

**DISCIPLINE PROBLEMS RELATED TO IDEA 1997
FOR SPECIAL EDUCATION STUDENTS DURING 1999-2000**

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**Dissertation submitted to the faculty of Virginia Polytechnic Institute and State University
In partial fulfillment of the requirements for the degree of**

DOCTOR OF EDUCATION

in

Educational Leadership and Policy Studies

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Blacksburg, Virginia

November 12, 2002

Key Words: Individuals with Disabilities Education Act 1997 (IDEA 1997), Behavioral Intervention Plans, Strategies and Supports, Discipline Problems, Students with Disabilities, Special Education Students, Individualized Education Program (IEP).

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ABSTRACT

The two research questions that guided this qualitative, descriptive case study were:

1. What staff development and training occurred since IDEA 1997 and what would be recommended in the future in a selected Virginia school district regarding the discipline problems of students with disabilities.
2. How had one Virginia school district responded, implemented and resolved disciplinary problems (including barriers) as related to IDEA 1997 for specific students with disabilities who were in need of disciplinary measures during the 1999-2000 school year?

The seven selected students with disabilities were chosen based on their disciplinary actions as related to five interview guide questions that focused on some new IDEA 1997 disciplinary regulations. Sources came from a review of formal and informal records, interviews, observations, and follow-up based on data analysis.

These questions dealt with the disciplinary issues involving:

1. Multiple short-term removals.
2. Change of placements.
3. Interim alternative settings.
4. Removal for more than ten days.
5. Disciplinary change of placement.
6. Discipline whereas a functional assessment and behavioral implementation plans,

strategies and supports were reviewed for students with disabilities in need of disciplinary action.

Themes, patterns and recommendations were given at the school district and at the state level. Recommendations for further study were made. Within this school district, three surfaced themes as part of lessons learned were noted. These themes were a) the revolving door of homebound placement, b) monitor and compliance issues, and c) documentation concerns for students with disabilities as mandated by IDEA 1997.

Ten patterns were noted as related to the seven students with disabilities due to their disciplinary actions. All seven students with disabilities had a long history of special education placements, attendance problems and were recommended for counseling. Six of these student's parents were minimally involved with their child's progress. Six of these students were drug involved. Positive interventions, strategies and supports were utilized for five of these students when receiving disciplinary consequences. Five of these students with disabilities had other difficult family issues. Four of these students with disabilities were court involved while one student was involved with the community services board. Three students had work experiences and three students had low to average intelligence. Other noteworthy considerations involving climate and culture, money and safety were discussed.

DEDICATION

This is dedicated to the ones I love.

To James Foote Shumate, III, my husband of twenty-five years, who died in 1998 and taught me to “Keep My Head to the Sky” (Earth, Wind and Fire).

To my two sons: Joshua James Shumate and Andrew Kenyon Shumate who endured the middle and high school years while I was pursuing this doctorate, even with all of life’s obstacles. They gave me strength and encouraged me to stay the course.

To my family and dearest friends who never lost faith that I would finish this and were there when I needed them the most.

ACKNOWLEDGEMENTS

I would like to acknowledge the following persons who supported me:

Nancy Van Buren, from the Education Department, who was the “thread that binds” throughout my entire educational process with continual encouragement;

Dr. Stephen Parson, who stood by me through all the stages of this endeavor;

Dr. Cecelia Krill, who always gave words of proactive and positive support;

Dr. Jerry Cline, whose knowledge of research strategies kept me focused;

Dr. James Esposito, who with the utmost respect, I could count on to be there;

Dr. Patricia Abrams, who helped to fine-tune the special education issues;

Dr. Julie Underwood, who gave me reflection and tools to have closure;

and for those professionals who gave their personal expertise when needed.

TABLE OF CONTENTS

	Pages
Abstract	ii
Dedication	iv
Acknowledgements.....	v
 Chapter I Background	 1
Statement of the Problem	2
Background of the Problem	2
Purpose of the Study.....	7
Some Key Changes	7
Research Questions	10
Need For the Study.....	10
Researcher as a Consultant	13
Definitions	14
Limitations of the Study	17
Organization of the Study	18
 Chapter II Review of the Literature.....	 19
Related Literature.....	20
Summary.....	28
Summary of Recommendations for Interventions, Strategies and Supports	29
Amendments to IDEA 1997	32
 Chapter III Research Design and Methodology	 36
The Research Design.....	36
The Sample Selection.....	38
Demographics	42
The Interview Guide Questions	45
The Pilot Interview.....	47
Data Collection	49
Data Analysis	52
The Instrument	55
Selection of Participants	57
Other External Factors.....	58
The School Superintendent	58
School Grade Level Changes	58
Validity	58
Confidentiality	59
Human Subjects	61
Summary.....	61

Chapter IV Data and Analysis Based on Staff Training and Development and the Five	
Interview Guide Questions	63
Staff Development and Training.....	63
Staff Development and Training Questions	63
The Supervisor of Staff Development and Health Services as Trainer	63
The Director of Special Education and Related Services as a Trainer	65
Analysis of Training and Projections	67
The Researcher as a Consistent Presence	68
Description of Interviewees	69
Chart Description of Interviewees	70
The Selection Process of the Students.....	73
From Twenty-Six to Seventeen Students.....	73
Chart Description of the Final Seven Students	74
Specific Cases	78
Interview Guide One as Related to Kellen and Rudy	78
Kellen’s Overall Summary and Analysis	79
Data Gathering for Kellen Who Chose Suspensions	81
Summary of review of records	81
Summary and analysis of discipline records.....	82
Summary of observation in art class.....	84
Interview with the social worker	84
Interview with the school psychologist	85
Interview Guide One as Related to Rudy.....	87
Rudy’s Overall Summary and Analysis	87
Data Gathering for Rudy the Roamer	88
Summary of review of records	88
Observation in a special education class.....	89
Interview with the dropout prevention coordinator, C-7	90
Interview with a school board member.....	91
Interview with the CRO	92
Interview with teacher, O-4.....	93
Interview with an AP, O-14	95
Interview Guide Two as Related to Kerry	96
Kerry’s Overall Summary and Analysis.....	96
Data Gathering for Kerry Who Threatened With a Gun	99
Summary of review of records	99
Summary of an interview with a teacher, O-9	100
Interview with the CRO.....	100
Interview with a teacher, O-4.....	101
Interview with the counselor, O-11, and teacher, O-12.....	102
Interview with the dropout prevention coordinator, C-7	102
Interview Guide Three as Related to Andy and Maria	103
Andy’s Overall Summary and Analysis.....	104
Data Gathering for Andy Who Had Two Weapons Violations	104
Summary and analysis of discipline records	105
Interview with social worker, M-3.....	106

Interview with the dropout prevention coordinator, C-7.....	107
Interview with a school board member	107
Interview Guide Three as Related to Maria	108
Maria’s Overall Summary and Analysis	108
Data Gathering for Maria Who Was Not Expelled.....	110
Summary of review of records	110
Interview with teacher, O-6.....	112
Interview with the substance abuse program coordinator.....	112
Interview with teacher, O-7.....	113
Interview with the CRO	113
Interview with the counselor, O-13	114
Interview with AP, O-14.....	117
Interview Guide Four as Related to Josh	117
Josh’s Overall Summary and Analysis.....	117
Data Gathering for Josh Who Did Not Graduate	119
Summary of review of records	119
Interview with teacher, O-9.....	121
Interview with the substance abuse program coordinator.....	122
Interview with teacher, O-6.....	122
Interview with the CRO	124
Interview with teacher, O-4.....	125
Interview with a counselor, O-13	125
Interview with an AP, O-14	126
Interview Guide Five as Related to Ken	127
Ken’s Overall Summary and Analysis	127
Data Gathering for Ken Who Was Drug Involved	128
Summary of review of records	128
Ken’s disciplinary referrals	131
Summary of the homebound teacher’s journal notes	131
Ken’s summary of an IEP observation	133
Interview with teacher, O-6.....	134
Interview with teacher, O-7.....	135
Interview with the CRO	136
Interview with teacher, O-4.....	137
Interview with a counselor, O-13	139
Interview with an AP, O-14	141
Other Concerns by Central Administrative Staff.....	142
A School Board Member	142
The Director of Special Education and Related Services, C3ab	145
Summary.....	156

Chapter V Lessons Learned and Recommendations	158
Surfaced Themes as Part of Lessons Learned	158
Recommendations at the School and State Level and for Further Study	158
The Revolving Door of Homebound Placement	158
The continued pattern of homebound services.....	158
Other positive programs.....	159
Evidence that Supports Homebound Recommendations	160
Criteria for Extended Year Access	162
School’s Role in CSB Cases	163
Monitor and Compliance Issues.....	163
Recommendations at the School District Level	163
Poor understanding of the IEP process	164
Counseling as a related service	164
Better forms of communication needed.....	164
Removal of a student	165
Good training, inadequate implementation.....	165
Monitoring records	166
The roster teacher’s role.....	167
Recommendations at the State Level.....	168
Positive interventions, strategies and supports.....	168
Transition time between legislation and implementation	168
State to monitor	169
Larger sampling of students recommended	170
Documentation and Concerns	171
Teacher to student ratio.....	171
Expulsion documentation needed.....	171
Follow-through with assigned staff	172
Diagnosing needed evaluations	173
Keeping secure and confidential records	173
Conflict between issues	174
Emerging Patterns as Part of Lessons Learned.....	174
Pattern# 1: History of Special Education Placements	175
Pattern # 2: Attendance Issues.....	175
Pattern # 3: Minimal Participation of Parents	176
Pattern # 4: Student’s Work Experiences	178
Pattern # 5: Positive Interventions, Strategies, and Supports.....	178
Pattern # 6: Court and CSB Involvement.....	180
Pattern # 7: Drug Involvement	181
Pattern # 8: Family Issues	184
Pattern # 9: Low to Average Intelligence	185
Pattern # 10: Counseling Recommended.....	186

Other Noteworthy Considerations.....	188
Climate and Culture	188
Safety and security of students	188
Location.....	188
Leniency based on grade level	189
Decision-making.....	189
Summary	190
References	192
Appendices	201
Appendix A: Basic Data and Interview Questions	202
Appendix B: Letter to Respondents	206
Appendix C: Informed Consent to Participants of Investigative Research	208
Appendix D: Contact Summary Form.....	212
Appendix E: Some Probes Asked During the Interviews	214
Appendix F: Audiotape Transcript Verification Form.....	217
Appendix G: Kellen’s Review of Records	219
Appendix H: Kellen’s Discipline File Notes	222
Appendix I: An Observation in Kellen’s Art Class	231
Appendix J: Rudy’s Review of Records	235
Appendix K: Kerry’s Review of Records.....	240
Appendix L: Interview with Kerry’s Teacher, O-9.....	250
Appendix M: Andy’s Review of Discipline Records.....	254
Appendix N: Maria’s Review of Records	258
Appendix O: Josh’s Review of Records.....	262
Appendix P: Ken’s Review of Records.....	273
Appendix Q: Ken’s Homebound Teacher’s Journal Notes	284
Appendix R: Ken’s IEP Observation	291
Vita.....	296

CHAPTER I

BACKGROUND

“The Amendments to the Individuals with Disabilities Education Act (IDEA) 1997, required that schools conduct a functional assessment and behavioral intervention in the context of disciplining students with disabilities, effective immediately” (LaPointe, 1997, p. 2), as mandated at the federal level. The Virginia Department of Education, in its addendum to “Parental Rights in Special Education” (1997), reiterated this legal requirement under IDEA 1997 that either before or no later than 10 days after a student’s suspension or change of placement to an interim alternative setting, a behavioral intervention plan must be implemented.

Based on the Amendments of the Individuals with Disabilities Act, P. L. No. 105-17, 111 Stat. (93)(G)(k), the local school division was required to:

Conduct a functional behavioral assessment and implement a behavioral intervention plan including strategies and supports for the child whose behavior resulted in a suspension. If the child already had a behavioral intervention plan, the Individualized Education Program (IEP) team would then review the behavioral plan and modify it to address the identified behavior as deemed appropriate. (U.S. Department of Education, Office of Special Education Programs, 1997)

Consequently, local school districts were looking for alternative behavioral interventions, strategies, and supports that would de-escalate behaviors resulting in suspensions or expulsions. As one example of a positive behavioral strategy that was employed, one Saturday detention program allowed students to stay in their regularly scheduled programs while also receiving a consequence for negative behavior(s) in another school district in the Commonwealth of Virginia. During this detention time, students with disabilities received tutorial assistance, which

was drawn from their regularly scheduled classes. Other strategies that were used included proactive individualized contracts with students that specifically listed the behavior that needed to be changed and a plan of action that promoted the positive change.

Furthermore, the Virginia Department of Education (2000a, Summer) asserted in a booklet entitled, *An Overview of Functional Behavioral Assessment and Behavioral Intervention Plans in Virginia's Schools*, that these behavioral intervention plans should include positive behavioral interventions, strategies and supports for special education students in need of these interventions in their Individualized Educational Program (IEP).

Statement of the Problem

The handling of discipline problems for students with disabilities changed with the advent of IDEA 1997. School districts had to provide behavioral intervention plans, strategies, and supports (including positive behavioral supports) for those students with disabilities that were in need of them.

The meaning and use of behavioral intervention plans and strategies varied according to the local school district's interpretation of "positive" behavioral intervention, plans, strategies and supports (The Virginia Institute for Developmental Disabilities Representative, 1999).

Background of the Problem

The disciplinary provisions for students with disabilities have been an issue for local school boards and administrators since the Individuals with Disabilities Education Act (IDEA) was enacted in 1975. Despite improvements to this law in 1997, "The law's disciplinary provisions are expected to again be a key topic of debate when Congress takes up the reauthorization of IDEA this year" (Stover, 2002, pp. 1, 8). Furthermore, legislation will address the dual disciplinary policy created by IDEA 1997 which will be a priority (National School

Board Association, 2002b). School districts are also looking for “increased flexibility to provide safer learning environments for all children” (National School Board Association, 2002a, p. 8).

During the 1999-2000 school year, schools in the Commonwealth of Virginia worked towards meeting the discipline requirements for students with disabilities, as well as developed, facilitated, and implemented training based on the new disciplinary provisions of IDEA 1997.

Additionally, based on the Comprehensive Services Act for At-Risk Youth and Families (CSA) (1993), funding was combined from the schools, courts, social services, and mental health services, which is under the jurisdiction of CSA. As a private provider representative on the Family Assessment and Planning Team (FAPT), which is a branch of the Community Planning and Management Team (CPMT), members discussed the increase of both mandated and non-mandated, at-risk children who were in need of services in their community, including those in special education (A County FAPT Team, 1999).

Branigin and Benning (2000) emphasized that some parents were choosing the option of giving up their child to Social Services in order for the child to receive services that the parents felt would benefit them. Additionally, based on the increased cost of CSA services within the past few years, the Commonwealth of Virginia requested that jurisdictions provide services within their own community and to manage funding based on ownership of the community’s particular needs at that time as much as possible.

The Commonwealth of Virginia responded with immediate technical assistance, training sessions, and interpretations (Department for Rights of Virginians with Disabilities, 1997). Meanwhile, the special education specialists from the Virginia Department of Education awaited guidance from the U.S. Department of Education as to the final federal regulations with their interpretations (Cox, Abrams, & Douglas, Personal Communication, June 1997). The U.S. Office

of Special Education Programs (OSEP) released its final regulations ((34) CFR Parts 300 & 304) on March 12, 1999 (U.S. Department of Education, 1999). Virginia regulations were then revised in accordance with the provisions of the Virginia Administrative Process Act. In other words, states were waiting for guidance from the federal government as set forth in IDEA 1997, even though these regulations were already mandated.

Correspondence from the U.S. Department of Education to the Virginia Department of Education in a memo from Heuman and Hehir in 1997 described the development of the Virginia Implementation Plan for IDEA 1997. Heuman and Hehir stated that the implementation plan reflected on the Virginia Department of Education's proposals for making regulatory and statutory changes, comprehensive training and technical assistance, both current and future compliance monitoring, and establishment of local school division eligibility for Part B funding.

The Virginia Department of Education's Implementation Plan for the amendments of IDEA 1997 identified work groups consisting of Virginia Department of Education staff and stakeholders that were already established or that would need to be formed (Cox, 1998). Depending on the issues involved in the requirements, it was envisioned that the work groups would revise regulations, policies, procedures, and other existing materials; develop additional material; and develop new training and technical assistance activities. The Virginia Department of Education Implementation Plan Activity Chart (Virginia Department of Education, 1998c).

It specifically stated in the discipline requirements that:

There would be established work group(s) to review and revise existing technical assistance material and to develop and disseminate new technical assistance materials that include areas such as, alternative educational placements, functional behavioral

assessment, behavior intervention plans, manifestation reviews, protections to children not yet determined eligible, and due process rights. (p. 18)

Within the behavioral intervention plan, the Virginia Department of Education recommended the use of positive behavioral supports in meeting the needs of students with disabilities (The Virginia Institute for Developmental Disabilities, 1999). Additionally, the subcommittee that dealt with the topic of functional behavioral assessment and behavioral intervention plans interjected the word “positive” in describing plans and strategies (Virginia Department of Education, 2000a).

The Parent Educational Advocacy Training Center also advocated for positive behavioral interventions. “The IDEA Amendments gives parents new ways to work with schools to identify behavioral problems and encourage more positive behavior” (Mauger, 1997, p. 2).

The discipline of special education students changed with the advent of IDEA 1997 (U.S. Department of Education, 1999, 34 CFR, Parts 300 & 303 (64), 48, 12413-12414). This legislation required that either before or not later than 10 days after taking disciplinary action described in subparagraph (A)(i), if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior; or (ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior under P. L. 105-17, 111 Stat. 94(A)(i) (Amendments to the Individuals with Disabilities Education Act, 1997).

When developing the Individualized Educational Program (IEP), the IEP team shall “in the case of a child whose behavior impedes his or her learning or that of others, consider, when

appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior” as given in P.L. No. 105-17, 111 Stat 86 (B) (i) (Amendments to the Individuals with Disabilities Education Act, 1997).

Simply put, school districts were obligated to provide behavioral intervention plans, strategies and supports (including positive behavioral supports) for those students with disabilities in need of one. Until IDEA 1997, this particular mandate had not been a part of the law. School districts had mixed perceptions as to what was meant by behavioral intervention plans, strategies, and supports that were often shared in meetings with FAPT (Family Assessment Planning Team) members or in Individualized Educational Program (IEP) meetings (Family Assessment Planning Team of a County, 1998).

Additionally, the Virginia Department of Education added the word “positive” in its interpretation to reinforce and describe the behavioral intervention plans for students with disabilities in need of such interventions.

Mauger (1997) gave interpretations concerning provisions about behavior and discipline. These provisions outline new requirements for behavioral assessments and open the door to provide positive behavioral interventions, supports and strategies for many more students with disabilities.

The Virginia Department of Education requested suggestions and comments from the various localities through technical assistance and designated open forums, and established committees to review information gathered. Training was ongoing and continued as a priority at the state level as expressed by a Virginia Department of Education official at a meeting (Walker-Bolton, Personal Communication, July 1997).

Data collected throughout the Commonwealth of Virginia concerning behavioral intervention plans, strategies, and supports which had been implemented since IDEA 1997 would continue to benefit the local school districts, according to Virginia Department of Education officials at a conference (Cox, Abrams, & Douglas, Personal Communication, June 1997).

Purpose of the Study

There were two purposes of this case study. The first purpose was to gather data as to what staff development and training were implemented in a single Virginia school district concerning disciplinary problems, and what future training would be recommended as related to IDEA 1997.

The second purpose for this case study was to describe how this same school district responded, implemented, and resolved disciplinary problems (including barriers) as related to IDEA 1997 during the 1999-2000, school year for specific students with disabilities who were in need of disciplinary measures.

This data could then be mapped into the new regulations to further understand issues surrounding the disciplinary problems of those students with disabilities that have these issues.

Some Key Changes

Some key changes occurred regarding the discipline for students with disabilities as noted in the Federal Register (1999, March 12(64) 48) under the Rules and Regulations (U.S. Department of Education, 1999, 34 CFR, Parts 300 & 303, 12413-12414). The Federal Register noted:

These changes reflected some very serious concerns of school administrators and teachers regarding preserving school safety and order without unduly burdensome requirements while helping schools respond appropriately to a child's behavior,

promoting the use of appropriate behavior interventions and increasing the likelihood of success in school and school completion for some of our most at-risk students (p. 12413).

Some of the following discipline changes were also noted in the Federal Register (pp. 12413-12414):

1. There is a new provision that reflects the definition that constitutes a ‘change of placement’ in the disciplinary context.

2. Multiple short-term removals (i.e., 10 consecutive days or less) for separate incidents of misconduct are permitted to the extent removals would be applied to children without disabilities as long as those removals do not constitute a change of placement, as defined in §300.519 (12414).

3. If a removal is pursuant to school personnel’s authority to remove for not more than 10 consecutive days (§300.520(a) (i)) or for behavior that is not a manifestation of the child’s disability, consistent with §300.524, services must be provided to the extent necessary to enable the child to continue to appropriately progress in the general curriculum and appropriately advance toward the goals in his or her IEP (§300.121(d)) (12414).

4. If the removal is by school personnel under their authority to remove for not more than 10 school days at a time (§300.520(a)(i)), school personnel, in consultation with the child’s special education teacher, makes the determination regarding the extent to which services are necessary to meet this standard (§300.121(d)(3)(i))(12414).

5. If the removal constitutes a change in placement, the child’s IEP [Individualized Education Program] team must be involved. If the removal is pursuant to the authority to discipline a child with a disability to the same extent as the non-disabled child for behavior that has been determined to not be a manifestation of a child’s disability (§300.54), the child’s IEP

team makes the determination regarding the extent to which services are necessary to meet this standard (δ300.121(d) (3) (ii) (12414).

6. If the child is being placed in an interim alternative educational setting for up to 45 days because of certain weapon or drug offenses (δ300.520(a) (2)) or because a hearing officer has determined that there is a substantial likelihood of injury to the child or others if the child remains in his or her current placement (δ300.521), the services to be provided to the child are determined (δ300.522). In these cases, the interim alternative educational setting must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting and to continue to receive those services and modifications (δ300.121(d)(2)(ii) and δ300.522) (12414).

