

ALABAMA HIGH SCHOOL PRINCIPALS' KNOWLEDGE LEVEL
OF THE INDIVIDUALS WITH DISABILITIES EDUCATION
ACT DISCIPLINE MANDATES

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William Aaron Milner, son of Marshall Milner and Glenda (McDurmont) Milner, was born May 27, 1971, in Blythe, California. He graduated from Enterprise High School in 1989. He attended Enterprise State Junior College for one year and then entered the University of Alabama in August, 1990 and graduated with a Bachelors of Science degree in education in May, 1995. After working as a history teacher for three years, he entered the graduate school, Troy University–Dothan, in August, 1998, and graduated with a Masters of Science degree in Educational Leadership in May, 2000. After working for six years as a history teacher he became an assistant principal at Enterprise High School. In August, 2001 he entered the Doctor of Education program at Auburn University. He married Jennifer Milner, daughter of Robert and Judith (Olsen) Heise, on June 7, 1997.

DISSERTATION ABSTRACT
ALABAMA HIGH SCHOOL PRINCIPALS' KNOWLEDGE LEVEL
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ACT DISCIPLINE MANDATES

William Aaron Milner

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The Individuals with Disabilities Education Act (IDEA) was amended in 1997 to create additional protections for students with disabilities who violate a school's code of conduct. Prior to the IDEA, students with disabilities could be removed from school due to disciplinary issues just as any other student in the school. The discipline mandates of IDEA have created a dual system of discipline for students with disabilities and students who have not been identified with a disability. School principals are responsible for seeing that the discipline mandates of IDEA are implemented correctly for all special education students who exhibit behavior that violates a school's code of conduct.

The portion of IDEA that exemplifies the manner in which special education students receive additional protections is the 10-day suspension limit that was created in

IDEA 97. Special education students cannot be suspended for more than 10 school days in a calendar school year unless a meeting takes place that determines that the infractions committed by the special education student were a manifestation of his or her disability. High school principals must be aware of the intricacies of the IDEA discipline mandates so that their respective school systems can avoid unnecessary litigation on behalf of special education parents and advocates. High school principals must also be aware of the IDEA discipline mandates in order to see that special education students are afforded due process and given an opportunity to succeed in school rather than being immediately removed due to improper conduct in school.

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I. INTRODUCTION

Stakeholders in public education believe a disciplined school environment is necessary for a student to receive a quality education. Since 1969 the Phi Delta Kappa Gallup Poll has asked participants to list the most pressing problems facing their schools and communities. For the first 16 years of this survey's administration discipline was listed as the number one problem. Drug use then topped the poll until 1991. Polls conducted by Gallup in 2003, 2004, and 2005 have listed discipline as the third most pressing problem facing public schools (Rose & Gallup, 2005). The 1997 Phi Delta Kappa Gallup Poll also demonstrated that the public expects swift action to be taken in public schools when responding to major disciplinary infractions such as weapons or drugs. Eighty-six percent of respondents reported they supported zero tolerance policies, expelling students who were in possession of drugs or alcohol on school grounds. Ninety-three percent of all respondents supported expulsion of students who brought weapons to school (Rose, Elam, & Gallup, 1997).

In another study conducted by Public Agenda (2004), parents and teachers reported dissatisfaction with student discipline. Eighty-five percent of teachers and 73 percent of parents surveyed stated that the school experience of many suffers due to the chronic behavior exhibited by a few students. Seventy-seven percent of teachers surveyed stated they would be more effective if they did not have to spend time addressing disruptive behavior. Virtually every teacher surveyed (97 percent) by Public Agenda, and

a large number of parents (78 percent) believe good discipline is essential for a successful school.

Little disagreement exists between teachers and the public regarding the importance of discipline (Charles, 1996). Many studies have been conducted on discipline-related issues in schools. Some of these are discussed in the following paragraphs. The amount of misbehavior and dangerous acts committed by elementary and secondary students is a major source of frustration for teachers. Charles (1996) states “the resultant frustration produces stress that affects some teachers as severely as does the battle fatigue experienced by soldiers in combat; symptoms which include lethargy, exhaustion, tension, depression, and high blood pressure” (p. 3).

The United States Congress has passed legislation demonstrating concern with disciplinary problems that exist in public schools. Enacted on March 31, 1994, as part of Goals 2000 Educate America Act (Public Law 103-227), and then reauthorized in the Improving America’s Schools Act of 1994 (Public Law 103-382), the federal government required each state receiving funds through the Elementary and Secondary Education Act to pass laws requiring Local Education Agencies to expel a student who brings a weapon to school for a minimum of one year (United States Department of Education, 2000).

The passing of the No Child Left Behind Act (2001) also demonstrated the federal government recognizing the need for disciplined schools. The Office of Safe and Drug Free Schools noted that the Gun Free Schools Act, Pro Children Act, and the Unsafe School Choice Option Act were “consistent with the office’s mission to support the creation of safe, disciplined, drug-free and healthy learning environments for students”

(Policy and Cross Cutting Programs section, n.d., para. 3). The Unsafe School Choice Option created in the No Child Left Behind Act (2001) required states to create policies defining a persistently dangerous school. A student attending a persistently dangerous school or a student who was a victim of a violent crime while on school grounds is allowed to transfer to a school deemed safe to include public charter schools. In addition to students being permitted to leave schools labeled as persistently dangerous is another problem- the “fact that experienced teachers try to transfer away from schools that have high levels of misbehavior, leaving those schools in the hands of teachers not yet skilled in discipline” (Charles, 1996, p. 3). With federal regulations created to provide safe public schools, and teacher and parental expectations about having disciplined schools, school administrators should be aware of the disciplinary procedures created in the Individuals with Disabilities Education Act (IDEA) for special education students (OSERS, 1997). By being knowledgeable of the IDEA discipline mandates students with disabilities are afforded due process and school administrators are less likely to lead themselves or the school system employing them into litigation.

In 1975, the Education for All Handicapped Children Act was passed. One of the purposes of this law was to ensure that students with disabilities were not excluded from public schools (Altshuler & Kopels, 2003). The Education for All Handicapped Children Act has been reauthorized several times and the major reauthorizations and amendments to this act are summarized in Chapter 2. Eventual reauthorization of this act led to the passage of the Individual with Disabilities Education Act of 1997. The Individuals with Disabilities Education Act Amendments of 1997 (IDEA, 1997) (Public Law 105-17)

addressed appropriate disciplinary measures for students with disabilities (Taylor & Baker, 2002). The Office of Special Education Programs (OSEP) (1997) lists six principles upon which IDEA is based. OSEP states that “understanding IDEA’s six principles is critical to understanding the spirit and intent of the law. The six principles of IDEA include:

1. Providing a free and appropriate public education to all students with disabilities.
2. Providing appropriate evaluation to students with disabilities.
3. Providing an individualized education program for students with disabilities.
4. Placing students with disabilities in their least restrictive environment.
5. Allowing parent and student participation in decision making throughout the educational process for the special education student.
6. Producing procedural safeguards for students with disabilities to ensure that students with disabilities are protected. (Six Principles at a Glance section, para. 3).

The Office of Special Education Programs (1997) states that understanding these six principles is imperative for understanding the spirit and intent of the law. These principles provide guidance to policy makers when making changes to new reauthorizations of IDEA.

Setting disciplinary standards for students with disabilities has always been controversial. Ethical dilemmas may come about when school administrators implement

the IDEA disciplinary procedures for a student with a disability who has violated a school's code of conduct (Katsiyannis & Herbst, 2003). Enforcing rules equitably and uniformly yet fairly in order to maintain a disciplined environment in school is a difficult issue for teachers and administrators. Rules and regulations meant to provide a disciplined environment are complicated when subjecting students with disabilities to exclusionary measures for failing to comply with school rules (Winbinger, Katsiyannis, & Archwamety, 2000). A dual system of discipline exists when students with disabilities have broken school rules usually resulting in a change of placement (Yell, 1998). The procedural safeguards for students with disabilities in IDEA 1997 are summarized in Chapter 2.

In 2004, Bill H.R. 1350 was passed by the One Hundred Eighth Congress. The act was titled Individuals with Disabilities Education Improvement Act of 2004 (IDEA, 2004). One of the largest areas of concern in the passage of IDEA 2004 was the discipline mandates for students with disabilities (Goldstein, 2003). Several aspects of IDEA 1997 were modified in IDEA 2004 to include changes in discipline procedures.

Statement of the Problem

Many parents, school personnel, and elected officials believe that safe, orderly, disciplined schools are a necessity for learning to take place. Surveys conducted with stakeholder groups have indicated that zero tolerance is highly supported for students who bring weapons to school (Rose, Elam, & Gallup, 2005). School administrators are expected to run safe and effective schools while at the same time providing due process

as outlined in IDEA for students with disabilities that violate a school's code of conduct. The Individuals with Disabilities Education Act Amendments of 1997 have created concern for school administrators. Gayden Carruth, the Chairperson of the American Association of School Administrators' federal policy and legislative committee, believes having a dual discipline system sends a conflicted message. Ms. Carruth states "as part of the instructional process, students need to learn that there are consequences for their conduct" (Goldstein, 2003, Burden of Proof section). Parents (45 percent) and teachers (93 percent) surveyed by Public Agenda (2004) agreed "the job of the public schools is not simply to ensure that kids achieve academically but also to teach kids to follow the rules so they are ready to join society" (p. 8). Teachers in public schools believe that special education students are not provided effective discipline due to legal restraints and due to fears of parents calling for due process (Public Agenda, 2004). More than 76 percent of teachers surveyed by Public Agenda (2004) stated that "students with Individualized Education Plans are often treated too lightly when their misbehavior has nothing to do with their disability" (p. 16). Woods (2004) describes the dilemma that is faced by public school administrators in complying with the IDEA discipline mandates:

The discipline provisions of IDEA 97 are one of the most controversial issues for school administrators responsible for educating students with disabilities. The majority of school administrators consider that the dual discipline approach is not a fair method. One set of rules applies to regular education students and other discipline provisions under IDEA apply for special education students. (p. 18)

Parents and teachers may have just concern regarding discipline in public schools. In 2001, the General Accounting Office conducted a Report to the Committees on Appropriations, United States Senate and House of Representatives. This report revealed that 15 incidents of serious misconduct were indicated for every 1,000 regular education students. In contrast, 50 incidents of serious misconduct were reported for every 1,000 special education students. Principals and teachers reported that serious misconduct disrupts the learning process for all students and takes away time needed for other tasks (General Accounting Office, 2001).

Some school administrators have displayed frustration with the IDEA discipline procedures of 1997. In describing the controversy that the discipline procedures created in IDEA 1997, Skiba, (2002) stated:

The difference in the treatment of students with disabilities who are violent or disruptive has created an intense controversy that continues to swirl around the disciplinary provisions of special education law. The often-heated controversy represents a fundamental clash between two basic values enacted into law and supported by the courts: the right of students with special needs to due process and a free and appropriate public education versus the right of schools to implement procedures they see as necessary to protect the safety of students and teachers. (p. 81)

Despite IDEA 1997 being passed eight years ago, educators, and policymakers are divided regarding the balance of maintaining student rights and allowing administrators flexibility in order to maintain a safe orderly school (Skiba, 2002). Some

teachers and administrators believe IDEA insulates special education students from punishment and relieves these students from consequences for their behavior. Other teachers and administrators are concerned that special education students would be unfairly treated if not for IDEA. Nearly everyone agrees that there must be a school climate that supports learning for all students. Several characteristics have an impact on school climate: availability of drugs, alcohol, weapons, and disruptive/delinquent students (Winberger, Katsiyannis, & Archwamety, 2000). School principals must be able to address these issues with swift action in order to provide a safe and effective learning environment for all students while at the same time complying with the IDEA discipline mandates in providing due process for all special education students.

Theoretical Framework

School administrators often struggle to find a balance between well-disciplined schools and providing a free and appropriate public education for all students with disabilities. In a study conducted by the United States General Accounting Office 50 percent of principals surveyed felt not being able to suspend a special education student for more than 10 days had a “negative effect on their ability to properly discipline special education students” (GAO, 2001, p. 21). It seems that some principals find the procedure of suspending a special education student to be overwhelming. It is imperative therefore, that principals be knowledgeable of the IDEA discipline mandates for two primary reasons. First, to see that students with disabilities are afforded the rights guaranteed to them under IDEA and secondly to avoid costly litigation being brought against individual

principals and school boards for violating the rights of a special education student. The purpose of this study is to assess Alabama high school principals' knowledge level of the IDEA discipline mandates. High school principals must be knowledgeable of the IDEA discipline mandates in order to properly impose discipline for special education students. Special education students should also be provided protections under IDEA when they have violated a school system's code of conduct. It is vital that high school principals be knowledgeable of the IDEA discipline mandates in order to assure students with disabilities who violate a school's code of conduct are granted due process. High school principals must also be knowledgeable of the IDEA discipline mandates to avoid leading themselves or the school system employing them into litigation filed on behalf of special education students not granted due process.

At least three other doctoral studies have been conducted that support the need for further research in this area. Thompson (2002) measured Virginia School Administrators' and Teachers' Level of Knowledge of the Discipline Procedures in the 1997 Amendments to the IDEA. Thompson stated school administrators "must understand the legal requirements and constraints that guide them when disciplining students" (p. 29). Nail (2000) measured Middle School Administrators' Awareness of Appropriate Disciplinary Procedures as mandated by the IDEA. In describing the importance of principals being knowledgeable of the IDEA discipline mandates Nail (2000) stated, "In order to be compliant with the law, special education teachers and regular education administrators need to understand the federal mandates and be knowledgeable about procedures for implementation" (p. 6). Woods (2004) measured middle and high school

principals' knowledge levels of discipline provisions of the IDEA in the upper Tennessee region. Woods described the difficulty of comprehending the disciplinary provisions and the importance of school administrators being knowledgeable of the law.

The discipline procedures mandated by federal law are very complex for school personnel particularly for those who are not knowledgeable of rules and regulations governing special education in public schools. School officials with no formal training in educating students with disabilities have a tremendous responsibility when it comes to disciplining students eligible under IDEA.

(Woods, 2004, p. 13)

The complexity and controversy concerning the IDEA discipline mandates suggests that research be conducted to measure Alabama high school principals' knowledge level of the IDEA discipline mandates. The theoretical foundation for this study is that school administrators must be knowledgeable of the law concerning the discipline of special education students in public schools in order to see that these students are afforded due process and principals do not expose their respective school systems to litigation as a result of violating procedures as outlined in the IDEA discipline mandates. When school administrators do not properly implement the IDEA discipline mandates special education students may be denied a free and appropriate public education. In addition, school administrators have subjected the local education agency to potentially expensive litigation.

Some believe that IDEA 1997 brought about a dual system of discipline. Students with disabilities are granted rights under IDEA that are not afforded to students without a

disability. Some school administrators find the IDEA discipline mandates obtrusive and interfering with the management of the school for which they are accountable. The National School Board Association argues local school districts should be able to deal with disciplinary issues without the oversight of federal legislation. Richard Felton, director of federal regulations for the National School Board Association, stated:

Local school officials have the wisdom and experience to deal with disciplinary issues, and we believe school officials need more flexibility to ensure the safety and well being of all students and staff in their schools (Stover, 2004, para. 10).

With the responsibility of maintaining safety for students and staff while maintaining a disciplined environment conducive to learning, many school administrators believe the IDEA discipline mandates are complex and create burdensome paperwork. A potential for ethical dilemmas due to regular education students being punished more severely than those students identified with a disability also exists. These challenges create a difficult balance for school administrators in providing a safe environment which enriches the life of every student while at the same time applying discipline to students identified with a disability in compliance with the IDEA discipline mandates.

Definition of Terms

Behavior Intervention Plan: “a behavior change program that emphasizes multiple strategies to reduce problem behavior” (Drasgow & Yell, 2001, Behavior Intervention Plans section, para. 3).

Change in Placement: “ A change in the educational program that substantially or significantly effects the delivery of education to a student” (Yell, 1998, p. 325)

Child with a disability: “(A) In general.—The term ‘child with a disability’ means a child-- (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), 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”(Individuals with Disabilities Education Act Amendments of 1997)

Due Process: “A phrase introduced in the Fifth Amendment to the Constitution. Although the phrase does not have a fixed meaning, it generally refers to an established course for judicial proceedings or other governmental activities designed to safeguard the legal rights of individuals” (Yell 1998, p. 387)

Education of All Handicapped Children Act (EAHCA): “Commonly identified as Public Law 94-142. It passed in 1975 and has been significantly modified by the Individuals with Disabilities Education Act” (Rodgers, n.d.)

Free appropriate public education: “The term ‘free appropriate public education’ means 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 educational 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 program required under section 614(d)” (Individuals with Disabilities Education Act Amendments of 1997)

Functional Behavior Assessment (FBA): “functional behavioral assessment looks beyond the overt topography of the behavior, and focuses, instead, upon identifying biological, social, affective, and environmental factors that initiate, sustain, or end the behavior in question” (Quinn, Gable, Rutherford, & Nelson, 1998, p. 3).

(The) *Individuals with Disabilities Act (IDEA)*: Legislation created “that guarantees all children with disabilities access to a free and appropriate public education” (Federal Resource Center for Special Education).

Individualized Education Program: “The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d)” (Individuals with Disabilities Education Act Amendments of 1997)

Local Education Agency (LEA): (A) The term ‘local education agency’ means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools” (Individuals with Disabilities Education Act Amendments of 1997)

Manifestation Determination: “An Inquiry into whether a student’s misbehavior was related to his or her disability” (Yell, 1998, p. 388).

United States Office of Special Education Programs (OSEP): “An office within the United States Office of Education and Rehabilitative Services charged with assuring that the various states comply with the Individuals with Disabilities Education Act” (Rodgers, n.d.).

School Day: “A day when children attend school for instructional purposes” (Wright & Wright, 1999).

Special Education: “Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including (A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and (B) instruction in physical education” (Individuals with Disabilities Education Act Amendments of 1997)

Specific Learning Disability (SLD): “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of environmental, cultural, or economic disadvantage” (Individuals with Disabilities Education Act Amendments of 1997)

State Educational Agency: “the State board of education or other agency or other agency or officer primarily responsible for the State supervision of public elementary and

secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by state law” (Individuals with Disabilities Education Act Amendments of 1997)

Stay Put Provision: “prevents schools from unilaterally moving students from placement to placement. Essentially, the stay put provision acts as an automatic preliminary injunction pending a resolution of a due process hearing or judicial action” (Yell, 1998, p. 283).

