaley	Grammar
8	O’Neil	Change cognitive behavior intervention (too unfamiliar)
9	Samuels, Draves, Dyer	Added words to clarify
14	Samuels, Draves, Dyer	Took out calendar or school days (this isn’t clear in law)
15	Stichter, Nelson	Added “according to best practice to clarify the question
16	Conroy	Added “according to best practice” to clarify the question
20	Samuels, Nelson	Changed wording to clarify that question refers to law rather than best practice
21	Nelson	Changed child to student
24	Nelson	Changed wording on choice A
26	Katsiyannis, Nelson	Added “according to IDEA ‘97” to clarify the question
32	O’Neil, Sugai	Added “most appropriate” to clarify the question
44	Sugai, Katsiyannis	Added “according to IDEA ‘97” to clarify the question
51	Belcher	Changed wording in choice D to clarify
52	Sugai, Nelson	Added “according to best practice” to clarify the question

### Question Reviews and Revisions

53	Conroy	Added "under category of" for better wording
55	Katsiyanis, Nelson	Changed wording in the scenario and/or question in order to have a clear yes or no response
56	Nelson, Samuels, Draves, Dyer	
57	Nelson, Samuels, Draves, Dyer	
58	Nelson	
59	Katsiyanis, Conroy	
60	Sugai	
62	Katsiyanis	
64	Nelson	
65	Nelson	

### Question Reviews and Removals

Question Number	Reviewers who Commented	Specific Comments
13	Katsiyanis, Samuels, Draves, Dyer, Stichter	Didn't feel question was appropriate to include
23	Sugai, Katsiyanis	Question was too wordy
29	Whaley, Mattraw	Too many manifestation questions – not needed
30	Katsiyanis, Snyder	Not the most important info. to know about manifestation det.
31	Hull, Samuels, Nelson, Draves, Dyer	"extended period of time" is too vague
32	Nelson, Long	Question too complicated in the wording
33	Samuels, Draves, Dyer, Katsiyanis, Stichter, Sugai	Too vague

## Question Reviews and Removals

34	Samuels, Draves, Dyer, Whaley	You can't really identify who is "most appropriate"
36	Stichter, Conroy, Sugai, O'Neil	Not many people would know this answer and the question isn't really needed
39	Sugai, Katsiyanis, Belcher	A choices could be answers
43	Snyder, O'Neil	Question not clearly written
45	Walters, Whaley	Question is too wordy – difficult to understand
51	Samuels, Draves, Dyer, Katsiyanis	Not a clear answer – parents can appeal anything
53	Katsiyanis, Belcher	Not a clear answer
54	Hull, Samuels, Draves, Dyer	The 10 day suspension is a gray area – difficult to write questions involving this
56	Whaley, Belcher	Not a useful question for the test
57	Nelson, Hull	Not a useful question for the test outcome
58	Samuels, Draves, Dyer, Hull	Question is too broad
61	Long, Mattraw	Question is difficult to understand
63	Katsiyanis, Samuels, Draves, Dyer	Too many questions about manifestation determination and this one isn't particularly good
64	Samuels, Draves, Dyer, Mattraw	Question is too broad and the answer is too much of a gray area
65	Samuels, Draves, Dyer Katsiyanis	Answer is too much of a gray area
66	Nelson, Long	The question is worded in such a way that it is difficult to understand
68	Belcher, Walters, Whaley	Question isn't useful for what this test is measuring
70	Katsiyanis, Sugai, Samuels, Draves, Dyer	Too many possibilities in this answer
71	Snyder, Walters	Too easy – parents may appeal anything in which they disagree

## Question Reviews and Removals

73	Whaley, Long	Too much gray areas in this answer
75	Nelson, Conroy	Too broad and difficult to understand
79	Nelson, Katsiyanis	Not a useful question for what this test is measuring
81	Samuels, Katsiyanis, Draves, Dyer	All choices could be answers
83	Hull, Belcher	Not a good question – not necessary for this test
88	Samuels, Draves, Dyer, Nelson, Katsiyanis	Too many possibilities for interpretation in this scenario
89	Samuels, Draves, Dyer, Nelson, Katsiyanis	Too many possibilities for interpretation in this scenario
92	Katsiyanis, Conroy, Whaley	Too many gray areas in this answer

## APPENDIX D

### Revised Instrument with References

- 1. Which of the following best defines a manifestation determination review?**
- a. a review to determine whether a student must have a behavior intervention plan
  - b. a review to determine whether a change of educational placement is necessary
  - c. a review to determine whether there is a relationship between a student's disability and his/her misbehavior
  - d. a review to determine whether a student may be expelled for a misbehavior

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.523 (a)(2).

WCASS Research/Special Project Discipline Task Force. (2000, November). The IDEA discipline...In a brown wrapper. Topeka, KS: Author.

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- 2. Who must conduct a manifestation determination review?**
- a. the student's teachers and principal
  - b. the student's IEP Team
  - c. the student's parents and the special education teacher
  - d. the student's parents and the principal

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(B).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.523 (b).

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- 3. An interim alternative educational setting is one in which:**
- a. all special education students who are suspended must be placed
  - b. a special education student may receive educational services during disciplinary removals from school
  - c. parents may place students who have behavior problems at home and school
  - d. only a juvenile judge may place students who have had criminal offenses

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(3).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.522 (b).

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- 4. Which of the following is not required in an interim alternative educational setting?**
- a. A student must have access to extracurricular activities
  - b. A student must have access to the general curriculum
  - c. A student must have the services listed in his/her IEP
  - d. A student must have services to address the behavior for which he/she was disciplined

**References:**

Hartwig, E.P., & Ruesch, G.M. (2000). Disciplining students in special education. *Journal of Special Education*, 33(4), 240-253.

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(3)(B)(i)(ii).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.522 (a)(b)(1)(2).

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**5. A functional behavior assessment is used to:**

- a. determine when a student needs a change of educational placement
- b. determine when a student may be suspended
- c. determine when a student must have a manifestation determination review
- d. determine when and why a student misbehaves

**Reference:**

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). Applying positive behavioral support and functional behavioral assessment in schools.

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**6. IDEA '97 mandates that a functional behavior assessment must include:**

- a. parental information
- b. classroom observations
- c. behavior rating scales
- d. IDEA '97 does not define the necessary components of a functional behavior assessment

**References:**

Dragow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(B)(i)(ii).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (b)(1)(2) and (c)(1)(2).