7. IEP team meetings regarding functional behavioral assessments and behavioral intervention plans will only be required within 10 business days of (a) when the child is first removed for more than 10 school days in a school year, (b) whenever the child is subjected to a disciplinary change of placement (δ300.520(b)(i)) (12414).

8. In other subsequent removals in a school year of a child who already has a functional behavioral assessment and behavior intervention plan, the IEP team members can review the behavior intervention plan and its implementation in light of the child's behavior without a meeting, and only meet if one or more of the team members believes that the plan or its implementation need modification (δ300.520(c)) (12414).

9. Manifestation determinations, and the IEP team meetings to make these determinations, are only required when a child is subjected to a disciplinary change of placement (δ300.523(a)) (12414).

These key changes involved new disciplinary regulations based on IDEA 1997 which required school personnel to respond, implement, and resolve problems (including barriers) that had occurred in the process. Additionally, school personnel were still considering the ‘what’ and the ‘how’ of behavioral intervention plans, strategies and supports (including positive ones) that were also a part of the new requirements. This case study involved these new disciplinary regulations in IDEA 1997 which impacted on specific special education students and how these procedures were followed.

IDEA 1997 had not specified how the school districts should go about implementing these new changes in IDEA 1997, nor was the meanings of “what” exactly were behavioral intervention plans, strategies and supports stipulated in the regulations.

Research Questions

The research questions for this qualitative study were:

1. What staff development and training occurred since IDEA 1997 and what would be recommended in the future in a Virginia school district?
2. How had one Virginia school district responded, implemented and resolved disciplinary problems (including barriers) as related to IDEA 1997 for students with disabilities who were in need of disciplinary measures during the 1999-2000 school year?

Need For the Study

School districts were re-thinking their own definitions concerning disciplinary behavioral interventions, plans, and strategies (including positive ones) that were required for those students with disabilities who were in need of such a plan. This researcher specifically asked the school district two main components that all else was driven. The first question dealt with the training and staff development that occurred related to IDEA 1997 since its inception. The next five

questions explicitly dealt with the new disciplinary questions as related to selected students during the 1999-2000 school year.

As indicated in IDEA 1997, under “Consideration of Special Factors”,

The IEP team shall, in the case of a child whose behavior impedes his or her own learning or the learning of others, consider when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior. (U. S. Department of Education, 1997 (IDEA 1997, 3(B) (i))

IDEA 1997 recommended a functional behavioral assessment approach to determine specific contributions to behavior, but didn’t require or suggest specific techniques or strategies (Gable, Quinn, Rutherford, & Howell, 1998). This study would determine techniques and strategies, including positive ones, which were utilized in a specific school district when dealing with disciplinary problems.

Zirkel (1997) stated that one of the problem areas of IDEA 1997 was the protection set forth for students not yet identified in special education programs, yet the local school division had knowledge of a possible disability (P.L. 105-17, Sec 615(k) (8), 1997). Zirkel reiterated that this provision, perhaps more than any other, had caused consternation among school attorneys, and would cause an increase in evaluations and identifications. This concern only reinforced that further research was needed concerning behavioral intervention plans and strategies that would benefit not only special education students, but also all students in need of such a plan.

Furthermore, if the disciplinary time period extended over ten days, the alternative educational setting must allow the child to participate in the “general curriculum”, although in another setting (P.L. 105-17, Sec 615(k)(1-3), 1997). Zirkel (1997) questioned if a homebound program would meet this standard. Further research investigating how administrators and IEP

teams handled this would be beneficial in understanding the process and implementation involved as stipulated in the disciplinary components of IDEA 1997.

New federal regulations were promulgated before they were clarified at the state level, including in the Commonwealth of Virginia. The regulations expanded disciplinary requirements without field definitions. There was evidence that there was variability across districts in the interpretation of the regulations, and, therefore, there was a strong desire to see how this worked in detail.

One school district was selected to provide an opportunity to describe in depth the process of implementing the new regulations under these conditions of legal and educational ambiguity. In these situations, a proactive behavioral intervention plan for each student should delineate expected behaviors, inappropriate behaviors, and positive and negative consequences. School districts had to include behavioral intervention plans in the IEP for all students with disabilities [in need of one], and that school districts would have to hire full-time behavioral specialists to write these plans (Yell & Schriener, 1997).

The Virginia Department of Education's priority as specified in the Special Education State Improvement Plan and Grant Application was to create school-based disciplinary strategies that would be used to reduce or eliminate the need to use suspension and expulsion as disciplinary options for children with disabilities (Virginia Department of Education, 1998a).

Based on IDEA 1997, Congress included new provisions that applied to students with disabilities whose behavior affected their ability to learn. These provisions outlined new requirements for behavioral assessments and opened the door to providing positive behavioral supports for many more students with disabilities (Mauger, 1997).

Maloney and Pitasky (1996) suggested that before disciplinarians looked at more serious disciplinary options, initial instances of misconduct should be addressed through such measures as conflict mediation, behavior management strategies, and student and teacher initiatives. Other strategies included the use of carrels, time-outs, and other restrictions of privileges that were consistent with the IEP. This study would expand the list of behavioral interventions, strategies and supports utilized for those special education students in need of one. Furthermore, follow-up data needed to be collected to reveal and improve the extended effectiveness of strategies and interventions (Alkin, 1992).

Finally, students would benefit from a proactive plan that would lead to fewer long-term suspensions and expulsions. The research and data collection results would support schools in improving the overall educational and behavioral performance for all students, including those in special education programs.

Researcher as a Consultant

From 1997 to 2000, the researcher had been a Virginia Department of Education subcommittee member working with functional behavioral assessment and behavioral intervention plans in Virginia's schools as well as a member of a subgroup committee dealing with disciplinary procedures. The function of the functional assessment and behavioral intervention committee was to gather and disseminate documents and resources to all school districts in the Commonwealth of Virginia. The topic was reiterated in the second printing of a booklet entitled, *An Overview of Functional Behavioral Assessment and Behavioral Intervention Plans in Virginia's Schools* (Virginia Department of Education, 2000a). These sub-committee members (including the researcher) also co-authored this booklet, which addressed those provisions of IDEA 1997 that related to student behavior that impeded the teaching and learning

process. IDEA 1997 contained provisions that related to the education and educational conduct of special education students. Based on this legislation, “The Virginia Department of Education formed committees to examine various aspects of IDEA 1997” (Virginia Department of Education, 2000a, p. 1).

In this document, a rationale was given for the use of positive behavioral intervention. As reinforced in IDEA 1997:

In the past, teachers usually relied on various negative consequences to deal with student misbehavior that interfered with classroom instruction (e.g., verbal warnings or reprimands, time-out, or suspension from school). The goal was to reduce or eliminate the immediate problem. However, teachers now know that these approaches are time consuming and fail to teach the student more acceptable classroom behavior. Also absent is an understanding of why the student misbehaved in the first place. (Virginia Department of Education, 2000a, p. 4)

Definitions

For the purpose of this study, the terms below were defined as follows:

1. Free Appropriate Public Education (FAPE): Special education and related services that— a) have been provided at public expense, under public supervision and direction, and without charge; b) meet the standards of the state 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) as stipulated under Amendments to the Individuals with Disabilities Education Act, 111 Stat. 44, 1997. In general, a free appropriate public education was available to all children with

disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who had been suspended or expelled from school (Section 612(a)(1)).

2. Behavioral intervention plans, strategies, and supports: The local school division determined the meaning and use of behavioral intervention plans, strategies and supports. Generally, the functional behavioral assessment was considered to be an approach that incorporated a variety of techniques and strategies that diagnosed the causes and identified likely interventions intended to address problem behaviors when the IEP team was writing, reviewing or modifying the special education student's behavioral intervention plan (Gable, Quinn, Rutherford, & Howell, 1998).

3. Positive behavioral intervention plans, strategies, and supports: This term was not specifically defined in IDEA 1997 or within the Virginia Department of Education. There were requirements specified in IDEA 1997 that pertained to functional behavioral assessments and positive behavioral intervention plans and supports as related to the responsibilities of the IEP team and to the IEP itself (CECP, 1998). One project group had defined "positive behavioral supports as a collaborative, assessment-based process that developed effective individualized intervention for students with challenging behavior; support plans focused on proactive educated approaches" (Functional Behavioral Assessment Workshop, 1999).

4. Comprehensive Services Act (CSA): The CSA was established as a team approach including the schools, courts, social services, mental health, parent, and a private provider representative. Funding was pooled together in order to meet the needs of mandated and non-mandated at-risk youth and their families. CSA was created to be child-centered, family-focused and community-based. Some students with disabilities were considered to be a part of the mandated population. Based on the continuum of services in the IEP, a student with

disabilities could go through the CSA process if more extensive services were needed that were not provided in the school district, if that was the most appropriate setting defined by the IEP team (e.g., psychiatric center, wrap-around services, etc.). The Family Assessment Planning Team (FAPT) in this school district recommended placements and decided which agency (e.g. schools, courts, mental health), would be the primary case manager for the client. The Community Planning and Management Team (CPMT) reviewed cases and decided if they would be funded through CSA.

5. Disciplinary “change of placement”: This occurred when a child was removed for more than 10 consecutive school days or when a child was subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of the removal, the total amount of time the child was removed, and the proximity of the removals to one another (§300.519) (U.S. Department of Education, The Federal Register, 1999, March, (12413)).

6. Interim alternative educational setting: Based on IDEA 1997, under Section 615 Procedural Safeguards, 111 Stat. 93, placement in alternative educational setting stated the following: (A) School personnel under this section may order a change in the placement of a child with a disability— (i) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and (ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days (U.S. Department of Education, The Federal Register, 1999, March, (12413)).

7. Barriers: Any blocks or obstacles that had prevented one from continuing with the set objectives or outcomes.

8. Individualized Education Program (IEP): “The IEP means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section [P. 105-17]” (Amendments to the Individuals with Disabilities Education Act, PL 105-17, 111 STAT. 83, 1997).

Limitations of the Study

The population of this study was limited to a selected public school district in the Commonwealth of Virginia. Those participants interviewed were limited to school personnel who dealt with the disciplinary problems of students with disabilities in their school district.

Additionally, another limitation made by the school Superintendent was that the researcher could not individually interview the selected students with disabilities specifically for this case study.

Maykut and Morehouse (1994) noted:

Purposeful sampling increases the likelihood that variability common in any social phenomenon will be represented in the data, in contrast to random sampling which tries to achieve variation through the use of random selection and large sample size. (p. 45)

Based on the researcher’s twenty-eight year educational background and special education experiences, some bias could be threaded within the researcher’s recommendation and also those recommendations made for further study.

Organization of the Study

This dissertation was divided into five chapters, as described:

Chapter I contains background the statement of the problem, background of the problem, purpose of the study, some key changes that were noted, the research questions, and a description as to the need for the study, the impact of the researcher as a consultant, definitions, limitations and organization of this study.

Chapter II presents the review of the literature and related literature, summary of recommendations for interventions, strategies, and supports, and a description of the new disciplinary regulations from IDEA 1997.

Chapter III describes the research design and methodology, the sample selections, a description of the demographics in this school district, the interview guide questions, the pilot interview, data collection and analysis, the instrument, other external factors, an explanation of validity, confidentiality, and human subjects as utilized in this case study, as well as a chapter summary.

Chapter IV identifies the data that answers the research questions. A summary of staff development and training is given. The second part explains how one school district responded, implemented and resolved disciplinary problems as related to IDEA 1997 based on five guide questions. The seven selected students with disabilities that matched one of the five interview questions were described in detail, including data obtained by interviewees, review of records, journal notes and an IEP observation.

Chapter V emphasizes the lessons learned and recommendations, with a description of surfaced themes and emerging patterns as part of the lessons learned with other noteworthy considerations. A summary ends the chapter.

CHAPTER II

REVIEW OF THE LITERATURE

The purpose of this chapter is to provide a review of the literature that related to how personnel in a selected public school district in the Commonwealth of Virginia had responded to disciplinary problems which included the use of appropriate behavioral interventions, strategies and supports for the implementation of new disciplinary procedures as stipulated under IDEA 1997. In the literature, behavioral interventions, strategies and supports were often intertwined with continued concerns about the practices of educators in dealing with the disciplinary problems of students with disabilities since IDEA 1997.

Personnel resources were sometimes considered to be a component of the behavioral intervention plan, strategy and support of a particular student with disabilities. Local school districts in the Commonwealth of Virginia were obligated by law to utilize behavioral interventions, strategies and supports for students with disabilities who exhibited behaviors that warranted them. Both IDEA 1997 and the Virginia Department of Education referred to the use of “positive” behavioral interventions, strategies, and supports for those students with disabilities in need of them (Cox, Abrams, & Douglas, Personal Communication, June 1997).

The American Federation of Teachers (AFT) (1997) reiterated that alternative educational placements were one part of an overall discipline program that included effective classroom management strategies, clear and consistently enforced discipline codes, and a range of sanctions short of placement in alternative programs for infrequent and minor infractions of rules, and a fair and expedient appeals procedure for students placed in alternative programs for an extended period of time. Emerging models for school-wide behavioral management of students focused on the needs of the students in their particular communities. School districts

were looking for guidance as to effective behavioral supports, expanding various alternative placements, and unified school-wide discipline (Council for Exceptional Children, 1997).

The Virginia Department of Education (Cox, 1998) had offered technical assistance concerning behavioral intervention, strategies and supports through various publications that included topics such as least restrictive behavioral interventions, positive teaching for positive behavior, and behavior handbooks which were compiled with the support of selected educational administrators (including the researcher) from various educational disciplines in the Commonwealth of Virginia. Suggestions, discussions and planning at local educational levels were underway as interim measures until further federal guidelines were given. These practices were intended as examples to use as starting points of assistance for the various school districts.

This review contained the following sections:

1. Literature related to behavioral interventions, strategies, and supports.
2. IDEA 1997 as related to behavioral intervention, strategies and supports.
3. Research framework.

Related Literature

In a technical assistance resource document entitled “Discipline of Students with Disabilities When Implementing the Requirements of the Individuals with Disabilities Education Act 1997, Amendments and Federal Regulations”, the following was given under the heading “Basic Themes Regarding Discipline and Students with Disabilities”:

1. All children, including children with disabilities, deserve safe schools that maintain an orderly learning environment.
2. Teachers and school administrators should have the tools they need to assist them in preventing misconduct and discipline problems.

3. There must be a balanced approach to the issue of discipline of children with disabilities that reflects the need for orderly and safe schools and the need to protect the rights of children with disabilities to a free appropriate public education.

4. There should be appropriately developed IEPs with well-developed behavioral intervention strategies that decrease school discipline problems. (Virginia Department of Education, 2000b, p. 1)

In “Research Connections in Special Education” (1997), students needed more than consistent discipline policies; they needed positive behavioral interventions, strategies, and supports. Some schools were discovering that traditional discipline did not have an impact on certain children with significant problems. As an example, one primary concern that impacted on all grade levels was getting along with others at the elementary grades (Shumate, 1992).

Various local school districts were seeking ways to move beyond traditional punishment while searching for ways to provide opportunities for all children to learn by providing creative and individualized plans. They were supported by the research below.

Ashbridge (1997) asserted that Glasser in 1969, for instance, found that parents of high self-esteem children demanded high standards of behavior and were strict and consistent in enforcement of the rules, yet their discipline was by no means harsh. Also, Ladd (1979) saw positive strategies for keeping order as beneficial. He stressed that unwanted communication may be less likely to occur if a teacher introduced the rewards not all at once but bit by bit and that rewards could be provided in a way which kept the children from attributing them to the teacher being a nice person or simply an inept one. Rewards, he noted, were given under conditions when the children saw the teacher as something other than a keeper of order.

Harmin (1995) explained that positive behavioral supports should be used in the classroom. Some of the interventions were:

1. “The broken record” whereby the teacher consistently reinforced the behavioral guidelines set forth individually for the student.
2. Person-to-person dialogue, which gave, individualized attention and focused on the needed student.
3. The self-management contract constructed by the teacher and student with problem solving from the entire class.
4. Conflict resolution training, “dramatic distraction” which took the focus off the student’s negative behavior and turned attention to another event.
5. Temporary removal of the student from the situation or time out.
6. The positive parent schedule whereby the parent intermittently would give praise.
7. Diagnosing student motivations.
8. Parent aides for additional assistance.
9. Just asking the student for ideas. (p. 125)

Harmin (1995) also asserted that practical discipline was effective when it benefited the student’s welfare and the teacher’s dignity alike. Nelsen (1987) defined “positive discipline as freedom with order, limited choices that showed respect to all” (p. 12). With this in mind, behavioral intervention plans would address individual needs of the special education student while also considering the positive impact that these strategies would have on other students. Furtwengler and Konnert (1982) further suggested that practitioners were looking for guidance in their efforts to control student conduct in positive, meaningful, and effective ways.

When looking at behavioral interventions, strategies, and supports, Moles (1990) clarified that there were a variety of school-level strategies that would reduce student misbehavior, increase appropriate behavior, or accomplish both. School discipline was also more likely to be improved by comprehensive approaches rather than by disciplinary methods that treated only the symptoms or misbehavior while not dealing with the underlying causes.

In one decision-making model for principals, an option to consider for students was behavior management. Some examples included time-out techniques, use of school counselors and social workers for intervention, in-school suspension, Saturday school, and after-school detention (Golden, 1993).

Time-out was defined as a behavioral reduction technique involving contingent withdrawal from reinforcement stimuli for a specified period of time. Isolation was the most frequently used time-out procedure and the most frequently cited in literature. However, teachers identified some variables associated with the use of time-out, among which were continuum of placement and age of the child. Teachers of self-contained special education classrooms, for instance, reported using the technique more frequently than teachers of older children and youth. Also, verbal and physical aggressions were two behaviors most frequently reported to result in time-out (Costenbader & Reading-Brown, 1995).

Baskerville (1982) made a variety of recommendations for reducing suspensions among middle school students including those in special education, by developing training sessions which addressed: self-awareness, low self-esteem, decision-making issues, improving home and school relations, and understanding adolescent behavior, in general. Another recommendation was to monitor discipline folders in order to determine preventive measures of intervention and

recommended referring those students with frequent disciplinary problems for professional help, such as counseling.

Positive discipline through a classroom management plan would also support the needs of all students, including those in special education. Lehr and Harris (1988) implied that teachers who were more effective with low achievers had a classroom management plan that clearly delineated behavioral expectations and communicated classroom expectations to parents. Ashbridge (1997) indicated that teachers would be able to best regulate student behavior by following guidelines of positive discipline. Some of the following examples were noted as disciplinary methods: assertive discipline, punishment, reality orientation (Glasser, 1969), token economics, and positive discipline.

Hartwig and Ruesch (1994) also described positive educational alternatives to traditional discipline. They too suggested time-out by removing the student from the activity through isolation from the group or the environmental stimulus, which had promoted the misbehavior. In-school suspension, which allowed the student to be removed from the regular schedule yet remain in the school setting, was another option. Systematic exclusion, which ranged from a short-term removal that was longer than time-out but shorter than a suspension was used. Implementation of a behavioral level system designed to respond to the individual behavioral needs of the student was yet another strategy or part of a behavioral plan. Sometimes a school administrator would choose to transfer a student to another school setting in order to permit the student a fresh start or to remove the student from a place where negative behavior had continued to impact on the student.

Cooperative arrangements between various agencies (e.g. mental health or social services) supported the needs of the student in a proactive manner. Some examples of these

supports included a modified school day or week, alternative placements, social mastery centers and parental involvement (Hartwig & Ruesch, 1994).

Hamby (1995) implied that peer mediation, which utilized student volunteers, helped classmates resolve conflicts in a positive manner. Fatum, Smith and Hoyle (1996) agreed that peer counseling and peer mediation was effective in helping students to participate in discussions. In addition, some reports on conflict resolution and peer mediation programs indicated that they helped to reduce the number of discipline events, such as fights, at a school (Carruthers, Sweeney, Kmitta, & Harris, 1996).

Johns, Carr and Hoots (1995) insinuated that there was a need for new disciplinary techniques that focused on teaching acceptable alternative behaviors rather than punishing unacceptable ones. The discipline techniques should move away from the old concept that discipline must punish rather than teach. Discipline should be focused on ways that assist students in developing appropriate choices and in resolving conflict in a productive and nonviolent manner.

Johns, Carr, and Hoots (1995) also suggested that other supports should be available to students in the school setting to meet their challenging needs. Some of those included Saturday school instead of missing the regular curriculum, privileges, special hall passes for appropriate behavior, peer tutoring, parent training, and counseling.

Curwin and Mendler (1988) discussed using a social contract as an effective and more responsive method of dealing with students. Positive confrontation strategies, which involved the whole class in making rules and consequences, were often effective in preventing misbehavior among a large number of students who had previously created classroom disruptions. Family interventions as a process which involved parents as partners in helping their children become

more responsive was effective. Also, Curwin and Mendler (1988) asserted that teachers who behaved creatively with out-of-control students and were not so much concerned about things not working out as they were in taking the risk of doing something new was an effective strategy.

Researchers focused on behavior management training that reduced the frequency of undesirable behaviors. Thus, these techniques created optimally stimulating learning tasks and refined multi-model intervention programs with attention deficit disorder students (Fiore, Becker, & Nero, 1993).

In an intervention program entitled “Project Youth Experiencing Success” (YES), the goal was to foster parental involvement by assisting in the child’s schoolwork (Virginia Department of Education, 1991). Another goal also involved the parents as volunteers in the school (Golden, 1993). Parent involvement and family oriented practices were a part of some intervention plans. The increased demand for self-advocacy raised by parent organizations had influenced the demands for active participation of parents (Bjorck-Akesson & Granlund, 1995).

Some after-school programs were designed to assist students in completing homework; aide youth in acquired basic educational and social skills and helped their parents become more effective agents in their child’s school experiences (Morton-Young, 1995). These kinds of interventions were used as a proactive measure to deter student’s negative behavioral patterns that could lead to a suspension or expulsion, in some instances. Some other successful strategies and interventions involved joint projects that developed social skills with a philosophy that discipline could avoid the appearance of punishment (Gold, 1995).

Practitioners voiced that they needed strategies for teaching social skills to children with learning and behavioral problems. These included how to select students for training, which social skills should be used, the teaching of discrete skills and problem-solving routines (Elksnin

& Elksnin, 1998). Furthermore, Hamby (1995) described management strategies that could redirect and teach appropriate behavior, such as classroom meetings, which involved students in trying to solve problems of mutual concern to all. Hamby also recommended that the organization of the teacher's classroom should be comfortable and attractive. Teachers should be trained in sensitivity, stress management through relaxation, rules development and enforcement, resiliency training, and law related education. Hamby (1995) further recommended that the teacher should develop and communicate student behavioral expectations. Teachers who were successful with at-risk students were willing to take risks themselves, held high expectations for these students, and helped students achieve them. Duke (1982) showed that student learning increased and misbehavior decreased when teachers presented well-planned lessons and employed effective instructional strategies.