Weapon: “A device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. Term definition does not include a pocket knife with a blade less than 2-1/2 inches in length.” (18, U.S.C., Section 930, (g) (2))

Delimitations

This study was limited to school administrators that were identified as high school principals by the Alabama State Department of Education. Caution should be exercised in making generalizations regarding the knowledge level of other school administrators in the State of Alabama.

Limitations

This study is limited to high school principals in the state of Alabama. An additional limitation is the number of special education students identified at each high school in that each high school’s reported number of special education students was

based on the 2004–2005 school year. The number of special education students may have increased or decreased during the 2005-2006 school year which was when this study was conducted. An additional limitation of this study pertaining to questions provided in the survey instrument “is that completely describing all variables involved in a situation involving the discipline of a disruptive or dangerous student with a disability is impossible” (Thompson, 2003, p. 35). Lastly, the limited time available for performing tasks not related to one’s duties as a principal may have prompted some principals to not return a survey or to complete a survey in a hurried manner, resulting in incomplete data.

Overview of the Study

There are five chapters in this study. Chapter one serves as an introduction to the study. Chapter two is a review of literature pertaining to the topics addressed throughout this study. Chapter three discusses the research design and methodology. The results of this research are presented and discussed in Chapter four. Chapter five includes a summary, conclusions, implications, and a discussion of areas for future research.

II. REVIEW OF LITERATURE

History of Special Education Law and Legislation

Throughout the history of U.S. public education there have been confusing messages about compulsory education, especially as they pertain to special education students. For example, despite Rhode Island being the first state to pass a compulsory education law in 1840 and the fact that in 1918 all states had compulsory education laws, children with disabilities were often excluded from attending public school (Yell, Rodgers, & Lodge, 1998). Throughout many legal challenges, courts upheld a school's right to expel children with disabilities. In 1893, the Massachusetts Supreme Court ruled that a child who was "weak in mind" or unable to take decent, physical care of himself" could be expelled from school (Yell, Rodgers, & Lodge, 1998, *The Exclusion of Students with Disabilities* Section, para. 1). In 1919, the case of *Beattie v Board of Education* involved a fifth grade student who was expelled for excessive drooling and facial contortions related to his disability. It was alleged that the student's disability nauseated teachers and disrupted the learning environment. The Wisconsin Supreme Court ruled that the school administration made an appropriate decision in removing the student and suggested that he attend a school for the deaf (Yell, Rodgers, & Lodge, 1998).

The acceptance of students with disabilities in public schools was a very slow process. In 1958, the Supreme Court of Illinois in *Department of Public Welfare v. Haas*

held that the state's compulsory attendance laws did not require the state to provide educational services to students who were "feeble minded" or students that were "mentally deficient." The court ruled that students could be expelled due to their inability to benefit from a quality education (Yell, Rodgers, & Lodge, 1998, The Exclusion of Students with Disabilities section, para. 2).

The remainder of this chapter provides a review of literature which illuminates the complexity of meeting the educational needs of special education students while also providing a safe disciplined learning environment for all students. The history of special education litigation that has shaped legislation protecting the rights of special education students is discussed in this chapter. Controversy associated with the IDEA discipline mandates is provided to illustrate challenges brought to the attention of legislators by advocates for both disabled students and school boards concerned about properly serving both regular and special education students. Finally, the issue of minority overrepresentation in special education programs will be discussed.

History of Special Education Law

The first government intervention regarding accommodating students with special needs occurred during the White House Conference of 1810 (Yell, Rodgers, & Lodge, 1998). This meeting seemed to represent a very limited societal shift in which interest was placed on mainstreaming students into the regular classroom rather than simply institutionalizing students with disabilities (Yell, Rodgers, & Lodge, 1998). Major legal action involving the protection of rights for special education students was slow to take

place. The case of *Brown v Board of Education* in 1954 played a major role in creating legal protections for students with disabilities.

Brown v Board of Education was more than just a victory for civil rights. In this ruling the United States Supreme Court stated, “In the field of public education the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal.” This statement appears intended to end not only racial discrimination, but also any other form of discrimination that might exist against a minority group, such as those students with disabilities (Laski, 1995, para. 2).

A central reason for the Brown decision was the constitutional guarantee under the fourteenth amendment of the United States Constitution promising equal protection under the law. The amendment is clear- states may not deny any person within its jurisdiction equal protection under the law (Yell, Rodgers, & Lodge, 1998). Despite the belief that states should be responsible for their own school systems, the United States Supreme Court held that the fourteenth amendment was violated if schools discriminated against certain groups of students by not allowing them to attend public school. Advocates for children with disabilities immediately took advantage of the Brown ruling. At the time of the Brown ruling, almost every state refused to allow students with epilepsy to attend public school, despite medication being available to control seizures (Willoughby, 2004). Perhaps the feelings of advocates can best be summarized by Lillian Smith of Clayton, Georgia, when she wrote in a 1954 letter to the *New York Times*: “All these children, some with real disabilities and others with the artificial disability of color, are affected by this great decision” (Willoughby, 2004, p. 45).

Additional interest in accommodating students with disabilities was again demonstrated in the 1950s and 1960s by passing laws such as the Training of Professional Personnel Act, Public Law (PL) 86-158 in 1959. This Act helped train leaders to educate children with mental retardation (OSEP, 2004). Additional laws followed such as the Teachers of the Deaf Act in 1961 (PL 87-276) required training for teachers to work with students who were hearing impaired (OSEP, 2004).

Certain court cases were vital to the passage of the Education for all Handicapped Children Act. In 1972 two cases, *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* and *Mills v. Board of Education of the District of Columbia* were filed asking that children with disabilities be allowed to receive a free education (Wright & Wright, 2004). In *PARC v Commonwealth of Pennsylvania* a class action suit was filed against Pennsylvania's secretary of education, board of education, and thirteen school districts (Yell, Rodgers, & Lodge, 1998). The plaintiffs argued that students with mental retardation were not being served with a proper public education and the state was "delaying or ignoring" its constitutional obligations as stated in the fourteenth amendment. Witnesses for the plaintiffs established four critical points:

1. "Children with mental retardation are capable of benefiting from a program of education and training.
2. Education cannot be defined as only the provision of academic experiences for children, thereby legitimizing experiences such as

learning to clothe and feed themselves as an outcome for public school programming.

3. Having undertaken to provide all children in the Commonwealth of Pennsylvania with a free public education, the state could not deny students with mental retardation access to free public education and training.
4. It was stipulated that the earlier students with mental retardation were provided education, the greater that amount of learning that could be predicted” (Yell, Rodgers, & Lodge, 1998, *Pennsylvania Association for Retarded Citizens v. Pennsylvania* (1972) section, para. 2).

The plaintiffs in *PARC v Commonwealth of Pennsylvania* were successful and the court ruled all children between the ages of 6 and 21 must be provided with a free public education (Yell, Rodgers, & Lodge, 1998). This ruling laid the foundation for future litigation to be brought about on behalf of students with disabilities.

Shortly after the *PARC* ruling, *Mills v Board of Education* was filed by parents of out-of-school students with disabilities against the District of Columbia Board of Education. This suit was filed by seven parents of children with disabilities ranging from behavior problems, epilepsy, mental retardation, and physical disabilities (Yell, Rodgers, & Lodge, 1998). The court again ruled with the plaintiffs, as in *PARC*, and in addition provided procedural safeguards including the following:

The right to a hearing with representation, a record, and an impartial hearing officer; the right to appeal, the right to have access to records, and the requirement

of written notice at all stages of the process. These safeguards became the framework for the due process of the Education of All Handicapped Children Act. (Yell, Rodgers, & Lodge, 1998, *Mills v Board of Education* section, para. 1)

Both *Mills* and *PARC* were successful in litigation, and these cases laid the groundwork for the Education for all Handicapped Children Act. With the rulings in these cases setting the precedent that all students with disabilities would receive a free and appropriate education, disabled students were now allowed to attend public schools.

In 1973, Congress began to pass a series of laws completely changing the complexion of special education in the United States. In 1973, The Rehabilitation Act was passed stating that a public or private organization receiving federal funds could not discriminate against individuals based solely on their disability (Osborne & Schulte, 1998). Section 504 of the Rehabilitation Act states:

no otherwise qualified handicapped individual of the United States ... shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any activity receiving federal financial assistance. (Section 504, 29 U.S.C. section 794(a))

In 1974, the creation of Public Law 93-380 served as an amendment to the Elementary and Secondary Education Act (ESEA) of 1965. The original 1965 ESEA provided funding for students with disabilities and those students who were disadvantaged. The 1974 amendment to the ESEA required states receiving federal funding to create a goal of providing complete educational opportunities to all students with disabilities (ESEA, 1965).

In 1975, Public Law 94-142, also known as the Education for All Handicapped Children Act, was passed. This act guaranteed all children a free public education and was the predecessor to the Individuals with Disabilities Education Act (IDEA) (OSEP, 2004). This landmark legislation ensured students were not removed from school due to the perceived burden the child's disability might place on the school.

In 1986, Public Law 99-457 was passed, addressing research that supported early intervention services. This law allowed infants and toddlers with disabilities the right to Family Service Plans allowing children to receive services prior to entering public school (Osborne & Schulte, 1998). In additional reauthorization, Public Law 94-142 was combined with 99-457 into a single piece of legislation that is now known as the Individuals with Disabilities Education Act (Osborne & Schulte, 1998).

Special education was again influenced by two court cases: *Goss v. Lopez* in 1975 and *Honig v. Doe* in 1988 (Dayton, 2000). *Goss v. Lopez* was brought about as a result of nine students being suspended from schools in Columbus, Ohio. All of these students did not attend the same school. Students involved in *Goss v. Lopez* had been suspended from two high schools and one junior high school. The students sued declaring their rights had been violated since they had not been given a hearing. A federal court found the students' rights had been violated under the fourteenth amendment. The case was then appealed to the United States Supreme court which upheld the lower court's decision in a 5-4 decision (Goldman, 1996).

Yell (1998) describes the final decision rendered in *Goss v. Lopez* guaranteeing students minimal due process by stating:

when students are suspended for a period of 10 days or less, therefore, the school must give them oral or written notice of the charges, an explanation of the reasons for the suspension, and an opportunity for them to present their side of the story. (Yell, 1998, p. 316)

In *Honig v Doe* an emotionally disturbed student brought an action against the San Francisco Unified School District charging violations of an earlier version of IDEA (Jensen, 1996). “At issue was the ‘stay-put’ provision of the act which required that while review proceedings were pending, students were to remain in their current placement if the dangerous or disruptive conduct at issue related to their disability” (Jensen, 1996, *Honig v. Doe and the Expansion of Rights* section, para. 1). In 1988, the United States Supreme Court ruled that a suspension of more than ten days constituted a change in placement and abolished the dangerousness exception to the “stay put” provision (Jensen, 1996, *Honig v. Doe and the Expansion of Rights* section, para. 1). Despite this ruling clarifying the definition for a change in placement, the relatedness provision, which states a student cannot be suspended for actions relating to their disability, continues to be a controversial issue that is causing difficulty for school districts (Jensen, 1996, *Honig v. Doe and the Expansion of Rights* section, para. 1). Both *Mills v PARC* and *Honig v Doe* were used when creating legislation addressing discipline procedures for special education students. The results of rulings in these cases are evident in the language of the Individuals with Disabilities Education Act Amendments of 1997.

Individuals with Disabilities Education Act Amendments of 1997

In June of 1997, IDEA was amended to create Public Law 105-17 also known as the Individuals with Disabilities Education Act Amendments of 1997 (Dayton, 2000). This new version of IDEA had the largest impact on school discipline for special education students. No other special education law passed prior to IDEA 1997 had addressed the protection of special education students being denied services by public schools due to disciplinary problems. A major portion of this legislation dealt with out-of-school suspension of students due to disciplinary problems. Under this legislation, school officials were prohibited from expelling students with special needs (Special Education Report, 2000). IDEA 1997 stated school administrators could only suspend students for up to ten days. After ten days of suspension, the local education agency (LEA) must provide services to the student (OSEP, 1999)

Summary of Disciplinary Procedures Outlined in IDEA 1997

Under the current IDEA regulations set forth in 1997, a special education student may be suspended out of school without services being provided by the school system for a total of ten days. Upon the eleventh day of suspension, services must be provided to the student in order to see that progress is made in the student's Individualized Education Program (IEP) (Walsh, 2004). Upon the eleventh day of suspension, which constitutes a change in placement, the IEP team should conduct a manifestation determination hearing to decide if the actions being demonstrated by the student which are causing the student to be removed from their current educational placement are a manifestation of his or her disability (OSEP, 1997). If the infractions the special education student committed are a

manifestation of his or her disability, the school may not change the student's placement, and certain behavior modification plans must be implemented.

Not later than 10 business days after removing a child with a disability for more than 10 school days in a school year, the school district must convene an IEP team meeting to develop a behavioral assessment plan (OSEP, 1997, Section 5, para. 2).

If the child being removed for an eleventh day has previously received a functional behavioral assessment and the student is removed for the eleventh cumulative school day, the IEP team should reconvene within 10 business days in order to reassess the student's behavioral intervention plan (OSEP, 1997).

If the IEP team determines the student's infractions are not a manifestation of his or her disability, the school administrator may continue to suspend the student for an additional ten days so long as services are provided, allowing the student to move in a positive direction academically (OSEP, 1999). While a student is removed, it is necessary to understand that the definition of services being provided is left up to the special education teacher responsible for the student's progress and other school personnel including school administration. Providing all parties agree the services being provided will allow the student to progress academically, sufficient services are being provided (OSEP, 1999). No set standard of how services are to be provided has been put into place. Certain school systems might provide homebound services with a special education tutor while others may send a packet of material home with the special

education student so he or she can complete assignments during the student's time of suspension (Special Education Report, 2003).

The Gun-Free Schools Act

In 1994, Congress passed the Gun-Free Schools Act (P.L. 103-227), which stated that any student found in possession of a gun would be expelled by the local education agency for one year (Altshuler & Kopels, 2000). An exception was made to this act, specifying that students with disabilities would be placed in an alternative setting for no more than 45 days (Altshuler & Kopels, 2000). The 1999 IDEA revisions expanded the LEA's authority by expanding the offenses requiring a 45-day suspension in an alternative setting. The 1999 revisions included not only guns but also any dangerous weapon. Schools could also remove a student for 45 days for possessing or selling illegal drugs on campus (Altshuler & Kopels, 2000). In addition, a child can be removed from school for 45 days if it is determined the student is likely to cause serious bodily injury to self or others (Altshuler & Kopels, 2000).

IDEA 2004

The final major piece of legislation affecting special education students and their families is the 2004 reauthorization of IDEA. After IDEA 1997 was passed, many administrators and teachers felt that an unequal system of punishment, providing benefits to disabled students that were not afforded to non-disabled students, had been created (Goldstein, 2003). The goal of IDEA 2004 was to allow school administrators and teachers more flexibility in handling discipline for disruptive special education students who have committed infractions not related to their disability (CNN, 2004). The United

States House of Representatives passed its reauthorization bill in April 2003. The United States Senate then passed its reauthorization bill in May 2004 (Cernosia, 2005). The House version of IDEA would have allowed students with disabilities to be suspended from school not only for infractions involving weapons and drugs but also any other violation of the LEA's student code of conduct so long as educational services are provided after the tenth day (Goldstein, 2003). The Senate Bill passed in May of 2004 had several significant changes, yet the disciplinary standard passed by the House of Representatives was not supported by the Senate (NASSP, 2004). This disagreement led to a conference committee being formed in October of 2004 to resolve differences. Finally, in November of 2004, the Conference Committee approved the bill and on December 3, 2004, President George W. Bush signed the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) into law (Cernosia, 2005). The IDEA 2004 was to be implemented by state and local education agencies beginning on July 1, 2005 (Martin, 2005).

Sentiment expressed by school administrators seems to indicate that this legislation produces fairer procedures in disciplining students with disabilities. School districts are given power to discipline students who commit disciplinary infractions unrelated to their disability (Samuels, 2004). While much of IDEA 1997 was left unaltered, several changes are noted that were intended by Congress to provide schools with more flexibility in maintaining a safe environment (Martin, 2005).

Manifestation Determination Changes

IDEA 2004 identifies a behavior as being a manifestation of the student's disability only if the conduct committed was "caused by, or had a direct and substantial relationship to the child's disability" (Martin, 2005, Change to Manifestation Determinations Section para. 1). Also, a behavior is a result of the failure of a school only if the conduct committed was a direct result of the school's failure to properly implement the IEP (Martin, 2005). Parents who wish to suggest that a student's behavior was a direct result of their disability are now faced with a larger burden of proof. When compared with the IDEA 1997 provision, evidence is provided to the extent in which the manifestation process has changed. The provision, as described in IDEA 1997, "only required that the disability impaired the child's ability to understand the impact and consequences of the behavior or their ability to control their behavior" (Martin, 2005, Change to Manifestation Determinations Section, para. 1).

Automatic 45-Day Suspensions for Drugs and Weapons

As with IDEA 97 a student with a disability who brings weapons or drugs to school can be suspended for up to 45 days as long as after the tenth day of suspension services are being provided to the student (Martin, 2005). IDEA 2004 added the infraction of "Serious Bodily Injury" as an act that is committed by a student and can result in a 45-day school suspension (Cernosia, 2005). When suspending a special needs student who has committed an act of serious bodily injury, the school administrator must refer to the definition provided in IDEA 2004.

Serious bodily injury requires a showing of substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of function of a bodily member, organ or mental faculty (Cernosia, 2005, p. 7).

Revised Stay Put Provision

Under IDEA 2004, when litigation is pursued after a student has been removed from an educational setting, the student must be provided educational services in an alternate educational setting pending the decision rendered by the hearing officer or if the disciplinary removal has expired allowing the student to return to the original educational setting (Martin, 2005). IDEA 2004 states the hearing must take place within twenty school days after the hearing request, and a decision must take place within 10 school days after the hearing (Martin, 2005). Under the previous stay-put provision students were allowed to stay in their previous school setting until the pending IDEA litigation had been resolved, except in regards to drugs and weapons (Martin, 2005).