Miller, J.A., Tansy, M., and Hughes, T.L. (1998). Functional behavioral assessment: The link between problem behavior and effective intervention in schools. *Current Issues in Education* 1(1), 1-16. Retrieved February 13, 2001, from file:///A1/researcharticle.html

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**7. Which of the following best defines a behavior intervention plan:**

- a. a series of consequences for a student who misbehaves frequently in school
- b. a behavior change program that includes multiple strategies to change a student's negative behaviors to ones that are positive
- c. a series of rewards to give a student for acting appropriately
- d. a behavior program with strict rules to control behavior

**References:**

Dragow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). Applying positive behavioral support and functional behavioral assessment in schools.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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**8. Which of the following may be included in a behavior intervention plan?**

- a. social skills instruction
- b. consequences for negative behaviors
- c. setting, event, and antecedent interventions
- d. any of the above

**References:**

Dragow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Gartin, B.C., & Murdick, N.L. (2001). A new IDEA mandate: The use of functional assessment of behavior and positive behavior supports. *Remedial and Special Education*, 22(6), 344-349.

Skiba, R.J., & Peterson, R.L. (2000). School discipline at a crossroads: From zero tolerance to early response. *Exceptional Children*, 66(3), 335-347.

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**9. A student who is not currently certified as eligible for special education services has disciplinary protections under IDEA '97 if:**

- a. the student has failing grades for the current school year
- b. the student has been suspended
- c. the school has knowledge that the student may have a disability
- d. the student has a medical condition

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(8)(A)(B).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.527 (a)(b).

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**10. A school system is said to have knowledge that a student may have a disability if:**

- a. the behavioral performance of the student shows a need for special education services
- b. the academic performance of the student shows a need for special education services
- c. the student's parents have expressed concern in writing that the student may be in need of special education services
- d. any of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(8)(B).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.527 (b).

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**11. A manifestation determination must be conducted:**

- a. any time a student served in special education is suspended
- b. when a student served in special education is suspended over 10 days in a school year
- c. any time a student served in special education has a functional behavior assessment
- d. when a student served in special education needs a new behavior intervention plan

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.523 (a).

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**12. Which of the following must be reviewed during a manifestation determination?**

- a. the student's IEP
- b. the student's placement
- c. the student's current evaluations
- d. all of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(c)(i)(ii).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.523 (c)(1).

Katsiyannis, A., & Maag, J.W. (2002). Manifestation determination as a golden fleece. *Exceptional Children*, 68(1), 83-96.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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**13. Who determines a student's interim alternative educational setting?**

- a. the student's parents
- b. the student's IEP Team
- c. the Special Education Director
- d. the student's teachers

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(3).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.522 (a).

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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- 14. How long may a student automatically be placed in an interim alternative educational setting for a zero tolerance offense?**
- a. 180 days
  - b. 365 days
  - c. 45 days
  - d. none of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(1).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.521.

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- 15. According to IDEA '97 the intent of conducting a functional behavior assessment is to:**
- a. make a special education eligibility determination
  - b. choose an educational placement
  - c. develop a behavior intervention plan
  - d. determine when a student may be suspended

**References:**

Gorn, D. (1999). *What do I do when...The answer book on discipline*. Horsham, PA: LRP Publications.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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- 16. According to "best practice," an appropriate functional behavior assessment should include which of the following?**
- a. observation data
  - b. input from the student
  - c. a review of the current IEP
  - d. all of the above

**References:**

Gartin, B.C., & Murdick, N.L. (2001). A new IDEA mandate: The use of functional assessment of behavior and positive behavior supports. *Remedial and Special Education*, 22(6), 344-349.

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). *Applying positive behavioral support and functional behavioral assessment in schools*.

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- 17. A student who commits a zero tolerance offense must have a completed functional behavior assessment:**
- a. the day of the offense
  - b. within 10 days
  - c. before the student returns to school from suspension
  - d. within 45 days

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(1)(B)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (b)(1).

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**18. The focus of a behavior intervention plan should be:**

- a. punishment
- b. control
- c. proactive
- d. rewards

**References:**

Dragow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Gorn, D. (1999). *What do I do when...The answer book on discipline*. Horsham, PA: LRP Publications.

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1414 (d)(3)(B)(i).

Skiba, R.J., & Peterson, R.L. (2000). School discipline at a crossroads: From zero tolerance to early response. *Exceptional Children*, 66(3), 335-347.

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**19. Who is responsible for carrying out a behavior intervention plan?**

- a. everyone who works with the student
- b. the special education teacher
- c. the regular education teacher
- d. the principal

**References:**

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). *Applying positive behavioral support and functional behavioral assessment in schools*.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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**20. According to IDEA '97, when must a behavior intervention plan be developed for a student?**

- a. any time a student is suspended
- b. when a student has a zero tolerance offense
- c. when a student fails a grade
- d. all of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(1)(B)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (b)(1).

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- 21. A student who is currently being evaluated for special education services:**
- a. may not be suspended
  - b. does not have disciplinary protections under the IDEA
  - c. has disciplinary protections under the IDEA
  - d. may be suspended only after the completion of a functional behavior assessment

**References:**

Hartwig, E.P., & Ruesch, G.M. (2000). Disciplining students in special education. *Journal of Special Education*, 33(4), 240-253.

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(8)(A)(B).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.527 (a)(b).

Zurkowski, J.K., Kelly, P.S., & Griswold, D.E. (1998). Discipline and IDEA '97: Instituting a new balance. *Prevention in School and Clinic*, 34(1), 3-9.

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**22. If a parent requests an evaluation for special education services after a disciplinary action:**

- a. the student may not be suspended more than 10 school days without services
- b. the evaluation must be expedited
- c. a functional behavior assessment must be conducted if the student is suspended for 10 days
- d. all of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(8)(C)(ii).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.527 (d)(2).

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**23. A principal has the unilateral authority to:**

- a. expel a student for 180 days without services for a zero tolerance offense
- b. choose the interim alternative educational setting
- c. suspend a student up to 10 school days
- d. make a manifestation determination

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(l)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (a)(1)(i).

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**24. If, during a manifestation determination review, a student's IEP is found to be inappropriate:**

- a. the behavior must be considered a manifestation of the student's disability
- b. the behavior may not be considered a manifestation of the student's disability
- c. the student's educational placement must be changed
- d. the student may be suspended

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.523 (f).