Some researchers encouraged multi-faceted approaches to intervention. Howard (1978), for instance, listed a number of disciplinary alternatives. Some of these included stepped up school-sponsored activities, group guidance sessions, increased tutorial efforts, student affairs committee assistance with student problems, principal and teachers eating lunch with troubled students, and informal getting to know you conferences between teachers and pupils. Self-management techniques were effective intervention strategies. Some learning disabled students used multi-component strategies, which involved improvement, maintenance, and cross-classroom generalization of targeted classroom preparedness skills (Syndor & Bambara, 1997).

Bender and McLaughlin (1997) also gave examples of multi-faceted approaches that could be successfully implemented in the classroom. Some of these included a structured behavioral management system, a buddy system, and the use of crisis teachers and counselors.

Multi-faceted programs were effective with at-risk students, including some students with disabilities. The most effective programs of intervention included individualized instruction, teacher aides, peer tutoring, after school and summer programs, flexible schedules and parent involvement. Many researchers supported the holistic or multi-faceted approach to intervention, which used a variety of individualized strategies (DeNofa, 1993), which used a variety of individualized strategies.

The Center for Effective Collaboration and Practice: Improving Services for Children and Youth with Emotional and Behavioral problems completed a series of papers concerning effective practices which was entitled “Addressing Student Problem Behavior—Part III: Creating Positive Behavioral Intervention Plans and Supports”. The practice of utilizing positive and proactive supports in developing behavioral plans was encouraged for those special education students who needed one (Center for Effective Collaboration and Practice, 2000).

Summary

An overview of reported literature about behavioral interventions, strategies and supports were divided into three approaches:

1. Philosophy and practice as part of the behavioral interventions, strategies and supports.
2. Behavioral interventions, strategies and supports.
3. Personnel resources as part of the behavioral intervention, strategies and supports.

Overall, the philosophical approaches and practices recommended in implementing behavioral interventions, strategies and supports were numerous. Three of these stood out:

1. Holistic comprehensive approaches.
2. Consistent disciplinary policies.
3. A variety of practices that matched the individual needs of the student.

A group of researchers clearly viewed personnel resources as a significant element in formulating behavioral interventions, strategies and supports in disciplining some special education students. Some envisioned those resources as coming from professional help (Baskerville, 1982). Others viewed parental involvement as an important component of the plan (Bjorck-Akesson & Granlund, 1995; Curwin & Mendler, 1988; Golden, 1993; Hartwig & Ruesch, 1994; Johns, Carr, & Hoots, 1995; Morton-Young, 1995). Johns, Carr and Hoots (1995) stated that peer tutoring was supportive. Maloney and Pitasky (1996) emphasized that student and teacher initiatives which focused on the individual needs based on the student's behavioral plan was important.

Summary of Recommendations for Interventions, Strategies and Supports

Authors and Dates:	Recommended Behavioral Interventions, Strategies, and Supports:
Ladd, 1979; Baskerville, 1982; Moles, 1990; Hartwig & Ruesch, 1994; Hamby, 1995; Johns, Carr, & Hoots, 1995; Carruthers, Sweeney, Kmitta, & Harris, 1996; Maloney & Pitasky, 1996.	Comprehensive approaches rather than disciplinary methods, such as conflict mediation, time-outs, educational training, alternative school placements, behavioral level systems, and parental involvement.
Curwin & Mendler, 1988; Fatum, Smith, & Hoyle, 1996.	Consistent disciplinary policies, parental involvement & student contracts, peer counseling & peer mediation.

Authors and Dates:	Recommended Behavioral Interventions, Strategies, and Supports:
Virginia Department of Education, 1991; Bjorck-Akesson & Granlund, 1995; Morton-Young, 1995; Syndor & Bambara, 1997; Elksnin, & Elksnin, 1998.	Educational training, in-school programs, parental involvement, self-management techniques.
Duke, 1982; Lehr & Harris, 1988; Fiore, Becker, & Nero, 1993; Golden, 1993.	Behavioral management strategies, parental involvement, & creative teachers.
Costenbader & Reading-Brown, 1995.	Time-outs as a behavioral reduction technique.
Fatum, Smith, & Hoyle, 1996.	Professional help.
Ashbridge, 1997.	Positive discipline, assertive discipline, punishment, reality orientation (Glasser), & token economics.

Authors and Dates:	Recommended Behavioral Interventions, Strategies, and Supports:
Howard, 1978.	Stepped-up school-sponsored activities, group guidance, increased tutoring, student affairs committees, principal and teacher eating lunch with troubled students, informal conferences with staff & students.
Council for Exceptional Children, 1997.	Alternative educational placements, effective school-wide classroom management strategies.
Harmin, 1995.	Positive classroom behavioral supports.
Nelsen, 1987.	Respect for all.
DeNofa, 1993; Bender & McLaughlin, 1997.	Multi-faceted approaches implemented in the classroom.
Center for Effective Collaboration & Practice, 2000.	Utilizing positive & proactive supports when developing behavioral plans.

Amendments to IDEA 1997

IDEA 1997 allowed school districts to change a student's school placement to an appropriate alternative educational setting, as determined by the IEP team, for up to forty-five days [if contested] for a student who carried a weapon to school or to a school function, or who knowingly possessed, used, sold or solicited illegal drugs at school or a school function. For each student for whom the local school district requested a change of placement, it required the IEP team to meet to conduct a functional behavioral assessment and implement a behavioral intervention plan as noted in the Amendments to the Individuals with Disabilities Act, PL 105-17, 111 Stat. 86, Sec 614, (3)(B)(i) (U. S. Department of Education, 1997b).

This provision goes beyond the requirements for behavioral management plans for specified students (e.g., severely emotionally disturbed). However, it is expressly limited to weapon and drug situations except for the reference in Sec. 615(d) (3) (B) (i) (Zirkel, 1997).

This was a new requirement with the onset of IDEA 1997. Agencies were looking for assistance that would enable them to provide this individualized service for special education students who were in need of one which included positive behavioral supports.

Already local school districts within various States were revising their "Parental Rights in Special Education" to include "placement in an alternative setting" (Nebraska Department of Education, 1997). Additionally, the Council for Exceptional Children (1997) included a "Summary of the Amendments to the Individuals with Disabilities Education Act (P.L. 105-17)" which noted alternative measures for handling positive discipline.

In Nebraska and Virginia, as two state examples, either before or no later than ten days after taking a disciplinary action, the district was required to do one of two things. If the school district had not conducted a functional behavioral assessment and implemented a behavioral

intervention plan for the child before the behavior occurred that resulted in the suspension, the school district needed to complete a functional behavioral assessment for the child and hold an individualized educational team meeting.

At the IEP meeting, a behavioral intervention plan would be developed to address the behavior [even though some school districts have chosen not to place this plan within the context of the IEP]. The other circumstance was if the child already had a behavioral intervention plan in place, an IEP meeting would be held to review the plan and modify it to address the behavior.

IDEA 1997 clearly stated in P. L. 105-17, 111 Stat 86, Sec 614(3)(B)(i), under consideration of special factors:

The Individualized Education Program (IEP) team shall in the case of a child whose behavior impeded on his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior. (U.S. Department of Education, 1997b)

The Department of Rights of Virginians with Disabilities (1997) stated that IDEA 1997 reiterated the importance of these new provisions regarding the education of students with challenging behaviors in a document entitled “Commonly Asked Questions Related to the Rights to a Free Appropriate Education for Students with Disabilities Residing in a Long-term Psychiatric facility”.

With IDEA 1997, those who were knowledgeable sources (including parents of students with disabilities) were included as team members of the individualized education program (IEP) meeting, which determined placement and developed this plan for their child, which could include a behavioral intervention plan and strategies in P.L. 105-17, Sec 614(f) (U. S. Department of Education, 1997b).

Barbacovi and Clelland (1987) suggested that “The Education for All Handicapped Children’s Act 1975, P. L. 94-142, would mark the beginning of a new era for all children, not just handicapped” (p. 72). In reviewing the transition of P. L. 94-142, Barbacovi & Clelland (1987) asserted the importance of these issues:

1. Individualized Education Program (IEP),
2. The least restrictive environment (LRE),
3. Procedural due process safeguards, and
4. Personnel development. (p. 72)

Furthermore, Barbacovi and Clelland (1987) predicted that in five to ten years, educators would begin to have accumulated sufficient data upon which to base a judgment relative to the success or failure of the Individualized Education Program (IEP) as a management tool for planning, programming, and evaluating of special education and related services.

Alexander and Alexander (1985) indicated that the mainstreaming of handicapped children had underscored the need for guidelines governing the disciplining of handicapped students. Neither 504 nor P. L. 94-142 addressed this issue, which left it to the courts to decipher the legal ramifications involved. With IDEA 1997, new regulations concerning discipline would need to be addressed because of the statutory and regulatory requirements, among those would be guidelines as to how behavioral intervention plans would be incorporated into the individualized education program, when appropriate, and also how behavioral intervention plans and strategies would be a part of the disciplinary process, such as suspension over ten days and expulsion of special education students.

School officials were responsible for maintaining an environment for students that was both safe and conducive to learning (Thomas, 1987). Within the disciplinary regulations of

IDEA 1997, these would need to be further incorporated including the use of behavioral intervention plans and strategies

CHAPTER III

RESEARCH DESIGN AND METHODOLOGY

Included in this chapter are the research design and methodology, the sample selection, the demographics of the selected school district, the interview guide questions, the pilot interview, data collection, data analysis, the instrument, selection of participants, other external factors, validity, confidentiality, human subjects, and the chapter summary.

Maykut and Morehouse (1994) pointed out that the data of qualitative inquiry was most often people's words and actions, and thus required methods that allowed the researcher to capture language and behavior. The most useful ways of gathering these forms of data were participant observation, in-depth interviews, and the collection of relevant documents. Interview data and audio taped interviews were transcribed for data analysis and summary.

The Research Design

“Qualitative approaches within the field of educational research represent a wealth of useful and practical alternatives” (Langenbach, Vaughan, & Aagaard, 1994, p. 143). Langenbach et al., further implied that analysis of qualitative data began as soon as the first bits of data were collected. The Professional Committee of the Qualitative Research Consultants Association reiterated that qualitative research was the best research method for discovering underlying motivations, feelings, values, attitudes and perceptions (1996). Qualitative methods of data collection and analysis were applicable when the researcher wanted to obtain a more holistic picture of a particular phenomenon (Langenbach et al., 1994; Rubin & Rubin, 1995).

“Qualitative research places emphasis on understanding through looking closely at people's words, actions, and records” (Maykut & Morehouse, 1994, p. 17). The researcher chose this method as the best way to obtain enriched data that matched the purpose of this case study.

An initial interview guide was developed using behavioral descriptive research methodology to gather data in a selected Virginia school district. With the research questions in mind, Langenbach et al suggested that the researcher should “re-read the various coded materials to search for patterns or themes that characterize the data” (1994, p. 243). Based on this process, surfaced themes and emerging patterns were noted as part of lessons learned.

Both open-ended questions and initial structured guided questions were utilized since the use of only structured formats restrained the respondent and limited the researcher’s ability to understand what the respondent really meant (Trochim, 1997).

Maykut and Morehouse (1994) described the following research design that was used for this study:

You will begin with an initial focus of inquiry and an initial sample. Then [the researcher] will refine the process of data collection and analysis. A non-emergent research design means you will pursue your focus of inquiry with qualitative methods of data collection and data analysis. (p. 64)

Interview guides offered distinct advantages over self-reported data collection. The researcher used both methods by first starting with a guide and then delving into more elaborate exploratory questions based on the constant feedback in one-to-one and face-to-face interviews.

The presence of an interviewer can increase cooperation rates and make it possible for respondents to get immediate clarifications (American Statistical Association, 1997). Since the researcher had a high level of educational expertise in this topic area, clarifications based on the answers and reflective listening added to the data collection (Appendix A, Basic Data and Interview Questions).

In preparation for the interview process, a letter to respondents that accompanied the interview guide questions (Appendix B, Letter to Respondents) and an informed consent document (Appendix C, Informed Consent to Participants of Investigative Research) were developed. The letter to respondents explained the purpose of this study, why they were being contacted, and notification of the date and time of the initial interview as agreed by them.

The researcher developed a reflective tool to gather ideas concerning main issues, themes, events, salient or illuminating issues, new, targeted probing questions, or additional information. This Contact Summary Form (Appendix D) assisted as a visual aide when writing reflections while conducting this research.

Additionally, exploratory research through the use of open-ended interviews was conducted for further qualitative inquiry and continued in fact-finding beginning with the initial questions (McCracken, 1988; Patton, 1990; Seidman, 1991). From that point on, selected documents (e.g. official school records, discipline records, special education records, completed observation notes, and IEPs, etc.) were reviewed.

Recorded information was placed in individual files in order to keep ongoing and accurate notes as additional data were added and cross referenced in various pertinent files. The researcher developed interview questions based on new disciplinary guidelines in IDEA 1997, which provided for additional ideas and data collection (Langenbach et al., 1994).

The Sample Selection

Purposive sampling was used to select the students with disabilities based on the interview guide questions, which were driven by the research questions. This procedure enabled the researcher to choose participants from whom the researcher could learn the most. Choices

about who would participate were based on prior information that indicated which of the potential participants would provide enriched data.

The first tier of participants was asked to recommend other persons who would be knowledgeable and able to share information concerning these selected special education students. Initially, the participants were asked to think of five cases [students with disabilities at the secondary level]. Eventually, seven students were selected that dealt with disciplinary actions that involved:

1. Multiple short-term removals.
2. A disciplinary change of placement.
3. An interim alternative setting for up to forty-five days because of certain weapon or drug offenses or because a hearing officer has determined that there is substantial likelihood of injury to the child or others if the child remains in his or her current placement.
4. A removal for more than ten days in a school year.
5. A functional assessment and behavioral intervention plans, strategies, and supports, which were either initiated or reviewed.

The first part of the research involved a research question, which had two parts. It queried about what staff development and training had occurred concerning disciplinary problems since IDEA 1997 and what would be recommended in the future. The Supervisor of Staff Development and Health Services and by the Director of Special Education and Related Services answered these questions. The School Superintendent indicated that both of these administrators were knowledgeable representatives regarding staff development and training in this school district.

Students with disabilities at the middle and secondary levels were selected for this case study. There was only one high school and one junior high school [changed to middle school the following year] in this school district.

At each school setting, the researcher interviewed the school psychologist. Additionally, a school social worker was interviewed at the junior high school, while the special education department chairperson was interviewed at the high school. Also, other staff members were interviewed as knowledgeable resources and were so noted when describing each case.

The interviews yielded a total of twenty-six student files, which were then narrowed down to seventeen students with disabilities. The final selection totaled seven students with disabilities, which corresponded to the initial guide questions as well as additional criteria.

The researcher used additional criteria for selection of the students with disabilities used in this case study. Some factors that were considered in this selection of process included:

1. Match of initial guide questions to student disciplinary profiles.
2. Grade level.
3. Special education label.
4. Age of the student.
5. Gender.
6. Diversity.
7. Accessibility.

The researcher asked the first tier group to make further recommendations as to other personnel that could be interviewed concerning these special education students. Each participant interviewed signed a consent form (Appendix C, Informed Consent to Participants of

Investigative Research), which was a requirement in conducting this study from the Virginia Polytechnic Institute and State University.

The researcher then gave participants transcriptions of the taped interviews to read for review, accuracy, and to make additional corrections. Furthermore, the researcher developed a form that was completed by the participant, which was then signed, dated, and returned to the researcher via self-addressed stamped envelope (Appendix F, Audiotape Transcript Verification Form) Minor changes regarding the process in data collection were made and so noted in the staff member's individualized, coded, and confidential files.

During the second tier of interviews, the participants were given the "Informed Consent to Participants of Investigative Research" for their signature [as was completed for the first tier of participants]. During this phase of the case study, the researcher concentrated on the "What else?" that the interviewer could share about the selected students. Additionally, the researcher referred to "Part C" of the initial interview guide, which allowed for additional information to be added (Appendix A, Basic Data and Interview Questions).

The first tier of inquiry consisted of those personnel who were directly involved in the questions given as investigative research who were knowledgeable concerning the disciplinary concerns of those special education students selected for this case study. They consisted of the following personnel in this school district:

1. A School Board member.
2. The School Superintendent.
3. The Director of Instructional Services.
4. The Director of Administrative Services.
5. The Director of Special Education and Related Services.

6. The Dropout Prevention Coordinator.
7. The Supervisor of Staff Development and Health Services.

The second tier of participants included special education teachers, a homebound teacher, assistant principals, a community resource officer, a substance abuse program coordinator, school counselors, school social workers, department chairpersons, and the school psychologist.

Demographics

During the 2000-2001 school year, the one junior high school became the middle school with grades 6-8, while the high school added grade 9 to the grades 10-12 population. Furthermore, as of the 1999-2000 school year, there were a total of 850 special education students out of a total school population of 6400 students in this school district. In the fall of 2000, the grade structure was (K-5), (6-8), and (9-12).

Based on information from The School House News (1998), the ethnicity for this school district was as follows: 68% Caucasian, 17% African American, 11% Hispanic, 4% Asian, and <1% Native American. The percentage of students who received free and reduced lunches (K-12) during school year 1997-1998 was 17% of the total student population. The pupil/teacher ratio during the 1998 school year ranged from a ratio of 11-15: 1. Additionally, the estimated per pupil cost during the 1998-1999 school year was \$6,837. Overall, the division-wide average attendance was 94.6% during the 1997-1998 school year.

Furthermore, The School House News (1998), the most frequently used “Top Ten Student Discipline Interventions” used to affect positive behavior and decrease out-of-school suspensions in the middle and high school level in this school district was as follows:

1. Student-teacher conferences.
2. Parent conferences.

3. Administrative after school detention.
4. Teacher held after school detention.
5. Community/school service (work detail).
6. Lunch detention.
7. Schedule adjustment/change.
8. In-school detention (full or half day).
9. Saturday school.
10. Referral to support agency.

During the 1998 school year, this school district noted that eleven percent of the total student population had been suspended for disciplinary reasons. The school district also listed the following disciplinary interventions were used that affected positive behavior and decreased out-of-school suspensions:

1. Peer mediation.
2. After-school detention.
3. In-school detention.
4. Behavior modification.
5. Parent-student conference.
6. Referral to support agency.
7. Guidance counselor session.
8. Lunch detention.
9. Recess detention/loss of privileges.
10. Time-out.

Also, this school district published a pamphlet during the 1998-1999 school year that listed supports and services for students:

1. School resource officer program.
2. Alternative education center.
3. Crisis response/crisis management team.
3. Dropout prevention program.
4. Attendance monitors.
5. The Community Information and Education Coalition.
6. Incarcerated youth.
7. Parent education program.
8. Substance abuse prevention program.
9. Classroom guidance program.
10. Conflict mediation process.
11. Youth Advisory Councils.
12. Tutors.
13. Drug Abuse Resistance Education (D.A.R.E).

Educators were also looking for other ways to deal with the discipline of special education students. In “An Overview of Functional Behavioral Assessment and Behavioral Intervention Plans in Virginia’s Schools”, the use of positive and proactive disciplinary measures was emphasized as prescribed in IDEA 1997 [the researcher was a member of this subcommittee that co-authored this booklet] (Virginia Department of Education, 2000a).

The Interview Guide Questions

The first two guided interview questions dealt with staff development and training that had occurred since IDEA 1997, as well as what would be recommended in the future.

The next five interview guide questions were related to how one selected school district had responded, implemented and resolved problems (including barriers) when dealing with discipline problems of selected students with disabilities, since IDEA 1997 (Appendix A, Basic Data and Interview Questions).

Maykut and Morehouse best described an interview guide as:

A series of topics or broad interview questions, which the researcher is free to explore and probe with the interviewee, is usually referred to as an interview guide. An interview format consisting of a detailed set of questions and probes are called an interview schedule. (1994, p. 83)

The researcher developed an initial interview guide (Appendix A, Basic Data and Interview Guide Questions) along with some probes to accompany the initial interview process (Appendix E, Some Probes Asked During the Interview).

Using an open-ended format as part of the interview guide was desirable when the researcher did not know all of the possible answers to a question, when the range was so large that the question would become unwieldy in multiple-choice format, when the researcher wanted to avoid suggesting answers to the respondent, or when the researcher wanted answers in the respondent's own words (Sommer & Sommer, 1997; Tuckman, 1994). Therefore, the researcher used open-ended questions for fulfilling this purpose.

The interview guide questions dealt with a significant topic, one that the participant would recognize as important enough to warrant spending his or her time on and it sought only that information which could not be obtained from other sources (Tuckman, 1994).

While collecting data concerning disciplinary concerns, it was also noted as to what behavioral intervention plans, strategies and supports (including positive ones) had been utilized as recommended in IDEA 1997. Five out of the seven interview guide questions related to “some key changes in the regulations regarding discipline for children with disabilities” which was noted in the Federal Register (34CFR Parts 300 and 303, (64), 48, 12413-12414) (The U. S. Department of Education, 1999).

The interview guide questions for this case study case were as follows:

1. What staff development and training occurred related to IDEA 1997 regarding the discipline problems of special education students?
2. What staff development and training would you recommend in the future related to discipline problems of special education students?
3. Think of a case with a special education student that involved multiple short-term removals (ten consecutive days or less) based on discipline problems. Describe how that case was handled.
4. Think of a case with a special education student that was subjected to a disciplinary change of placement. Describe how this case was handled.
5. Think of a case with a special education student that was placed in an interim alternative setting for up to forty-five days because of a certain weapon or drug offense or because a hearing officer had determined that there was substantial likelihood of injury to the

child or others if the child remains in his or her current placement. Describe how that case was handled.

6. Think of a case with a special education student when the child was removed for more than ten days in a school year. Describe how that case was handled.

7. Think of a case with a special education student that involved a functional assessment and behavioral intervention plans, strategies, and supports which was either initiated or reviewed. Describe how that was handled.