Prior to IDEA 2004, a student could be removed from class for up to ten days due to dangerous behavior. A student with a disability could come back to school until the manifestation hearing was resolved (White, 2005). Under IDEA 2004 a violent student can be removed for up to 45 days while the IEP team considers what course of action to take (White, 2005). Patti Ralabate, special education representative for the National Education Association, reinforced the benefits of this change to IDEA,

In one case, two students, one disabled and one not, stabbed another student in class. The non-disabled student was immediately expelled. The disabled student

was sent back to class pending a determination of whether the disability had caused the behavior. The teacher and the other kids were frightened to death, but it took several days to get the student out of the class. (White, 2005, p. 35)

IDEA 2004 Attorneys' Fees

Efforts were made by Congress in IDEA 2004 in order to see that parents of students with disabilities were held accountable for filing frivolous law suits (Cernosia, 2005). The following stipulations were created regarding the collection of attorneys' fees by local education agencies:

1. "A State Education Association (SEA) or Local Education Association (LEA) that prevails may seek attorneys' fees against the parent's attorney if the action is deemed frivolous, unreasonable, without foundation or considered to have prolonged the litigation.
2. An SEA/LEA may seek attorneys' fees against the parent's attorney or the parent if the complaint was presented for improper purposes such as to harass the district, cause unnecessary delay or needlessly increased the cost of litigation." (Cernosia, 2005, p. 9)

Despite the efforts of Congress to provide more flexibility to school districts when enforcing discipline by passing IDEA 2004, controversy still exists. Many school administrators feel they are unjustly enforcing two separate student codes of conduct (Goldstein, 2003). Administrators complain that students who exhibit behavior that is in no way related to their disability are allowed unreasonable rights when compared to regular education students (Goldstein, 2003). Advocates for students with disabilities

counter that children with disabilities must be protected so administrators do not abuse their power and force students with disabilities out of school to avoid the many burdens that children with disabilities place upon a school or school system.

Controversy Surrounding IDEA 1997

Due to legislative action such as IDEA, many teachers will attest that since the passage of the origin Education of the Handicapped Act in the “1970s the law has created, to some degree, conflicts between educators and parents of special needs children” (Alabama Education News, 2005, p. 1). IDEA 1997 was characterized by the National School Boards Association as being “one of the most complex and widely criticized pieces of legislation, with piles of paperwork and legal mazes for teachers and administrators as well as chronic battles over inadequate funding” (Cook, 2005, p. 8). Teachers will often speak of the stress that is associated with creating and adhering to Individualized Education Plans (IEP) and Behavior Intervention Plans (BIP) that are provided for special education students. “Educators feel IDEA is too focused on “red tape” and excessive paperwork while parents contend legalities and the paper trail are necessary for compliance with the law” (Alabama Education News, 2005 p. 1). The CATO institute (2004) stated, “federal survey results show that special education teachers spend between a quarter and a third of each week on IDEA-mandated bureaucratic chores” (p. 306). The growth in numbers of special education students has ensured that teachers must be prepared to handle the challenges associated with the implementation of IDEA.

Growth of Special Education Student Population

The measures taken to ensure protection for special education students who have violated the code of conduct takes on greater meaning when the number of special education students existing today is taken into account. The number of special education students is growing at a rapid pace. Wagman (2004) reports recent figures from the National Center for Educational Statistics indicate more than 6.3 million students are receiving special education services nationwide. This is more than 13 percent of the total public school population for the United States.

Woodruff (2001) reported African American students make up only 16 percent of the entire United States school population however, 21 percent of African American students received special education services. These two statistics demonstrate the disparity between European Americans and African Americans in regards to being labeled with a disability.

The tremendous growth in the numbers of students receiving special education services was highlighted in a study conducted by The Center for Special Education Finance and was reported by Thomas Parrish (2001):

Over the period 1976–1977 through 1994–1995 the national rate of growth for special education students was 47 percent. The growth rate of special education students in locations that have seen significant population growth have experienced an even more staggering growth of special education students. The state of Florida, for example, saw a growth rate for special education students of 151 percent during the time period of 1976–1977 through 1994–1995. (p. 40)

According to the National Association of Secondary School Principals, the U.S. Department of Education reported in 2001 that during the 1999–2000 school year the number of students between the ages of 6 and 21 receiving services under IDEA was 5,683,707. This is 30.3 percent more students than the number of students served during the 1990–1991 school year (NASSP, 2003).

The IDEA has been successful in helping to identify students who were in need of additional services. Today, approximately six million students receive special education services (OSEP, 2004). This number is significant considering that only thirty years ago little attention was given to students with disabilities. Prior to 1975, students who were able to receive an education with appropriate accommodations were forced into alternative settings (OSEP, 2004).

Discipline Issues

The 1997 reauthorization of the IDEA was welcome news to many advocates for children with disabilities children who attend public school. These amendments to IDEA were seen as striking a balance between disabled childrens' rights to a free and appropriate education and benefiting the school administrator's ability to create a safe school environment (Zurkowski, Kelly, & Griswold, 1998). The law effectively placed limits on the amount of exclusionary discipline that could be administered to a special education student. Exclusionary discipline provides a short term solution for administrators wishing to maintain a disciplined environment at school. Exclusionary discipline has little desirable effect on the student and makes society a less safe place while the student is excluded from school (Zurkowski, Kelly, & Griswold, 1998). Many

parents and students argue that this law is helpful to school administrators due to the fact it provides guidelines to protect the rights of disabled students who are under the direct supervision of the administrator (Jensen, 1996). Under this historic reauthorization, students with a disability would be afforded rights allowing them to move forward in school and receive the education many disabled students who attended public school prior to the 1997 reauthorization of IDEA did not receive. Parents of disabled children rejoiced in the fact that the goal of IDEA 97 was to shift the focus from punishment to positive behavioral changes (Zurkowski, Kelly, & Griswold, 1998).

Often school administrators express frustration with the federal regulations protecting the rights of special education students. Jensen (1996) states the rigid rules that have come about as a result of recent Supreme Court decisions have created difficulty for school administrators in managing their respective schools. These regulations appear to have come about due to the abuses committed against students with special needs prior to the Education of the Handicapped Act of 1975. In describing how special education students were denied an appropriate education prior to IDEA, the Office of Special Education Programs (1999) stated:

More than half of the children with disabilities in the United States did not receive appropriate educational services, and a million children with disabilities were excluded from the public school system. All too often school officials used disciplinary measures to exclude children with disabilities from education simply because they were different or more difficult to educate than nondisabled children.

As a result of this denial of educational services to special education students, school administrators must abide by the IDEA. With the disciplinary procedures being some of the most controversial aspects of this policy, school administrators must realize that the transgressions of those school administrators prior to 1975 led to today's rigorous standards for applying discipline to special education students.

Along with producing procedures in order to guarantee special education students progressed in a proper manner through school, the act also included new policies that would be implemented in order for school administrators to discipline special education students who have violated their school's code of conduct. These new rules concerning the discipline of special education students created confusion and controversy. An example of the confusion existing in IDEA 1997 was the statement that restriction is not placed on the number of times a student can be suspended for 10 days or less. The Office of Special Education Programs later clarified IDEA 1997 stating that no single suspension could exceed 10 days and each suspension for a student must involve a separate incident of misbehavior (Lentz, 2000). An additional topic of confusion has been the way that services are provided to students who are suspended for more than ten days. While a student is removed it is necessary to understand that the definition of services being provided is left up to the special education teacher responsible for the student's progress and other school personnel including school administration. So long as all agree the services being provided will allow the student to progress academically, sufficient services are being provided (OSEP, 1999). No set standard of how services are to be provided has been mandated. Certain school systems might provide homebound services

with a special education tutor while others may send a packet of material home with the special education student so that he or she can complete assignments during the student's time of suspension (Special Education Report, 2003).

Dual System of Discipline

The 1997 reauthorization has basically produced two sets of discipline procedures—those procedures for special education students and those procedures for regular education students. Stover (2004) interviewed Joe Vitt of the Desoto, Kansas Unified School District 232 who stated that incidents of teachers being threatened, physically pushed, and addressed with profanity “highlight a serious flaw in IDEA: The law creates in schools a dual disciplinary system, one that gives special privileges to students with disabilities at the expense of school safety” (para. 3). Administrators who are held accountable for the safety and discipline of the school in which they manage often find these discipline procedures obtrusive and that they interfere with the management of the school for which they are held accountable. Reginald Felton of the National School Board Association has characterized the problems of IDEA as being “very serious” stating,

Local school districts are responsible for the safety of all students and staff, and they need the authority to take what ever disciplinary measures they deem necessary to ensure that safety (Stover, 2004, para. 8).

With the large rise in the number of special education students, the veteran school administrator has had to change his or her tactics regarding school discipline. School administrators first must ask themselves one question when a child enters the principal's

office with a discipline referral. Is this a special education student? If so, this student is afforded certain rights that the remainder of the student body does not receive (OSEP, 1997).

In complying with IDEA a school administrator will take into account the number of days a special education student has been suspended prior to deciding the manner in which a special education student will be disciplined. Evidence of disciplinary accommodations being afforded to special education students is provided in a 2003 report by the General Accounting Office (GAO), which stated that the majority of special education students are given in-school suspension or out-of-school suspension at home for a period of fewer than ten days and in the states of Illinois, Maryland, and North Carolina, school officials used cost, the availability of placement, and the nature of the offense when determining factors in deciding the severity of punishment for special education students (Special Education Report, 2003). By avoiding suspension of a special education student for more than ten days, many school administrators avoid a quagmire of paperwork and meetings. Administrators may feel that they are applying two sets of rules for a student body for whom they are charged to provide a safe environment conducive to learning.

School administrators are becoming more familiar with the law and are able to maintain a safe school despite the strict protections provided for special education students. “About two-thirds of all students who engage in serious misconduct, which include acts of violence or incidents involving drugs, weapons, or firearms, are given out-of-school suspensions, regardless of whether they are in special education programs or

not” (Fine, 2001, para. 2). This seems to be evidence that principals can still enforce strict discipline procedures when dealing with a special education student who has exhibited violent behavior.

Specific Learning Disabilities

A frustration for school administrators regarding the discipline provisions in the 1997 and 2004 reauthorization is often the burden of paperwork and meetings created by students who are not exhibiting behavior resulting from their disability, but rather, their actions are delinquent behavior that is a violation of the student code of conduct.

Administrators are often frustrated when conducting a manifestation hearing for a student when common sense suggests the student’s actions are not a result of the student’s disability. Goldstein (2003) cites Bruce Hunter, a lobbyist for American Association of School Administrators as stating that manifestation hearings and reviews are costly and time consuming; yet, school administrators must conduct them under the current law. Hunter provides another example when he describes a deaf student that brought drugs to school. Is it really necessary for an IEP team to be convened in order to determine if the student brought drugs to school as a result of his or her being deaf? This may seem absurd, but to avoid litigation, schools must afford any student who falls under IDEA the same due process concerning discipline regardless of the type or degree of their disability.

Often these students have a Specific Learning Disability (SLD) that does not contribute to their misbehavior. Yesseldyke, Algozine, and Thurlow (2000) cite the definition of SLD provided in IDEA 97 as:

... a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of environmental, cultural, or economic disadvantage. (p. 76)

A report by the Office of Special Education Programs (as cited by The Learning Disabilities Association of America, 2002) provides the number of students with specific learning disabilities in the year 2000 as 2.8 million students. Students with mental retardation made up 51 percent of all individuals identified with a disability in the year 2000.

Due to being diagnosed with a specific learning disability, these students are entitled to the same rights under IDEA as a student who has autism, mental retardation, or epilepsy. One only needs to take note of the number of Alabama school children labeled as SLD that committed disciplinary infractions to observe the impact of this subgroup. The numbers are also intriguing when comparing the number of disciplinary infractions committed by SLD students with those infractions committed by all other special education subgroups. During the 2002–2003 school year, 834 students identified with disabilities were suspended for more than ten days in the State of Alabama. Of these 834 students, 478 (53%) were labeled SLD. Students labeled as SLD were followed in

number by students who were labeled with mental retardation. One-hundred eighty four (22%) Alabama students with mental retardation were suspended from school for more than 10 days during the 2002–2003 school year (OSEP, 2004). The disparity of the number of students with the label of SLD is evident when reviewing this data.

Katsiyannis, Zhang, and Hendricks (2005) cite the U.S. Department of Education when reporting that the drop-out rate for students with disabilities 14 years old and older has been decreasing. The graduation rate of special needs students was 52.6 percent in 1995–1996 but increased to 56.2 percent in 1999–2000. Two particular disabilities made up the large portion of all disabled drop outs. Students with specific learning disabilities made up a large portion of drop outs (27.6%) while students with emotional and behavior disorders (51.4%) made up the largest number.

Parents and advocacy groups for special education students look at other examples to identify the positive benefits of the current discipline procedures resulting from the 1997 IDEA reauthorization. Many parents are keenly aware of the fact that servicing their child requires more manpower and additional funding. William Keilbaugh, an assistant superintendent for Haverford Township, Pennsylvania, is cited by Stover (2004) stating, “each of these (disciplinary) cases can drain a tremendous amount of staff time...and these cases can become fraught with litigation” (para. 14). Many parents of disabled children see the discipline provisions of IDEA as a way to protect their children from being forced out of an education to which they are entitled. Parents and advocates fear, for example, that a student with epilepsy might have a seizure, which would result in the student accidentally hitting another student or faculty member. IDEA 97 would likely

prevent the removal of this student from his or her educational placement. “The legal and financial hurdles created by IDEA can force school officials to accept compromises they’d prefer to avoid,” says Richard S. Boothby an attorney representing a number of West Virginia systems” (Stover, 2004, para. 16).

Zero Tolerance

Special education students who bring drugs or weapons to school are subject to more rigid discipline standards in that they can be expelled for a longer period of time so long as services are provided. Under current law, a school can suspend students with disabilities who bring drugs or weapons to school for 45 days so long as services are provided after the tenth day of suspension (Goldstein, 2003, para. 5). The frustration for many school administrators is the fact that regular education students can simply be expelled without services being provided. Students who have a minor learning disability are afforded a right to an education despite bringing a weapon or selling drugs at school. The following infractions allow a school administrator to subject a disabled student to an alternative educational placement for up to 45 days:

1. Bringing a weapon to school or to a school related activity.
2. Possessing and/or using illegal drugs
3. Seeking to sell or buy a controlled substance while on school premises or at a school related activity.
4. When a hearing officer has determined that the student would be dangerous in his or her current placement (Lentz, 2000).

By the standards of discipline set forth in many school board policy manuals, the previous infractions would have resulted in a regular education student's expulsion from his or her respective school.

A description of the impact that IDEA has had in benefiting students who have disabilities is the Gun Free Schools Act of 1994. This Act called for students to be expelled if they brought a firearm on school grounds. During the 1997–1998 school year, the U.S. Department of Education reported that 3,930 students were expelled from school due to the Gun Free Schools Act. Of the 49 states reporting expulsions, 48 states reported on students who had disabilities; of these 1,459 students, 38 percent had disabilities that fell under IDEA guidelines (Behavior Of Students with Disabilities Section, Para. 3; Leone, Mayer, Malmgren, & Meisel, 2000). An ethical dilemma seems to arise when we ask if it is appropriate to allow 554 students in the 1997–1998 school year to receive services while regular education students are simply expelled for comparable infractions.

Parental Concerns Regarding IDEA

School administrators must begin to see the viewpoints of the different groups of people that are stakeholders in the school they represent. “Prior to the passage of IDEA in 1975, school districts could make placement decisions concerning the child without regard for the parent's wishes. This led to exclusionary policies that denied students with disabilities the educational opportunities provided to their non-disabled peers” (Osborne, 1995, para. 3). Today, despite regulations set forth regarding due process, parents feel that school administrators might resort to tactics used by certain school administrators prior to the Education of the Handicapped act in 1975 if discipline provisions are relaxed

in additional reauthorizations of IDEA. When Congress originally passed IDEA in 1975, it assumed that parents would work as equal partners with the school administration in order to see their child succeed in school (Osborne, 1995).

Parents of students who receive special education services often exhibit distrust when their child is disciplined by a school administrator for violations of the schools code of conduct (Samuels, 2005). An example of the mistrust exhibited by parents is evident in the Washington, DC school system. The administration of the Washington, DC school system reports receiving dozens of requests for due process hearings each month (Samuels, 2005). When observing the number of due process hearings held in Washington DC for the 1999–2000 school year the enormity of this burden is observed: “In the 1999–2000 school year, the school district held 419 such hearings. The entire state of California conducted 197 special education due-process hearings that year, according to statistics compiled by the Alexandria, Virginia-based National Association of State Directors of Special Education” (Samuels, 2005, para. 6).

School administrators and parents are often confrontational and at odds over the manner in which special education students should be academically placed. Deborah Spitz of the DC Appleseed Center for Law and Justice studied the frequency of due process hearings in the Washington, DC school system and concluded that a huge mistrust existed between school administrators and teachers in the DC school system (Samuels, 2005). Spitz was quoted by Samuels (2005) in describing parent and administrator relations in the DC area by stating, “The mistrust is huge.... On the one hand, you have administrators who say these attorneys are all out to get us. On the other

hand you can talk to just as many parents who can tell us the saddest stories about their children not getting services” (Mistrust Huge section, para. 6).

In an effort to secure rights for their special education children, parents of disabled children have joined together in an effort to sway Congress to pass legislation that will guarantee due process rights. When the House Bill of IDEA 2004 was set to go before the Senate, the League of Special Education Voters, a group supporting the rights of special education students and parents, designated March 24, 2004, as Senate Call In Day (Special Education Report, 2004). These parents and advocates contacted their Senators in order to express opposition to the House version of IDEA 2004, which they felt would limit the ability of parents to correct problems occurring with their disabled children (Special Education Report, 2004).

Accountability Standards Regarding School Safety

“Accountability” is one of the most popular words in education discussions today. The general public is often misguided in believing the only things school administrators and teachers are held accountable for are curriculum and the student body’s academic performance. The general public is unaware of the behavior certain students exhibit which is detrimental to the learning environment. This inappropriate behavior is not only distracting to the teacher and other students, but it is also affecting the productivity of the student with the behavior problem. “This behavior also presents a chaotic school environment, which disenfranchises families and school staff” (Huemann & Warlick, 2002, Impact of The Challenge section, para. 1). Often these students have a disability and receive special education services. It is with these special education students that

school administrators must go to exhaustive efforts to be sure that due process is followed scrupulously. Despite being a worthy goal, students with emotional and behavioral disorders should be included in the general education classroom with caution due to disruptive or even aggressive behavior (Rodriguez & Romaneck, 2002).

It seems that educators and parents see a disciplined environment existing in school as being an absolute necessity. In a survey conducted by Public Agenda (2004), 725 middle and high school teachers and 600 parents of middle and high school students were surveyed. The study reported that 97 percent of teachers found discipline necessary for a school to be successful and 78 percent of parents agreed. This study also revealed the teachers surveyed take issue with the discipline mandates of IDEA 97. For example, 94% of the teacher surveyed believed special education students should be treated just like other students unless their misbehavior is a manifestation of their disability (Public Agenda, 2004).