Katsiyannis, A., & Maag, J.W. (2002). Manifestation determination as a golden fleece. *Exceptional Children*, 68(1), 83-96.

Wright, W.D., and Wright, P.D. (2000). *Wrightslaw: Special education law*. Hartfield, VA: Harbor House Law Press.

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**25. If an offending behavior is found not to be a manifestation of the student's disability:**

- a. the student's IEP must be revised
- b. the student may not be suspended
- c. the student must stay in his/her current educational placement
- d. the student may be disciplined like any student served in general education programs

**References:**

Gorn, D. (1999). *What do I do when...The answer book on discipline*. Horsham, PA: LRP Publications.

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(5).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.524 (a).

Katsiyannis, A., & Maag, J.W. (2002). Manifestation determination as a golden fleece. *Exceptional Children*, 68(1), 83-96.

Walther-Thomas, C., & Brownell, M.T. (1998). An interview with Dr. Mitchell Yell: Changes in IDEA regarding suspension and expulsion. *Intervention in School and Clinic*, 34(1), 46-49.

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**26. According to IDEA '97, a functional behavior assessment must be conducted in all of the following instances except:**

- a. when a student is suspended for five school days
- b. when a student commits a zero tolerance offense
- c. when a student is suspended for 10 consecutive school days
- d. when a student has a series of short-term suspensions that accumulate to 10 school days

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(1)(B)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (b)(1).

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**27. Which of the following is required before a student is placed in an interim alternative educational setting?**

- a. a due process hearing
- b. an IEP Team meeting
- c. completion of new evaluation data
- d. the student must commit a zero tolerance offense

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(3).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.522.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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**28. If, during a manifestation determination review, it is concluded that the student did not understand the consequences of the misbehavior:**

- a. the behavior must be considered a manifestation of the disability
- b. the student's IEP must be reviewed
- c. the student's educational placement must be reviewed
- d. all of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(C)(ii).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.523 (c)(2).

Katsiyannis, A., & Maag, J.W. (2002). Manifestation determination as a golden fleece. *Exceptional Children*, 68(1), 83-96.

WCASS Research/Special Project Discipline Task Force. (2000, November). *The IDEA discipline...In a brown wrapper*. Topeka, KS: Author.

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**29. If a school system has no knowledge that a student may have a disability:**

- a. the student may receive the same disciplinary actions as any other student
- b. the student may be suspended only after a manifestation determination review
- c. the student must have a behavior intervention plan before receiving any disciplinary action
- d. the student must receive a full evaluation for special education services

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(8)(C).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.527(d)(1).

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**30. A student may be expelled for 180 school days without services:**

- a. if the student is considered a danger to himself or others
- b. for a zero tolerance offense when it is not a manifestation of the disability
- c. if the student is suspended from an alternative placement
- d. never

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1412 (a)(1)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.300 (a)(1).

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**31. A misbehavior would be considered a manifestation of a student's disability if:**

- a. the student has failing grades
- b. the student has a behavior intervention plan
- c. the student is eligible for special education as health impaired due to Attention Deficit Hyperactivity Disorder (ADHD)
- d. the student is found not to be able to control the behavior

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(C)(ii).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.523 (c)(2).

Katsiyannis, A., & Maag, J.W. (2002). Manifestation determination as a golden fleece. *Exceptional Children*, 68(1), 83-96.

WCASS Research/Special Project Discipline Task Force. (2000, November). *The IDEA discipline...In a brown wrapper*. Topeka, KS: Author.

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**32. Who would be the most appropriate to design a behavior intervention plan:**

- a. the school psychologist
- b. the special education teacher
- c. the special education teacher and the students parents
- d. the IEP Team

**References:**

Drasgow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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**33. A student who is suspended for 10 school days must have:**

- a. a functional behavior assessment and behavior intervention plan
- b. a full psychological evaluation
- c. a change of educational placement
- d. none of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(1)(B)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (b)(1).

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- 34. In considering "ABC" data for a functional behavior assessment, "ABC" means:**
- a.** action, behavior, cumulation
  - b.** acting badly counts
  - c.** antecedent, behavior, consequence
  - d.** none of the above

**References:**

Dragow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Gartin, B.C., & Murdick, N.L. (2001). A new IDEA mandate: The use of functional assessment of behavior and positive behavior supports. *Remedial and Special Education*, 22(6), 344-349.

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- 35. The procedure in which the relationship between a behavior and the student's disability is determined is called:**
- a.** functional behavior assessment
  - b.** IEP team meeting
  - c.** manifestation determination review
  - d.** due process hearing

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.523 (a)(2).

Miller, J.A., Tansy, M., and Hughes, T.L. (1998). Functional behavioral assessment: The link between problem behavior and effective intervention in schools. *Current Issues in Education* 1(1), 1-16. Retrieved February 13, 2001, from <file:///A1/researcharticle.html>

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). Applying positive behavioral support and functional behavioral assessment in schools.

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- 36. The IEP Team has the responsibility for all of the following except:**
- a.** determining that a student will not receive educational services after a long-term suspension
  - b.** developing a behavior intervention plan
  - c.** conducting a manifestation determination review
  - d.** selecting the appropriate interim alternative education setting

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(B).

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). Applying positive behavioral support and functional behavioral assessment in schools.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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**37. IDEA '97 requires which of the following for a zero tolerance offense:**

- a. automatic expulsion for 180 school days
- b. a manifestation determination review
- c. a full psychological evaluation
- d. suspension for 45 days

**References:**

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (a)(2)(ii).

Katsiyannis, A., & Maag, J.W. (2002). Manifestation determination as a golden fleece. *Exceptional Children*, 68(1), 83-96.

WCASS Research/Special Project Discipline Task Force. (2000, November). *The IDEA discipline...In a brown wrapper*. Topeka, KS: Author.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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**38. Which of the following is required for a student facing an 11<sup>th</sup> day of suspension:**

- a. educational services
- b. the completion or review of a functional behavior assessment
- c. a manifestation determination review
- d. all of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1412 (a)(1).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.300 (a)(1).

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**39. Which of the following is not immediately allowed when a student is found in possession of a controlled substance:**

- a. call to law enforcement authorities
- b. place the student in an interim alternative education setting for 45 days
- c. call an IEP Team meeting
- d. expel the student for 180 school days

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1412 (a)(1).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.300 (a)(1).