The Pilot Interview

The pilot interview was held on April 19th, 1999 and lasted an hour and a half. The “Basic Data of the Interview Questions” (Appendix A), were completed before the pilot interview began. For the researcher’s coding records, this interviewee was coded as “P-1” and was referred as “Pilot interview one”.

This participant (P-1) was knowledgeable concerning special education issues. He has a doctorate in Pastoral Counseling and his most recent job responsibilities included that of a minister, case manager at a psychiatric facility concerning clinical issues, an adolescent therapist, and an educator at a private special education school and psychiatric facility.

During this interview process, the researcher took notes; asked additional probing questions in preparation for the initial research as well as audio taped the interview. Based on a self-corrective approach, the researcher changed the initial interview guide or techniques (sequence of questions, researcher’s approach and style, climate and culture, etc.). This was done in order to fine-tune the instrument before initiating the first initial interview sessions with first tier participants. The notes, transcription, and audiotape were documented in a confidential folder describing all of the data obtained during the interview.

Based on this pilot interview, changes were made in the interview format, with added probes, which explicitly explained special education terminology. One of the most compelling components of this interview (P-1, 1999) was that the participant had some different “concepts” of special education terminology based on his psychiatric and ministry experiences, even though he was also an educator and was familiar with the educational terminology that was presented. Based on his responses to the various questions and probes, the researcher made noted that during the actual interview process with first and second tier participants, the researcher needed to acknowledge and ask interviewees initially what the various definitions meant to them. For clarification, additional definitions were added in the definition section in Chapter I.

Based on the reflective information the researcher received from the pilot interview, additional time was noted for the first tier interviewees. The participants were told that the initial interviews would possibly take longer than an hour of their professional time. In the initial interview process, this specifically occurred with the Director of Special Education and Related Services, the School Board member, the Dropout Prevention Coordinator, the Special Education Department Chairperson, the Community Resource Officer, the Substance Abuse Program Coordinator and selected special education teachers) while reviewing specific cases.

The counselor and minister (P-1) gave information based on more of a crisis mode of reacting to disciplinary problems of students with disabilities rather than a preventative mode. P-1 shared a wealth of additional background and knowledge, which assisted in fine-tuning the probe questions.

After the pilot interview was conducted, questions two and five were consolidated and were related to the disciplinary change of placement. Holistic answers were given by P-1 during the interview, which dealt with the emotional level of the student. This added to the researcher’s

insight and enrichment in gathering and interpreting the information in a reflective and procedural enlightenment.

Data Collection

“The Basic Data and Interview Questions” (Appendix A) accompanied the “Letter to Respondents” (Appendix B), which stated the purpose of the research and indicated that the participant had been contacted as a knowledgeable representative of that school, who was specifically aware and a part of responding, implementing, and resolving discipline problems (including barriers) concerning special education students. In educational circles, educational results were considered as an appropriate incentive for being a part of educational research as suggested by Best and Kahn (1989).

The School Superintendent in this selected school district alerted key personnel that the researcher would be conducting this approved study. It had been approved by the Superintendent as well as reviewed by the district’s research committee, some of whom were also members of the school district’s management team.

The only stipulation given by the School Superintendent and the research committee in this school district was that the researcher was not allowed to conduct face-to-face interviews with the specific students with disabilities that matched the interview guide questions as related to the disciplinary problems [This was so noted in the limitations to this study]. However, the researcher was able to observe in classroom settings, participate in meetings involving those selected special education students (e.g., IEP meeting), or any other surroundings that did not specifically isolate or question any one student.

The researcher developed a record-keeping device that gave primary and secondary data, as well as cross-referenced confidential information. The researcher’s data were kept in a huge,

concealed container, which consisted of three different, large storage boxes that were numbered (1-3) with the various files and tapes.

The contents of the three file boxes had a definite purpose in its order. File box one contained the seven specific special education students complete data files with a table of contents showing the appropriate code numbers for each of the participants (Kellen, Rudy, Kerry, Andy, Maria, Josh, and Ken). These codes corresponded to the five given Interview Guide questions. Every piece of data from all of the sources was in this first file box under each student's file folder. For example, when the researcher interviewed a school board member, a separate file and code was made for that school board member, which was kept in the school board member's individual file. Additionally, any information that the school board member shared concerning a specific student with a disability, which was also copied and placed in the selected student's file, as part of the confidential triangulation and cross-reference process.

The student's file was the key, whereby the researcher coded all data, interpretations, surfaced themes, emerging patterns and recommendations. Additionally, in file box one, the researcher's journal consisted of back-up copies of typed transcribed interviews and other important information (e.g., original hand-written notes written by the researcher about the selected student, a copy of an initial survey that was not used, and singleton theme notes that were not seen as generalizations, etc.). Patterns and other noteworthy data were also documented and kept in the various student files (e.g., drug involvement).

File box two consisted of all of the school-based files at both the high school and the junior high school [the name would be changed to the middle school the following year]. The high school personnel were coded O-1 thru O-15, which represented each of the personnel who

were interviewed. The junior high school was coded M-1 thru M-7, which represented the personnel at the middle school level.

File box three consisted of four different components. The first component was data from the pilot study. The second component consisted of all of the school district's central administrative staff which were coded C-1 thru C-8. These "C" files represented these members. The third component consisted of three surfaced themes and ten emerging patterns during the data collection process. The fourth component consisted of the overall recommendations that were noted as data was gathered, analyzed and summarized.

Each file in the huge, box container was organized using the same categorical sequence and organization for easy access and formatting consistency with set standards. Each file had outside notes on the file folder that specified persons contacted and dates for easy cross-referencing. The tapes of the interviews were marked in a white envelope on the left side of the inside folder. The right side represented all of the data for each of the topics marked in the file folder. The typed transcript documents for the interviews (some were more than once) were first indicated on the right side of the file. Data that was hand-written by the researcher was a part of the next section that varied in context. This usually held data from the confidential student cumulative record, special education file, and disciplinary information, since none of this information could be directly copied, as specified by the School Superintendent for confidentiality reasons.

Other data were filed next (e.g. court information, homebound teacher journal notes, etc.). Raw data from notes taken by the researcher during the interview process were then also given. Stapled to the right side of each folder was "The Letter to Respondents" (Appendix B), the "Virginia Polytechnic Institute and State University Informed Consent to Participants of

Investigative Research” (Appendix C) with signature and date, “Audio-tape Transcript Verification” form (Appendix F) with signature and date, as well as any other procedural information that was noted from the individual persons designated in each of the file folders.

Data Analysis

The data analysis consisted of examining, categorizing, combining, and recombining the information, as was noted in the data collection procedures. This was an ongoing process, of which the first step was data reduction. It involved determining which information was to be coded, discarded, and which were emerging themes or events. “The Contact Summary” form (Appendix D) assisted in determining main issues, themes, patterns, or individual salient student notes during the contact. This was used as a visual guide for the researcher. These notes and codes were disseminated in the various given files as the progression occurred, which were continually cross-referenced. According to Miles and Huberman (1994), without such reflection, it is easy to get lost in the detail. The researcher used a systematic approach that allowed for combining various sources in order to get a bigger picture of the selected student as related to the interview guide questions.

The participants signed and dated the “Informed Consent to Participants of Investigative Research” (Appendix C). Once all of the data on each selected student with disabilities was gathered in their individual confidential files, the notes were transcribed and coded. This was based on the researcher’s own past experience in roles related to this research, as well as specific themes or patterns (later developed as codes) which appeared to be salient to this case study.

The third step in this process was what Miles and Huberman (1994) referred to as data display or narrative text. This allowed for an organized assembly of information that permitted conclusion drawing and action taking. Additionally, the researcher made an informal grid on

each of the specific seven special education cases which specified the names, codes, and interview dates of those contacted.

The inquiry process allowed for the next step actions after the first and second tier interviews. This process included observations, attendance at an IEP meeting, and a review of a homebound teacher's personal journal notes. Additionally, two outside school personnel were interviewed. They were specifically, the School Community Resource Officer from the local police department and the Substance Abuse Program Coordinator from the Community Services Board.

Including the review of records (discipline files, court records, cumulative files, etc.), the researcher interviewed up to eleven personnel per specific special education student (of which there were seven) based on the five guide questions. The staff development and training research questions were documented separately after interviewing the Director of Special Education and Related Services and the Supervisor of Staff Development and Health Services.

The compilation of data was labor intensive and continued to develop as each new phase or circumstance occurred. Some analytical moves that supported this case study, involved "affixing codes to a set of field notes drawn from observations or interviews and was given as reflections or other remarks in the margin" (Miles & Huberman, 1994, p. 9). Miles and Huberman further stipulated that by isolating the pattern and processes, commonalities and differences, and taking those out to the field in the next wave of collection were a part of the analytical process. The researcher followed this process as noted by Miles and Huberman:

Initial data are collected, written up, and reviewed line by line, typically within a paragraph. Beside or below the paragraph, categories or labels [or themes] are

regenerated, and a list of them grows. The labels are reviewed and, typically a slightly more abstract category is attributed to several incidents or observations. (p. 58)

The next move in this process involved written case analysis. The general strategy was to build first, descriptive display formats designed to answer the research questions.

Coded data was entered and from there, conclusions of a descriptive sort were drawn and verified. With those conclusions in hand, explanatory displays can be built, coded data entered, and explanatory conclusions drawn. (Miles & Huberman, 1994, p. 307)

Furthermore, “Coding represents the operations by which data are broken down, conceptualized, and put back together in new ways. It is the central process by which theories are built from data” (Strauss & Corbin, 1990, p. 57), as was completed in this research.

The researcher gave coded letter names to those people interviewed. The selected seven students were first given coded letter names, but were later changed to “fake” real names for easier readability and for confidentiality. It was important to the researcher that there was a connection made between the real person in this case study and the data obtained.

Based on the information gathered, a conceptual framework explained the main things to be studied that were a part of the key factors and the presumed relationship among them (Miles & Huberman, 1994). Based on the initial interview guide questions, participants were able to tell their own story based on their experiences in handling discipline problems, as well as to recommend other sources of information. “In the narrative inquiry model, participants are telling their stories” (Miles & Huberman, 1994, p. 47). The researcher used this model as one of the many approaches utilized during the data gathering.

A contact summary is a single sheet with some focusing or summarizing questions about a particular field contact. The field-worker reviews the written-up field notes and answers

each question briefly to develop an overall summary of the main points in the contact.

(Miles & Huberman, 1994, p. 51)

The researcher used excerpts from the “Contact Summary” as suggested by Miles and Huberman (1994) (Appendix D) as a visual aide. The notes were disseminated in each of the appropriate individualized and confidential file folders.

Once the interviews, observations, and notes were written based on each of the students studied, a profile of the students emerged which allowed the researcher to get a better picture of the selected special education students and the “why” factor that was involved with the disciplinary problems. The researcher began by “analyzing the first interview and observations with a line-by-line analysis” (Strauss & Corbin, 1990, p. 72), and continued in the investigative process as more data became available and relevant to the topic at hand.

The Instrument

The interviews were conducted in an open-ended fashion with a set of initial guide questions. Once that was established, further questions were asked that were more case specific based on previous data gathered. “One major technique that is central to all coding procedures and that helps to ensure your flexible use of those procedures is the asking of questions” (Strauss & Corbin, 1990, p. 59).

Additionally, the researcher served as an instrument. According to McCracken, “This emphasizes that the investigator cannot fulfill qualitative research objectives without using a broad range of his or her own experiences, imagination, and intellect in ways that are various and unpredictable” (1988, p. 18).

These experiences were especially useful for the researcher as a past director of special education for another school district, principal at a psychiatric facility and private school, and as

an assistant principal at a public secondary school and other educationally related positions throughout the Commonwealth of Virginia.

“Categories and the concepts pertaining to them are taken from the pages [of notes] and written as code notes, a type of memo” (Strauss & Corbin, 1990, p. 73). The researcher used a “Contact Summary” form (Appendix D), which allowed the researcher to make additional notes related to main issues or themes. Any salient, interesting, illuminating or important information in the contact was noted, as a visual aide, and was later placed in the appropriate individualized files.

When compiling student data, “One begins to notice certain patterns” (Strauss & Corbin, 1990, p. 130). Data for each of the designated special education students was compiled based on the initial probe questions. There was a web, a network of conceptual relationships, which the researcher sorted out and refined during the selective coding which was very case specific for each of the seven special education students.

The analyst could then go back to the categories and fill in any missing details. In order to capture the process analytically, the researcher should show the nature of events by noting the why and how action or interaction, which can be in the form of events, doings, or happenings. (Strauss & Corbin, 1990, p.141)

The researcher noted these events, actions and consequences of each of the students by reviewing their discipline files, cumulative records, special education documents (including the Individualized Educational Program), classroom observations, and interviews with personnel who directly related to each of the students within the context of the discipline questions that were asked by the researcher. “The process must be accounted for to a degree sufficient to give the reader a sense of the flow of events that occur with the passage of time” (Strauss & Corbin,

1990, p. 147). The research was gathered within a one year time period, 1999-2000, which was two years after the new IDEA 1997 provisions and regulations. This was significant, as many school districts were caught off guard and were transitioning into these new mandates as stipulated in IDEA 1997.

“To trace a conditional path, the researcher must begin with an event, incident, or happening, then attempt to determine why this occurred, what conditions were operating, how the conditions manifest themselves, and with what consequences” (Strauss & Corbin, 1990, p. 168). Each of the student’s cases was different when analyzing the various interactions and researching the data. Strauss and Corbin indicated that one would want to capture the evolving nature of the events, and what kept the interaction going and what disrupted it. The researcher needed to be keenly aware of what people were doing and saying, what conditions moved it along or stalled or ended it, and why. The decisions made by the researcher as to whom and what would be noted next in each of the student’s cases added to the enriched data collection.

Selection of Participants

The initial interviews were held with those people within the school district who made policy decisions concerning disciplinary components specifically surrounding special education students (Strauss & Corbin, 1990). Based on their recommendations and continued data, other personnel were interviewed. The researcher then determined the impact of broader conditions on decision-making based on the new disciplinary components of IDEA 1997 that were emphasized in this case study.

Other External Factors

The School Superintendent

The researcher met with the School Superintendent (coded as C-1, for Central Administration and a number one), on February 21, 2000. During that meeting, the researcher gave the School Superintendent chapters one, two and three of the research document for review. Then, the School Superintendent requested a written summary of the components of the case study, which was then submitted for review and approval with the school district's Subjects Review Committee. C-1 suggested that the researcher interview the Director of Administrative Services (C-2), which was completed on 2/21/00.

However, by July 31, 2000, the School Superintendent was no longer in this school district and had selected another job elsewhere. Due to this change, the central administrative staff was in the process of distributing additional job responsibilities during this transitional period. Due to this, two administrators cancelled the scheduled interviews with the researcher.

School Grade Level Changes

This school district was also going through a transitional time period at the middle and high school. During the next school year, 2000-2001, the middle school changed to grades 6, 7 and 8, rather than the 5, 6, and 7 grade levels. The high school changed to the grades 9-12 structure, rather than the grades 10-12 which had been in place while conducting research.

Validity

The researcher kept confidential hand-written notes, used an audio-cassette tape recorder as a backup, sent letters to participants with the transcribed notes for clarification and comments, requested that participants sign a form that indicated the accuracy of the tapes, and followed-up

with additional interviews or questions based on the data that was presented and absorbed by the researcher.

The researcher used direct face-to-face communication and interviews with those who participated as the researcher felt that this direct communication was imperative in obtaining the most accurate information from those involved in this case study and a good communication technique for a qualitative study.

Sommer and Sommer (1997) reiterated that validity was the degree to which a procedure produces genuine and credible information. Internal validity was indicated as the degree to which a procedure measures what it is supposed to measure. The researcher cross-referenced each new bit of information.

Confidentiality

“Confidentiality means that the participant’s identity is known to the investigator but protected from public exposure” (Sommer & Sommer, 1997, p. 16). It was also noted:

Confidentiality means that such information may be used only for purposes of the research and may not be divulged to others. When others have access to participant’s data, their privacy is invaded (Leary, 1995).

Leary (1995) indicated:

Sometimes subjects are given codes to use on their data that allows the researcher to connect data without divulging their identities. In cases in which the data are in no way potentially sensitive or embarrassing, names may be collected. In such cases, however, researchers should remove all information that might identify a subject after identifying information is no longer needed. (pp. 325, 326)

The codes were only noted in the student file. If the coded person had given data concerning more than one of the special education students, this information was appropriately disseminated in each of the student's confidential files.

The researcher stored, secured, and maintained the confidentiality of all information. The researcher previously had developed this skill in other educational roles (e.g. as a Principal and management team member of a Psychiatric Center at a private facility, etc.) whereby confidential information was imperative in meeting the educational, physiological, and psychological needs of those students admitted to the facility. Additionally, as a Director of Special Education for a school district as well as a high school Assistant Principal at this same public school district, the researcher had the past experience in securing and maintaining confidential data.

Within the context of the Informed Consent to Participants of Investigative Research, participants signed that they agreed with the accuracy of the transcribed tapes. These participants signed the "Audio-tape Transcript Verification form" (Appendix F). The researcher requested that the enclosed form, which had accompanied the interview transcript, be returned in a self-addressed envelope. The researcher's home telephone was also indicated on this form, in case anyone had additional comments or questions. Participants either made additional notes on the returned mailed transcripts or returned them to the researcher after indicating that the transcribed notes were accurate.

Only two people directly contacted the researcher for further clarification after receiving the transcript that dealt with the record-keeping process. One was the special education department chairperson at the high school and the other was the school psychologist at the middle school. Their questions related to the record keeping of data.

The Substance Abuse Program Coordinator noted on the form that she was only able to give general information, since she was a part of the Community Services Board, and not a part of the school district. However, she was housed within the high school of this particular school district. Therefore, she felt compelled in some questions to refrain from answering, which was so noted in the results of this case study.

Human Subjects

Since participation in this case study was voluntary, the respondent could choose not to respond, but if this was their choice, they were asked to have another respondent as a recommendation from them to go through the interview process. All requested initial interview participants agreed to respond. In fact, even though this was the last quarter of the school year with all of the “end of the year” commitments, participants were willing and accommodating in providing their personal time and additional information. Only a few of the second tier participants were unable to participate, and the researcher documented their reasons which overall dealt with the change in leadership positions at that time and their roles during this transitional period.

The researcher followed the requirements as set forth by the Institutional Review Board for Research Involving Human Subjects at Virginia Polytechnic Institute and State University.

Summary

Chapter III explained the research design and methodology, sample selection, demographics, the interview guide questions, the pilot interview, the instrument and the selection of participants. The data collection and analysis were given, as well as an explanation of external factors. Validity, confidentiality and human subjects were described as related to this study.

Chapter IV will discuss the staff development and training questions with analysis of training. The researcher as a consistent presence will be communicated as well as a description of interviewees. Each of the selected seven student's specific cases will be presented as related to an interview guide question involving their disciplinary actions. Overall summary and analysis of each student will be given upfront before proceeding with the diverse subcategories. Other concerns by central administrative staff will be discussed as well as an overall summary given.

Chapter V will explore the lessons learned and recommendations. Surfaced themes and emerging patterns will be given, as well some noteworthy considerations. Recommendations at the School district and State level and for further study will be given. A summary will end this chapter.

CHAPTER IV

DATA AND ANALYSIS BASED ON STAFF TRAINING AND DEVELOPMENT AND THE FIVE INTERVIEW GUIDE QUESTIONS

This chapter consists of information related to staff development and training as well as data gathering concerning the disciplinary concerns of the seven-selected students with disabilities as related to the five guide questions. Concerns and comments from some central administrative staff are summarized.

Analysis of training and projections will be given. The researcher as a consistent presence, and the process involved in selecting the students will be described. The students will be discussed in relationship to their connectedness with one of the five guide questions. Data gathered, along with information obtained from interviewees and summaries, will be analyzed.

Staff Development and Training

Staff Development and Training Questions

This researcher asked,

What staff development and training had occurred since IDEA 1997 and what would be recommended in the future in a Virginia school district?

The Supervisor of Staff Development and Health Services as Trainer

The School Superintendent and the Director of Special Education and Related Services recommended that the researcher interview the Supervisor of Staff Development and Health Services (C-6), which was conducted on June 9, 2000. The researcher provided C-6 with information a week prior to the interview, which gave the purpose of the study, and the overall guided interview questions emphasizing that the interview would deal with staff development and training (C-6, Interview, 6/9/00).

C-6 stressed, “There were various staff development plans. The standards of learning (SOL’s) training were the heaviest. The core areas, curriculum and integration of technology were also emphasized” (C-6, Interview, 6/9/00, p. 1). Other issues addressed minority achievement and discipline, special education issues, classroom management, and ‘the aggressive student’ (C-6, Interview, 6/9/00).

C-6 gave a five-year projection plan from 1993-1998. She indicated:

I also presented another plan entitled “Safe N’ Secure Schools Staff Development Plan, 1998-2000’. In 1993, [just to note], Lee Cantor conducted a presentation entitled ‘Succeeding with Difficult Students’. During the 1994-1995 school year, twenty-five staff members went to various workshops. During the 1995-1996, some of the training included substance abuse, cooperative discipline, and parent-to-parent training. In the 1997-1998 school year, [which was the first year after IDEA 1997] emphasis was placed on the early identification of at-risk students, as well as the management in the classroom, and a program entitled ‘Handle with Care 1-2-3 Management’. (C-6, Interview, 6/9/00, p. 2)

Furthermore, a discipline summit was held for the crisis management team during the 1999-2000 school year. C-6’s recent action plan, which extended through the 1999-2000 school year, emphasized the de-escalation of [negative] behaviors with at-risk students. Past training and training for the future in this school district stressed training that would decrease disciplinary concerns and actions for all students [including those in special education] (C-6, Interview, 6/9/00).

C-6 further stated:

The Director of Special Education and Related Services [coded as C3ab] also worked individually with principals in needed special education issues. Central staff often communicated through a ‘Superintendent’s Planning Council’ which met monthly. The Supervisor of the Alternative Education Center worked within the framework of the ‘Safe School Environment’. (C-6, Interview, 6/9/00, p. 3)

During the various training sessions, C-6 kept the evaluations and the class rosters of all participants for documentation. The purpose of the evaluation was to assist in future effective workshops. During the school year, teachers were required to attend a total of fourteen hours of training. As an example, there were twenty-seven hours of training just in the social studies area alone (C-6, Interview, 6/9/00).