The difference in the discipline problems among special education students as compared to regular education students is described by Fine (2002):

Students in special education have a higher rate of misconduct than other students. For every 1,000 regular education students enrolled in school replying to a survey, 15 incidents of serious misconduct were reported. For every 1,000 special education students, the schools reported 52 incidents of such misconduct (para. 11).

Deterrents to Special Education Discipline

Manifestation Determination

Schools are not required to provide services to a suspended special education student that has not been suspended for more than ten days (OSEP, 1999). After the first ten suspension days from school caused by discipline infractions that are not a manifestation of the student's disability, schools are required to provide services allowing the student to progress toward the goals described in the student's IEP (OSEP, 1999). Turnbull, Wilcox, Stowe, and Turnbull (2001) cite the IDEA in stating when a change in placement has occurred:

A. whenever a student is removed from the current placement for more than 10 consecutive days, or B. when a series of short term removals constitutes a pattern because they cumulate to more than 10 school days, in the same school year and because of other factors, such as length of each removal, total amount of time removed, and proximity of removals to one another. (34 C.F.R. section 300.519, 1999, Disciplinary Situations Section, para. 6).

In accordance with IDEA 97, a student's IEP team must convene once the student has been suspended for a total of ten days. Dr. Mitchell Yell stated in a 1998 interview that four questions, divided into two sections must be answered, in an IEP meeting that is serving as a manifestation hearing under IDEA 1997:

1. Was the student's IEP and placement appropriate?
2. Was the IEP implemented as it was written?

If the answer to either of these questions is “no” then the meeting must end and it should be determined if the student’s behavior was a manifestation of his or her disability. If the answer to both questions were “yes” then the following questions should be asked:

1. Did the student’s disability impair his or her understanding of the consequences that would exist for the exhibited behavior?
2. Did the disability impair the student’s ability to control his or her behavior?

If the answer to both of these questions is “no” the student can be suspended for the misbehavior just as any other student, so long as educational services are provided (Walther-Thomas & Brownell, 1998). A behavioral intervention plan must be implemented if a student is suspended for more than 10 days or expelled (Walther-Thomas & Brownell). A large burden was placed on the LEA in order to provide due process in a manifestation hearing under IDEA 1997. Therefore, it was deemed by the House of Representatives and Senate that modifications were necessary in the IDEA 2004 standards regarding manifestation hearings.

IDEA 2004 changed the way in which manifestation reviews are conducted. Under the new law, the entire IEP team is not required to meet when a manifestation hearing was conducted, only the relevant members (Pacer, 2005). An example of a relevant member might include the transportation member if the disciplinary incident took place on the bus. Conversely, the transportation member would not be required to attend the IEP meeting if the incident took place within the classroom (edworkforce,

2005). In addition, two of the questions were deleted that Yell discussed regarding conducting a manifestation hearing in the 2004 reauthorization of IDEA.

The language requiring the IEP team to consider whether the disability impaired the child's ability to control or to understand the impact and consequences of the behavior has been deleted. The language that gave the school incentive to address behavior appropriately by requiring the IEP team to consider whether the IEP was appropriate has also been deleted. (FAPE, 2005, Manifestation Determination Review Section, para. 1)

With the elimination of these two questions in IDEA 2004, the burden of proof in a manifestation hearing has been placed on the parent (FAPE, 2005). These new amendments to IDEA make it easier for schools to remove students for non-dangerous, non-weapon, and non-drug related behaviors making it necessary for parents to be sure that behavior support services are provided in the child's IEP (FAPE, 2005).

Functional Behavior Assessment

The requirement of schools to conduct Functional Behavioral Assessments and Behavioral Intervention Plans as set forth in IDEA 1997 were not modified in IDEA 2004 (Pacer, 2005). The Functional Behavioral Assessment is vital in creating a successful behavioral intervention plan. The Center for Effective Collaboration and Practice states the Functional Behavioral Assessment (FBA) identifies the causes of a student's behavior and identifies interventions to help prevent future behavior problems. "In other words, functional behavioral assessment looks beyond the overt topography of the behavior, and focuses, instead, upon identifying biological, social, affective, and environmental factors

that initiate, sustain, or end the behavior in question” (Quinn, Gable, Rutherford, & Nelson, 1998, p. 3). The IEP team must ask several questions when conducting a functional behavioral assessment. First, the team identifies the problem behavior that is occurring. After this question has been answered, a variety of questions can be asked leading to a more detailed functional behavioral assessment. Other questions might include “Does the student understand the behavioral expectations for the situation? Does the student realize that he or she is engaging in unacceptable behavior, or has the behavior simply become a habit? Does the student have the skill, but for some reason, not the desire to modify his or her behavior?” (Quinn, Gable, Rutherford, & Nelson, 1998, p. 5).

Following the functional assessment, many questions concerning the disruptive behavior of the student in question will have been addressed and positive behavioral interventions should now be implemented. Once the IEP team has convened and a positive behavioral intervention plan has been put into place, it is “recommended that teams spell out the conditions under which a crisis or emergency plan can be introduced, the duration of a plan that fails to produce positive outcomes, and the schedule for reinstating an existing intervention plan” (Gable, Quinn, & Maghee, 1998, Crisis or Emergency Component, para. 31). An example of a crisis would be violent behavior which cannot be controlled at school. The behavioral intervention plan could specify which particular types of violent or defiant behavior would be handled by the school principal in accordance with the repercussions described in the discipline procedures of the student handbook. It is possible to hold special education students accountable for

their actions despite what some critics of special education discipline may believe. A complete understanding of IDEA is essential for all school administrators. An understanding of the law can assure that a school administrator has granted due process to a special education student that is receiving disciplinary action.

Behavior Intervention Plan

“The Behavior Intervention Plan (BIP) is a behavior change program that emphasizes multiple strategies to reduce problem behavior” (Drasgow & Yell, 2001, Behavior Intervention Plans section, para. 3). It seems that a large number of educational administrators and special education teachers design behavioral intervention plans to focus on negative rather than positive interventions. Dr. Mitchell Yell reiterates the benefits of positive interventions by stating that a BIP must address behavior proactively (Walther-Thomas & Brownell, 1998). Students that fall under a behavioral intervention plan and violate school rules are often punished by limiting contact with other students, having teachers escort them from class to class, and in general having freedoms enjoyed by other students taken away. The BIP should be an individualized plan that focuses proactive interventions that are based upon a previously conducted functional behavior assessment (Walther-Thomas & Brownell). Yell (1998) describes the structure of a behavior intervention plan in the following manner:

Behavior intervention plans must be based on legitimate disciplinary procedures.

To ensure that principles are used reasonably schools should use disciplinary methods in accordance with the principle of hierarchical application. According to Braaten, Simpson, Rosell, and Reilly (1998) this principle requires that school

officials use more intrusive disciplinary procedures (e.g., in school suspension) only after less intrusive procedures (e.g., warnings and reprimands) have failed. (p. 347)

School officials must be able to show evidence that punishments have become more severe as infractions are committed. Students should not be given harsh punishments on their first offense. A punishment list should list a variety of punishments and counseling techniques before out-of-school suspension is utilized by the school administrator.

The thoroughness of the FBA is also vital in ensuring that a student has been guaranteed due process. In a due process hearing involving Independent School District No. 2310 (1998), a hearing officer concluded the school system had not conducted a sufficient assessment of the student's behavioral challenges. The school district indicated the school psychologist had observed the troubled student for one hour during a class party. Due to an insufficient amount of time conducted in assessing the student's behavior, the FBA was ruled to be insufficient therefore; it was determined the BIP was based on inadequate information (Dragow & Yell, 2001).

School administrators and special education teachers should develop programs that help special education students before they commit an inappropriate act and are sent to the office with a disciplinary referral. "A presumption in favor of Positive Behavioral Intervention (PBI) is also a presumption against the use of aversive interventions. Positive Behavioral Supports (PBS) reward desirable behavior, making it functional, and remove rewards from undesirable behavior to decrease its functionality" (Turnbull, Wilcox, Stowe, & Turnbull, 2001, PBS as a rebuttal presumption section, para. 2).

Positive behavioral supports not only help the child avoid future discipline problems but they also give evidence to parents of special education students that preventative methods were tried before the student is referred for a manifestation hearing, functional behavioral assessment, and an eventual behavioral management plan.

Parents should also be involved in the process of developing a behavior intervention plan. Ron Kaplan, special education service and compliance coordinator for Howard County Maryland, discussed the benefits of parent involvement in behavior intervention plans by stating, “Some parents see discipline as just a school problem. When you get parent input at the beginning, you have a better partnership along the way” (Special Education Report, 2000, p. 6).

Recently collected data supports positive behavioral intervention. According to Huemann and Warlick (2001):

Schools implementing systemic strategies of problem behavior prevention report reductions in office discipline referrals of 20-60%. Schools implementing systematic strategies of problem behavior prevention report improved access to academic engaged time and improved academic performance. The success rate for intervention based on a prior functional assessment is almost twice that obtained when this type of assessment is not conducted. (Data Supported Evidence section, para. 3)

Special education students should be identified to the classroom teacher before they enter the room on the first day of school. The regular classroom is where simple interventions that may aid in the students behavior can be implemented. “Research has

shown that if teachers and other school personnel have the knowledge and expertise to provide appropriate behavioral interventions, future behavior problems can be greatly diminished if not totally avoided” (OSEP, 1999, Some Key Changes in the Regulations Regarding Discipline for Children with Disabilities section, para. 8). These interventions are learned through staff development training, which assists teachers in dealing with certain types of behavior. “Although the classroom teacher is certainly not in a position to directly address such severe problems, teachers with effective classroom management skills are aware of high-needs students and have a repertoire of special techniques for meeting some of their needs” (Marzano, 2003, pg. 11). Classroom teachers may be able to implement classroom interventions benefiting students, thus preventing further disciplinary problems that may lead to time consuming, formal behavioral intervention plans that are created after the tenth day of suspension.

Administrators and teachers should begin to focus on Positive Behavior Supports, which will work to avoid future discipline problems in special education students. “Positive behavioral supports are a broad range of systemic and individualized strategies for achieving important social and learning results while preventing problem behavior” (Sugai & Horner, 2001, What is Positive Behavioral Supports section, para. 1). Implementing Positive Behavioral Supports promotes a spirit of prevention within a school, which may in turn create an atmosphere in which at-risk or special education students can be successful.

Possibly the most beneficial aspect of positive behavioral supports is the amount of instructional hours gained by students who may have been suspended due to their

inappropriate behavior. Huemann and Warlick (2001) studied one elementary school in which 776.8 of instructional hours were gained from the previous year (Time Spent Away from Academics Due to Behavior section, para. 1). The gains from the behavioral interventions put in place for this elementary school are obvious.

“An alternative intervention strategy called Positive Peer Groups (PPG) has operated for the last nine years in grades 5–9 in both public and parochial school settings throughout northeastern Ohio” (Rosenburg, McKeon, & Dinero, 1999, Introduction Section, para. 5). Rosenburg, McKeon, and Dinero (1999) state that PPG can be summarized as, “The best way to learn is to be given responsibility” (1999, The PPG Approach section, Para. 3). A general description of PPG is that troubled students are placed into a peer group. These troubled students work with students who have experienced success in school. The group is not left unsupervised by adults within the school. Counselors, teachers, and administrators work with each group of students to see that conflict resolution and other social skills are addressed. Another advantage of PPG is that high ability students work with students of a lower ability level. Students of all classes and social groups are given an avenue in which they can associate with one another while limiting the peer pressure often seen when students attempt to socialize with students outside of their current social group (Rosenburg, McKeon, & Dinero, 1999). Positive Peer Groups are just one example of a behavioral intervention program that may prevent chronic misbehavior by a special education student. This program also shows that schools can be held accountable in their attempts to be proactive in their

approach to discipline rather than being counteractive in only providing negative consequences after misbehavior has occurred.

Special Education Litigation

It seems that some lawyers see an easy target for litigation when dealing with the wrongs committed against a special education student by a school administrator or teacher. The amount of litigation directed toward public schools may be limiting job satisfaction among teachers. A study conducted by Public Agenda (2004) that surveyed teachers and parents regarding student discipline demonstrates teacher frustration with paperwork:

Many teachers say documentation requirements go beyond common sense.

Although relatively few teachers (14%) reject the need to document incidents of misbehavior as too cumbersome, more than 4 in 10 (44%) say the requirements of their own school “go beyond common sense” and are used primarily to protect the schools from potential lawsuits. (pg. 3)

“Special education has consistently been the most litigated area in education, possibly due to insufficient knowledge of key components of the IDEA” (Katsiyannis & Herbst, 2004, pg. 106). Large amounts of money are being drained from local boards of education in lawsuit defense or settlement. Katsiyannis and Herbst (2004) state that parents who are successful in due process are entitled to a wide range of monetary remedies to include but not be limited to relief in attorney’s fees, residential placement reimbursement, and compensatory education costs. These are funds that could be used for more productive means involving all students. In discussing the IDEA reauthorization of

2004, United States House Representative John Boehner of Ohio, stated, “Litigation under the IDEA, the nation’s special education law, has taken on the role of finding and punishing school districts for technical violations rather than being used to protect the substantive rights of children” (2004, para. 2).

It is, therefore, necessary that school administrators try to go above and beyond the expectations placed upon them in providing behavioral intervention plans to assure that special education students are afforded an opportunity to excel in their current educational placement. Monica Palestis (2001) summarized special education litigation as being very similar to divorce litigation in that children are involved. “In both types of lawsuits, the very nature of the process will require the parties to take adversarial positions that may anger the other side and may cause them to hold a grudge far into the future” (para. 3).

Often special education students are having discipline problems completely unrelated to their disability. These students can be the ones landing administrators in litigation over the manner in which a student was disciplined. The administrator must have a system in place that will update him or her on the number of discipline referrals turned in on a particular student. This system should also note if a student receives special education services. If accurate records are not kept, a special education student will inevitably receive a punishment that is not in compliance with the Individualized Education Plan (IEP) for that student. The school administrator must understand the scope of discipline problems amongst special education students.

One of the keys to avoiding litigation over a special education student is proper documentation and record keeping. “In disciplining students with disabilities, therefore, it is crucial to keep written records of all discussions and of all disciplinary actions taken” (Yell, 1998, pg. 347). “The advantages of proper documentation are seen when a school system is forced into litigation or an administrative hearing. An examination of court cases and administrative rulings in disciplinary matters indicates that in many instances, decisions turned on the quality of the schools records” (Yell, 1998, pg.347).

Every school administrator should study the aspects of IDEA affecting his or her position within the school system. School districts should see that both faculty and administration are trained in the IDEA discipline mandates (Drasgow & Yell, 2001). Money that is lost to plaintiffs and pro-bono lawyers through defenseless cases could be spent on other critical areas of education that would allow children of all developmental levels to prosper. Money would be regained in the school budget as a result of school administrators being knowledgeable of the IDEA discipline mandates and therefore lessening the potential for successful litigation on behalf of parents of special education students. In the current economic atmosphere surrounding public education, unnecessary litigation over irresponsible administration of special education discipline is inexcusable.

Until administrators and teachers fully understand the details of the law, problems with the legality of discipline for special education students will continue to arise. School administrators must document proactive measures to ensure that a student with chronic misbehavior has been afforded due process under IDEA (Drasgow & Yell, 2001). A simple error committed by a school administrator while conducting discipline on a

special education student can cost a school system large amounts of money due to litigation. More importantly by ensuring due process to students, school districts are having a positive effect on the lives of young people with problem behaviors (Dragow & Yell, 2001). Surely in a time of sharp budget cuts school administrators will see the need for a complete understanding of the discipline procedures for special education students outlined in the IDEA.

School administrators should realize groups most represented in special education classrooms. Minorities are highly overrepresented in special education classrooms. School administrators should be aware of the potential to mislabel minority students due to their language, cultural, or economic barriers. Due to barriers that will likely confront these students as adults it is important that minority students are not inadvertently identified with a disability

Minority Overrepresentation in Special Education

A legitimate theory for the disproportionate number of minorities in special education classes is likely the evaluation methods that are used in determining which students should be labeled with a disability. Algozzine, Thurlow, and Ysseldyke (2000), recount that in 1967 the court ruled in *Hansen v. Hobson* that the standardized tests being used in Washington, DC schools were inappropriate. This ruling was based on the fact that the tests were geared toward White, middle-class students.

Since this time the growth in numbers for students receiving special education has been staggering. More disturbing is the large number of minorities that have been

identified with a disability. Patton (1998) reported the overrepresentation of African Americans in special education programs and states that the roots of overrepresentation can be traced back to the arrival of Africans in America and their unequal treatment throughout the history of the United States. Patton also explains this is a two-sided argument in that African American students are overrepresented, but special education was created to help students who were not being educated in a proper manner before having access to programs that provided a more appropriate educational placement.

The problem of minorities being overrepresented in special education classrooms is not a new one. Artiles and Rueada (2002) verify that minorities have been overrepresented for decades. It is also noted the students most affected have been poor males. With the long history of minorities being overrepresented in special education, pressure is mounting on school officials to reduce the number of minorities labeled with a disability.

In 2003 the National Association of State Directors of Special Education discovered that in at least 40 states African American students were overrepresented in the category of emotional disturbance while 39 states reported overrepresentation in mental retardation (Carter, 2004). African American student overrepresentation in special education classrooms was addressed in a Harvard Study conducted in 2001. This study reported African American students were between one and a half and four times more likely than White students to be placed in the category of emotional disturbance or mental retardation (Carter, 2004).

When looking at groups of states analyzed in a study by Thomas Parrish in 1997, a more shocking display of overrepresentation is noticed:

The study found that African-American students in Connecticut, Mississippi, South Carolina, North Carolina, and Nebraska are more than four times as likely to be identified as mentally retarded than white students living in those states. In Florida, Alabama, Delaware, New Jersey, and Colorado the number of African American students identified as mentally retarded was more than three times that of white students. (Losen & Orfield, 2001, *Minority Overrepresentation in Special Education* section, para. 1)

These statistics show the huge disparity that exists between African Americans and whites in the placement of students into special education programs. Especially noted is the severity of the two labels “emotionally disturbed” and “mentally retarded.” These labels can stick with a student so that he or she is never returned to the regular classroom after being deemed emotionally disturbed or mentally retarded (Fine, 2001).

The problem of overrepresentation in a large urban area is exemplified in New York City's public school system. In 1997, New York City served 993,000 students of which 120,000 students received special education services (Sack, 1997). A study conducted by New York University found that in New York City's elementary and middle schools 6.7 percent of all African American children were receiving special education services in self contained classrooms while 5.8 percent of all Hispanic students were receiving special education services in self contained classrooms.