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**40. How many days per school year may a student be without educational services due to suspension:**

- a. 45
- b. as many as necessary if suspensions are included in the behavior intervention plan
- c. 10
- d. 180 days for zero tolerance offenses

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (a)(1)(i).

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**41. A student must have access to the general curriculum and all services listed in the IEP:**

- a. during any suspension
- b. when ordered by a hearing officer
- c. in an interim alternative education setting
- d. none of the above

**References:**

Hartwig, E.P., & Ruesch, G.M. (2000). Disciplining students in special education. *Journal of Special Education*, 33(4), 240-253.

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(3).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.522 (b).

Zurkowski, J.K., Kelly, P.S., & Griswold, D.E. (1998). Discipline and IDEA '97: Instituting a new balance. *Prevention in School and Clinic*, 34(1), 3-9.

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**42. Which of the following is not included in a functional behavior assessment:**

- a. observation data
- b. information from the IEP
- c. information from other students
- d. parental information

**References:**

Drasgow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). *Applying positive behavioral support and functional behavioral assessment in schools*.

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**43. Parents have what right(s) regarding discipline:**

- a. to participate in a manifestation determination review
- b. to participate in determining an interim alternative education setting
- c. to participate in developing a behavior intervention plan
- d. all of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1414 (d)(1)(B)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.344 (a)(1).

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**44. According to IDEA '97, when must a functional behavior assessment be conducted:**

- a. when a teacher requests it
- b. when a student exhibits behaviors that interfere with his/her learning
- c. when a student has been suspended five days
- d. none of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(1)(B)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (b)(1).

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**45. Law enforcement authorities may be called to a school regarding a special education student when:**

- a. a crime has been committed
- b. never
- c. a principal feels it is necessary
- d. an IEP Team determines it is necessary

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(9)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.529 (a).

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**46. A student has disciplinary protections under the IDEA if:**

- a. the student has failed a grade
- b. the student's parent has requested an evaluation
- c. the student has been suspended three days in the current school year
- d. the student has said "school is too hard"

**References:**

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.527 (a).

WCASS Research/Special Project Discipline Task Force. (2000, November). The IDEA discipline...In a brown wrapper. Topeka, KS: Author.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

Zurkowski, J.K., Kelly, P.S., & Griswold, D.E. (1998). Discipline and IDEA '97: Instituting a new balance. *Prevention in School and Clinic*, 34(1), 3-9.

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- 47. The IEP Team is responsible for which of the following:**
- a.** making a three-day suspension
  - b.** referring to a juvenile judge
  - c.** determining educational placement during a long-term suspension
  - d.** none of the above

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(3).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.522 (a).

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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- 48. Which of the following is not required in an interim alternative education setting:**
- a.** academic classes
  - b.** modifications listed in the IEP
  - c.** a behavior intervention plan
  - d.** the opportunity to continue playing on a sports team

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(9)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.522 (a)(B)(1)(2).

WCASS Research/Special Project Discipline Task Force. (2000, November). *The IDEA discipline...In a brown wrapper*. Topeka, KS: Author.

Zurkowski, J.K., Kelly, P.S., & Griswold, D.E. (1998). *Discipline and IDEA '97: Instituting a new balance*. *Prevention in School and Clinic*, 34(1), 3-9.

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- 49. If a student is suspended over 10 days, then on the 11<sup>th</sup> day of suspension:**
- a.** no action is necessary
  - b.** educational services must be provided
  - c.** the student has a new eligibility category
  - d.** an IEP Team meeting must be held

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1412 (a)(1)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.300 (a)(1).

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**50. If school personnel do not follow a behavior intervention plan and a student has a serious behavioral offense:**

- a. the school may demand a change of placement
- b. the behavior may be found to be a manifestation of the disability
- c. an interim alternative education setting is necessary
- d. new evaluation data is necessary

**References:**

Gorn, D. (1999). *What do I do when...The answer book on discipline*. Horsham, PA: LRP Publications.

Katsiyannis, A., & Maag, J.W. (2002). Manifestation determination as a golden fleece. *Exceptional Children*, 68(1), 83-96.

Wright, W.D., and Wright, P.D. (2000). *Wrights law: Special education law*. Hartfield, VA: Harbor House Law Press.

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**51. Who may determine that a student can be suspended over 10 days without services:**

- a. an individualized education plan (IEP) team
- b. parents
- c. the principal
- d. such a suspension would never be allowed

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1412 (a)(1)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.300 (a)(1).

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**52. According to "best practice," which of the following is not appropriate for a behavior intervention plan:**

- a. social skills instruction, rewards for meeting behavior goals, and loss of privileges for misbehavior
- b. social skills instruction, rewards for meeting behavior goals, and suspensions up to 10 days for misbehaviors
- c. rewards for meeting behavior goals, counseling, and loss of privileges for misbehavior
- d. loss of privileges, suspensions for misbehaviors, and no proactive intervention

**References:**

Drasgow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Gartin, B.C., & Murdick, N.L. (2001). A new IDEA mandate: The use of functional assessment of behavior and positive behavior supports. *Remedial and Special Education*, 22(6), 344-349.

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). *Applying positive behavioral support and functional behavioral assessment in schools*.

Skiba, R.J., & Peterson, R.L. (2000). School discipline at a crossroads: From zero tolerance to early response. *Exceptional Children*, 66(3), 335-347.

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**The following questions contain scenarios regarding the discipline of students served in special education. Please use your knowledge of the Individuals with Disabilities Education Act Amendments of 1997 to answer the questions.**

- 53.** A student has had a functional behavior assessment and has a behavior intervention plan to include multiple strategies such as social skills training and counseling. The student is eligible under the category of learning disabled. The student has been making passing grades in the general curriculum with resource for English. The student pulls a five-inch knife on two other students and threatens to kill them.

**Which of the following would not be true?**

- a.** a manifestation determination review must be held
- b.** the student may be removed to an interim alternative education setting for 45 calendar days
- c.** the student may be removed from school for 180 days without educational services
- d.** the student's functional behavior assessment and behavior intervention plan must be reviewed

**Reference:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1414(d)(3)(B)(i), §1415 (k)(4)(A), §1415 (k)(3).

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- 54. Based on the information given in question #53, would you consider the behavior a manifestation of the student's disability?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Katsiyannis, A., & Maag, J.W. (2002). Manifestation determination as a golden fleece. *Exceptional Children*, 68(1), 83-96.