C-6 further emphasized “The Standards of Learning” (SOL’s) were a major focus, with a total of two hundred workshops. C-6 tried to align curriculum with content and knowledge, which added to the extensive staff development” (C-6, Interview, 6/9/00, p. 3).

There were certain courses that were mandated. C-6 stated:

‘Reading Academy’ for teachers in grades K-5 and ‘Not with My Kids’, are required.

There were five hundred and fifty one school employees at the high school level of which a total of four hundred and seventy five were certified educational staff members. There were a total of 700-800 employees in this school district. (C-6, Interview, 6/9/00, p. 3)

The Director of Special Education and Related Services as a Trainer

The Director of Special Education and Related Services was coded as C-3ab, which indicated to the researcher that he was a part of the “Central” administrative staff. The number three (3) after the “C”, indicated that this person was the third person interviewed, with two

separate interviews which designated as “a” (C3a, 2/21/00) and “b” (C3b, 5/31/00). When referring to him, but not to specific interview dates, he was designated as “C3ab”.

C3ab described what kind of staff development and training had occurred since IDEA 1997. He stated:

We had an administrative in-service with the school attorney concerning the new IDEA 1997. Also, I had my own in-service concerning our forms based on what our school attorney had suggested. I did it more than once so that I could have small groups, so that they could ask questions concerning Special Education Regulations, and the school district’s procedures. These included disciplinary issues, guidelines, forms, and an IEP manual. (C3b, Interview, 5/31/00, p. 14)

C3b also indicated:

A retreat for administrators was held, which typically had something related to special education. We, [central administrative staff], completed an IEP workshop with a [outside] consultant, which lasted five days. We also did a lot of ADHD ‘stuff’ with the psychologist. Every year we do something concerning the criteria for identifying certain disabilities. We have done some on how to implement accommodations and inclusion. The T/TAC [Training and Technical Assistance Centers of Virginia] came to one of the elementary schools from a University, which dealt with inclusion issues [two additional in-services were given]. The Supervisor of Staff Development and Health Services had system-wide courses listed in a catalog, but not those completed in the individual schools. (C3b, Interview, 5/31/00, pp. 14, 15)

Analysis of Training and Projections

Overall, training sessions involved de-escalating issues for at-risk students, including some in special education programs. Other central and school-based personnel also conducted individual school-based training.

The following training took place during this time period:

1. Special Education: issues related to discipline, regulations, procedures, forms, IEP, and criteria for certain disabilities.
2. Standards of Learning.
3. Safe and Secure Schools.
4. Teacher-mentor programs.
5. Class Management.
6. Substance Abuse.
7. Cooperative Discipline.
8. Parent-to-parent training.
9. Early identification of at-risk students.
10. Reading Academy.

There was an extensive selection of training opportunities given in this school district, some being mandatory. Future training emphasized what would decrease disciplinary concerns and actions for all students, including those in special education.

The Researcher as a Consistent Presence

An initial meeting was held with the Superintendent of Schools on February 21, 2000 with a final informal meeting held in August 2000, which ended the research process.

The researcher was consistently present during the winter, spring and summer of 2000, while also working part-time as an educational consultant and facilitator for one of the Virginia Department of Education training/technical assistance centers at a nearby university. The researcher was a facilitator and presenter for T/TAC on the topic “Functional Behavioral Assessment and Behavioral Intervention Plans for Students with Disabilities” who were in need of one. The research occurred during the day, while the educational consulting occurred in the evening.

The researcher followed the school schedule at the various schools, which was from approximately 7:00 a.m. until 5:00 p.m. During that time period, the researcher was at the middle school, high school, and the central administrative offices based on various scheduled interviews, observations, review of records, and meetings, etc.

The researcher felt that it was important to be visible on a consistent, day-to-day basis, so that personnel and students would feel that she was a part of the day-to-day activities and operations. The researcher mixed into the climate and culture, which was an asset in retrieving additional data with appropriate follow-through. Additionally, by being constantly present, the researcher was invited to various events that involved the selected students with disabilities (e.g. IEP, observations, conferences, etc.).

Some staff asked if the researcher was a substitute teacher. One staff member asked if the researcher was from the Virginia Department of Education as an auditor or educator. Some

students thought that the researcher was observing the teacher or consulting with staff much like a school psychologist or social worker would do.

The communication and accessibility was more open at the high school, perhaps due to the fact that five out of the seven selected students were at the high school level whereby the researcher spent more time with greater access to personnel. Additionally, the central administrative staff supported the researcher's study by allowing the researcher easy access to the school, records, and personnel. The School Superintendent was also supportive of the educational research.

The Director of Special Education and Related Services notified personnel before the researcher first arrived at the various schools. This was done after the approval of the research review committee, which included the School Superintendent.

Personnel were cooperative, straightforward in answering questions, and accommodating in answering and assisting in various requests (e.g., retrieval of student files for the researcher's review and note-taking) (M-2, 6/8/00).

The researcher was not allowed to make copies of the various student records, but was able to take notes and summarize data. Additionally, the School Superintendent requested that the researcher not talk to the students directly, for confidentiality reasons. However, the researcher was allowed to be present in discussions, classrooms, interviews with staff, meetings concerning the selected students, etc. (C-1, 2/21/00).

Description of Interviewees

The interviews involved central office and school-based personnel. Thirty-one interviews were scheduled. Twenty-four face-to-face interviews were conducted, with many repeat interviews when additional probing was needed. Seven were conducted with central

administrative staff. Three out of the seven were conducted with middle school personnel, while thirteen out of the fifteen were conducted at the high school. They were coded accordingly, based on an earlier description.

The central administrative staff made it clear that they wanted safeguards in place in order to keep the confidentiality and identification of this school district (e.g. codes given, no copying of student documents, etc.).

The six interviews that were cancelled for various reasons were still given letter codes (e.g., “C” for central administrator and a number based on the sequence of time) for the researcher’s records. The Deputy Superintendent (C-9, 6/21/00) cancelled the interview but assured the researcher that the Superintendent of Schools and the Director of Instruction had previously given appropriate information. The Transitional Coordinator (O-12, 6/21/00) was unable to interview due to end-of-year obligations. A high school counselor (O-13, 6/21/00) did not have pertinent information to share. The middle school Community Resource Officer (CRO) could not be reached for initial contact and scheduling, even after numerous attempts.

Chart Description of Interviewees

Level of Staff	Number & Code	Title of Person Interviewed	Interview Dates
Pilot	P-1	Minister, Counselor and Educator	4/19/00
Central	C-1	Superintendent of Schools	2/21/00

Level of Staff	Number & Code	Title of Person Interviewed	Interview Dates
Central	C3ab (C3a & C3b)	Director of Special Education and Related Services	2/21/00 and 5/31/00
Central	C-5	Director of Instruction	5/8/00
Central	C-6	Supervisor of Staff Development and Health Services	6/9/00
Central	C-7	Drop-out Prevention Coordinator	6/9/00
Middle	M-1	Principal	6/9/00
Middle	M-2	School Psychologist	6/8/00, et al
Middle	M-3	School Social Worker	6/9/00, et al
High School	O-1	Principal	6/12/00
High School	O-2	Special Education Department Chairperson	6/14/00, et al
High School	O-3	School Psychologist	6/7/00, et al
High School	O-4	Special Education Teacher	6/15/00 & 6/21/00
High School	O-5	Community Resource Officer	6/14/00, et al

Level of Staff	Number & Code	Title of Person Interviewed	Interview Dates
High School	O-6	Special Education Teacher	6/13/00 & 6/21/00
High School	O-7	Special Education Teacher & Homebound Teacher	6/14/00, et al
High School	O-8	Substance Abuse Program Coordinator	6/13/00
High School	O-9	Regular & Special Education Teacher	6/13/00
High School	O-10	Special Education Teacher	6/12/00
High School	O-11	Special Education Teacher	6/21/00
High School	O-14	Assistant Principal	6/29/00

The Selection Process of the Students

The researcher wanted a diverse group of students with disabilities that were described in the sample selection section. The first iteration of this case study was composed of a total of twenty-six students with disabilities, which were then narrowed down to seventeen students after reviewing formal and informal documents, based on recommendations from those interviewed and the criteria established under “Sample Selection”.

From Twenty-Six to Seventeen Students

The seventeen students were broken down based on the following guided interview questions:

1. Interview guide question one: two students from “O” and one student from “M”.
2. Interview guide question two: one student from “O”, two students from “M”, and one student from the Alternative Center.
3. Interview guide question three: one student from “O” and three students from “M”.
4. Interview guide question four: two students from “O” and one student from “M”.
5. Interview guide question five: two students from “O” and one student from “M”.

This second iteration consisted of seventeen students with disabilities that matched the five interview guide questions. These students had the following primary special education labels:

1. Ten were “learning disabled”, with one being reviewed as a change of placement to “mentally retarded”.
2. Five were “emotionally disturbed”.
3. Two were “other health impaired”, with both of those students having “attention deficit disorder”.

One of the students labeled as “emotionally disturbed” was at a different placement (not located at the high school, middle, or alternative education center). One student was at a regional center-based school for the emotionally disturbed. One student was in juvenile detention. One student was on homebound status and was unavailable. Another student was finishing a year of expulsion based on a previous disciplinary action, but was still considered to be a middle school student. The remaining eleven students were attending the high school or middle school, while one student was at the Alternative Education Center, which was a part of the school district.

Unavailability of the student during this selection process was one of the main factors in determining if the student should be negated in this process, among other issues.

Chart Description of the Final Seven Students

Interview Guide Questions	Student Code	Special Education	Other Descriptions
One: Involved with multiple short-term removals.	Kellen, who chose suspensions	OHI, ADHD, LD	Male, middle-8 th grader, on medication, Caucasian, 13 years old, 41 discipline referrals, recommendations for 14 out-of-school suspensions, 15 in-school suspensions, 10 after-school suspensions, 8 Saturday detentions, and 2 lunch detentions, private counseling recommended.

Interview Guide Questions	Student Code	Special Education	Other Descriptions
<p>One: Involved with multiple short-term removals.</p>	<p>Rudy, the roamer</p>	<p>LD</p>	<p>Male, HS-10th grader, 16 years old, court involved, recommended for expulsion three times, history of aggression & intimidation, Caucasian, parents moving but Rudy not invited to go with them.</p>
<p>Two: Subjected to a disciplinary change of placement.</p>	<p>Kerry, who threatened with a gun</p>	<p>LD, ADHD, earlier Speech</p>	<p>Male, HS-12th grader, seventeen years old, on “permanent” homebound placement but had been recommended for private day school, Caucasian, depressed, drug involved, threatened using a gun, did not graduate.</p>

Interview Guide Questions	Student Code	Special Education	Other Descriptions
<p>Three: Placed in an interim alternative setting for up to 45 days.</p>	<p>Andy, who had two weapons violations</p>	<p>LD, ADHD</p>	<p>Male, middle-8th grader, 17 years old, officially expelled & received homebound placement, brought a knife to school earlier, BB gun to school, 8 disciplinary actions before BB gun incident, moved 8 times, LD since 4th grade, recommended counseling after expulsion.</p>
<p>Three: Placed in an interim alternative setting for up to 45 days.</p>	<p>Maria, who was not expelled</p>	<p>LD, possibly bipolar disorder & ED</p>	<p>Female, HS-10th grader, 16 years old, drugs at school, long history of drug abuse, court involved, attended psychiatric hospital more than once, self-medicates, participated in substance abuse program, retained in 9th with 33 absences, IEP goals dealt with emotional not academic, did not pass VLT-math, Hispanic, parents primary language – Spanish.</p>

Interview Guide Questions	Student Code	Special Education	Other Descriptions
<p>Four: Removed for more than 10 days in a school year.</p>	<p>Josh, who did not graduate.</p>	<p>ED</p>	<p>Male, HS-12th grader, 18 years old, did not graduate due to attendance, drug abuser, depressed, unsupportive home environment, low average IQ, failed VLT 9 times, earlier possession of MJ but not expelled, previously homeless, foster care, psychiatric center, attended substance abuse counseling, Mom- drug abuser, abused girl-friend, African – American.</p>

Interview Guide Questions	Student Code	Special Education	Other Descriptions
<p>Five:</p> <p>Involved with a functional assessment and behavioral intervention plans, strategies, and supports, which were either initiated or reviewed.</p>	<p>Ken, who was drug involved</p>	<p>ED</p>	<p>Male, HS-10th grader, 16 years old who is dating a 12 year old girl, heavy drug abuser, carried drug device to school, therapeutic intervention, average IQ, depressed, homebound, unsupportive home, earlier tried suicide with knife, threatened parents with bat, sister in fatal car crash, dropped off at orphanage by biological Mother, substance abuse assessments, Caucasian.</p>

Specific Cases

Interview Guide One as Related to Kellen and Rudy

Interview guide one stated:

Think of a case with a special education student that involved multiple short-term removals (ten consecutive days or less) based on the discipline problems. Describe how that case was handled.

Kellen's Overall Summary and Analysis

Kellen had become very adept at figuring out the disciplinary process and system. Perhaps his ultimate goal was to receive out of school suspensions as the only continuum of escalating options, as he didn't want to be in school in the first place. Kellen chose not to serve the lesser given consequences in many instances based on his disciplinary records, by not showing up for the first given assignment (e.g. after school detention, Saturday detention, in-school suspension). This almost always led to an out-of-school suspension, which Kellen had figured out. However, no record was noted in his files as to Kellen's completion of these various consequences.

On the disciplinary referral forms, there was space for Kellen to make a comment concerning what was written. Kellen only made one comment in all of the referrals that he received, which indicated that he "did not do it". Other than that one, no indication was made as to what his feelings, purposes, or negative behaviors meant when he continually verbally expressed these feelings in various classes.

A pattern of observed negative behavior was noted when the researcher reviewed the data concerning Kellen. It was emphasized in IDEA 1997:

Utilize effective strategies for helping children with disabilities, learn appropriate behavior in the school and other community-based educational settings...that once a child has a behavioral intervention plan [which was written for Kellen], the IEP team shall review the plan and modify it, as necessary, to address that behavior.

(<http://www.pacer.org/legis/idea.txt>, 1997, p. 76)

The follow-through on the disciplinary action was not evident in the student's discipline record. Perhaps Kellen learned early on that once a referral was written within a given time-span

(e.g. two referrals in one day, or two/three referrals within a two day period), that he could continue to break school rules without receiving any additional punishment or consequences.

There was also a “check-list” of opportunities noted on the side of the discipline referrals which listed: “warning, student conference, detention with teacher, review of student files, parent contact, and guidance contact. Many of those were checked off on the various referrals, but there was no indication that they actually took place, based on records and overall interviews with staff.

Kellen conditioned the disciplinarians, as Kellen knew the choices that were available: out-of-school suspension, in-school suspension, Saturday detention, after-school detention, lunch detention, and warnings. Kellen’s ideal choice was an out-of-school suspension based on records, and he figured out as an 8th grade middle school student with disabilities, how to manipulate the disciplinary process while also receiving positive and negative attention which it appeared he thrived on.

Additionally noted was once Kellen started a pattern of negative and disruptive behaviors, it quickly continued and other negative patterns occurred as well as additional disciplinary referrals within a short period of time. Kellen had figured out that his consequences would probably be compiled together and that he basically would serve little punishment for the continued disruption within the classroom setting. There was little evidence of records kept concerning disciplinary consequences, dates, or who would be responsible for follow-through. On some days, different consequences were given on the same day without referring to what had already been given by an administrator.

Kellen was labeled with OHI (other health impaired) with ADHD (attention deficit hyperactivity disorder), with past records also indicating learning disabilities. Kellen continued to be placed in situations that allowed him to stay at one place for long periods of time (e.g., in-school suspension). Kellen had a continued pattern of negative and attention seeking behaviors, which interfered with his instruction and the instruction of others. His behavioral intervention plan was not working and should have been reviewed or reassessed, as explicitly indicated in IDEA 1997.

Data Gathering for Kellen Who Chose Suspensions

The researcher had face-to-face interviews with three staff members: 1. the school psychologist, 2. the social worker, and 3. a regular classroom teacher. Additionally, a classroom observation was completed. Formal and informal records were reviewed, which included teacher comments and notes, school records, special education records, triennial [reevaluation] data, educational evaluation, psychological evaluation, Individualized Education Program (IEP), teacher narratives, discipline file, and other pertinent data.

Summary of review of records. Kellen was presently diagnosed as Other Health Impaired (OHI) with Attention Deficit Hyperactivity Disorder (ADHD). He had been previously also diagnosed with learning disabilities. It was difficult for him to attend on task with poor organizational and academic skills that were below average. A referred recommendation for counseling was suggested at a private [non-school] level. He had extensive records including the most recent triennial evaluation [re-evaluation], which included an educational report, IEP, psychological evaluation, teacher narratives and other pertinent and current data.

Kellen's negative behavior occurred on a consistent and frequent basis over a considerable period of time. Most often, by design, he chose an out-of-school suspension, since

he typically refused to attend less severe disciplinary action plans. A behavioral assessment and intervention plan was completed after Kellen had reached a level that he was out of school more than in school (Appendix G, Kellen's Review of Records).

Summary and analysis of discipline records. During the 1999-2000 school year from 9/29/99 to 6/7/00; Kellen had forty-one disciplinary actions. A pattern was noted whereby Kellen would often have more than one referral on any one day, or a pattern of continuous days of referrals would occur over a consistent number of days in sequential order. This happened on twelve different occasions as noted in his disciplinary records. Kellen also had four sequential disciplinary referrals either on the same day or within a few days.

The dates that these disciplinary actions occurred were as follows:

1. 3/14 (three referrals on one day).
2. 2/15, 2/11 (three referrals on 2/15 and one on 2/11).
3. 12/16, 12/14 (two referrals on 12/16 and one on 12/14).
4. 9/29 (three referrals on that same day).

The consequences of the disciplinary action varied during the 1999-2000 school year whereby Kellen had fourteen out-of-school suspension days. Two of those referrals were combined to serve as one out-of-school day suspension day (3/28/00). Kellen didn't attend assigned "lunch detention" and was then given a one-day suspension (3/27/00). Therefore, he served two days of out-of-school suspension in a row. Another time, it was recommended that Kellen serve a Saturday detention (2/19/00). When Kellen did not show up for this, Kellen was given an out-of-school suspension (2/22/00), from two different referrals (12/20, 12/21).

In fact, when recommendations were made available for a lesser restrictive assignment (in-school suspension, Saturday detention, lunch detention, and after-school detention) Kellen

“learned” to not show up and then chose to receive the out-of-school suspension(s), which Kellen patterned on a consistent basis.

Kellen received a recommendation for fifteen in-school suspensions to take place on the following dates: 6/12, 5/11, 5/10, (no date given), 3/14, 3/15, 3/16, 2/24, 2/18, 2/7, and 12/22. When he chose to take the out-of-school suspension, it was assigned on the same days as the in-school suspensions: 12/21, 12/20, 12/2, 12/6, 10/19, and 10/2. When Kellen was referred three times on 3/14, one action recommended a three-day suspension, and one administrator recommended three days of in-school suspension on the same dates (3/14, 3/15, 3/16). A third referral recommended an in-school suspension, but no attached date. Kellen also received one referral while he was serving an in-school suspension on 12/7/99.

Kellen received a total of ten recommendations for after-school detentions. Those dates were noted as: 2/14, 12/21, 12/22, 12/17, 11/16, 11/3, 10/13, 10/14, 10/11, and 9/29. On the referral written 12/16, Kellen was also recommended for an out-of-school suspension the same day that he had been assigned an after-school detention for another referral. On one referral with no date, an after-school detention was recommended for 9/29. Failure to attend the after-school detention would have led to an in-school detention on 10/1. Kellen was already scheduled for an in-school detention on 10/2 for another referral made on 9/29.

It was recommended that Kellen serve Saturday detention eight different times. Those scheduled dates were: 6/17, 6/10, 5/27, 5/7, 5/13, 4/29, 2/19, and one referral did not have a date listed. Failure to attend those Saturday detentions on 5/27, 5/7, 5/13, and 2/19 were noted that Kellen would then receive an out-of-school suspension on 5/30 (for 5/27 and 5/7), 5/15 for 5/13, 2/22 for 2/19, and no date for 12/20. The 3/29 and 3/27 referrals were noted as combined with a 4/29 Saturday detention recommendation.

Kellen received recommendations for lunch detention on two occasions. The December 16th referral was to be served on the next school day. If he did not attend the lunch detention, then Kellen would serve two after-school detentions on 12/21 and 12/22. Kellen had already been given notice of an after-school detention for 12/22, as well as a recommendation for an out of school suspension with the referral of 2/15. The other lunch detention was scheduled for 3/24, noting that Kellen had not shown up for this with any further recommendation or consequence.

Kellen received a recommendation on 10/27, which was a “warning”. A behavioral intervention plan was written for Kellen on 3/8 with a recommendation to reconvene on 3/21. No record was noted in Kellen’s official files that this occurred.

Summary of observation in art class. Based on the accumulation of referrals that Kellen received, he became increasingly agitated as the day progressed over a short period of time once this behavioral cycle started. The researcher, therefore, requested to observe Kellen during his 7th period class, which was the last period of the school day. Earlier the researcher had an appointment to observe Kellen in one of his many “assigned” in-school suspension days. However, he rarely attended his assigned in-school suspension days, and the observation continued to be rescheduled, until the researcher chose to select a regular classroom setting.

The art teacher gave extra and individualized attention to Kellen, as part of a strategy used for students with disabilities in an earlier teacher-training session. However, this individualized attention was at the cost of the entire learning environment and was intrusive for other student’s instruction. The teacher was continually attending to the needs of Kellen, who thrived on negative and positive attention (Appendix I, An Observation in Kellen’s Art Class).

Interview with the social worker. The Social Worker, M-3, described Kellen as a learning disabled 8th grader. However, based on Kellen’s special education folder, his primary disability

was OHI with an ADHD diagnosis from an outside doctor. A secondary handicapping condition was made as learning disabilities in his formal school records. M-3 described:

Kellen was a student with attention deficit hyperactivity disorder (ADHD) who was taking 'aderrail' for medical treatment. Kellen should have a change in his medication, and should be reviewed by his doctor again. Last year, Kellen was always bullying and taunting other students. He would make negative comments about students, but was not a fighter. (M-3, Interview, 6/9/00, p. 6)

Kellen would be going to the high school next year as a 9th grader. M-3 mentioned that Kellen's behavioral plan had not worked, but the school had not gotten back to the functional behavioral assessment plan. The social worker (M-3) noted that using the computers was a reward for Kellen.