Overrepresentation is evident when it is revealed that only 3.7 percent of all White

students in New York City Public Schools were receiving special education services in self-contained classrooms (Sack, 1997).

Especially disturbing is the plight of African American males who have been placed in special education classrooms. Kimberly Peterz (1999) reported that 84 percent of all African American students receiving special education services were male. Peterz also reports that African American males are consistently at the bottom in academic achievement when compared with other ethnic groups. Peterz blames inappropriate testing for special education services not addressing special education issues for this large disparity.

The same trend that has taken place with African Americans being placed in special education seems to continue with the large influx of Hispanic students into the United States. Hispanic students are often misdiagnosed with a disability when they simply cannot speak English with the fluency of a typical American student (Thorp, 1998). The parents of students who utilize English as a Second Language (ESL) services are often confused about the paperwork presented to them when their child is being referred for special education services. These parents are often mistrusting of school officials labeling their children as at risk or suffering from a disability (Thorp 1998). Tozer, Violas, and Senese (1998) also discuss the challenge presented to teachers who are Limited English Proficient (LEP). According to a 1997 report by the U.S. Department of Education, 2.1 million students have been identified as LEP. This was about 5 percent of all public school students in the United States during 1997.

The explanations for disparity for minorities in special education programs are difficult to answer for educators, parents, and advocates. Several theories exist about why minorities are placed in special education classrooms. Burnette (1998) reports the U.S. Offices of Special Education Programs has identified three major reasons about why minority students are disproportionately represented in special education classrooms:

1. Students may be un-served or receive services that do not meet their individual needs.
2. Students may be misclassified or inappropriately labeled.
3. Placement into a special education classroom might be a form of discrimination (para. 3).

An example of the discrimination possibly taking place when making a special education referral is evident when schools in higher income areas are researched. The likelihood of an African American male being labeled mentally retarded increases in upper and middle income school districts (Townsend, Johnson, & Patton, 2004)

The Future of Minority Overrepresentation in Special Education

Despite the fact that minorities are largely overrepresented in special education programs, encouraging steps are being taken in an effort to see that overrepresentation of minorities begins to decrease. It is obvious that teachers, administrators, and educational researchers realize a problem exists based on the amount of data available to demonstrate this problem. The state of Alabama has become a leader in trying to reduce the number of special education placements for minority students (Townsend, Johnson & Patton, 2004). Several key components have driven Alabama's plan to reduce the disparity in special

education referrals existing in a state usually associated with its racist practices during the Civil Rights Movement. Townsend, Johnson, and Patton (2004) describe ways the state of Alabama has attempted to decrease minority overrepresentation in the special education classroom:

- Statewide awareness to help teachers understand the magnitude of the problem.
- A pre-referral process which holds off the referral of an at-risk student for at least six weeks by attempting intervention strategies to help the student succeed without being labeled and placed in a special education classroom.
- The creation of more culturally sensitive assessment procedures.
- Re-evaluating minorities who were previously labeled as mentally retarded.
- Funding to implement these changes and state monitoring to see that these practices are taking place.

In 2002, a report given by the National Research Council presented several suggestions in order to reduce minority overrepresentation in special education. The report stated students should be subjected to social support and more quality instruction prior to deciding that special education is needed (Fine, 2002). This report also concluded that colleges need to start training teachers to adjust to students who have various learning styles in order to accommodate the student rather than automatically placing the student into a special education classroom (Fine, 2002). It seems that in the future larger amounts of training should exist in order to accommodate all students and avoid unjustly concluding that a student should receive special education services.

Educators often complain that the break up of the traditional family has caused a strain on the overall educational process. In the Highland Park School District in Michigan, a grant was received allowing the school district to help the family become more involved in helping their emotionally disturbed child. This grant allowed school districts to educate the family about emotional disturbance, arrange parent support groups, involve parents of these children in school decisions, learn about the family culture, and various other aspects that were impossible prior to this action plan (Burnette & Warger, 2000).

In regards to testing bias toward minorities, schools are beginning to cut special education referrals. This drop in referrals is likely due to IDEA 97. IDEA 97 does not allow students to be given a special education referral based on a single standardized test; but, rather supplements the test with other evaluations (Special Education Report, 1999). The bias existing in testing students seems to be addressed when IDEA reauthorization takes place. Improvements seem to take place with each reauthorization.

Arkansas is another example of a state that has worked to decrease special education referrals for minorities. The state has created mandated goals that are to be strived for by local school districts (Special Education Report, 1999). These mandates are enforced by a team of auditors, and the results have been positive. “In 1988, state officials found that 88 of more than 300 school districts had disproportionate ratios of minorities in special education classes. Today (1999) there are only 57 districts with suspected disproportionate representation” (Special Education Report, 1999).

Another state that has worked aggressively to see that minority and special education achievement is improved is Maryland. A trend that may be seen across the United States due to mandates such as No Child Left Behind will be to reward local school districts monetarily for reducing the achievement gap for minority and special education students. The policy in Maryland states 90 percent of \$2.75 million will be awarded to school districts raising scores for subgroups such as minorities or special education students (Special Education Report, 2002). Many states might utilize Maryland's plan and reward local school districts proving that the achievement gap has been narrowed.

Despite the large overrepresentation existing in special education, it is evident that changes are taking place. Educators realize the problem exists; yet, are often overwhelmed about how to reduce such a drastic disparity. It is evident that politicians are keenly aware of the overrepresentation of minorities that has been allowed to take place for many years. Political mandates are present in the reauthorization of IDEA in 1997 and 2004 addressing the issue of overrepresentation. No Child Left Behind is often referred to by politicians as a way to close the achievement gap for minorities. It is encouraging to see that legislation has been created to address this issue. Only time will demonstrate if the efforts being made through federal and state legislation will reduce overrepresentation of minorities in special education programs.

Summary

Despite true reform not taking place until the 1970s, the advancement of protections for disabled children continues. Prior to several court cases including *Brown v. Board of Education*, school administrators were likely to dismiss a disabled child from the school setting in order to avoid financial burdens and additional inconvenience. These court cases brought about the Education for all Handicapped Children Act (PL 94-142) ending the practice of excluding disabled children from schools receiving federal funds (Osborne & Schulte, 1998). This law was the predecessor to the Individuals with Disabilities Education Act.

Since the passage of IDEA, the number of special education students has grown. With this large number of students, additional challenges have been created in serving every student within a local educational agency. These challenges have created frustration for many school administrators who have been faced with what some perceive to be a dual system of discipline.

It is imperative that school administrators be knowledgeable of the reauthorizations of IDEA 1997 and 2004 discipline mandates. Additional professional development may benefit educators in implementing the IDEA discipline mandates effectively. A primary reason for the school administrator to be knowledgeable of the IDEA mandates is for special education students to advance academically despite inappropriate behavior.

Secondly, the amount of litigation created in public schools regarding special education can be limited if administrators are properly versed in the IDEA discipline

mandates. Funds are not only drained from school budgets due to settlement of cases but also due to paying school board attorneys and creating additional support systems for the student that could have been avoided had positive behavioral intervention been utilized.

Positive Behavioral Intervention is mandated by the IDEA discipline mandates. When entering a due process hearing, it is imperative the local education agency demonstrates that punishments for misbehavior systematically escalated and did not create a change in placement on a student's initial disciplinary infraction. In addition, it must be indicated that the processes of an appropriate individualized education plan, manifestation hearing, formal behavior assessment, and behavior intervention plan with positive interventions are being implemented.

Lastly, minorities are being over represented in special education. It is necessary for school administrators to be aware that minorities who may be of low socioeconomic status are often being mislabeled with a disability. These students are entitled to rights under IDEA that force local education agencies to deal with the problems these students present rather than excluding the student with long-term suspensions due to inappropriate behavior. It must be assured that disabilities are not diagnosed under false pretense (i.e. English as a second language).

The IDEA discipline mandates have created a dual system of discipline for regular and special education students. The school administrator should be knowledgeable of the IDEA discipline mandates for two reasons: the first, to avoid costly litigation and secondly to assure special education students receive a free and appropriate public education that will benefit both the student and society in the future.

The purpose of the study described further in Chapter 3 is to measure Alabama high school principals' knowledge level of the IDEA discipline mandates. The population growth for special education students within public schools demands that school leaders be knowledgeable of the IDEA discipline mandates. School principals receive advanced degrees in school administration in order to lead schools presenting various challenges. The discipline mandates of IDEA 1997 and IDEA 2004 are examples of complex legislation school principals must be kept abreast of (Woods, 2004). In addition, veteran school administrators should be aware of the IDEA discipline mandates and understand the ramifications of not complying with legal standards created in IDEA 97 and IDEA 2004 regarding student discipline. Schools of all sizes are affected by the IDEA discipline mandates. Often larger schools contain greater numbers of special education students making it necessary for school leaders to be well trained in the IDEA discipline mandates. Smaller schools on the other hand are faced with the challenge of not being limited in providing specialized services for students with disabilities (Brimley & Garfield, 2005). Lastly various challenges are created by the type of high school (urban, rural, or suburban) for the high school principal. Urban schools are often heavily populated with special education students (Brimley & Garfield, 2005). A larger number of special education students creates greater challenges in adhering to IDEA regulations. Rural schools are often in areas that may not be easily accessible to seminars, workshops, or continuing education regarding the IDEA discipline mandates (Wittmer, 2004). Each of these types of high schools face unique challenges possibly influencing the school

principals knowledge level of the IDEA discipline mandates. The following chapter describes the methods that were used to conduct this study.

III. METHODS

Introduction

The purpose of this study is to measure Alabama high school principals' knowledge level of the IDEA discipline mandates. Quantitative research methods were utilized to make this assessment. Quantitative data are reported in the form of scores, with higher scores indicating more of the variable existing (Fraenkel & Wallen, 2000). It is necessary that school principals be knowledgeable of the IDEA discipline mandates in order to see that students with disabilities who commit disciplinary infractions are afforded due process. Being knowledgeable of the IDEA discipline mandates also deters school principals from subjecting their respective school system to litigation.

Research Questions and Design

In order to study the knowledge level of principals regarding the IDEA discipline mandates it was determined that a survey would be the best method to conduct this study. Fraenkel and Wallen (2000) state that researchers utilize surveys to discover "how the members of the population distribute themselves on one or more variables" (p. 432). The investigator utilized a survey to determine if a statistically significant correlation existed between the independent variable described in each research question when compared

with the composite score attained on the questionnaire provided to each participant. The following research questions were utilized to conduct this study:

1. Is there a statistically significant relationship between the knowledge level of the IDEA discipline mandates for principals with more or less years of experience?
2. Does region (urban, rural, or suburban) indicate a significant relationship in the knowledge level of the IDEA discipline mandates for Alabama high school principals?
3. Does a statistically significant relationship exist in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals depending upon average daily membership?
4. Is there a statistically significant relationship evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the level of academic degree (Masters, Educational Specialist\AA, or Doctorate) that has been attained?
5. Is there a statistically significant relationship evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the number of special education students enrolled at the principal's respective high school?
6. Is there a statistically significant relationship evident in the knowledge of the IDEA discipline mandates amongst Alabama high school principals when comparing the amount of professional development that has been experienced?

Null Hypotheses

- HØ₁: The high school principal's experience does not have an impact on the knowledge level of the IDEA discipline mandates.
- HØ₂: Region location does not indicate a significant relationship in a high school principal's knowledge level of the IDEA discipline mandates.
- HØ₃: A significant relationship does not exist in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals regardless of average daily membership.
- HØ₄: A significant relationship is not evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when considering level of degree attained.
- HØ₅: A significant relationship is not evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when considering the number of special education students enrolled at the principal's respective high school.
- HØ₆: A statistically significant relationship is not evident in the knowledge level of the IDEA discipline mandates when considering the amount of professional development experienced by Alabama high school principals.

Instrument Development

After reviewing several studies that had addressed the IDEA discipline mandates it was determined a survey used in both the state of Georgia for middle school

administrators, and the state of Virginia for elementary school administrators, special education coordinators, and teachers would be adapted and utilized for this study. Nail (2000) developed the survey to evaluate Georgia middle school administrators' awareness of the disciplinary procedures as mandated in IDEA. Nail was contacted by phone and agreed to give written permission to the researcher (via email) to use or modify the survey she developed to conduct this study (see Appendix E). Thompson (2003) utilized the survey developed by Nail in order to survey elementary school principals, special education coordinators, and teachers regarding their knowledge of the IDEA discipline mandates. Thompson was contacted by phone and agreed to send written permission to use or modify the survey she had acquired and modified that was originally constructed by Nail. Thompson also provided a permission letter allowing the use of the survey utilized for her study (see Appendix F).

Instrumentation

The survey mailed to each principal consisted of four sections. It is important that questionnaires be respondent friendly, so the survey is easy to complete, questions are not confusing, and that the survey leaves the participant feeling positive or neutral after completing the survey, not negative (Dillman, Clark, & Sinclair, 1993). The first section consisted of 25 questions requiring a true, false, or no knowledge response.

The second section of the survey identifies each participant's demographics. Participants indicated the level of degree they had obtained (Masters, Education specialist/AA, or Doctorate). Participants then indicated the number of years experience

they held in the field of education. Participants then indicated the size of the high school they currently lead. Finally, the participants listed the regional type of their school (urban, rural, or suburban).

The third portion of the survey consists of scenarios judging each participant's ability to apply the guidelines as given in the IDEA discipline mandates to situations that will likely arise in handling student discipline. Five scenarios are provided to the participant containing three multiple choice answers per scenario.

The fourth section of the survey is a checklist indicating the professional development experiences regarding IDEA discipline to which the participant has been exposed. Examples include college level courses, professional conferences, and training in legal issues. Space is also provided for the participant to write in additional training that may not have been listed in the checklist.

The final section of the survey allowed the participant to write comments concerning IDEA. Specifically, participants were asked to list any challenges they had experienced with the IDEA discipline mandates. Additionally, participants were asked to list any general comments they had regarding IDEA and list any additional professional development opportunities they felt would be beneficial.

Reliability and Validity Issues

Benson (1998) cites a definition of validity provided by Messick as "an integrated judgment of the degree to which empirical evidence and theoretical rationales support the adequacy and appropriateness of inferences and actions based on test scores and other

modes of assessment” (p. 11). Validation is a matter of degree, not an all or nothing property. This leads to future tests of validation being necessary throughout time. A test is not valid, only the inferences made from the scores (Benson, 1998).

Nail (2000) established validity for this survey by having a three judge panel review the instrument to evaluate thoroughness and clarity of the items provided. The panel was also asked to determine if the survey was appropriate in responding to the purpose of the study. The judges who validated the survey had obtained a doctoral degree, had at least three years of successful teaching experiences, had worked in a public school system in a supervisory position, and were knowledgeable of IDEA.

In order to be assured that this survey could be utilized in conjunction with the IDEA discipline mandates of 2004 a three judge panel was again formed in July of 2005. The members collected to assure validation of this survey with the recent passage of IDEA 2004 were all in positions that required they be well-versed in the discipline mandates of IDEA. The first member, a school board attorney, had presented professional development seminars on the IDEA discipline mandates for school administrators. The second member, a special education coordinator for a large school system in Alabama, provides advice to school administrators regarding the implementation of the IDEA discipline mandates. The third member, a central office administrator, is responsible for assisting school administrators in dealing with students who were behavior problems yet were identified with a disability. This member attained a doctorate in school administration and had served in this position for twenty years.

All members of this team stated that the questions were relevant to the IDEA discipline provisions of 1997 and 2004. They also stated that the survey would be an aid in measuring the breadth of a high school principal's knowledge level of IDEA. The version of the survey used to conduct this study was formed by the comments and suggestions provided by each person participating in review of the instrument.

Santos (1999) states that "reliability comes to the forefront when variables developed from summated scales are used as predictor components in objective models" (para. 1). In order for variables of test instruments to be deemed reliable, the variables must provide stable and reliable responses after the test has been repeatedly administered (Santos, 1999). It is vital that the researcher be able to determine the degree to which his or her instrument possesses internal consistency (Huck, 2004). The parts of a survey would be the questions or statements that are provided to the participant. Huck (2004) states that "to the extent to which these parts 'hang together' and measure the same thing, the full instrument is said to possess internal consistency reliability" (p. 78).

A discrimination index was computed to gauge the "extent to which success on an item corresponds to success on the whole test" (Linacre, n.d.). Any item with zero or negative discrimination weakens the questionnaire. Negative items indicate that more participants who answered the question correctly scored in the lower half of the population taking the test. After scoring all surveys returned, none of the items received a negative score indicating that participants answering these questions correctly also scored in the upper half of all participants taking the test (Thorndike, 1997).

The Spearman Brown procedure was utilized in order to establish internal consistency. The Statistical Program for Social Sciences (SPSS) computer program was utilized to score the survey and the results indicated that a sufficient number of items existed for reliability, the items were also deemed to be neither too easy nor too difficult. A reliability coefficient of .508 indicated the survey possessed sufficient reliability. Kane (1986) suggests that .50 is the minimum for criterion referenced tests.

Procedures

Prior to sending a survey to the participants recruited in this study the researcher submitted a “Research Protocol Review Form” to the Office of Human Subjects Research at Auburn University. After being reviewed by the Institutional Review Board, approval was given to utilize human subjects in conducting this study (Appendix A).

A survey (Appendix B) was sent to every high school principal ($n = 397$) in the state of Alabama. A volunteer sample was relied upon to conduct the survey. Names and addresses of each high school principal were obtained from the Alabama State Department of Education.

Each participant received the survey accompanied by a cover letter (see Appendix C) and envelope with a stamp pre-attached for return postage. The cover letter assured the participant that all of the answers they provided for the researcher would be strictly confidential. An information sheet (see Appendix D) was also included in the envelope sent to each participant. This document also assured the participant that all information would be strictly confidential. An additional letter giving permission to conduct this

study was composed by Dr. Mabry Whetstone, director of special education for the Alabama State Department of Education was included in the original mailing (see Appendix G). The return envelope enclosed with each survey was coded with a number in the top left hand corner. This number matched a number given to a particular high school on a code list of every high school in the state of Alabama. Once returned, codes were matched and that particular high school was struck from the code list so that duplicate surveys were not mailed to participant.

One month after the original mailing a reminder letter (see Appendix H) was sent to subjects who had not returned the survey. This letter offered thanks if the survey had been returned. The letter provided phone numbers and an email address to contact the researcher in order to request another survey due to the survey being lost or misplaced. Each letter was also individually signed in black ink to create a more personalized appearance.