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

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- 55.** Joe is a four-year-old student with autism who is served in a special education preschool program. He has violent outbursts and has been aggressive toward teachers and peers. Joe has a very detailed and structured educational program and behavior intervention plan. The teacher and three educational assistants in the classroom have received extensive training regarding Joe's plan. One day Joe refuses to follow his schedule. He crawls under a table and refuses to come out. Rather than follow the behavior plan, one of the assistants tries to pull Joe from under the table. Joe bites her arm so severely that he breaks the skin and draws blood. School personnel want Joe removed from school because he is dangerous.

The parents are told that Joe cannot come back to school "until he can follow the rules."

**Have school personnel followed the correct procedures according to IDEA '97?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**Reference:**

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R., Appendix B, Question 38.

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- 56.** Amy is an eighth-grade student who was sexually abused as a child. She is eligible for special education services under the category of emotionally disturbed. She has received special education services for several years. She has been placed in a self-contained behavior modification classroom due to aggressive behaviors. Her behavior intervention plan includes strategies such as: social skills instruction, role-playing, counseling, and cognitive behavioral interventions.

Amy brings a gun to school, which is found by her teacher. At the manifestation determination review, the behavior is found to be a manifestation of her disability. School personnel want to move Amy to a more restrictive alternative setting for 45 days. The setting will provide Amy with all services in her IEP, as well as ones to further address her violent tendencies. Amy's parents say she can remain in her current school because her behavior was a manifestation of her disability.

**According to IDEA '97, may the school demand an interim placement that is more restrictive even though the behavior is a manifestation of Amy's disability?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(4)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520.

Hartwig, E.P., & Ruesch, G.M. (2000). Disciplining students in special education. *Journal of Special Education*, 33(4), 240-253.

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- 57.** Steve is a fourth-grade student served in special education. He has a history of behavior problems. School personnel have conducted a functional behavior assessment and have developed a behavior intervention plan. He has been doing well in school for several months. However, during the last month he has been exhibiting new problem behaviors. He has been suspended nine school days this year. Steve misbehaves again, which warrants another three-day suspension. The principal says that another IEP Team meeting does not need to be held because the school has done all they need to do by having a functional behavior assessment and behavior intervention plan. The principal wants to proceed with the three-day suspension and not have another IEP Team meeting to review and/or revise the behavior intervention plan.

**Is the principal taking the correct action?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1412 (a)(1).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.300 (a)(1).

Hartwig, E.P., & Ruesch, G.M. (2000). Disciplining students in special education. *Journal of Special Education*, 33(4), 240-253.

- 58.** Carol is a student served in special education. She has problems socially and is diagnosed as having Asperger's Syndrome. Carol has a behavior intervention plan. She has been doing well in school, but one day becomes angry with her teacher and kicks her. The teacher falls and sprains her ankle. The principal suspends Carol for five school days. She had been suspended two days previously in the school year.

**Is this suspension allowed under the Individuals with Disabilities Education Act Amendments of 1997?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(1)(A)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (a)(1)(i).

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- 59.** Jerry is a second-grade student served in special education. He has Attention Deficit Hyperactivity Disorder and a history of behavior problems. The IEP-Team developed a behavior intervention plan for Jerry. The plan includes a series of consequences for his misbehaviors. There are no proactive interventions, such as social skills instruction or rewards, included in Jerry's behavior plan.

**Is this an appropriate behavior intervention plan?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Drasgow, E., & Yell, M.L. (2001). Functional behavioral assessments: Legal requirements and challenges. *School Psychology Review*, 30(2), 239-251.

Gartin, B.C., & Murdick, N.L. (2001). A new IDEA mandate: The use of functional assessment of behavior and positive behavior supports. *Remedial and Special Education*, 22(6), 344-349.

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). *Applying positive behavioral support and functional behavioral assessment in schools.*

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- 60.** Justin is a student served in special education. He is eligible as health impaired due to Attention Deficit Hyperactivity Disorder, Tourette's Syndrome, and also has learning disabilities. Justin has a lengthy history of behavior problems, in particular, fighting with peers. Justin seems to do well during his classes, but unstructured times are problematic. He has had three minor fights with students in the current school year, which have occurred in the cafeteria, on the bus, and on the playground.

Justin spent one year in the system's behavior modification program, learning social skills, anger management and conflict resolution techniques, along with his academic subject areas. He has now returned to his home school with a very detailed and structured behavior intervention plan. The plan calls for many extra supports during unstructured times during the school day.

One afternoon Justin's class is on the playground. They are having unstructured free time under the supervision of their teacher. Justin gets into an argument with two other boys. As he has learned, and as his behavior plan states, he walks away and seeks his teacher's assistance in "cooling off." However, his teacher tells Justin "not to bother him and go play with someone else." The teacher then turns his back and talks with another teacher. Justin immediately goes back to the two boys and they end up in a fistfight.

One of the other boys is injured in the fight. The boys' parents demand that Justin be removed from this school. The principal agrees and wants to move Justin to a placement that is more restrictive because he is dangerous. Justin's parents disagree with such a placement. They say this behavior is a manifestation of Justin's disability, particularly since his behavior plan was not followed. They contend that Justin must have a proper behavior plan that is followed correctly before the school can move him to another placement.

**Are Justin's parents correct?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R., Appendix B, Question 38.

Wright, W.D., and Wright, P.D. (2000). *Wrightslaw: Special education law*. Hartfield, VA: Harbor House Law Press.

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- 61.** Thomas is an eighth-grade student served in special education. One day his teacher finds a bag of marijuana in his desk. The principal calls law enforcement authorities, as well as Thomas' parents. When his parents arrive they are outraged to see police officers. They say that law enforcement should not be called because Thomas has a disability.

**Did the principal have the right to contact law enforcement authorities in this situation?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(9)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.529 (a).

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- 62.** Two high school senior boys are caught possessing firearms on school property. Jim is an honor student who plays on the football team. Chris is known as the “class clown” because he is always acting silly. Chris is served in special education classes at the school. Disciplinary actions for the two boys were very different.

Jim has been expelled for 180 school days. He will have to wait until next year to finish his classes and graduate. Chris will attend the system’s alternative school for the remainder of the school year. Chris will be allowed to graduate this year if he meets the necessary requirements.