Kellen's home life was unstable. Kellen's uncle had been living with the family but had moved out in December when he became engaged. The mother had a boyfriend but he did not live with him. In the past, the mother had not been reliable and there was a substance abuse problem with her. The mother had been in communal housing and had been trying to get herself together. She rarely came to Kellen's meetings at this school. I would go to the mother's work location when I needed to get things signed (M-3, Interview, 6/9/00, pp. 5 & 6).

It appeared that both Kellen's home and school life were in disarray with very little consistency and stability. His acting out behaviors as noted were just another way for him to receive much needed attention.

Interview with the school psychologist. This school psychologist, M-2, worked at the middle school with a population of 1,500 students during the 1999-2000 school year on a

full-time basis. Her role was to respond, implement, and resolve problems, including the disciplinary problems of special education students. M-2 duties included:

1. Working with the behavior management of students.
2. Working with teachers and students in various problem areas.
3. Assisting in the development of functional behavioral assessment plans for students with disabilities.
4. Working with two groups weekly on 'Anger Management' along with other significant topics as needed and requested by M-2's groups.
5. Working with a lunch group involving 'Social Skills'.
6. Other responsibilities, as needed (M-2, 6/8/00, p. 1).

The school psychologist gave a listing of six various special education labels that were being serviced at this school. However, she had not included the label of "Other Health Impaired (OHI)", which Kellen was primarily labeled.

The school psychologist described Kellen as:

LD [learning disabled], ADHD [attention deficit hyperactivity disorder], annoying, who doesn't have a lot of friends, gets referrals, and can't keep his mouth shut, doesn't have endearing qualities. He is difficult to like. His grades were not good (e.g., C's, D's, and F's). His problems were more behavioral than for any other reason. He had difficulty in regular PE [physical education] and an elective art class. (M-2, Interview, 6/8/00, pp. 2 & 3)

Based on the description given by M-2, this school psychologist did not have a positive relationship with Kellen.

Interview Guide One as Related to Rudy

A second student was chosen that matched the interview guide question:

Think of a case with a special education student that involved multiple short-term removals (ten consecutive days or less) based on the discipline problems. Describe how that case was handled.

Rudy's Overall Summary and Analysis

Based on the chronological history of Rudy, there was a comprehensive history of being aggressive, including two times whereby Rudy could have been expelled. Rudy had definable academic problems in classroom situations and possibly used avoidance as a way to deal with those issues. His behavioral patterns were aggressive, planned out, intimidating, and assaultive. He was allowed to be a 'roamer' in a big high school whereby even the Community Resource Officer felt there were not controls, since he was a student with disabilities (0-5, Interview, 6/14/00, p. 1).

His home situation was not stable. In fact, at the end of the review, it was noted that Rudy would not be welcomed to join his father and stepmother in their new home location. His grandmother could not control him as indicated in the record notes, and he was not allowed to stay with his mother due to her substance abuse and other issues.

Records indicated that Rudy was below average in reading, understanding a given situation, and impulse control. Rudy physically expressed his discern by doing things like wandering through the halls. Three different interviewees specifically called him a 'roamer', while some students felt intimidated by him. He slept through a class without any consequence or comment, as observed by the researcher during a classroom observation. When asked why he was failing a class, one teacher indicated that he had not completed the work. However, there

appeared to be no effort on the teacher's part to follow-up on this student's missed assignments and Rudy was failing the class. In past experiences, various staff members would have passed Rudy even if he did not meet the passing standards based on his grades and attendance. That same teacher indicated that Rudy needed a teacher who would work with him on a one-to-one basis and someone who would not give up on him, yet this teacher was not willing to do this.

The negative behaviors escalated from multiple short-term suspensions and ended with a ten-day suspension at the end of the school year with the possibility of another expulsion.

Data Gathering for Rudy the Roamer

The researcher contacted eleven staff members of which there were eight face-to-face interviews. Three additional staff members were contacted but were unable to give additional information. Those interviewed were as follows:

1. A School Board Member who was also on the discipline committee.
2. An Assistant Principal.
3. The Dropout Prevention Coordinator.
4. The School Psychologist.
5. The Community Resource Officer.
6. The Special Education Department Chairperson.
- 7 & 8. Two special education teachers (one also being Rudy's homebound teacher).

One observation was conducted in a special education class. A review of records was completed, including the school record, special education record, court documentation, educational evaluation, enrollment contract and other pertinent data.

Summary of review of records. Rudy had a history of academic and behavioral concerns. Additionally, his home situation was less than stable; especially in the near future whereby

informal reports indicated that he would not be moving with his family in the next move. He was not allowed to go back to his mother's home due to her history of substance abuse and other problems as noted in the record notes. Even before the school year was completed, this student obtained a ten-day suspension that possibly involved the courts. His discipline file was not retrievable, and was thought to have been with the Community Resource Officer [yet no one seemed to know this for sure].

There were informal efforts addressed in the enrollment contract that reviewed these behavioral concerns, but no plan of action that would have deterred the student from these stated negative behaviors nor a change in the behavioral intervention were noted. Counseling was listed under the enrollment contract, but since it was not placed in the IEP legal document, it was not binding nor was there any indication that it was implemented (Appendix J, Kellen's Review of Records).

Observation in a special education class. This special education teacher, O-10, was Rudy's biology teacher. However, today O-10 was substituting for another special education teacher for a period or two, as indicated by him. The observation began at 10:10 AM and lasted until approximately 11:10 AM. There were a total of seven students present. The video, The Goonies, was being shown while the assigned teacher was absent. Two students were playing a game of chess. Rudy was sleeping on the floor near the front classroom door during the entire class period. No one said anything to him. The psychologist walked in the door and acknowledged to the researcher that the student lying by the door was in fact Rudy. Four out of the seven students appeared to be interested in The Goonies movie.

Teacher O-10 indicated that Rudy was a student in his biology class. He reflected:

Rudy was truly learning disabled. He had poor reading comprehension and reading recognition skills. Rudy presently has a “D” or high “F” grade in my class. Rudy had good and bad days. I was Rudy’s homebound teacher for approximately two months and we met at the public library where I taught Rudy. (O-10, Observation, 6/12/00, p. 1)

O-10 asserted that before this class schedule,

Rudy was on homebound and center-based status. When I saw Rudy at the public library, he was totally different. He had “C” averages. Rudy was on homebound status due to a fight [which concurred with the information given in the review of records]. (O-10, Observation, 6/12/00, pp. 1 & 2)

Interview with the drop-out prevention coordinator, C-7. The Drop-out Prevention Coordinator, (C-7), dealt with students who had attendance problems, related problems, students who were being recommended for expulsion, as well as other issues on an individual basis. C-7 started dealing with Rudy about two weeks before this interview. C-7 was developing a packet of information on Rudy to present to the School Board with a recommendation for expulsion (C-7, Interview, 6/29/00, p. 1).

Rudy brought a lead pipe to school. C-7 stated that it was her experience that the School Board was reluctant to expel students with disabilities and when they did, the student received some support until they were re-admitted or in two semesters (one year) (C-7, Interview, 6/29/00, p. 1).

Interview with a school board member. This School Board member (referred to as C-8) specifically discussed “Rudy’s brandishing a pipe” at school episode and was going to make a recommendation for expulsion as a representative of the school board to the Superintendent.

This School Board member was on a subcommittee within the School Board that dealt with suspension and expulsion issues. C-8 was also an administrator in another school district with an expertise in expulsion issues. Some of the procedural safeguards that were already in place in another school district were recommended during this interview for this school district. This School Board member further reiterated:

There are decisions made when students are locked up. When we lock up a kid, all we provide is three square meals and provide clothing at a cost of \$35,000. Yet, it only costs \$8,000 to educate a kid. When they are being educated, they feel productive and are a contributing member of society. As a member of the School Board, I would not recommend doing this. A recommendation would be made to the new chair to keep good documentation. If a child is expelled, documentation should be presented as to where he is, what happened, and the severity (the longest being 365 days). The Gun Free Act also has some controls over this. The School Board needs to figure out what to do with these students. Once the School Board finds the child, it should not lose sight of this.

Furthermore, there should be a self-evaluation [by the School Board], as to how they were providing educational instructional programs. The School Board should help the schools evaluate their funding sources. There should be a ratio change with more inclusion. In another close district, the Commonwealth of Virginia has given this district more money because it is a part of a regional program. The School Board needs to look at the funding at this level. (C-8, Interview, 7/12/00, p. 3)

Interview with the CRO. In October 1999, CRO, (O-5) arrested Rudy for assault and battery.

Since this was Rudy's first offense, it was unofficial. Rudy intimidated victims. However, the victims chose not to prosecute. Usually, Rudy did assault, larceny and theft. Three cases were reported as being the victims of Rudy and I couldn't begin to state how many of these have gone unreported. Rudy was usually in the hall. He was rarely in class and was one of the roamers. There were no consequences for him. Special education and discipline really worked against security [and safety] at this school. (O-5, Interview, 6/14/00, p. 1)

The researcher asked the CRO if the administration had ever placed a student on escort or monitoring [walking 1-1 with an adult], which the researcher had used in a previous administrative role. O-5 responded,

No, there were just no consequences for him. One misdemeanor in the Commonwealth of Virginia was unofficial and diverted (e.g. 1-1 counseling, etc.). Before the age of eighteen years old, it didn't go on the student's record. This had been utilized for about four or five years. Rudy was hard to pin down. Rudy had been pulled out of class a few days ago. He was brandishing a dangerous weapon [a lead pipe]. The other student did not have a weapon displayed. (O-5, Interview, 6/14/00, p. 1)

In response to a question concerning if an expulsion recommendation would be made based on Rudy bringing a dangerous weapon to school, O-5 responded:

It would not necessarily be an expulsion, since dangerous objects are not weapons on school property. No. I have no idea what the school did. The referral was last Monday. The incident occurred last Wednesday and then Rudy did not return (to school) last

Thursday or Friday of last week. Rudy said that the other kid threatened him. (O-5, Interview, 6/14/00, p. 2)

After this interview, the researcher wondered why Rudy was charged with “brandishing a weapon” since the CRO, O-5, indicated that dangerous objects (the lead pipe) was not considered a weapon on school property.

This high school community resource officer appeared frustrated by the lack of communication and cooperation between the school administration and the police force. In particular, O-5 felt that there was also a safety issue involved. O-5 felt unprotected if an incident occurred that was a danger or threat within the school system. Furthermore, O-5 felt that students with disabilities received no consequences for not following school rules and that there was no accountability involved when working with these students. In fact, O-5 was unsure if she would be returning next year to an environment that she felt did not protect her or the students.

In particular, Rudy appeared to use intimidation to get what he wanted. He was allowed to roam the halls and use these scare tactics without suffering negative consequences. Obviously, all staff involved needed to establish some kind of proactive measures in order to make this school more secure and safe. Additionally, O-5 felt that students with disabilities had a double standard of no negative consequences [Regular education students could be expelled for specific offenses. However, students with disabilities were allowed to continue their education based on their IEP, when an expulsion was recommended]. Based on these interviews, this produced a negative school climate and culture that was not conducive to learning in a safe and secure educational environment.

Interview with teacher, O-4. Special education teacher, O-4, indicated:

Rudy would come to class late and would refuse to do his work. Rudy could go to the L/S Lab [Special Education Resource Center] if he needed additional resources. This was good for a lot of problem students in order to keep them out of mainstream classes. Rudy came into my class during the second semester, after being taken out of one of his other classes. Rudy was taken out of his other class probably because he was failing. He was also failing my class because he had not completed any work. Rudy was as dumb as a boot. Rudy had low self-esteem and acted out, since he did not feel confident about himself. He was not a bad kid, nor was he disrespectful. If he worked through and read the material, he would sometimes do it. Rudy was usually late for class probably because he was failing. He did not pass the LS (special education resource lab), but could have if he would have earned it. Rudy [the roamer] also wandered around the school a lot, which was also noted by the community resource officer. Rudy was walking around the school with a lead pipe. Another student was caught, but Rudy gave it to him. (Interview, O-4, 6/15/00, p. 1).

O-4 stressed,

Rudy was brandishing [a lead pipe] and threatening another student. There was a previous fight in another special education teacher's class. Rudy appears harmless. He is more like a clown than a thug. He is a 10th grader and may be un-graded. I feel bad for Rudy--there is not a lot of capability. If the teacher had the one-to-one time, he will do it. He needs a small class and someone to not give up on him. He can turn into a behavioral problem and was not getting along in some other classes, but was not a behavioral problem in his class. (O-4, 6/15/00, p. 2)

This special education teacher knew what this student needed in order to be successful but not the commitment to act upon it.

Interview with an AP, O-14. The assistant principal (AP), O-14, had only been at this school for one year. O-14 commented:

Rudy [the roamer] had the potential of becoming a good student. He does get caught up as a follower. Rudy took a leadership role in inappropriate things and was influenced by his peers. He was recommended for expulsion for the second time. The first time, Rudy was involved in an attack on another student. Rudy was caught up in the moment and it went too far. Blood was drawn, and it was a bad fight. Rudy was significantly larger than the other student. Rudy was remorseful about the situation and was allowed to return on a contract and he wanted to return. Rudy had lived with his mother in another school district [the review of records indicated that he actually had lived with the grandmother for three years and that he was not allowed to stay with the mother due to her substance abuse problems and other issues]. Rudy was given one last chance by living here with the father and the stepmother. Rudy was willing to do whatever it took [to stay in school].

(O-14, Interview, 6/29/00, p. 1)

O-14 clarified that:

Each case was looked at on an individual basis. Rudy was allowed to return and he did well for a while. He was gradually allowed to attend with students in the lunchroom, so long as he didn't do anything that would cause [negative] consequences. Then Rudy began picking on students with 'edge-type' of behavior. He was a roamer. (O-14,

Interview, 6/29/00, pp. 1 & 2)

O-14 gave the following explanation for why Rudy was allowed to leave his various classes if he was a known roamer:

He would go to class and then find a reason to leave. When stopped, he would have a pass. He became a problem towards the end. He had opportunities and shouldn't have been involved in some things. It was a teacher-by-teacher decision if a student could leave the classroom. Some teachers had abused this privilege, if a student could leave a classroom. For instance, a student would go to the bathroom without having a pass. Unfortunately, Rudy had a history of inappropriate aggressive behavior. The first time Rudy was expelled, he was not arrested. The second time involving a lead pipe incident...I don't know. (O-14, Interview, 6/29/00, p. 2).

Interview Guide Two as Related to Kerry

Interview guide question two which matched the disciplinary actions of Kerry [who threatened with a gun]:

Think of a case with a special education student that was subjected to a disciplinary change of placement. Describe how that case was handled.

Kerry's Overall Summary and Analysis

Kerry was labeled as learning disabled. Yet, he was first labeled speech impaired. He was dismissed from the speech program because he "refused to discuss it anymore", (which was one of the reasons that he needed the speech program in the first place; poor communication). Verbal expression had been noted, at that time, as a weakness for Kerry. He had attended a private Christian school in the elementary grades, but the records had not indicated how long he had been there. Most recently, there was evidence of depression, suicide and violent thoughts, sadness, possible drug involvement, detachment from family and friends, and disturbance of

emotions with conduct ADHD, and other behaviors and symptoms (Appendix K, Kerry's Review of Records).

His special education roster teacher in charge of keeping track of his IEP had not known him. The high school counselor had not known him since he had been placed on homebound status, nor had known if he had received his high school diploma. Kerry could have received an IEP diploma, but the counselor indicated after the fact, that Kerry "didn't walk".

Kerry threatened to shoot his mother because he was upset that she refused to listen to him. Kerry also sabotaged efforts made by the homebound teacher as well as demonstrated negative behavior that should have been unacceptable in any educational setting, including the continuum of homebound status.

The gun threat made by Kerry occurred within a time frame, whereby "Columbine" was still very evident and historically still in the present tense. Just like in real estate, "time and place is everything". Kerry indicated that he really had no desire to bring a gun [BB gun] to school, yet his English teacher, who was an inexperienced teacher, felt "threatened". She had known little about Kerry outside of her classroom, and was passive about those who entered her classroom, based on the researcher's observation in her classroom setting. Her insecurity or over-reactive decision-making might have cost Kerry his IEP diploma. Kerry was placed on "permanent" homebound status, which was not a continuum of service for students with disabilities.

Kerry had a grade point average of 2.133 during his 10th grade year, yet his grades plummeted the next year (Appendix K, Kerry's Review of Records). Teachers had noticed how energetic Kerry had been in his 10th grade year, but the next year he often was passive, depressed, had refusal issues, or just put his head on his desk during class, for whatever reason.

It appeared that no one really knew Kerry. His counselor did not know if he had graduated. This roster special education teacher, who was to monitor his IEP, did not know him. His teachers that had known him since his 10th grade year, had noted a change, but no one reported it. One teacher noted that she told a psychologist, but she did not know if Kerry had talked to her before Kerry left the school setting.

He was denied a private school placement because he stated that he would not go there if he had to attend counseling, which was not advocated for him. He received the expulsion because he would not apologize to the assistant superintendent when Kerry threatened to bring a gun to school [to shoot his mother at a scheduled IEP meeting].

Kerry was denied the summer extended school year program (ESY) because it was based on regression [of his progress and grades], not compensation [for his loss of time]. Since he was not attending school in the first place at that time, regression could not have been established. It took the school district approximately three months to offer a first outside day school placement, which was recommended in his updated IEP due to the verbal gun threat incident.

Kerry was labeled successful during his homebound status since he was seeking his own employment, yet no one followed through to even see if he was employed. He was at his home environment most of the time.

Speculation by teachers indicated that Kerry would not graduate in his senior year with an IEP diploma. No one knew if he would be coming back, even though some personnel made informal speculations that he would not. He had a history of all of the above, but no one seemed to notice. The private school or contracted day placement would have cost at least twice that amount of a homebound placement.

Data Gathering for Kerry Who Threatened with a Gun

The researcher had face-to-face interviews with seven staff members, and corresponded with one additional person via e-mail. A total of seven persons and their titles were as follows:

1. Special education department chairperson.
2. Dropout prevention coordinator for this school district.
3. A special education teacher.
4. A counselor.
5. The community resource officer assigned to this school.
6. One teacher defined as the homebound, special education and roster teacher.
7. A special education teacher.

The researcher also reviewed formal and informal records, including information from the school records, substance abuse screening inventory, educational evaluation, social case history, teacher narrative, manifestation determination, psychological evaluation, and teacher files.

Summary of review of records. Kerry's records were reviewed on 6/12/00 and 6/13/00, which were extensive. Kerry had a long history of special education services. Based on his speech diagnosis, Kerry had difficulty expressing his feelings. He was dismissed from speech and language in 1982 as a related service due to being uncooperative [during the speech sessions]. Records indicated that he had a verbal expression problem and a problem dealing with his feelings. His present level of functioning and his learning disabilities were taken under consideration when considering Kerry for expulsion due to the gun threat (Appendix K, Kerry's Review of Records).

Kerry showed some acting-out behaviors with possible psychological reasons or depression as indicated in his records. Some behaviors that were noted included: sleeping in class, excessive absences, and choosing which class to perform or not to perform in. One teacher indicated that Kerry appeared sad, however, a referral to another resource or for further testing was never made.

Summary of an interview with a teacher, O-9. This special education social studies teacher, O-9, indicated:

Kerry either threatened to shoot his mother or shoot himself. He ended up on homebound status since he did not apologize to the Assistant Superintendent concerning his disciplinary action. He was not expelled due to his special education status but was placed on homebound [a more restrictive setting]. (Appendix L, Interview with Kerry's Teacher, O-9)

A referral was not written to the Substance Abuse Program Coordinator or to the Dropout Prevention Coordinator. A functional behavioral assessment was not stipulated (Appendix L, Interview with Teacher, O-9).

Interview with the CRO. The Community Resource Officer, O-5, knew the stepsister but not Kerry. The CRO indicated:

He was not involved in anything criminal. However, if something happened at the high school, it might not be reported. Some of the information is withheld at the school. I can't fight all of the battles. (O-5, Interview, 6/14/00, p. 1)

It appeared that O-5 had not felt supported in her role within the high school and police matters when dealing with students, especially those when dealing with students with disabilities.

Interview with a teacher, O-4. O-4, a special education English teacher taught Kerry in the 10th grade. He was placed on homebound status during his 11th grade year for English 11 and she only had him at the beginning of that year. During his English 10th grade year:

Kerry had straight A's in her class, but didn't like to read. He was quiet and didn't talk much. Beginning in his 11th grade year, I noticed a change right away on the first day. He wouldn't do his work and would actually refuse to do it. He wasn't as pleasant as he once was and would get angry easily. To make a point, he would clench his fist. I would be afraid of what he would do or might do. He was placed on homebound permanently.

(O-4, Interview, 6/16/00, p. 3)

Based on IDEA 1997, "homebound" was considered a short-term interim placement based on a decision made by the IEP Committee. As far as a continuum of special education services, no service is considered "permanent". The student with disabilities is placed in the least restrictive environment based on all current data presented which can be reviewed as needed, but at least once annually [when it is reviewed through the IEP or re-evaluation process].

O-4 commented:

One time he asked for help and another student asked at the same time. Kerry stated to me, when my mother ignores me, I want to shoot her in the face. The mother was not too worried about the change in her son. She suspected that it was due to drug involvement. Over the summer before the English 11 school year, the older brother came back home.

There was a relationship there. (O-4, Interview, 6/16/00, p. 3)

Teacher, O-4, was given the information that drug use might be a factor in the Kerry's behavioral change, based on what the mother had stated. Yet there were no records that a referral was made to the Substance Abuse Coordinator.

This special education teacher, O-4, indicated that:

Kerry wrote in his journal about suicidal thoughts and violence. I gave this information to the school psychologist, but I don't think that the school psychologist had talked to Kerry before he was dismissed from school. Kerry likes homebound much better. (O-4, Interview, 6/16/00, p. 3)

Interview with the counselor, O-11, and teacher, O-12. The School Counselor, O-11 commented,

I had not met Kerry because he was not in school. He had two classes this year on homebound and was scheduled to get an IEP diploma, but he hadn't walked [graduated]. Every special education student had a roster teacher who would go to that student's IEP meetings. As a general rule, I also attend these meetings. His roster teacher would have known more about Kerry. I'm not sure if he made it through this year. (O-11, Interview, 6/21/00, p. 1)

The roster teacher, O-12, commented, "I didn't know Kerry" (O-12, Interview, 6/21/00, p. 1). Based on information from this school district, the "roster teacher" was the person who initiated and reconvened the child's IEP, when needed. This could not have been done if the person was unknown to the roster teacher.