Surveys were mailed on August 22, 2005 accompanied by a letter asking the principal to consider completing and returning the survey. One hundred forty-seven surveys were returned by September 22, 2005. A letter reminding those who had not returned the survey to please do so was mailed out on September 30, 2005. The data from each survey were entered into the SPSS computer program as it arrived at the researcher's home. A total of 166 surveys were returned by the conclusion of the study. The percentage of surveys returned for this study was 42%.

Survey items were presented to participants on the front and back of an 8.5 X 17 sheet of paper. This paper was folded and the page for comments was inserted. Pages

were printed in a clear manner in order to provide ease in answering each question. Surveys were printed on light blue paper distinguishing it from other documents that might be received by the participant.

Data Analysis

Quantitative research methods were utilized in reviewing returned surveys measuring the high school principals' knowledge level of the IDEA discipline mandates. The survey administered was composed of two sections measuring the administrators' knowledge of IDEA. Additional sections included the participant's demographics, and a section asking the participant to list professional development they have participated in regarding the IDEA discipline mandates. The final section of the survey asked participants to list comments regarding challenges they have experienced with the IDEA discipline mandates, general comments about the IDEA discipline mandates, and any further professional development the participant feels would be beneficial. Data obtained from the two sections utilized in measuring the participant's knowledge of IDEA were analyzed using descriptive statistics.

The descriptive data produced were generated in SPSS. The data produced showed the number of "true", "false", and "no knowledge" responses for the first twenty-five questions. Nail (2000) cited Borg and Gaul (1995) noting respondents should always have the opportunity to respond to the question, and therefore she included the "no knowledge option". The section including five scenarios was scored to demonstrate the participant's ability to apply the IDEA mandates to potential authentic scenarios. Based

on these two sections an awareness score was created ranging from 0–30. This awareness score was then classified into its appropriate demographic variable. A mean and standard deviation were reported for each demographic variable.

In order to determine if a correlation existed between the independent and dependent variables in this study a multiple regression analysis was conducted. “Regression analysis is used to explain and make predictions about a dependent variable using information provided by an independent variable or a set of independent variables.” (Shannon & Davenport, 2001, p. 287) An alpha level of .05 was utilized to determine if a significant statistical relationship existed between the knowledge level of the IDEA discipline mandates and the independent variables listed in each research question.

Summary

The purpose of this study was to measure the knowledge level of the IDEA discipline mandates for Alabama high school principals. The survey was originally developed by Dr. Carol Nail in order to measure the knowledge level of the IDEA discipline mandates for middle school principals in metro Atlanta, Georgia. Dr. Bambi Thompson also utilized this survey in order to measure the knowledge level of the IDEA discipline mandates for elementary school principals, teachers, and special education coordinators in the state of Virginia. Validity for this instrument was established using a three judge panel possessing vast experience in special education issues. Reliability was established using the Spearman-Brown procedure in order to establish internal consistency. The survey was sent to the 397 high school principals in the state of

Alabama. A volunteer sample of 166 participants (42%) returned a survey to the researcher. The survey was completed and returned to the researcher confidentially.

IV. RESULTS

Overview

The purpose of this study was to measure Alabama high school principals' knowledge level of the Individuals with Disabilities Education Act discipline mandates. When enforcing school discipline policies school administrators often subject the school system, and themselves, to potential litigation by denying special education students rights entitled to them under the Individuals with Disabilities Education Act. It is therefore imperative for school administrators to be knowledgeable of the IDEA discipline mandates. The researcher investigated whether a statistically significant relationship existed in the knowledge level of the IDEA discipline mandates when considering the principals' years of experience, the type of the school the principal leads (urban, rural, or suburban), the size of the high school the principal leads, the highest educational degree attained by the principal, and the percentage of special education students attending each responding principal's respective high school.

The research questions analyzed in this chapter include the following:

1. Is there a statistically significant relationship between the knowledge level of the IDEA discipline mandates for principals with more or less years of experience?

2. Does region (urban, rural, or suburban) indicate a significant relationship in the knowledge level of the IDEA discipline mandates for Alabama high school principals?

3. Does a statistically significant relationship exist in the knowledge level of the IDEA discipline mandates amongst high school principals depending upon school size?

4. Is there a statistically significant relationship evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the level of academic degree (Masters, Educational Specialist\AA, or Doctorate) that has been attained?

5. Is there a statistically significant relationship evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the percentage of special education students enrolled at the principals' respective high school?

6. Is there a statistically significant relationship evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the amount of participation in professional development activities concerning the IDEA discipline mandates?

Respondents

A list of the 397 high school principals was acquired from the Alabama State Department of Education. This list included the number of special education students at

each high school during the 2004–2005 school year. Of the 397 surveys mailed to every high school principal in the State of Alabama, 166 were returned. The return rate for this study was 42%. The following tables describe the volunteer sample used in this study.

Table 1 provides the mean, standard deviation and range of experience in public education attained by participants who returned a survey. The mean years of experience for the 166 participants was 24.46 (SD = 8.93; Range = 8-42). Also provided is the frequency of degrees attained by participants who returned the survey. Of the 166 participants returning surveys 66 had attained a Master’s degree (39.6%), 84 had attained an Educational Specialist degree (50.6%), and 15 had attained a Doctorate (9%). One participant did not provide the degree that he or she had attained (.6%)

Table 1

Participant Characteristics

	Mean	SD	Range
Years of Experience	24.46	8.93	8-42
Degree Attained			
Master’s	66	39.8	
Ed. Specialist	84	50.6	
Doctorate	15	9	
No Response	1	.6	

Table 2 contains the mean, standard deviation, and range of the average daily membership (ADM) of the schools led by principals returning a survey. The mean ADM for the high schools led by the 166 participants was 732.73 (SD = 431.95 ; Range = 8-2,416). The percentage of special education students at each high school represented by participants returning a survey is also provided. The mean population of special education students at each high school was 107.54 (SD = 80.46, Range = 3-524). The mean percentage of special education students at each high school was 17.14 (SD = 16.03; Range = .9-100). The final section of Table 2 illustrates the region of the schools represented by the participants returning a survey. The largest number of participants identified the schools they lead as being in rural areas (n = 98; 59%). The second largest number of participants identified the schools they lead as being in suburban areas (n = 41; 24.7%). The smallest number of participants identified the schools they lead as being in urban areas (n = 18; 10.8%). Of the 166 participants returning a survey 9 did not indicate the regional setting of the school they lead (5.5%).

Table 2

School Characteristics

	Mean	SD	Range
Average Daily Membership	732.73	431.95	8-2,416
Percentage of Special Education Students	17.14	16.03	.9-100
Number of Special Education Students at Each High School	107.54	80.46	3-524
	n	Percent	
Location			
Urban	18	10.8	
Rural	98	59	
Suburban	41	24.7	
No Response	9	5.5	

Table 3 illustrates the professional development experienced by those responding to the survey. Eleven examples of professional development were provided. The twelfth choice gave respondents the opportunity to list any professional development experienced that was not included on the checklist. The frequencies listed are the number of participants indicating they had received professional development in a particular area. The most frequently cited form of professional development listed was “training in legal issues in education” and “district staff development in educational services”. Eighty percent of participants stated they had received professional development in these areas.

Table 3

Professional Development

Type of Professional Development	n	Percent
Legal Issues in Education	142	86.7
Dist Staff Development in Educational Services	143	86.1
College Level Course in Exceptional Children	112	68.1
Prof. Conferences Related to IDEA	110	66.9
IDEA Training by ALSDE	94	56.6
Alternatives to Suspension Expulsion	75	47
Workshop/Training Behavioral Management	76	46.4
Regional In-service Training	69	42.2
Professional Conferences	67	42.2
Conference by CLAS	67	41
Training in FBAs, BIPs, PBS	53	32.5
Other Professional Development	23	13.9

Table 4 identifies the percentage of correct responses provided by participants to each question and scenario provided in the survey. Twenty-five true, false, and no knowledge questions were provided. Five scenarios were provided with multiple choices for potential answers. Item discrimination is also provided in order to demonstrate the extent to which the item differentiates between principals with higher and lower scores on the entire questionnaire ($R = .122-1.0$).

Table 4

Knowledge of IDEA

Item	True	False	NK	NR	Item Dis.
Item 24	98.8*	.6	.6	0	.131
Item 17	98.2*	1.8	0	0	.022
Item 3	96.4*	3.0	.6	0	.146
Item 18	93.4*	4.8	1.2	.6	.174
Item 25	93.4*	5.4	1.2	0	.146
Item 4	92.2*	7.8	0	0	.183
Item 14	92.2*	7.2	7.2	.6	.178
Item 12	7.2	91.0*	1.2	.6	.209
Item 5	91.0*	7.8	.6	.6	.187
Item 23	89.8*	7.2	1.8	1.2	.227
Item 2	88.0*	10.8	0	1.2	.191

(table continues)

Table 4 (continued)

Item	True	False	NK	NR	Item Dis.
Item 21	87.3*	10.2	1.8	.6	.224
Item 10	13.9	85.5*	0	.6	.209
Item 9	12.0	85.5*	1.8	.6	.186
Item 8	12.7	82.5*	4.8	0	.244
Item 20	80.7*	15.7	3.6	0	.317
Item 7	16.3	77.1*	5.4	1.2	.169
Item 6	23.5	74.1*	1.2	1.2	.315
Item 16	33.7	66.3*	0	0	.403
Item 1	64.5*	33.7	0	0	.314
Item 13	51.8*	39.8	6.6	1.8	.429
Item 19	53.0	45.2*	.6	1.2	.440
Item 11	63.3	34.9*	1.2	.6	.421
Item 22	27.7*	48.8	22.3	1.2	.630
Item 15	19.9*	70.5	9.6	0	.619

(table continues)

Table 4 (continued)

Scenarios and Item	Percent	Item Dis.
Scenario 3—Smoking outside cafeteria at lunch		
Suspend student for two days	84.3*	.229
Notify parent of manifestation review	6.6	
Tell teacher you will handle matter	8.4	
No Response	.6	
Scenario 5—New student interim education placement		
Suspend student and notify parent	10.2	.237
Assign detention conduct IEP meeting	74.1*	
Place student in in-school suspension	14.5	
No Response	1.2	
Scenario 1—Fight at football game		
Suspend student	9.6	.342
Call parent and have conference	19.3	
Notify parent of manifestation review	68.7*	
No Response	2.4	
Scenario 4—Regular education student with prescription drugs		
Enforce suspension/accept referral	66.3	.333
Refusal referral/ suspend student	3.6	
Suspend for 10 days/accept referral	28.3*	
No Response	1.8	

Table 4 (continued)

Scenarios and Item	Percent	Item Dis.
Scenario 2- Weapon in locker		
Invoke zero tolerance/expel	15.1	1
Call law enforcement convene IEP	79.5	
Transfer student to alternate setting	4.2*	

* = *Correct Answer*

In the true or false section of the questionnaire participants were most successful when answering questions 24, 17, 3, 8, 25, 4, 14, 12, and 5. Over 90% of the participants answered each of these questions correctly. Participants were least successful when answering items 13, 19, 11, 22, and 15. Less than 51.8% of all participants answered each of these items correctly. When analyzing item discrimination each item was positive indicating that the items answered correctly were answered by those scoring in the upper half of all participants participating in this study.

Scenarios two and four were answered correctly the least number of times by participants. Scenario #4, regular education student with prescription drugs, was answered correctly by 28.3% of all participants. Scenario #2 was answered correctly by 4.2% of all participants.

Table 5 provides the frequency of scores attained on the questionnaire included in the survey. Based on scored questionnaires received from participants a composite score

was assigned. Each participant achieved a composite score between zero and thirty. The average score received on the questionnaire was 21.85 (SD = 2.59, Range = 15-29).

Table 5

Frequency of Scores Attained on Questionnaire

Score	Frequency	Percent
15	2	1.2
16	5	3.1
17	3	1.9
18	4	2.5
19	14	8.6
20	14	8.6
21	26	15.7
22	36	22.2
23	23	14.2
24	17	10.2
25	10	6
26	6	3.6

(table continues)

Table 5 (continued)

Score	Frequency	Percent
27	2	1.2
28	3	1.9
29	1	.6

Table 6 illustrates the comments section that was included in the survey. The frequency and percentage of respondents who described challenges experienced with IDEA is provided (n = 56; 33.7%). The frequency and percentage of respondents who provided general comments about the IDEA discipline mandates is also provided (n = 47; 28.3%). Lastly the frequency and percentage of respondents providing examples of additional professional development opportunities they felt were needed is provided (n = 31; 18.7%).

Table 6

Number of Respondents Reporting Challenges with IDEA, Providing General Comments Concerning IDEA, and Listing Types of Professional Development That Are Needed

Type	Frequency	Percentage
List Challenges with IDEA	52	31.3
List Comments about IDEA	47	28.3
List Professional Dev. Needed	33	19.9

Table 7 lists the types of challenges with the IDEA discipline mandates experienced by Alabama high school principals responding to the survey. It seems the largest number of principals experienced ethical dilemmas in treating special education students differently due to IDEA (n = 17, 32.7%). The second and third largest numbers of challenges were difficulty in following the complex procedures of IDEA (n = 10, 19.2%) and principals feeling they are hindered in disciplining special education students due to the 10-suspension-day limit rule in IDEA (n = 10, 19.2%).

Table 7

Challenges with the Implementation of IDEA

Type	Total	Percentage
Complex Procedures	10	19.2
Parental Cooperation	3	5.8
Procedures leading to litigation	1	1.9
Ethical Dilemmas over dual system of discipline	17	32.7
Implementation of Behavior Management Plans	3	5.8
Difficulty in implementing Individualized Education Plans	1	1.9
Limitations of resources due to being a rural school	3	5.8
10 day suspension limit	10	19.2
Time required for meetings	2	3.9
Teachers and Administrators unwilling to follow IDEA	1	1.9
Lack of funding for special education	1	1.9
Total	52	100

Table 8 identifies the number of negative and positive comments (n = 47) listed by participants regarding the IDEA discipline mandates. Comments were primarily of a negative tone (n = 41, 87.2%). A small number of participants provided positive comments regarding the IDEA discipline mandates (n = 6, 12.8%).

Table 8

Comments Regarding the IDEA Discipline Mandates

Comment	Number	Percent
Negative	41	87.2
Positive	6	12.8
Total	47	100

The following list provides examples of negative comments made by Alabama high school principals regarding the IDEA discipline mandates.

“Student has been sent to the multi-needs center alternative school for drugs for two 45-day suspensions. Other non-special education students are expelled by the school board—Are we discriminating?”

“Procedures are too complicated.”

“No allowance is made for those who disrupt school and misuse their rights to have special accommodations.”

“There is way too much red-tape for students with disabilities who have disrupted other students from learning. I feel we have taken away the rights of regular students to uninterrupted learning environments. Some students really need the protections of IDEA where as others just use it as a crutch.”

“Teachers do not want to accommodate. They state they are not special education teachers.”

“I have experienced problems with students I have taken to court and are subsequently removed from school for a serious infraction. When the judge has removed the kids from school we still have to provide educational services in certain cases. I feel this leads to principals choosing to leave a dangerous student on campus because of pressure that the county office applies because of the cost of the services for that child.”

“IDEA is in conflict with No Child Left Behind”

“I do not like the fact that they cannot be disciplined as other students when the problem is not a result of their disability. This is especially true of “so-called” emotionally conflicted students.”

“Getting parents to attend meetings in a timely manner”

“The biggest problem is getting parents to attend an IEP meeting in a timely manner whenever discipline issues are involved.”

“So much red-tape someone somewhere within the school will probably be guilty of something along the way” (involving IDEA)

“Rural schools have limited options for discipline. This sometimes leaves students with the idea that they can’t be punished.”

“IDEA discipline is too restrictive on administrators. These students should only have the same rights as regular education students.”

“Special education will be the ruin of public education unless changes are made.”

“The greatest challenge is explaining to parents of regular education students why, in some cases their children receive harsher penalties than the other child or children have received.”

“The special education laws hinder a local education agency in numerous respects. The law is very generic and does not take into account the specifics of each case. Many times an LEA’s hands are tied in dealing with certain crisis due to the law. There is a ‘Catch 22’ in trying to maintain a safe orderly instructional environment and abiding by IDEA”

Examples of positive comments regarding the IDEA discipline mandates included:

“I have experienced some challenges. However as I have become more experienced I use the law to remove special education students (when in violation of the schools code of conduct)”

“I feel like in most cases you are able to work around the constraints that are in place. I have found in-school suspension to be a wonderful tool for an administrator to have.”

“If followed closely the IDEA discipline mandates can aid the school administrator.”

Table 9 lists the types of professional development participants suggested would be beneficial. The largest number of participants listed legal issues as being an area of professional development where additional training was needed. The second most frequently listed type of professional development was alternative models of discipline that could be utilized with special education students. The third most frequently listed

type of professional development was training in writing Behavior Management Plans, Functional Behavior Assessments, and Individualized Education Plans.

Table 9

Additional Professional Development Needed

Type	Number	Percent
Legal Issues	11	33.3
Interim placement for students	1	3.0
Alternative models of discipline	7	21.2
Training for regular ed. teachers	2	6.1
Transfer of students from one system to another	1	3.0
Resolving conflict between IDEA and NCLB	2	6.1
Writing BMPs, IEPs, and FBAs	5	15.2
Conducting Manifestation Hearings	3	9.1
Special education eligibility determination	1	3.0
Total	33	100

Statistical Analysis

A summary of the relationship between the knowledge level of the IDEA discipline mandates and the six independent variables is found in Table 10. These correlations ranged from -.145 to .158. Of the six correlations, only professional development resulted in a minor, however statistically significant, correlation ($r=.158$, $p=.047<.05$). In order to further examine the nature of this relationship, correlations between each type of professional development and knowledge level of the IDEA discipline mandates were examined. The results are summarized in Table 11.