**Has the school system followed the guidelines appropriately in disciplining these two students?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1412 (a)(1)(A).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.300 (a)(1).

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- 63.** Troy is a student with mental retardation who is served in special education comprehensive development classroom. His cognitive, self-help, and language abilities are extremely low. Troy does not have a functional behavior assessment or behavior intervention plan. He does have behavior goals in his individualized education plan (IEP) to address the inappropriate acting out he displays when he has problems communicating with others and becomes frustrated.

One day Troy becomes very angry during class. He kicks a chair over, which hits his teacher’s leg. Troy then shoves the educational assistant who tries to calm him. According to the school’s discipline policy, this type of offense calls for long-term suspension or placement in the alternative school.

School personnel suspend Troy for 10 days. They send notice of the suspension to his parents, along with an invitation to an IEP-Team meeting. The written notice regarding the meeting says the following are purposes of the meeting: a manifestation determination review; a functional behavior assessment; and review of Troy’s IEP and placement.

**Are the school personnel planning on completing all necessary procedures at this IEP-team meeting?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**Reference:**



\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. Section 1415 (k)(1)(B)(I).

Individuals with Disabilities Education Act Regulations 1998, 34C.F.R. §300.520 (b)(1).

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- 67.** Julie is a student served in special education with a history of behavior problems. She had a functional behavior assessment two years ago and school personnel have been following the same behavior intervention plan for one year. She has been having more serious behavior problems lately. In an IEP Team meeting, her special education teacher says a new functional behavior assessment and behavior intervention plan are needed.

**Is the special education teacher correct in making this suggestion?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Individuals with Disabilities Education Act 1997, 20 U.S.C. §1415 (k)(1)(B)(i).

Individuals with Disabilities Education Act Regulations 1998, 34 C.F.R. §300.520 (b)(1).

Office of Special Education Programs Center on Positive Behavioral Interventions and Supports. (1999). Applying positive behavioral support and functional behavioral assessment in schools.

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- 68.** Susie is an eighth-grade student who has only marginally passed from grade to grade. She has no history of behavior problems at school, but the teachers who have had Susie are familiar with her academic difficulties. Because Susie is a sweet, likeable student, teachers have modified her grades and assignments over the years, which has allowed her to pass. Susie's mother always attends parent/teacher conferences and asks the teachers for suggestions to help Susie. The teachers offer suggestions and discuss modifications. Susie's mother and her seventh-grade teacher discussed having Susie evaluated for a learning disability, but a formal referral to special education was never made. Susie's seventh and eighth-grade teachers have discussed her problems among themselves and with the principal. They feel she has "some problems in processing information." A group of eighth-grade girls are caught selling prescription drugs (which are considered a controlled substance). Susie is one of the girls involved and was caught in possession of the drugs.

**Does Susie have disciplinary protections under the Individuals with Disabilities Education Act Amendments of 1997 as a child suspected of having a disability?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**References:**

Hartwig, E.P., & Ruesch, G.M. (2000). Disciplining students in special education. *Journal of Special Education*, 33(4), 240-253.

*Individuals with Disabilities Education Act Regulations 1998*, 34C.F.R. §300.527 (a).

Yell, M.L., Katsiyannis, A., Bradley, R., & Rozalski, M.E. (2000). Ensuring compliance with the discipline provisions of IDEA '97. *Journal of Special Education*, 13(1), 3-18.

Zurkowski, J.K., Kelly, P.S., & Griswold, D.E. (1998). Discipline and IDEA '97: Instituting a new balance. *Prevention in School and Clinic*, 34(1), 3-9.

## APPENDIX E

### Informed Consent Document

**EAST TENNESSEE STATE UNIVERSITY  
Institutional Review Board  
INFORMED CONSENT DOCUMENT**

Principal Investigator: Jerri Beth Lyons

Title of Project: Instrument Development to Assess Knowledge Levels of the Discipline Provisions of the Individuals with Disabilities Education Act Amendments of 1997

This Informed Consent Document will explain the research project in which I am seeking your voluntary participation. It is important that you read this material carefully and then decide if you wish to be a volunteer. You may contact me, my dissertation director, or the ETSU Institutional Review Board, at the numbers provided below if you have questions.

PURPOSE: The purpose of this research study is to develop an instrument to assess knowledge levels of the discipline provisions of the Individuals with Disabilities Education Act Amendments of 1997. The development of this instrument will help to identify areas of need in the disciplining of students with disabilities in order to ensure they are receiving a free appropriate public education to which they are entitled.

DURATION: It should take approximately 40 to 50 minutes to complete the entire survey.

PROCEDURES: The instrument used in this study contains multiple-choice and yes/no questions. The questions are written to measure general knowledge, comprehension, and application of the discipline provisions of the Individuals with Disabilities Education Act of 1997. Please do not write your name on your survey. There will be a number written on your instrument. Please remember this number as you will be asked to write it on your paper when you re-take this instrument at a later date. When you finish, please give the completed instrument and the original copy of the consent form to your professor. To maintain confidentiality, the completed consent forms will be separated from the test instruments. Both will be given to the researcher.

POSSIBLE RISKS/DISCOMFORTS: No risks or discomforts should be associated with this research, nor is there any direct benefit or compensation to volunteer participants. Any potential benefit to the participant would arise from that individual's reflection upon the items contained on the test instrument and his or her personal reaction to those items. The benefits to the research would be an instrument to help lead to better knowledge and application of the discipline provisions of the Individuals with Disabilities Education Act Amendments of 1997.

CONTACT FOR QUESTIONS: If you have any questions, problems, or research-related medical problems at any time, you may call Jerri Beth Lyons at (423) 547-4011, or Dr. Louise MacKay at (423) 439-4430. You may also call the Chairman of the Institutional Review Board at (423) 439-6134 for any questions you have about your rights as a research participant.

CONFIDENTIALITY: Every attempt will be made to see that participants will not be identified by name. A copy of the records from this study will be stored in the office of the Supervisor of Special Education in the Carter County School System for 10 years after the research is completed. The results of this study will be presented in a dissertation and may be published and/or presented at meetings without naming you as a participant. Although your rights and privacy will be maintained, the Secretary of the Department of Health and Human Services, the East Tennessee State University/V.A. Medical Center Institutional Review Board, the Food and Drug Analysis have access to the study records. My records will be kept completely confidential according to current legal requirements. They will not be revealed unless required by law, as noted above.