Interview with the dropout prevention coordinator, C-7. When the researcher asked the dropout prevention coordinator, C-7, what she had known about Kerry, C-7 had a vague recollection of him and emphasized that there were a lot of students at this high school. C-7 commented that "Some [students] don't care and can be extremely difficult, even though we [staff] try everything. Big guns go to court" (C-7, Interview, 6/29/00, p. 1).

Kerry had special education issues. These were clouded issues when handled with truancy. Special education issues prevented me from getting involved, since things need to be done to comply with the IEP. There are no causals [meeting held to review if behavior was connected to the disability] with disabilities and absences. I work with high school and middle school level students as the Dropout Prevention Coordinator with the student services committee. My job is less significant than that of administrators, but I am more likely to see kids everyday. I deal with teenage pregnancies, HIV students, at-risk and students who need preventative measures. I try to take some kids to court. There is a big umbrella. (C-7, Interview, 6/29/00, p. 1)

C-7 also held meetings with the special education department chairperson at the high school, attended IEP meetings, and causal meetings. “I deal with individual responses rather than set patterns. I don’t have enough detail dealing with him [Kerry]. Another person [specific name given] would have greater detail concerning him. However, [that person] retired in June 2000” (C-7, Interview, 6/29/00, p. 1).

Interview Guide Three as Related to Andy and Maria

Two students with disabilities, Andy and Maria, were related to interview guide question three, which was as follows:

Think of a case with a special education student that was placed in an interim alternative setting for up to 45 days because of certain weapon or drug offense or because a hearing officer has determined that there is substantial likelihood of injury to the child or others if the child remains in his or her current placement. Describe how that case was handled.

Andy's Overall Summary and Analysis

Andy was an 8th grader with limited below average ability who had other issues besides his special education labels to deal with. Most students graduate from high school when they are about 18-years old. Andy was presently an 8th grader who was seventeen-years old. He was failing his academic classes, with the majority of his classes in special education. His attendance was poor. His home environment was questionable based on the numerous statements by those interviewed. He was impulsive and was labeled LD with ADHD. Counseling was recommended, but the mother and Andy refused to continue attending, after the initial visit. Andy received the same consequences for his negative behaviors which appeared to be ineffective, as noted by the consistent, frequent and duration of negative behavioral patterns.

The mother appeared to be unavailable based on records, and rarely participated in meetings involving Andy. Andy's substance abuse assessment indicated that he was at high risk for substance abuse use. This inventory was based on his opinion and not the history of the family, profiles, or other circumstances. Andy was noted as often making poor choices based on his past history.

Andy had moved eight times since beginning his school years, which could have been interpreted as at least once a grade level. By being placed on homebound status, Andy continued to be in an environment that was not conducive to his learning.

Data Gathering for Andy Who Had Two Weapons Violations

The researcher had face-to-face interviews with three different staff members:

1. The social worker (M-3) assigned to this middle school.
2. The dropout prevention coordinator (C-7) for this school district.

3. A school board member (C-8) for this school district that was also on the School Board subcommittee dealing with student discipline issues, including expulsion.

Additionally, Andy's discipline records and expulsion hearing notes were reviewed, which had been placed in the office of the Director of Special Education and Related Services. Andy was the only student with disabilities officially expelled during this 1998-1999 school year in this school district.

Summary and analysis of discipline records. Andy's discipline records were reviewed 6/9/00 (Appendix M, Andy's Discipline Records). Andy had two weapons violations. He brought a knife in his book-bag in the 7th grade (grade repeated twice) and his BB gun incident occurred in the 8th grade. Andy received a one-year expulsion for bringing a BB gun to school, while also receiving homebound services as a student with disabilities.

Andy was a low average student, with a long history of disciplinary problems. It appeared that Andy figured out the disciplinary process and consequences. When he received a referral, he would then receive other referrals during the same time period, usually within the same few days. The administrator would then assign the same consequences or combine the days, in some instances.

Additionally, when given in-school suspensions, he would not attend them and then the administrator would give him an out-of-school suspension. This was a consistent pattern in his disciplinary history.

Andy's standard score on the Stanford-Binet Intelligence test was 64 in the area of short-term memory, which was in the below average range of intelligence. However, this was not mentioned when reviewing his actions when he stated, "He forgot that his knife was in his book bag" (Appendix M, Andy's Review of Discipline Records).

Andy was frequently late for school. His attention seeking and negative behavior were escalating until the gun incident. However, the same consequences were given without reviewing his records, since there were referral errors. Also, there was no indication on the disciplinary referrals if he actually completed what was assigned to him (Appendix M, Andy's Review of Discipline Records).

The readmission expulsion packet indicated that Andy had to have a report concerning attendance of counseling services. However, there was no mention as to the contact person or the person who would be monitoring this action. There were not records indicating that he attended counseling services.

The IEP stipulated that Andy should have access to a computer and a calculator. However, there was no record as to how this would be done while he was attending a year of expulsion and placed on homebound status in his records.

Parental involvement was minimal, with only one note in Andy's disciplinary referral that stated the grandmother could be contacted. He was failing all but one of his classes. He was attending in-school suspension status for weeks at a time, or not attending, and then being placed on suspension due to his non-attendance. This cycle continued over and over again.

The disciplinary consequences were not proactive in dealing with Andy's actions. Unfortunately, his records were not reviewed until the school district was getting ready to present him to the School Board for a recommendation of expulsion (Appendix M, Andy's Discipline Records).

Interview with social worker, M-3. The middle school social worker, M-3, indicated: Andy was out on homebound. He had attended the middle school as a seventeen-year old. He brought a BB gun to school because he didn't want to leave it out in the rain as was

stated by Andy. He had a knife incident earlier on school grounds. Andy could carry on a conversation and was interesting. He had effeminate qualities and characteristics, which had not appeared before. He lived in a bad neighborhood in a horrible townhouse with his grandmother. (M-3, Interview, 6/9/00, p. 1)

The researcher contends how could Andy do well in school if the above issues were not explored, resolved, with a plan of action to make a positive and proactive difference?

Interview with the dropout prevention coordinator, C-7. The dropout prevention coordinator, C-7, commented:

Andy was expelled a year ago. I had contact with the mother, who was trying to work on the process for Andy to reapply for readmission to school, which was a part of the criteria after an expulsion [recommendation and hearing]. I left numerous voice messages for her [the mother] and ended up increasing the calls at the mother's full-time job. First it would be 2-3 days apart, and then she would call 2-3 times a day. Last week, I finally got a 'fax' from the mother. This is a complicated child and Andy might benefit from outside services [This was never voiced by her at an IEP meeting during this time period]. If he is kept out of school, he won't get the help. Once they are out, they become even more disadvantaged. The School Board teaches a lesson but then the child becomes farther behind and the behavior doesn't go away. The school division or Statewide needs to find alternatives to put in place, regardless. (C-7, Interview, 6/29/00, p. 1)

Interview with a school board member. This School Board member, C-8, stated:

Andy is a middle school student who was the only special education student to go through with an expulsion and I went through his records. He was diagnosed as an ADHD student, LDSC, and a lot of information was given as to what had happened in the

past. He was the one who had the B-B gun. He was then placed on homebound instruction and a manifestation determination was done. (C-8, Interview, 7/12/00, p. 1)

C-8 reiterated:

I'll bet you that the manifestation determination said something like 'He had no business doing it'. I'm sure they [the School Board] said that his disability did not impact on his behavior. Okay, I'm not sure if I always agree with that. Most kids that are ADHD are also impulsive. I'm not sure how much detail was reviewed on this kid. (C-8, Interview, 7/12/00, pp. 1 & 2)

Interview Guide Three as Related to Maria

Interview guide question three which also related to Maria, was as follows:

Think of a case with a special education student that was placed in an interim alternative setting for up to 45 days because of certain weapons or drug offenses or because a hearing officer has determined that there is substantial likelihood of injury to the child or others if the child remains in his or her current placement. Describe how that case was handled.

Maria's Overall Summary and Analysis

This school district indicated Andy was the only student with disabilities that had been expelled. However, after reviewing Maria's records, Maria was not expelled even though she had a drug possession charge in the high school, and could have been expelled if processed through based on the school district's expulsion policies. She went to a juvenile detention center and a private psychiatric center before the school district would reconvene the IEP, once she had returned to the school setting.

Maria was placed on homebound status, which cost the school system less than an outside placement. Maria's outside placement, the private psychiatric center, was funded through the Comprehensive Services Act (CSA) [The Community Planning and Management team (CPMT) was the team under CSA that decided if funding would be provided for a client. The Family Assessment Planning Team (FAPT) then would decide on the placement of the client, once it was funded, and would decide which team member (e.g. courts, schools, and social services) would be the case manager].

Maria was labeled as learning disabled while the psychiatric center had diagnosed her as having a bipolar disorder. One special education teacher had indicated that she should be labeled as emotionally disturbed when her next triennial was due [reevaluation].

Maria had a history of substance abuse and it was noted that she took marijuana for self-medication due to her depression, since her parents would not allow her to take prescriptive medication.

Maria spoke Spanish in the home as the primary language, even though she could also speak English. Her parents understood little English, yet an interpreter was not provided during the IEP meeting that was reconvened after her stay at the private psychiatric center.

Maria had low standardized test scores and frequent absences. Her behaviors were described as impulsive and lacking in focus. She was placed in the self-contained setting due to her negative behaviors in her mainstream classes.

Maria had spent some time in the juvenile detention center for a probation violation before going to the private psychiatric center. When interviewed at the high school, no one really knew how long she would be there, or even knew if Maria was there at all. Maria had been at the

private psychiatric center more than once, and at one point upon returning to school, she stated that she felt safe at the center and wanted to return there.

The interviewees each knew something significant about Maria. She was withdrawn from school when the researcher completed the data gathering for this research. Answers varied as to where Maria was, when asked. They said that she was on homebound status, dropped out of school after she was withdrawn, in a juvenile detention center or in a psychiatric center [of which, the last two were correct]. There was no evidence anyone knew where she was emotionally or physically. However, one thing that they could tell the researcher: Maria was not expelled.

Data Gathering for Maria Who Was Not Expelled

The researcher reviewed the only file available for Maria along with many face-to-face interviews with six different personnel. They were as follows:

1. Two special education teachers at the high school level.
2. The high school community resource officer.
3. The school counselor.
4. A high school assistant principal.
5. A Communities Services Board member for substance abuse services.

Summary of review of records. Maria's record notes were reviewed on 6/16/00 (Appendix N, Maria's Review of Records). Maria was making inadequate academic progress and had poor attendance patterns, based on her records. She had a history of attending a private psychiatric center which was paid for by the Commonwealth of Virginia through CSA. Maria was court involved, and broke the probation criteria as established through the courts, based on

her non-attendance. A vocational assessment summary, (a CAFAS report), was completed through the CPMT committee [based on the Comprehensive Services Act].

The FAPT committee recommended that other evaluations would be completed. Maria was labeled learning disabled even though teachers indicated that she should also be labeled as emotionally disturbed, since that was the main focus of her disabilities.

Maria had a medical diagnosis of a bipolar disorder and was prescribed medication at one point. The community resource officer felt that Maria was self-medicating with marijuana since her parents did not approve of medication. She was an at-risk student who was involved with alcohol and illegal drugs who would illicit other responses in order for this to happen (as documented by the CRO; male friends invited to her home, unattended). Additionally, she had participated in a substance abuse program.

Maria was born in El Salvador and appeared to have an intact and supportive family. Maria was caught with possession of marijuana and a pager on school grounds. However, she was placed in a juvenile detention center for breaking her probation, due to non-attendance, and then entered a private psychiatric hospital [more than once] before a recommendation of expulsion was made.

The school district made it clear that:

A staff member would monitor and contact the office as soon as Maria was released. A mandated conference would be held at the central administrative office prior to Maria's return to school, regardless of when she is released. (Appendix N, Maria's Review of Records, 6/16/00, p. 6)

The Director of Special Education and Related Services in this school district withdrew any disciplinary recommendation [including an expulsion recommendation for the substance

abuse]. The school district would reconvene the IEP once she returned to school, as they felt they were not responsible for providing services. The CPMT and the FAPT teams [which included the courts, social services, mental health, schools and a private provider representative] were left with deciding on Maria's placement.

Interview with teacher, O-6. Maria was in a special education teacher, O-6's, class at the beginning of the school year for Algebra 1, Part 1 class. O-6 stated:

I had a lot of questions about her. She would put her make-up on in class around 7:30 AM in the morning. She was not rude or disrespectful. I don't really know if Maria is drug involved. (O-6, Interview, 6/13/00, p. 1)

Interview with the substance abuse program coordinator. Even though this position was not a school employee, the Substance Abuse Program Coordinator, O-8, had an office in the high school for the convenience of the students served by this program.

O-8 indicated:

Maria was a 10th grader who had participated in the substance abuse program. This program is a strength-based focused program. It is goal oriented and doesn't deal with the past. I work with student's strengths and then identify them. The students refocus and learn from their choices and then reapply their choices. Maria wanted help. She was a receptive and talented lady. She was extremely creative, outgoing, a wonderful singer, very resilient and adaptable. She was involved in both drama and chorus. She had an extremely hard life. When she chooses to make the right choices, she will go far. She has been out of school a month and I do not know if Maria has passed her classes. She had participated in 1-1 group and substance abuse issues. (O-8, Interview, 6/13/00, p. 2)

Interview with teacher, O-7. This special education teacher, O-7, thought that Maria was at the juvenile detention center at that time and that Maria had a definite substance abuse problem.

O-7 indicated:

She was smart, but needed learning disabilities help in math and science. She would write creative writing poetry on her own. She was in a regular mainstream English class.

However, due to behavior problems, she stayed in English 10 for special education and resource. Maria was not talkative. I had her in the mornings and could tell when she was stoned. Maria liked to complete work on a 1-1, and I wished that she did not have a drug problem. She drove me crazy when she was in a room with me for one and half hours to take some standardized testing and she talked non-stop. She had social connections, and it was hard to keep her focused. The triennial would be due for possible re-evaluation next year. I think the school should move her to ED [emotionally disturbed]. A manifestation determination meeting was held, but a change of placement was not established. Maria is a heavy set, Hispanic, female, with a warm, pleasant face, energetic and that I didn't have to worry about her sleeping. Maria constantly talked about MJ [marijuana]. (O-7, Interview, 6/14/00, p. 1)

O-7 had a probationary teacher's degree in the area of emotional disturbance and already had his master's degree. He summarized by stating that:

I was upset when she left. She was getting A/B's in my class. Her grades are lower than her performance. She was in/out of school. Her parents took her out. (O-7, Interview, 6/14/00, p. 2)

Interview with the CRO. The Community Resource Officer, O-5, stated:

I arrested Maria on May 8th, 1999 for possession of marijuana at school. She was a marijuana user, runaway, and sexually active, from what she tells me. Others say, based on rumors, that she is trading sex for drugs. She met the mother and father who seemed to be supportive. I cannot figure it out. Maria will try to quit and then will do it [again]. It puts her in a compromising position. For example, Maria had seven males with her in a house. Maria was going to court based on the outcome of the arrest. As a result of that charge, Maria violated her probation and was sent to juvenile detention, I think for thirty days. Maria does not like detention. She has a short-term memory problem. A staff member stated that the parents would not allow Maria to have medication, so she uses 'MJ'. They found a 'blunt' on her at school, which she was going to smoke at the end of the day. She had already asked another student to smoke it with her. It was supposed to be an automatic ten-day suspension, but consistency and discipline are not always followed. For example, if I arrest a student for disorderly conduct, administration does nothing. (O-5, Interview, 6/14/00, p. 1)

Interview with the counselor, O-13. The high school counselor, O-13, commented:

I like Maria a lot. She has a lot of energy and is just really a good kid.

I see her when she comes in for help, such as reviewing her block scheduling or a problem adjusting to the high school. What I got from her IEP meeting is that Maria likes to be in charge of her own decisions. People at the IEP meeting were trying to tell her what was going to happen to her, and she was angry with this. She sat next to me, really close, saying 'please don't let them do this to me'. I was caught in the middle of all these administrators and everything. I agreed with her that she does have rights too, so I pretty much took her side. Maria wanted to stay in the mainstream classes and did not want to

go to special education classes. Although the special education classes would have been better for her, she has the right to choose. The IEP committee decided that she was going into these special education classes, and Maria completely exploded. She then started cursing, screaming and hollering. She wanted to go back to the psychiatric hospital.

(O-13, Interview, 6/21/00, p. 1)

O-13 further reiterated:

A part of me felt that I had betrayed her a little bit, because I agreed with the IEP committee, but I did not want to support her at that time. She came back to me, after she had been hospitalized. She wanted to go back to the hospital, as she felt that it was a safe place. She had been there for about ten days for her behavior. When she came back to school, we had another IEP meeting. I stood up and said that we would not make any decisions without her, and to ask her what she wanted to do. Maria was able to get a resource class and stay in the mainstream classes. She had worked out her problems. She never talked about her drug problems, but she spent time in a hospital, again, for that. She was caught on school grounds with drugs. When she came back a second time, the IEP was changed, with an increase special education classes. (O-13, Interview, 6/21/00, p. 2)

The counselor was not sure if Maria had gone through the expulsion process.

I am not sure. Maria may be on homebound right now, because she cannot come back to school. My role with her has always been very supportive. She does not bother me. She does not keep coming in like some other students. I try not to get too involved, but to be there to support her. People have the impression that everybody here should be monitoring and doing discipline, and I do not see my role in that way. I do not think that Maria sees it that way either. (O-13, Interview, 6/21/00, pp. 2 & 3)

O-13 “had made contact with the father at the IEP meeting and had a lot of contact with her probation officer” (O-13, Interview, 6/21/00, p. 3). However, O-13 was unaware that Maria was presently in juvenile detention due to a probation violation, and actually thought that Maria might be on a homebound placement.

O-13 indicated:

The father came in for the IEP meeting. The parents wanted to do whatever it took to calm Maria down. They were not in total agreement with our decision, and if someone forced Maria, she would explode. The parents spoke little English, and Spanish was the primary language spoken at home. They did not have a clear understanding of the whole special education process. (O-13, Interview, 6/21/00, p. 3)

An interpreter was not requested for this IEP meeting, which made it difficult for the father to understand what was going on. This IEP committee also did not have a clear understanding of the IEP procedures and safeguards that were required based on IDEA 1997.

The probation officer was very good and involved with Maria in her special education classes. The probation officer would check up on her attendance, grades, and schoolwork. After school, Maria worked with the custodians, as part of her community service [as recommended by the court]. I am not sure why she has a probation officer; she did something a few years back. She is LD and a sixteen-year old. (O-13, Interview, 6/21/00, p. 3)

As Maria’s counselor, O-13, who initially indicated that she was supportive and met with Maria regularly, however, she really did not know very much about Maria or her current placement.

Interview with AP, O-14. During the interview, this high school assistant principal (AP), O-14 stated:

Maria is an engaging young woman with a simple reference. She will behave inappropriately with minor offenses. When I first met her, she would watch me very intently. She was very business-like and not angry at our first encounter. A year went on, and she was very personable. She was quite engaging. She expressed an interest in drama. She participated in some productions and was an interesting girl. Maria has a history of substance abuse, both at the elementary and at the middle school level. Substance abuse is a long-standing issue with her. Maria's behavior is very self-destructive, and she will strike out. She is in jail now. The father said that she would be in a locked up facility for the next six months. I do not know where—this is third hand information. The special education department chairperson would know and she is good at getting correspondence to and from the facility. This is a sad case. Maria has a very outgoing personality. She was using marijuana. I don't know if she was using anything stronger. (O-14, Interview, 6/29/00, p. 1)

Interview Guide Four as Related to Josh

Interview guide four stated the following:

Think of a case with a special education student when the child was removed for more than 10 days in a school year. Describe how that case was handled.

Josh's Overall Summary and Analysis

Josh was an eighteen-year old, African-American, student with disabilities who was labeled as emotionally disturbed. He did not graduate from high school during the year of this case study. Josh would have been received an IEP diploma if he had attended his classes, which

he stopped doing. He had taken the Virginia Literacy Test nine times, and never passed the math portion. He was known as a peacemaker or peacekeeper by two of his teachers. It appeared that he quit attending school and had only attended before that time to visit his friends or his girlfriend. He had failed most of his classes before his senior year but appeared to have done well academically at the beginning of his senior year when he had a fresh start at his present school, with a change in environment.

Substance abuse was a factor in his progress, as well as being sad [depressed], which was mentioned by some of those interviewed. His home-life was non-supportive in dealing with basic needs, such as food and shelter. Rumor had it that he was physically abusive and aggressive towards his girlfriend, yet he had stayed at her home for approximately two weeks when he had been kicked out of his home. Information was diverse with a lot of different rumors concerning Josh. One special education teacher did not know that he was labeled ED, rather than LD.

Personnel had low expectations for this low average student. Josh had learned earlier that he could do as little as possible, but would still be able to pass and be pushed through the system. Josh had felt that his non-attendance issues would be ignored, just like his disciplinary referrals were compiled to one consequence or his negative actions ignored and grouped together with minimal consequences. He was allowed to wander the school without any consequences. Josh was smart enough to figure out what had worked and had not worked within the system. He then utilized those tools to venture out on his own, even if that involved illegal activities within and outside the school system.

One teacher had inferred that another one of his teacher's was concerned about the verbal sexual harassment directed at her. Perhaps this was Josh's inappropriate way to get attention as he had broken most other school boundary issues. Josh had not even attended the exam for this

class, but showed up later, which was observed by the researcher. This teacher appeared to be somewhat afraid of Josh. Both made little eye contact or communication with each other.

This time, the ten-day suspension at the beginning of his senior school year, was another compilation of an at-risk student who was stung by the reality. With all of the services, hardships, challenges, and emotional turmoil, Josh had not graduated. There also was documented evidence that key personnel had not followed-through on issues that needed to be addressed concerning Josh. As one special education teacher had stated, he might not have wanted to graduate since the school (environment) was a safe place for him.

Data Gathering for Josh Who Did Not Graduate

Formal and informal record notes were reviewed. Additionally, seven face-to-face interviews were conducted concerning Josh. These personnel consisted of the following job titles:

1. The community resource officer.
2. The substance abuse program coordinator.
3. Josh's high school counselor.
4. A high school administrator.
- 5-7. Three high school special education teachers.