Table 10

Independent Variables Relationship with IDEA Knowledge

	r	r ²	p
Average Daily Membership	.029	.000841	.719
Experience	-.145	.021025	.071
Degree Attained	.103	.010609	.200
Regional Location	.047	.002209	.572
Percent of Students in Special Education	-.053	.002809	.505
Professional Development	.158	.024964	.047

Table 11

Independent Areas of Professional Development Relationship with IDEA Knowledge

	r	r ²	p
College level course Exceptional Children	.046	.002116	.565
District staff development in special ed. process	.198	.039204	.012
Workshop/training alternatives to suspension/expulsion	.056	.003136	.481
Professional Conferences related to IDEA 97/2004	.125	.015625	.117
Workshop/training in behavioral management	.036	.001296	.653
Conferences related to IDEA 1997 and 2004	.151	.022801	.057
Training in legal issues	.003	.000009	.972
IDEA training by AL. State Dept of Education	.095	.009025	.234
Training in FBA's, BIP's, PBS's	.054	.002916	.497
Regional in-service training	.013	.000169	.872
Training by CLAS re: IDEA 97 & 2004	.104	.010816	.192

Of the 11 types of professional development only district staff development in special education process reached a low statistical significance ($r = .198$, $p = .012 < .05$). While statistically significant, this correlation was very minor and caution should be exercised prior to utilizing district staff development in special education process as a sole means to improve knowledge level of the IDEA discipline mandates.

Table 12

Summary of Regression Analysis

	# of Independent Variables	R ²	F	Prob.
Full Model	6	.055	1.367	.232
Restricted Model	1	.025	4.011	.047
		R ² Diff.	F	Prob.
Difference between full and residual model		.030	0.89	p > .05

The full model consisting of all independent variables failed to predict knowledge of the Individuals with Disabilities Education act discipline mandates (F = 1.367, P = .232). Therefore a restricted model, consisting of just professional development was examined. This analysis was examined and resulted in a statistical significance (F = 4.011, P < .05). The difference between these two regression models was not statistically significant (F = .89, P > .05), therefore the simpler model of just professional development was used.

Research Question 1: Is there a statistically significant difference in the knowledge level of the IDEA discipline mandates for principals with more or less years of experience?

Null Hypothesis: The high school principal's experience does not have an impact on the knowledge level of the IDEA discipline mandates.

To assess if a statistically significant relationship exists between years of experience and a principal's knowledge of IDEA a regression analysis was conducted

with the independent variable being years of experience for each participant and the dependent variable being a composite score achieved on the returned questionnaire.

No significant relationship was detected in knowledge level of the IDEA discipline mandates when comparing years of experience to the composite score of the questionnaire ($r = .029$, $p = .719$, *ns*). The null hypothesis was accepted for research question one.

Research Question 2: Does region (urban, rural, or suburban) indicate a significant difference in the knowledge level of the IDEA discipline mandates for Alabama high school principals?

Null Hypothesis: Region type does not indicate a significant difference in a high school principal's knowledge level of the IDEA discipline mandates.

A regression analysis was used to determine if regional location indicated a statistically significant difference in knowledge level of the IDEA discipline mandates. The independent variable for research question two was the region location provided by participants returning a survey and the dependent variable being a composite score achieved on the returned questionnaire.

No statistically significant relationship was detected in knowledge level of the IDEA discipline mandates when comparing regional location to the composite score of the questionnaire ($r = .047$, $p = .572$, *ns*). The null hypothesis was accepted for research question two.

Research Question 3: Does a statistically significant difference exist in the knowledge level of the IDEA discipline mandates amongst high school principals depending upon average daily membership?

Null Hypothesis: A significant difference does not exist in the knowledge level of the IDEA mandates amongst Alabama high school principals regardless of school size.

A regression analysis was used to determine if school size indicated a statistically significant difference in knowledge level of the IDEA discipline mandates. The independent variable for research question three was the size of the high school led by each participant and the dependent variable being the composite score achieved on the returned questionnaire.

No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing average daily membership to the composite score of the questionnaire ($r = .029$, $p = .719$, *ns*). The null hypothesis was accepted for research question three.

Research Question 4: Is there a statistically significant difference evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the level of academic degree (Masters, Educational Specialist\AA, or Doctorate) that has been attained?

Null Hypothesis: A significant difference is not evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when considering level of degree attained.

A regression analysis was used to determine if the degree attained by participants returning a survey indicated a statistically significant difference in knowledge level of the IDEA discipline mandates. The independent variable for research question four was the degree attained by participants returning a survey and the dependent variable being the composite score returned on the returned questionnaire.

No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing degree attained to the composite score of the questionnaire ($r = .103$, $p = .200$, *ns*). The null hypothesis was accepted for research question four.

Research Question 5: Is there a statistically significant difference evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the percentage of special education students enrolled at the principals' respective high school?

Null Hypothesis: A significant difference is not evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when considering the percentage of special education students enrolled at the principal's respective high school.

A regression analysis was used to assess if a statistically significant difference exists between the percentage of special education students enrolled at each principal's respective school and principals' knowledge of the IDEA discipline mandates. The independent variable being the percentage of special education students enrolled at each

participants respective school and the dependent variable being the composite score achieved on the returned questionnaire.

No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing percentage of special education students to the composite score of the questionnaire ($r = -.053$, $p = .505$, *ns*). The null hypothesis was accepted for research question five.

Research Question 6: Is there a statistically significant relationship evident in the knowledge of the IDEA discipline mandates amongst Alabama high school principals when comparing the amount of professional development that has been experienced?

Null Hypothesis: A statistically significant relationship is not evident in the knowledge level of the IDEA discipline mandates when considering the amount of professional development experienced by Alabama high school principals.

To assess if a statistically significant relationship exists between the amount of professional development experienced by principals and the principals' knowledge level of the IDEA discipline mandates a regression analysis was conducted. The independent variable was the amount of professional development experienced by each participant and the dependent variable was the composite score on the returned questionnaire.

A minor, however statistically significant relationship, was detected in the knowledge level of the IDEA discipline mandates when comparing the amount of professional development experienced to the composite score of the questionnaire ($r = .158$, $p = .047 < .05$). The null hypothesis was rejected for research question six.

Summary

This study indicated that no statistically significant relationship existed in knowledge of the IDEA discipline mandates and Alabama high school principals' years of experience, region location, average daily membership, degree attained, or the percentage of special education students enrolled. A minor relationship ($r=.158$, $p=.047<.05$), however statistically significant, was evident when comparing the various amounts of professional development experienced with knowledge level of the IDEA discipline mandates. Due to this relationship being very minor caution should be exercised prior to utilizing professional development as a sole means to improving the high school principal's knowledge level of the IDEA discipline mandates. Due to this statistically significant relationship occurring, the 11 types of professional development were examined independently. Of the 11 types of professional development, District Staff Development in Special Education Process exhibited a very low relationship ($r=.198$, $p=.012<.05$) with knowledge level of the IDEA discipline mandates. However, due to this minor relationship, caution should be exercised prior to deeming district staff development as a sole means to increase the principal's knowledge level of the IDEA discipline mandates. Chapter five will discuss findings, interpretations, conclusions, and recommendations for further research.

V. SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The purpose of this chapter is to discuss findings and conclusions that were drawn based on the analysis of data accumulated throughout this study. The need to examine Alabama high school principals' knowledge level of the IDEA discipline mandates is reviewed followed by a restatement of the study procedures. Interpretations and conclusions are then provided. A summary of the demographics provided by all participants is provided along with an analysis of research questions. Additional findings are discussed having implications on the principals' implementation of the IDEA discipline mandates. Recommendations to improve Alabama high school principals' knowledge level of the IDEA discipline mandates are provided, and finally suggestions for future research, based on the findings of this study, are listed.

Introduction

This study examined Alabama high school principals' knowledge level of the IDEA discipline mandates. Woods (2004) described the difficulty of comprehending the disciplinary provisions and the importance of school administrators being knowledgeable of the law.

The discipline procedures mandated by federal law are very complex for school personnel particularly for those who are not knowledgeable of rules and

regulations governing special education in public schools. School officials with no formal training in educating students with disabilities have a tremendous responsibility when it comes to disciplining students eligible under IDEA. (p. 13)

School principals face a difficult task in seeing that students receiving special education services are provided due process while at the same time providing a safe and effective environment to all students enrolled at the principal's respective high school. A frustration level with the discipline mandates as set forth in IDEA 1997 is evident amongst many school officials. IDEA 1997 was characterized by the National School Boards Association as being "one of the most complex and widely criticized pieces of legislation, with piles of paperwork and legal mazes for teachers and administrators as well as chronic battles over inadequate funding" (Cook, 2005, p. 8).

While being criticized by some school officials, advocates for special education students praise the benefits of these discipline mandates for special education students. Many parents and students argue that this law is helpful to school administrators due to the fact it provides guidelines to protect the rights of disabled students who are under the direct supervision of the administrator (Jensen, 1996). Parents of disabled children rejoiced in the fact that the stated goal of IDEA 1997 was to shift the focus from punishment to positive behavioral changes (Zurkowski, Kelly, & Griswold, 1998).

Restatement of Study Procedures

In order to study the knowledge level of principals regarding the IDEA discipline mandates it was determined a survey would be the best method to conduct this study.

Names and school addresses of each high school principal were attained from the Alabama State Department of Education. Three hundred ninety-seven surveys were mailed on August 22, 2005, accompanied by a letter asking the principal to consider completing and returning the survey. One hundred forty-seven surveys were returned by September 22, 2005. A letter reminding those who had not returned the survey to please do so was mailed out on September 30, 2005. A total of 166 surveys were returned by the conclusion of the study. The percentage of surveys returned for this study was 42 percent.

The data from each survey were entered into the SPSS computer program. In order to determine if a correlation existed between the independent and dependent variables in this study, a regression analysis was conducted. "Regression analysis is used to explain and make predictions about a dependent variable using information provided by an independent variable or a set of independent variables." (Shannon & Davenport, 2001, p. 287)

Interpretations and Conclusions

The mean years of experience for the 166 participants was 24.46 (SD = 8.93; Range = 8-42). Of the 166 participants returning surveys, 66 had attained a Masters degree (39.6%), 84 had attained an Educational Specialist degree (50.6%), and 15 had attained a Doctorate degree (9%). One participant did not provide the degree that he or she had attained (.6%)

The mean average daily membership for the high schools led by the 166 participants was 732.73 (SD = 431.95 ; Range = 8-2,416). The mean population of

special education students at each high school was 107.54 (S.D. = 80.46, Range = 3-524). The mean percentage of special education students at each high school was 17.14 (SD = 16.03 ; Range = .9-100). The largest number of participants identified the schools they lead as being in rural areas (n = 98; 59%). The second largest number of participants identified the schools they lead as being in suburban areas (n = 41; 24.7%). The smallest number of participants identified the schools they lead as being in urban areas (n = 18; 10.8%). Of the 166 participants returning a survey 9 did not indicate the regional setting of the school they lead (5.5%).

Six research questions were analyzed in this study. This section includes the findings from the data analysis for each question.

Research Question 1: Is there a statistically significant difference in the knowledge level of the IDEA discipline mandates for principals with more or less years of experience?

No statistically significant relationship was detected in knowledge level of the IDEA discipline mandates when comparing years of experience to the composite score of the questionnaire ($r = .029$, $p = .719$, *ns*).

Research Question 2: Does region (urban, rural, or suburban) indicate a statistically significant difference in the knowledge level of the IDEA discipline mandates for Alabama high school principals?

No statistically statistically significant relationship was detected in knowledge level of the IDEA discipline mandates when comparing regional location to the composite score of the questionnaire ($r = .047$, $p = .572$, *ns*).

Research Question 3: Does a statistically significant difference exist in the knowledge level of the IDEA discipline mandates amongst high school principals depending upon average daily membership?

No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing average daily membership to the composite score of the questionnaire ($r = .029$, $p = .719$, *ns*).

Research Question 4: Is there a statistically significant difference evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the level of academic degree (Masters, Educational Specialist\AA, or Doctorate) that has been attained?

No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing degree attained to the composite score of the questionnaire ($r = .103$, $p = .200$, *ns*).

Research Question 5: Is there a statistically significant difference evident in the knowledge level of the IDEA discipline mandates amongst Alabama high school principals when comparing the percentage of special education students enrolled at the principals' respective high school?

No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing percentage of special education students to the composite score of the questionnaire ($r = -.053$, $p = .505$, *ns*).

Research Question 6: Is there a statistically significant relationship evident in the knowledge of the IDEA discipline mandates amongst Alabama high school principals when comparing the amount of professional development that has been experienced?

A minor correlation, however statistically significant, was detected in the knowledge level of the IDEA discipline mandates when comparing the amount of professional development experienced to the composite score of the questionnaire ($r = -.158$, $p = .047 < .05$). Due to professional development being statistically significant, the eleven specific types of professional development were examined in relationship to knowledge level of the IDEA discipline mandates. Of the 11 types of professional development District Staff Development in Special Education Process indicated a minor correlation with knowledge level of the IDEA discipline mandates ($r = .198$, $p = .012 < .05$).

Discussion of Conclusions

1. No statistically significant relationship was detected in knowledge level of the IDEA discipline mandates when comparing years of experience to the composite score of the questionnaire. This suggests school administrators with greater years of experience are no more knowledgeable of the IDEA discipline mandates than their colleagues with fewer years of experience. In addition, school administrators with fewer years of experience who may have been exposed to a greater amount of classes in graduate school which detailed the IDEA discipline mandates do not demonstrate greater knowledge than their colleagues with a greater amount of experience in public education.

2. No statistically significant relationship was detected in knowledge level of the IDEA discipline mandates when comparing regional location to the composite score of the questionnaire. This suggests school administrators in urban and suburban areas where seemingly able to access greater amounts of professional development opportunities due to regional location do not demonstrate a greater knowledge of the IDEA discipline mandates.

3. No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing average daily membership to the composite score of the questionnaire. This suggests high school principals who lead the largest schools in Alabama are not more or less knowledgeable of the IDEA discipline mandates than those principals leading the smallest schools in Alabama. It seems that larger schools would have access to greater amounts of professional development since these schools are not usually located in rural areas. Schools with large average daily memberships are also likely to have a greater number of students identified with disabilities making knowledge of the IDEA discipline mandates a necessity for the high school principals leading these schools.

4. No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing degree attained to the composite score of the questionnaire. This suggests high school principals with greater educational levels do not demonstrate any greater knowledge level than those high school principals who have attained a Master's degree. High school principals are often hired based on credentials including the highest degree the candidate had received. An assumption that

advanced degrees indicate a greater knowledge level of the IDEA discipline mandates is contradicted by the findings of this research.

5. No statistically significant relationship was detected in the knowledge level of the IDEA discipline mandates when comparing percentage of special education students to the composite score of the questionnaire. This suggests high school principals with large numbers of special education students are no more knowledgeable of the IDEA discipline mandates than high school principals leading schools with a small percentage of special education students. It seems that schools with large numbers of special education students should be led by individuals knowledgeable of the IDEA discipline mandates.

6. A minor relationship, however statistically significant, was detected in the knowledge level of the IDEA discipline mandates when comparing the amount of professional development experienced in relationship with the composite score of the questionnaire. Due to such a minor relationship existing, caution should be exercised in utilizing professional development as a sole means to improve knowledge level of the IDEA discipline mandates.

7. Of the eleven types of professional development, District Staff Development in Special Education Process had a minor relationship with knowledge level of the IDEA discipline mandates. Due to such a minor relationship, caution should be exercised prior to utilizing district staff development as a sole means to increase knowledge level of the IDEA discipline mandates based on the findings of this study.

8. Based on scored questionnaires received from participants, a composite score was assigned. Each participant achieved a composite score between zero and thirty. The composite scores attained by participants returning a survey revealed the potential for violations of procedures outlined in the IDEA discipline mandates. Based on the scores provided by participants in this study, many high school principals in the state of Alabama subject themselves, or the school system employing them, to litigation filed on behalf of students whose rights guaranteed under IDEA have been violated. In addition, by denying rights guaranteed to special education students under IDEA school principals may limit the opportunity for a student with a disability to succeed in public school.

Additional Findings

Many school principals indicated through responses on the survey that they were unaware of several policies that could lead school systems into potential litigation. For example, school principals were often unaware that regular education students under certain circumstances could claim protections under IDEA. Additional areas of difficulty included understanding the stay-put provision of IDEA and applying separate discipline procedures for special education students. When reviewing the questions most frequently answered incorrectly it was determined that students with disabilities could be denied due process.

When reviewing scenarios provided in section three of the survey, it was determined that scenarios two and four were most frequently answered incorrectly. The

smallest number of participants (4.2%) answered scenario number two correctly by placing a student in an alternative setting in response to hearing of a weapon in the student's locker. This response indicates high school principals' utilization of law enforcement when dealing with drugs or weapons. The second largest number of participants (15.1%) stated they would expel the student bringing a weapon to school while 71.7% stated they would call law enforcement and convene an IEP meeting. While IDEA does not deny school principals access to law enforcement it does not mandate this action in its procedures. Additionally, while calling police and convening an IEP meeting, the student that possibly brought a gun to school is still in a school classroom.

Comments provided by high school principals appeared to be candid. Fifty-two high school principals (31.3%) provided comments in the section requesting challenges the principal had experienced associated with the IDEA discipline mandates. Forty-seven high school principals (28.3%) provided general comments about the IDEA discipline mandates. Of the 47 high school principals providing comments, 41 (87.2%) were of a negative tone, while 6 (12.8%) were of a positive tone. The high percentage of negative comments suggests that many high school principals experience frustration when implementing the IDEA discipline mandates for students with disabilities who violate a school's code of conduct.

Recommendations

To improve Alabama high school principals' knowledge level of the IDEA discipline mandates, the following recommendations are made.

1. Principals providing comments indicated that they would most prefer professional development in three categories. These categories included legal issues (33%); alternative models of discipline (21.2%); and writing of functional behavior assessments, behavior management plans, and individualized education plans (15.2%). Policy makers should focus on these categories because principals who are implementing IDEA on a daily basis have identified these as the most vital areas needed for their professional development.

2. Professional development and knowledge level of IDEA indicate a minor, while statistically significant correlation. In addition district staff development in special education process indicated a minor correlation with the principals' knowledge level of the IDEA discipline mandates. With this in mind, local educational agencies should investigate the impact of additional training in order to increase the Alabama high school principals' knowledge level of the IDEA discipline mandates. Principals may be more likely to attend district staff development funded by a local education agency, which would allow them to be in close proximity to the school they are responsible for leading.

3. Universities should offer classes that focus exclusively on the IDEA discipline mandates. These classes should focus not only on the IDEA but also provide information regarding positive behavioral supports, conducting behavior intervention plans, and writing behavior intervention plans.