COMPENSATION FOR MEDICAL TREATMENT: East Tennessee State University (ETSU) will pay the cost of emergency first aid for any injury, which may happen as a result of your being in this study. They will not pay for any other medical treatment. Claims against ETSU or any of its agency or employees may be submitted to the Tennessee Claims Commission. The claims will be settled to the extent allowable as provided under TCA Section 9-8-307. For more information about claims call the Chairman of the Institutional Review Board of ETSU at (423) 439-6134.

VOLUNTARY PARTICIPATION: The nature, demand, risks, and benefits of the project have been explained to me as well as known and available. I understand that I may choose not to participate, or may withdraw from the study at any time, without any negative consequences. I understand what my participation involves. Furthermore, I understand that I am free to ask or have had read to me, and fully understand the consent form. I sign it freely and voluntarily. A signed copy has been given to me.

Your study record will be maintained in strictest confidence according to current legal requirements and will not be revealed unless required by law or as noted above.

\_\_\_\_\_  
Signature of Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Investigator

\_\_\_\_\_  
Date

APPENDIX F  
Final Test Instrument

Correct answers are underlined

**1. Which of the following best defines a manifestation determination review?**

- a. a review to determine whether a student must have a behavior intervention plan
- b. a review to determine whether a change of educational placement is necessary
- c. a review to determine whether there is a relationship between a student's disability and his/her misbehavior
- d. a review to determine whether a student may be expelled for a misbehavior

**2. A functional behavior assessment is used to:**

- a. determine when a student needs a change of educational placement
- b. determine when a student may be suspended
- c. determine when a student must have a manifestation determination review
- d. determine when and why a student misbehaves

**3. Which of the following best defines a behavior intervention plan?**

- a. series of consequences for a student who misbehaves frequently in school
- b. a behavior change program that includes multiple strategies to change a student's negative behaviors to ones that are positive
- c. a series of rewards to give a student for acting appropriately
- d. a behavior program with strict rules to control behavior

**4. IDEA '97 mandates that a functional behavior assessment must include:**

- a. parental information
- b. classroom observations
- c. behavior rating scales
- d. IDEA '97 does not define the necessary components of a functional behavior assessment

- 5. A manifestation determination must be conducted:**
- a. any time a student served in special education is suspended
  - b. when a student served in special education is suspended over 10 days in a school year
  - c. any time a student served in special education has a functional behavior assessment
  - d. when a student served in special education needs a new behavior intervention plan
- 6. Which of the following may be included in a behavior intervention plan?**
- a. social skills instruction
  - b. consequences for negative behaviors
  - c. setting, event, and antecedent interventions
  - d. any of the above
- 7. Who determines a student's interim alternative educational setting?**
- a. the student's parents
  - b. the student's IEP Team
  - c. the Special Education Director
  - d. the student's teachers
- 8. Which of the following must be reviewed during a manifestation determination?**
- a. the student's IEP
  - b. the student's placement
  - c. the student's current evaluations
  - d. all of the above
- 9. A student who is currently being evaluated for special education services:**
- a. may not be suspended
  - b. does not have disciplinary protections under the IDEA
  - c. has disciplinary protections under the IDEA
  - d. may be suspended only after the completion of a functional behavior assessment

- 10. According to IDEA '97 the intent of conducting a functional behavior assessment is to:**
- make a special education eligibility determination
  - choose an educational placement
  - develop a behavior intervention plan
  - determine when a student may be suspended
- 11. According to IDEA '97, when must a behavior intervention plan be developed for a student?**
- any time a student is suspended
  - when a student has a zero tolerance offense
  - when a student fails a grade
  - all of the above
- 12. A principal has the unilateral authority to:**
- expel a student for 180 days without services for a zero tolerance offense
  - choose the interim alternative educational setting
  - suspend a student up to 10 school days
  - make a manifestation determination
- 13. The focus of a behavior intervention plan should be:**
- punishment
  - control
  - proactive
  - rewards
- 14. If an offending behavior is found not to be a manifestation of the student's disability:**
- the student's IEP must be revised
  - the student may not be suspended
  - the student must stay in his/her current educational placement
  - the student may be disciplined like any student served in general education programs

- 15. Which of the following is required before a student is placed in an interim alternative educational setting?**
- a. a due process hearing
  - b. an IEP Team meeting
  - c. completion of new evaluation data
  - d. the student must commit a zero tolerance offense
- 16. In considering "ABC" data for a functional behavior assessment, "ABC" means:**
- a. action, behavior, cumulation
  - b. acting badly counts
  - c. antecedent, behavior, consequence
  - d. none of the above
- 17. If a school system has no knowledge that a student may have a disability:**
- a. the student may receive the same disciplinary actions as any other student
  - b. the student may be suspended only after a manifestation determination review
  - c. the student must have a behavior intervention plan before receiving any disciplinary action
  - d. the student must receive a full evaluation for special education services
- 18. The procedure in which the relationship between a behavior and the student's disability is determined is called:**
- a. functional behavior assessment
  - b. IEP team meeting
  - c. manifestation determination review
  - d. due process hearing
- 19. According to IDEA '97, a functional behavior assessment must be conducted in all of the following instances except:**
- a. when a student is suspended for five school days
  - b. when a student commits a zero tolerance offense
  - c. when a student is suspended for 10 consecutive school days
  - d. when a student has a series of short-term suspensions that accumulate to 10 school days

- 20. Which of the following is not immediately allowed when a student is found in possession of a controlled substance:**
- a. call to law enforcement authorities
  - b. place the student in an interim alternative education setting for 45 days
  - c. call an IEP Team meeting
  - d. expel the student for 180 school days
- 21. A student must have access to the general curriculum and all services listed in the IEP:**
- a. during any suspension
  - b. when ordered by a hearing officer
  - c. in an interim alternative education setting
  - d. none of the above
- 22. Which of the following is not included in a functional behavior assessment:**
- a. observation data
  - b. information from the IEP
  - c. information from other students
  - d. parental information
- 23. IDEA '97 requires which of the following for a zero tolerance offense:**
- a. automatic expulsion for 180 school days
  - b. a manifestation determination review
  - c. a full psychological evaluation
  - d. suspension for 45 days
- 24. The IEP Team is responsible for which of the following:**
- a. making a three-day suspension
  - b. referring to a juvenile judge
  - c. determining educational placement during a long-term suspension
  - d. none of the above

**25. If a student is suspended over 10 days, then on the 11<sup>th</sup> day of suspension:**

- a. no action is necessary
- b. educational services must be provided
- c. the student has a new eligibility category
- d. an IEP Team meeting must be held

**26. If school personnel do not follow a behavior intervention plan and a student has a serious behavioral offense:**

- a. the school may demand a change of placement
- b. the behavior may be found to be a manifestation of the disability
- c. an interim alternative education setting is necessary
- d. new evaluation data is necessary

**27. According to "best practice," which of the following is not appropriate for a behavior intervention plan:**

- a. social skills instruction, rewards for meeting behavior goals, and loss of privileges for misbehavior
- b. social skills instruction, rewards for meeting behavior goals, and suspensions up to 10 days for misbehaviors
- c. rewards for meeting behavior goals, counseling, and loss of privileges for misbehavior
- d. loss of privilege, suspensions for misbehaviors, and no proactive intervention

**28.** A student has had a functional behavior assessment and has a behavior intervention plan to include multiple strategies such as social skills training and counseling. The student is eligible under the category of learning disabled. The student has been making passing grades in the general curriculum with resource for English. The student pulls a five-inch knife on two other students and threatens to kill them.

Which of the following would not be true?

- a. a manifestation determination review must be held
- b. the student may be removed to an interim alternative education setting for 45 calendar days
- c. the student may be removed from school for 180 days without educational services
- d. the student's functional behavior assessment and behavior intervention plan must be reviewed

- 29.** Based on the information given in question #28, would you consider the behavior a manifestation of the student's disability?

Yes

No

- 30.** Amy is an eighth-grade student who was sexually abused as a child. She is eligible for special education services under the category of emotionally disturbed. She has received special education services for several years. She has been placed in a self-contained behavior modification classroom due to aggressive behaviors. Her behavior intervention plan includes strategies such as: social skills instruction, role-playing, counseling, and cognitive behavioral interventions.

Amy brings a gun to school, which is found by her teacher. At the manifestation determination review, the behavior is found to be a manifestation of her disability. School personnel want to move Amy to a more restrictive alternative setting for 45 days. The setting will provide Amy with all services in her IEP, as well as ones to further address her violent tendencies. Amy's parents say she can remain in her current school because her behavior was a manifestation of her disability.

According to IDEA '97, may the school demand an interim placement that is more restrictive even though the behavior is a manifestation of Amy's disability?

Yes

No

- 31.** Carol is a student served in special education. She has problems socially and is diagnosed as having Asperger's Syndrome. Carol has a behavior intervention plan. She has been doing well in school, but one day becomes angry with her teacher and kicks her. The teacher falls and sprains her ankle. The principal suspends Carol for five school days. She had been suspended two days previously in the school year.

Is this suspension allowed under the Individuals with Disabilities Education Act Amendments of 1997?

Yes

No

- 32.** Steve is a fourth-grade student served in special education. He has a history of behavior problems. School personnel have conducted a functional behavior assessment and have developed a behavior intervention plan. He has been doing well in school for several months. However, during the last month he has been exhibiting new problem behaviors. He has been suspended nine school days this year. Steve misbehaves again, which warrants another three-day suspension. The principal says that another IEP Team meeting does not need to be held because the school has done all they need to do by having a functional behavior assessment and behavior intervention plan. The principal wants to proceed with the three-day suspension and not have another IEP Team meeting to review and/or revise the behavior intervention plan.

Is the principal taking the correct action?

Yes

No

- 33.** Julie is a student served in special education with a history of behavior problems. She had a functional behavior assessment two years ago and school personnel have been following the same behavior intervention plan for one year. She has been having more serious behavior problems lately. In an IEP Team meeting, her special education teacher says a new functional behavior assessment and behavior intervention plan are needed.

Is the special education teacher correct in making this suggestion?

Yes

No

- 34.** Susie is an eighth-grade student who has only marginally passed from grade to grade. She has no history of behavior problems at school, but the teachers who have had Susie are familiar with her academic difficulties. Because Susie is a sweet, likeable student, teachers have modified her grades and assignments over the years, which has allowed her to pass. Susie's mother always attends parent/teacher conferences and asks the teachers for suggestions to help Susie. The teachers offer suggestions and discuss modifications. Susie's mother and her seventh-grade teacher discussed having Susie evaluated for a learning disability, but a formal referral to special education was never made. Susie's seventh and eighth-grade teachers have discussed her

problems among themselves and with the principal. They feel she has "some problems in processing information."

A group of eighth-grade girls are caught selling prescription drugs (which are considered a controlled substance). Susie is one of the girls involved and was caught in possession of the drugs.

Does Susie have disciplinary protections under the Individuals with Disabilities Education Act Amendments of 1997 as a child suspected of having a disability?

Yes

No

- 35.** Kathy is a high school student with a learning disability in written expression. She has been served in special education programs for several years. She currently has general education classes with inclusion services in English. Kathy is on track to graduate with a regular diploma. One day a teacher finds Kathy with a bag of cocaine on school grounds. Law enforcement authorities are called and Kathy has been suspended five days when an IEP Team meeting is held.

During the meeting the team agrees that this zero tolerance offense is not a manifestation of Kathy's disability. The team decides Kathy will attend a mental health program for 45 days, which will include a focus on substance abuse problems, along with general and special education classes. After the 45 days, Kathy will return to her home school where she will attend the classes listed in her IEP. She will also continue to have counseling services.

Will Kathy be in an appropriate interim alternative education setting?

Yes

No

## VITA

Jerri Nave Lyons

Personal Data:   Date of Birth: December 31, 1970  
                  Place of Birth: Elizabethton, Tennessee

Education:       Public Schools, Hampton, Tennessee

University of Tennessee, Knoxville, Tennessee;  
Communications, B.A., 1992

East Tennessee State University, Johnson City, Tennessee;  
Elementary Education, M.A.T, 1994

East Tennessee State University, Johnson City, Tennessee;  
Educational Leadership and Policy Analysis, Ed.D., 2003

Professional  
Experience:       Diagnostician, Carter County Schools Special Education  
                  Department; Elizabethton, Tennessee, 1994-2000

Special Education Director, Carter County Schools;  
Elizabethton, Tennessee, 2000 – 2003