Areas for Further Research

1. This study could be replicated to measure Alabama middle school principals' or elementary school principals' knowledge level of the IDEA discipline mandates. Special education coordinators could also complete the survey used in this study in order to assess their knowledge of the IDEA discipline mandates.
2. A comparative study measuring Alabama high school principals' knowledge level in comparison to the knowledge level of special education teachers or special education coordinators could be conducted.
3. A qualitative study measuring the Alabama high school principals' perceptions of the IDEA discipline mandates could be conducted. Interviews with principals regarding their perceptions of IDEA would be useful in describing ethical dilemmas that may be experienced by high school principals to policy makers responsible for future reauthorizations of IDEA.
4. Research conducted on the impact of special education litigation would produce data indicating if the IDEA discipline mandates are creating an economic burden for a local education agency.
5. Research might be conducted to determine if educational leadership programs offer classes providing appropriate training in the IDEA discipline mandates for school leaders.
6. A study could be conducted measuring the overall knowledge level of the IDEA discipline mandates for each state's high school principals. The highest scoring

states could then be compared to determine practices that are being utilized to increase principals' knowledge level of the IDEA discipline mandates.

7. A study could be conducted which exclusively measured the impact of professional development on the high school principal's knowledge level of the IDEA discipline mandates. Additionally, the various types of professional development activities could be evaluated to verify those activities that are the most influential on the principal's knowledge level of the IDEA discipline mandates.

Summary

Chapter 5 concludes this study which measured Alabama high school principals' knowledge level of the IDEA discipline mandates. Those responsible for educational policies in the State of Alabama should consider the benefits of providing additional professional development to high school principals in order to avoid litigation filed on behalf of parents of children who have been denied due process under IDEA. In addition, the rights of children identified with a disability would more likely be protected, allowing students identified with a disability the opportunity to succeed in an educational setting and potentially lead a more fulfilling life after their experience in public school.

Federal policy makers responsible for future reauthorizations of IDEA would benefit from listening to the challenges described by many of the principals responding to this study. A difficult balance is maintained when assuring students with disabilities who cause serious disruptions or display dangerous behavior do not interfere with the rights of

the remainder of the student body in receiving an appropriate education in a safe and disciplined environment. The comments listed in this study illustrate these challenges. High school principals should seek opportunities to become more knowledgeable of IDEA while at the same time communicating the challenges they experience in implementing these regulations to policy makers.

This study indicates a need for high school principals, regardless of their regional location, degree attained, years of experience, or the size of high school they lead, to receive additional training in complying with the IDEA discipline mandates. IDEA is a complex law affecting a percentage of students in every high school in the state of Alabama. Based on scores provided by participants completing this survey, potential violations of IDEA could occur within Alabama high schools therefore denying a student identified with a disability due process. This lack of knowledge indicates the potential for principals to subject themselves or their school system to potential litigation while also violating the rights of a student identified with a disability.

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APPENDICES

APPENDIX A
RESEARCH PROTOCOL REVIEW FORM

Auburn University

Auburn University, Alabama 36849



Office of Human Subjects Research
307 Samford Hall

Telephone: 334-844-5966
Fax: 334-844-4391
hsubjec@auburn.edu

July 27, 2005

MEMORANDUM TO: William Aaron Milner
Educational Foundations, leadership and Technology

PROTOCOL TITLE: "Alabama High School Principals' Knowledge Level of the IDEA Disciplines Mandates"

IRB FILE: #05-139 EP 0507

APPROVAL DATE: July 18, 2005
EXPIRATION DATE: July 17, 2006

The above referenced protocol was approved by IRB Expedited procedure under Expedited Category #7 on July 18, 2005. You should report to the IRB any proposed changes in the protocol or procedures and any unanticipated problems involving risk to subjects or others. Please reference the above authorization number in any future correspondence regarding this project.

If you will be unable to file a Final Report on your project before July 17, 2006, you must submit a request for an extension of approval to the IRB no later than July 5, 2006. If your IRB authorization expires and/or you have not received written notice that a request for an extension has been approved prior to July 17, 2006, you must suspend the project immediately and contact the Office of Human Subjects Research for assistance.

A Final Report will be required to close your IRB project file. You are reminded that consent forms must be retained at least three years after completion of your study.

If you have any questions concerning this Board action, please contact the Office of Human Subjects Research at 844-5966.

Sincerely,

Peter W. Grandjean, Chair
Institutional Review Board for the Use of Human
Subjects in Research

cc: William Spencer
Cynthia Reed

APPENDIX B
SURVEY INSTRUMENT

IDEA Survey

This survey assesses Alabama high school principals' knowledge of the Individuals with Disabilities Education Act discipline mandates. To complete this survey, read each statement on the rating scale and circle the number that reflects your knowledge about each statement. The numbers on the scale represent the following: 1 = True, 2 = False and 3 = No Knowledge. Please be certain to answer each question. Your responses should be based on your knowledge of the Individuals with Disabilities Education Act discipline mandates. Following the final statement, some demographic data, scenarios, professional development information, and general response questions are requested. Please complete the entire survey.

Please do not write your name on this document. This survey is to remain anonymous.

Scale	
1	True
2	False
3	No Knowledge

Statement	Scale		
1. The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities be treated differently when disciplinary procedures are involved.	1	2	3
2. There are procedural due process safeguards (notice to parents, student rights, right to a hearing, so forth) a school division must adhere to when suspending a student with a disability.	1	2	3
3. Students with disabilities can be sanctioned for misconduct when the misconduct violates a division's code of conduct.	1	2	3
4. The IDEA discipline mandates limit the number of school days a student with a disability may be suspended during the course of the school year.	1	2	3
5. Certain types of misbehavior trigger the requirement to consider the development of a behavior intervention plan.	1	2	3
6. When a state's constitution guarantees students a free appropriate public education, it can deny all educational services to students with disabilities expelled for weapons possession.	1	2	3
7. An individual behavior plan is the same as an individual discipline plan.	1	2	3
8. The IDEA discipline mandates state that school divisions can use only positive behavioral interventions to address noncompliant behavior of students with disabilities.	1	2	3
9. Every student receiving special education services must have a behavior intervention plan.	1	2	3
10. When a student with a disability is suspended for less than 10 days educational services must be provided.	1	2	3
11. Regular education students have rights similar to students with disabilities.	1	2	3
12. The principal or designee officially determines whether a student's behavior is a manifestation of his/her disability	1	2	3
13. When a parent files for due process involving suspension/expulsion, the student with a disability remains in school until resolution is reached.	1	2	3
14. Parents must be notified when a manifestation determination review will be conducted.	1	2	3
15. Under certain circumstances, a regular education student can claim protection under IDEA to avert disciplinary consequences.	1	2	3

16. Students with disabilities can always be placed in an alternative setting for misbehavior.	1	2	3
17. Law enforcement can be called when a student with a disability violates the law.	1	2	3
18. Regular education administrators can be sued for IDEA procedural noncompliance.	1	2	3

19. There is a separate discipline procedure for students with disabilities.	1	2	3
20. There is a difference between Section 504 and IDEA.	1	2	3
21. Regular education teachers are responsible for behavioral modifications in their classroom for students with disabilities.	1	2	3
22. There is not a difference between a regular due process hearing and an impartial due process hearing.	1	2	3
23. School officials have the responsibility to educate parents of students with disabilities of their rights under IDEA.	1	2	3
24. Regular education teachers and administrators are an integral part of the IEP team.	1	2	3
25. Administrators are involved in manifestation determination reviews.	1	2	3

1	True
2	False
3	No Knowledge

IDEA Survey Part II: Demographics

Please provide the following information about yourself by checking one response in each section.

Highest Level of Education

- Masters
 Education Specialist/AA
 Doctorate

Total years in Education_____

Size of High School

- 0-500
 500-1000
 1000-1500
 1500 or higher

Type of high school

- Urban
 Rural
 Suburban

Part III: Scenarios

Please indicate the choice that most closely resembles what your first course of action would be in the given situation by checking one response in each section.

- A. A student with a disability has violated your school division's code of conduct by being involved in a fight at the school's football game. The student has already been suspended for a total of 9 days this school year.
1. Suspend the student immediately for the recommended number of days according to the student handbook policy for fighting.
2. Call the student's parents and request a conference.
3. Notify the parent of a manifestation determination review.

- B. A student with a disability has brought a loaded weapon to school and has stored it in his/her locker.
- 1. Invoke your school division's zero tolerance policy and immediately expel the student.
 - 2. Call law enforcement and convene an IEP meeting.
 - 3. Transfer this student to an alternative setting.
- C. A teacher has observed a student with a disability smoking outside the cafeteria at lunchtime. This student has no suspensions this school year and has no records of prior violations for your school division's policy on tobacco. For a first offense a two day suspension is mandated.
- 1. Suspend the student for two days.
 - 2. Notify the parent of a manifestation determination review.
 - 3. Tell the teacher you will handle the matter and call the parent.
- D. A regular education student is in possession of prescription drugs while attending an out of town school related function. When you question the student, he/she responds disrespectfully using profanity. You call the parents and inform them that the student will be immediately suspended for 15 days. On Monday morning, the parents arrive at the school and immediately refer their child to the office of special education for a full evaluation.
- 1. Enforce suspension policy and accept the referral to special education.
 - 2. Refuse the referral to special education, suspend the student and tell the parents to call the special education department.
 - 3. Suspend the student for ten days, accept referral to special education, and call for a manifestation determination review.
- E. A new student to your district is on interim special education placement from an out of state school district. His IEP indicates that if he is verbally aggressive and disrespectful, he cannot be suspended but will serve detention instead. Your school district's consequence for this type of behavior is 3 days of out of school suspension.
- 1. Suspend the student and notify the parents.
 - 2. Assign detention and call for an IEP meeting.
 - 3. Place the student in in-school suspension.

Please place a check mark next to the professional development items listed below in which you have participated in training regarding students with disabilities. Also, please add any other opportunities or professional development that you believe has increased your knowledge of implementing discipline for students with disabilities in the additional space provided

1. College level course in Exceptional Children	
2. District staff development in special education process	
3. Workshop or training in alternatives to suspension and expulsion	
4. Professional conferences related to IDEA	
5. Workshop or training in behavioral management	
6. Professional conferences related to IDEA 97 and 2004	
7. Training in legal issues in education	
8. IDEA training sponsored by the Alabama State Department of Education	

9. Training in the implementation of Functional Behavior Assessment, Behavioral Intervention Plans, and Positive Behavioral Supports.	
10. Regional in-service training	
11. Conference conducted by CLAS regarding IDEA 97 or 2004	
12. Others:	

Please list any challenges regarding implementation of the IDEA discipline mandates that you have experienced.

Please list any general comments about the IDEA discipline mandates you have experienced.

Please list any areas/topics related to the IDEA discipline mandates for which you would like additional professional development.

Thank you for completing this survey. I look forward to sharing the results of this survey with policy makers at the state and federal level.

Sincerely,



Aaron Milner
400 Janice St.
Enterprise, AL 36330

APPENDIX C
COVER LETTER

ENTERPRISE HIGH SCHOOL

500 EAST WATTS STREET
ENTERPRISE, ALABAMA 36330
334/347-2640

August 22, 2005

Dear Principal,

As part of my requirements in attaining a doctoral degree from Auburn University I am conducting research that measures the knowledge level of Alabama high school principals regarding the discipline procedures for students with disabilities as mandated in the Individuals with Disabilities Education Act (IDEA).

The reason that I am conducting this research is that the results will be vital in determining if high school principals are knowledgeable of the IDEA discipline mandates. This research will allow policy makers to be more aware of the challenges associated with implementing IDEA effectively. These aggregates will also be shared with the Alabama State Department of Education and other appropriate groups to determine if additional professional development is needed in this area.

As a school administrator myself, I understand that you are busy with many other more pressing tasks on a daily basis. If you would consider participating in this study I would appreciate your filling out the enclosed survey titled IDEA Survey. I have sent a survey to every high school principal throughout the state of Alabama.

If you are interested in participating in this vital research please return your survey in the envelope that has been provided. I strongly encourage you to participate in this research and can assure you that the results of this study will be shared with policy makers who are responsible for overseeing the implementation of IDEA. There will be no risk(s) or discomfort by participating in this study.

Thank you in advance for helping me by participating in this very important study.

Sincerely,



Aaron Milner
Assistant Principal

APPENDIX D
INFORMATION SHEET

Auburn University

Auburn University, Alabama 36849-5221

Educational Foundations,
Leadership, and Technology
4036 Haley Center

Telephone: (334) 844-4460
FAX: (334) 844-3072

INFORMATION SHEET for Research Study Entitled

Alabama High School Principals' Knowledge of the Individuals with Disabilities Education Act Discipline Mandates

You are invited to participate in a research study that will assess Alabama's high school principals' knowledge level of the IDEA discipline mandates. This study is being conducted by Aaron Milner under the supervision of Dr. Cynthia J. Reed of Auburn University. I hope to learn if the knowledge level of the IDEA discipline mandates differs for Alabama high school principals when observing regional setting, years of experience, level of degree attained, and the size of the high school the principal serves in. You were selected as a possible participant because you were identified by the Alabama State Department of Education as serving as the principal of a high school.

If you decide to participate, I would ask that you complete the enclosed survey which will take approximately 15-20 minutes to complete. You will not be asked to assist in any other way once the survey has been returned.

No reasonable risks or discomforts are associated with participation in this study. All data provided in this survey will be recorded anonymously.

Potential benefits from the results of this study will be that the Alabama State Department of Education and local school boards may identify a need for additional professional development regarding the IDEA discipline mandates. I cannot promise you that you will receive any or all of the benefits described.

Any information obtained in connection with this study will remain anonymous. Information collected through your participation may be used to fulfill an educational requirement, be published in a professional journal, and/or presented at a professional meeting. As a participant providing anonymous information you will be unable to withdraw the data you have provided after participation, since there will be no way to identify your individual information.

Your decision whether or not to participate will not jeopardize your future relations with Auburn University or the department of Educational Foundations Leadership and Technology.

HUMAN SUBJECTS
OFFICE OF RESEARCH
PROJECT # 05-139 EP 0507
APPROVED 7/18/05 TO 7/17/06

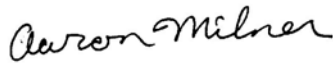
Page 1 of 2

A LAND-GRANT UNIVERSITY

If you have any questions I invite you to ask them by calling or emailing Aaron Milner at 1-334-347-5177, amilner@ehs.enterpriseschools.net. You may also contact Dr. Cynthia J. Reed at 1-334-844-4488, reedcyn@auburn.edu.

For more information regarding your rights as a research participant you may contact the Auburn University Office of Human Subjects Research or the Institutional Review Board by phone (334)-844-5966 or e-mail at hsubjec@auburn.edu or IRBChair@auburn.edu.

HAVING READ THE INFORMATION PROVIDED, YOU MUST DECIDE WHETHER TO PARTICIPATE IN THIS RESEARCH PROJECT. IF YOU DECIDE TO PARTICIPATE, THE DATA YOU PROVIDE WILL SERVE AS YOUR AGREEMENT TO DO SO. THIS LETTER IS YOURS TO KEEP.



Investigator's signature

Date

HUMAN SUBJECTS
OFFICE OF RESEARCH
PROJECT #05-139 EP 0507
APPROVED 7/18/05 TO 7/17/06

Page 2 of 2

APPENDIX E

PERMISSION TO USE SURVEY FROM DR. CAROL NAIL

Aaron Milner

From: Carol Nail [Carol.Nail@cobbk12.org]
Sent: Tuesday, March 22, 2005 11:05 AM
To: amilner@ehs.enterpriseschools.net
Subject: [Spam] perm



Perm.doc (19 KB)

Let me know if this meets your needs.

Carol Nail
Special Education Department
Cobb County Public Schools
770-426-3328

To: Mr. Aaron Milner
From: Carol Nail, Ed.D.
Re: Permission
Date: March 22, 2005

You have my permission to utilize the survey that I developed for my dissertation. You may alter the survey as needed for your study. If I can be of further assistance, please contact me.

APPENDIX F

PERMISSION TO USE SURVEY FROM DR. BAMBI THOMPSON



T. C. WALKER ELEMENTARY SCHOOL

6099 T. C. Walker Road
Gloucester, Virginia 23061

Bambi Thompson
Principal

Telephone
(804) 693-5445

December 14, 2004

Dear Aaron:

I was extremely pleased to receive your call regarding the use of the survey contained in my dissertation entitled *Virginia School Administrators' and Teachers' Level of Knowledge of the Discipline Procedure in the 1997 Amendments to the Individuals with Disabilities Act (IDEA)*. By way of this letter, I grant you permission to use and make changes to the survey as needed for your study. I wish you the best of luck and if I can be of assistance to you during the process, please do not hesitate to call me.

Sincerely,

Bambi Thompson

Bambi Thompson, Ed.D.
815 Skipjack Lane
Cobbs Creek, VA 23035
804-725-3129 - work
804-693-5445 - home
804-693-6295 - fax

APPENDIX G

LETTER AUTHORIZING SURVEY FROM DR. MABRY WHETSTONE



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Joseph B. Morton
State Superintendent
of Education

Alabama
State Board
of Education

June 15, 2005

Governor Bob Riley
President

Mr. Aaron Milner
400 Janice Street
Enterprise, Alabama 36330

Randy McKinley
District I

Dear Mr. Milner:

Betty Peters
District II

The Alabama Department of Education is aware of the study that you are conducting concerning Alabama high school principals' knowledge level of the *Individuals with Disabilities Education Act* discipline mandates. We understand that all the data collected by the survey will remain completely anonymous and that there is no threat to the participating principals.

Stephanie W. Bell
District III

Sincerely,

Dr. Ethel H. Hall
District IV
Vice President
Emerita

Ella B. Bell
District V

Mabrey Wheelstone, Ph.D.
Director
Special Education Services

David F. Byers, Jr.
District VI

MW/VL

Sandra Ruy
District VII
President Pro Tem
and Presiding Officer

Dr. Mary Jane Caylor
District VIII

Joseph B. Morton
Secretary and
Executive Officer

APPENDIX H
FOLLOW UP LETTER

ENTERPRISE HIGH SCHOOL
500 EAST WATTS STREET
ENTERPRISE, ALABAMA 36330
334/347-2640

October 3, 2005

Dear Principal:

About a month ago, I sent you a survey related to Alabama high school principals' knowledge level of the Individuals with Disabilities Education Act discipline mandates. If you have already returned the survey, I would like to offer my sincere gratitude. The results of this survey will help determine if additional training is needed in understanding and implementing the IDEA discipline mandates. The survey also includes an area in which high school principals can list challenges they have encountered due to IDEA.

I realize that this is a very busy time of year for a high school principal, and I am very appreciative of your efforts in completing and returning the survey. If you have lost the survey and would like another please email me at amilner@ehs.enterpriseschools.net. You can also reach me by phone at 1-334-347-2640 or 1-334-347-5177. Thank you again for participating in this important research.

Sincerely,



Aaron Milner
Assistant Principal
Enterprise High School