Summary of review of records. Based on the Review of Records, 6/13/00, Josh was an at-risk, eighteen-year old, senior who was labeled emotionally disturbed by an earlier school district. The possession of marijuana charge led to a ten-day suspension, with a recommendation for expulsion from the high school principal. However, Josh was not expelled and certain safeguards and criteria were put in place in order for him to graduate from high school (Appendix O, Josh's Review of Records).

Josh had an earlier weapons violation at a previous high school, which involved a safety pin, and referrals had been written for verbal abuse to teachers and students.

When an early triennial [re-evaluation] was completed as part of the disciplinary procedural recommendations, many issues were stated in various documents, even though the researcher was not sure if someone ever really looked at the whole perspective of this student.

Josh fit the label of being at-risk. He had been homeless at the time of the last evaluation. He had not seen his mother since the age of ten. Josh had been living with a father whom he did not get along with for various reasons. There was a history of drug abuse and incarceration with the biological father and mother. Josh had also been in juvenile detention and placed on house arrest twice, even though he no longer had a probation officer. Josh had a long history of using drugs, alcohol, and tobacco products. It was noted in Josh's records that he was depressed, hyperactive, as well as having suicidal thoughts (Appendix O, Josh's Review of Records). His grades were poor, even though when he came to the present high school, there was noted progress in his academic classes, with grades of A's and B's. His attendance and discipline problems had also improved at his newest high school, even though there was some discrepancy in this statement of the records. The transition coordinator indicated that Josh had not followed through on the employment requirements. He enjoyed such things as chorus, singing and dancing at the new high school. He made positive comments about attending the new school his senior year.

Josh had excessive family moves throughout his educational experiences. Josh had been in various different alternatives: foster care, a public psychiatric center, he lived with the Uncle, various friends, or his girlfriend's home with the permission of her parents. Lastly, he was homeless, before the time of graduation.

His IQ was in the low average range of intelligence based on standardized tests. He took the Virginia Literacy Test a total of nine times, and never passed the math portion; which meant Josh had not passed. He wanted to finish high school and had mentioned that he was proud of being a senior, even though he did not graduate.

Interview with teacher, O-9. This special education government teacher, O-9, taught Josh during his senior year. O-9 commented, “He was fine in the beginning. Then he started missing days and had trouble with marijuana. He was suspended and when he came back, he was okay for awhile” (O-9, Interview, 6/13/00, p. 1).

Josh’s government composition of the class changed. There were more street-wise kids, and more students from other parts of the world. This was not the best environment for Josh, but he was still okay. He was passing government until recently. Based on his IEP diploma, all he had to do was to come to class. He had trouble in a cafeteria fight. He was either in on it or a peacemaker. One kid got a five-day suspension for the cafeteria fight. Josh is not back. When you analyze him, perhaps there is a fear of success. Closure. Leaving. There was a lot of sabotage. He would cross the line and then each time, he would cross the new line. He doesn’t want to go out a winner. Josh had been in special education for a while. I haven’t worked with his [various] IEP’s. The ED contacts [special education teachers who work with the emotionally disturbed students] are either made with O-4 or O-7 [other special education roster teachers]. He was very intelligent; he was fine when he was functioning. There were issues of substance abuse and things like that, [e.g. marijuana and fight, suspension decisions]. He is capable of doing more. He does what is expected and then other things pull at him such as substance abuse, ‘the street’, and poor attendance which are big problems. (O-9, Interview, 6/13/00, p. 1)

The teacher, O-9, further stated:

Josh should have been in less mainstream classes. Pleasant. He was not meeting the requirements academically or with his attendance. Most of the time when he was in government class, he did what was expected. The gaps occurred when he wasn't there.

Josh does drugs on the streets. He would talk with the lure of his peers. I don't know if he lives close to here [the school]. He was a nice guy. (O-9, Interview, 6/13/00, p. 2)

Interview with the substance abuse program coordinator. The Substance Abuse Program Coordinator, O-8, stated:

Josh is an eighteen-year old senior and I have been dealing with him. He was suspended for substance abuse. There were definite issues of thoughts and feelings. He was resistive to treatment after the evaluation was completed. The Student Assistance Program Coordinator completed an evaluation with him, and also an outside evaluation was done, which was an independent evaluation in which they had to pay. I do not know if he graduated, since Josh is only around sometimes. I did the evaluation only, which was his choice. (O-8, Interview, 6/12/00, p. 1)

When a person is resistive and O-8 recommends groups, and the person will not attend, the next steps were:

What is supposed to occur is the student would then work with a student individually. Josh is sad and depressed. With his buddies, he would adapt with them. He was not athletic, but tall. He was a good kid. (O-8, Interview, 6/13/00, p. 1)

Interview with teacher, O-6. This special education consumer math and resource teacher reiterated:

Josh is a senior who is not graduating. He is not coming back. Josh is LDSC [actually he was labeled as ED]. I am not his roster teacher, but I had him for resource and consumer math classes. Josh was given two chances to not miss anymore days and then he would graduate. He could have gotten an IEP diploma. Then he did not show-up, and was given another chance. Cops talked to him about another altercation with another student. Josh is a peacekeeper. He has attended one class during the last three weeks. He did well, grade-wise during this nine weeks. He had a “C” average, but could have had “A’s”. I don’t know if Josh came to class ‘high’, but I would not doubt it. He would act up, just to get out of class. Josh didn’t want anything to do with the mainstream [regular education] classes, which was a big issue. He made an inappropriate sexual comment about another staff member. When this was investigated, some denied hearing it, but the assistant principal heard it. It was a frustrating year. Some things take two and a half months to get done. (O-6, Interview, 6/13/00, p. 1)

With Josh, there were no consequences. None. There was a stack of six or seven referrals with only one consequence. He is eighteen-years old and an ED teacher is his roster teacher. I thought earlier that this was an LDSC student. (O-6, Interview, 6/13/00, p. 2)

However, O-6 did not know what Josh was labeled. O-6 expressed concern that very little consequences and follow-through were given when a disciplinary referral was written.

O-6 further indicated:

I had never met Josh’s father. He was not a problem behavior-wise and was not one of my more aggressive students. I’m not afraid of him, even though he is 6’2”, 180 lbs, and he could do some damage. He is laid back but is passive aggressive. It’s his illegal actions rather than his physical aggression that gets him in trouble. Some other students

are very confrontational. In my resource class, O-6 wants to be the top male. In class, there is one other senior; everyone else is a sophomore. The resource class is worth one full credit and everyone should pass. I do not ask a whole lot; be civil, bring magazines and newspapers, but it was not a social place. Some students would work on PSAT Prep work or study for SAT's if they plan to go to college or attend a two-year degree (e.g. Associates Degree). Some SC [self-contained] students do not care. The sophomores do the analysis and vocabulary preparation parts of the SAT's. But if they are going to lay carpets or drive trucks, they do not care. (O-6, Interview, 6/13/00, p. 2)

Interview with the CRO. The high school Community Resource Officer (CRO), O-5, stated:

Josh was arrested for possession of marijuana in November 1999. He had a blunt and went to court. Since this was his first offense:

1. A probation officer was assigned to him.
2. He had to attend substance abuse counseling.
3. He had to take urine tests.

He pleaded guilty, was over eighteen-years old this time, but a special education student [He could receive special educational services through twenty one years of age if the IEP was not completed]. He went through the adult court system. Anyone with a first offense gets off easier than a DUI [driving under the influence]. He belongs in a more controlled environment, than the school can provide. He has a bad temper. He has been kicked out of his house (due to the marijuana charge, yet his father and biological mother have a history of substance abuse). I tried to find him a place to stay. It was not a school deficiency, but that played a role in it. Josh comes in when he wants to, goes to the class

that he wants. Now he is back at home. I talked the father into it and I paid for a hotel room for him for one night. Social services provide shelter. Josh was too good for that. My fault. I shouldn't have fallen for that. (O-5, Interview, 6/14/00, p. 1)

Interview with teacher, O-4. O-9 indicated that O-4 was handling Josh as the roster teacher during this time period since he had been labeled "emotionally disturbed". O-4 stated: Josh is here at school, but did not show up for the exam for my class. A few weeks ago, the IEP team changed his status to an IEP diploma. If he attended, he would graduate. He has not been here, but was in school yesterday and today. I don't think he wants to graduate. His home situation is strange. He lives with his father, but gets kicked out all of the time. He will then stay with friends. The special education department chairperson and the psychologist are close to him. There are people here who care about him. At his most recent IEP meeting, Josh wanted to graduate from high school. Earlier he brought marijuana to school and was suspended for ten days. He's a bright student with a lot of potential. He is off/on. He does work or sleeps. I think he is on drugs. One time, he was doing projectile vomiting (in class). One student told another student that he had been drinking before class. The nurse just sent him home. (O-4, Interview, 6/16/00, p. 1)

Interview with a counselor, O-13. The high school counselor, O-13, stated:

I have not had much contact with him. He has a bad temper. I dealt more with his girlfriend. There were reports of abuse concerning him with her. He would push and shove her in class. This was second-hand knowledge. The girl's family said that Josh was abusing her. They are still together. He is still hitting her but not enough to leave marks or anything like that. He is very aggressive with her. He stopped coming to school. He used to come just to hang around his girlfriend and his other friends. He had an easy

schedule, but because of his [poor] attendance, he was failing. He was sheltered here at school, particularly with special education [personnel]. In one occasion, he was accused of smelling like marijuana. None was found. When he threw up at school, he aroused concern. The CRO, O-5, looked at him and said that he was fine. (O-13, Interview, 6/21/00, p. 1)

This was not reported to social services.

The researcher further asked if O-13 could have requested a drug test at that point. O-13 indicated [as his counselor], "I could have" (O-13, Interview, 6/21/00, pp. 1 & 2). A drug test was not conducted.

O-13 emphasized that last year:

Josh was really interested in playing football, but had failed too many classes to play. It would have been a safe place for him to let out his anger and aggression. Josh never came to see me on his own. I would have to send for him, [e.g., incident with his girlfriend, schedule change, or to talk to him about his credits]. Josh wanted to graduate at one point, but something happened at home. He was homeless. He lived with the girlfriend's family for about two weeks. I do not know where he is living or if he went back to his home. Someone [social services] did investigate this. I don't know the results. (O-13, Interview, 6/21/00, p. 2)

Interview with an AP, O-14. This high school assistant principal (AP), O-14, stated:

Josh was not under my administration since he was a twelve-grade student. However, he was one of the first students that I had met in the cafeteria. I handle about 400 students who are in the 10th grade. The first day that I met Josh, he had a book bag blocking the aisles in the cafeteria and I was on cafeteria duty. I asked him to move his book bag, so

that I could pass him. At first, he just starred at me. He did not know me, since it was my first year here [his first year there too]. Once I introduced myself, he was happy to move his book bag. I had handled a few of Josh's administrative referrals concerning him in the early part of the school year. One time, he smoked marijuana on his way to school. He was found with possession [of marijuana] and under the influence [of alcohol]. He was referred to the superintendent, but was not expelled. It was hard to get the parents in. This was around September or October. (O-14, Interview, 6/29/00, p. 1)

This assistant principal seemed to know a lot about Josh. She indicated:

Josh is a senior and did not graduate. He has been under several contracts. His attendance is poor. There were family and community problems. When Josh turned 18, he handled his own affairs. It was rumored that he was homeless and living with his girlfriend. It was sad. (O-14, Interview, 6/29/00, p. 1)

Interview Guide Five as Related to Ken

Interview guide question five stated the following:

Think of a case with a special education student that involved a functional assessment and behavioral intervention plans, strategies and supports that were either initiated or reviewed. Describe how that case was handled.

Ken's Overall Summary and Analysis

Ken was a 16-year-old, 10th grader who was a student with disabilities who was labeled emotionally disturbed. His behavior continued to escalate and his school options were limited. In fact, he was basically offered homebound services as the least restrictive environment. Other options were not explored, even though he was not successful in this experience or in the high school setting. Ken was a depressed and drug-involved student whose overall family background

and home situation were fragile. The functional assessment and behavioral intervention plans, strategies, and supports were initiated and reviewed after each additional suspension and were not meeting his needs.

Data Gathering for Ken Who Was Drug Involved

Ken's formal and informal records were reviewed. His special education label was "emotionally disturbed". The researcher also observed and scripted at Ken's most recent Individualized Education Program (IEP) team meeting.

The researcher had face-to-face interviews with six staff members. Additionally, one of the staff members was also Ken's homebound teacher. This homebound teacher allowed the researcher to obtain a copy of his homebound journal. These staff members consisted of the following job titles:

1. The high school assistant principal.
2. The high school counselor.
3. The high school community resource officer.
- 4-6. Three special education teachers.

Summary of review of records. Ken was a sixteen-year old 10th grader, labeled as emotionally disturbed. He had two manifestation determination hearings. One hearing occurred on 1/18/00 and the other on 2/29/00. The disciplinary action involved drug usage and carrying a drug device (Appendix P, Ken's Review of Records).

The parents divorced in June 1990 when Ken was seven-years old. The biological mother placed six out of her seven children in foster care at a Christian services organization following the divorce. The children were there for about eight months. (Appendix P, Ken's Review of Records, 6/16/00, p. 23)

The father indicated:

The children reportedly suffered physical and verbal abuse while in foster care. Ken's younger sister was also reportedly a victim of sexual abuse perpetrated by a relative outside of the immediate family. I became aware of this after my daughter told a school counselor. The children have been in and out of counseling since the divorce. The family has received therapeutic intervention through the Community Services Board (CSB) and their local health plan. There is a history of depression, mental illness, suicide, sexual abuse, violent behavior, and substance abuse on the mother's side. There is also a history of cancer and heart disease on both sides. Ken was diagnosed as depressed two years ago after expressing suicidal thinking and making a suicide attempt with a knife. He takes wellbutrin for depression. (Ken's Review of Records, 6/16/00, p. 24)

It was further noted, "Ken has average ability. There is indication of inaccurate perceptions, possible depression, difficulty with interpersonal relationships and withdrawal into fantasy" (Ken's Review of Records, 6/14/00, p. 1).

A recommendation was made during the manifestation determination to:

Adjust Ken's present schedule to address failures in his classes due to his absences. Ken would be placed on homebound status until his expulsion hearing on 3/17/00. (Ken's Review of Records, 6/14/00, p. 2)

It was reported in a substance abuse assessment report, 1/18/00:

Ken lives with his father, age 51; his stepmother, age 47; sister, age 17; a stepsister, age 14; and a stepbrother, age 15. His mother lives in Staunton, Virginia. His brother; age 12, and his sister; age 10, lived with his biological mother. Independently, there was both a

sister, age 19; and brother, age 24, who attends college. (Ken's Record Notes, 6/16/00, p. 23)

A series of data were collected on Ken. The following assessments or reviews were completed for Ken (Appendix P, Ken's Review of Records):

1. A functional behavioral assessment and manifestation determination was held on 2/29/00).
2. A substance abuse assessment was completed on 1/18/00.
3. A Substance Abuse Risk Quick Reference Check was completed on 6/18/00.
4. A Self-Report Drug Use History was given on 6/16/00.
5. A SASSI [substance abuse] Profile was done on 6/16/00.
6. A Substance Abuse Evaluation was completed on 2/2/200.
7. The most recent Individualized Education Program was held on 4/5/00.
8. Standardized test battery (name not given) was done on 4/97.
9. Eligibility committee meeting was held on 4/7/98.
10. Psychological evaluation was completed before 4/7/98 eligibility meeting.
11. An educational evaluation was completed before the 4/7/98 eligibility meeting.
12. Teacher narratives were written prior to the 4/7/98 eligibility meeting.
13. The Virginia Literacy Test was last taken 1997.
14. A private medical report was completed with a group health provider on 4/1/98.

Based on a comparison of the "Self-Report Drug Use History" completed by Ken and the Review of Records, Ken had a range of initial time periods when he started using various substances. He started alcohol between the ages of 11-18; he started using tobacco between the ages of 13-15, while starting marijuana between the ages of 12-13 years old (Appendices P & Q).

Ken's disciplinary referrals. The following were disciplinary referrals given in chronological order:

Dates	Behavior on Referral	Consequences
9/21/99	Class cut	Detention
10/21/99	Class cut	Detention
10/21/99	Verbally abusive	Saturday detention
11/30/99	Inappropriate conduct	In-school detention
12/01/99	Disruptive behavior	One day suspension
12/16/99	Verbal abuse to student	One day suspension
01/04/00	Class cut	Detention
01/05/00	Inappropriate behavior	Detention
01/07/00	Drug violations	Ten day suspension
02/01/00	Class cut	Detention
02/06/00	Warning	[No consequences]
02/16/00	Drug paraphernalia	Ten day suspension

Summary of the homebound teacher's journal notes. Twenty-nine different entries were made in the homebound teacher's journal notes from 3/1/00 to 5/8/00 concerning Ken while he was on homebound status. This same special education teacher had also worked with Ken when he had attended the high school before the subsequent expulsion and recommendation to remain on homebound status (Appendix Q, Ken's Homebound Teacher Journal Notes).

As stated in entry twenty-five, there were five things that Ken had done while he was on homebound status:

1. Refused to work in the same room with me.
2. He really doesn't do the assignments. He just copies the answers out of the book.
3. He won't work on any assignments that call for extra effort. He will do crossword puzzles and read, but won't do anything else.
4. He leaves for periods of time without telling me where he was going or brings friends over while he was supposed to be working.
5. He would only work on assignments that I don't have. I don't have double copies of all of the books, and he knows this. (O-7, Homebound Journal Notes, 5/8/00, p. 7)

In entry seventeen, Ken told the homebound teacher that he wanted any one of these three things to happen:

1. A homebound teacher that could meet him during regular school hours,
2. To be enrolled in a GED program in order to get his GED diploma, and
3. To be allowed to take the rest of the year off and then start again next year.

(O-7, Homebound Journal Notes, 5/8/00, p. 5)

O-7 told Ken that #3 above was not an option.

It was inferred in one entry that Ken was smoking marijuana or some other substance while the teacher was in Ken's home. In another entry, Ken was described as only coming down the stairs in his underwear. This homebound teacher was also tutoring Ken's brother at the same time in a different part of the home. Ken continued to break every appropriate limit that was set as a guideline, yet this teacher continued to work with him.

Ken made little or no progress while on homebound status, yet that was the only placement option given at the IEP meeting when reviewing his placement. He had to remain on

homebound successfully in order to continue at the high school (Appendix Q, Ken's Homebound Teacher's Journal Notes).

Ken's summary of an IEP observation. The researcher attended an IEP meeting for Ken on 6/16/00 (Appendix R, Ken's Observation Notes).

The following staff was present at this IEP meeting:

1. Ken, the student.
2. O-4, the ED special education teacher monitoring Ken's IEP progress.
3. O-7, one of Ken's special education teachers and also his homebound teacher.
4. O-2, the special education department chairperson.
5. The father as the parent representative.
6. A general curriculum teacher who had not known Ken, but was asked to be a representative for the general curriculum teacher.
7. The researcher, as an observer, who was allowed to attend and script notes at Ken's IEP meeting with the permission of all those present.

Ken was described as an average student with depression, anxiety, ADHD, with a sleep pattern disorder, and poor coping skills. He was labeled as emotionally disturbed. Ken's first ten-day suspension was for possession of marijuana. His second ten-day suspension during this school year was for possession of drug paraphernalia.

This IEP meeting was generally about the most appropriate placement options for Ken. The committee decided that Ken would have to attend homebound services for a designated amount of time with set rules and a contract, including allowing twelve days of absence per quarter while on homebound, which seemed excessive. If he were successful in this educational setting, then he would be allowed to go back to the school setting.

The IEP committee described this homebound setting differently than given before. Ken would be working with other students with disabilities, with a homebound teacher, and in small groups at the Alternative Education Center in this school district. The other option was to continue with homebound placement on a one-on-one with the homebound teacher. This had been unsuccessful in the past when Ken worked at both his home and the library with the homebound teacher.

Furthermore, even though the homebound setting in the Alternative Education Center was the one agreed upon by the IEP Committee, it was stated that the committee first had to discuss this with the principal of this center and that this type of program was still 'up in the air' and perhaps would be in place by the fall of next year [This IEP was held on 6/16/00]. The principal of the Alternative Education Center was not present for this IEP meeting.

Ken had not realized that he was a member as part of the IEP meeting. Furthermore, when the designated general curriculum teacher had not shown up for the meeting, another general curriculum teacher was asked and did attend the meeting, even though he did not know Ken at all.

Ken mentioned that perhaps he could get a GED as one option. The special education department chairperson stated that this was not an option, even though as only one of the many committee members, she should not have decided this on her own, since this was a group decision process.

The case manager assigned to write Ken's goals and objectives had not come prepared and had not written draft goals, because she did not know that she had to do this.

Interview with teacher, O-6. As indicated in a 6/13/00 interview with this special education teacher, O-6, who taught Ken a few years ago, described:

Ken's attitude was:

I'll do what I want to do. If you don't like what I do—you can't make me change. In general, he was a good student in class. One year he was very disruptive. Every comment involved a sexual comment. He was sexually abused at a younger age. (O-6, 6/13/00, p. 1)

Interview with teacher, O-7. This special education teacher, O-7, who was also Ken's homebound teacher, stated the following at a 6/14/00 interview:

This is a functional behavioral assessment student. Ken has been suspended a couple of times for possession of caught MJ [marijuana] and he had progressed into heavy drug use. Sometimes I don't think he can function. He has a non-factual belief that is not at all near reality. I worked with both Ken and his stepbrother. Sometimes, Ken would just turn the chair around and not work. He wouldn't do reading and writing assignments. He would do crossword puzzles.

I was working with the younger stepbrother, due to a sickness. He was not a student with disabilities. There was competition with the stepbrother. Sometimes Ken's behavior was absurd and ridiculous. His stepbrother gave some stability to him. There were a lot of family problems and tragedies. The sister was in a fatal car crash while living in South Carolina. Ken lives with the biological father. (O-7, Interview, 6/14/00, p. 1)

Additionally, there was no record in Ken's records of the death of the sister. The visit occurred in January 2000, which was around the time that the second expulsion for drug possession at school occurred.

O-7 heard:

The younger brother's father is in prison. Ken and the biological father do not get along. Ken did get along with the stepmother. They had been married between 1-2 years. There is a stepsister who was also at the same high school that Ken is attending. She had received an academic scholarship, was very bright and in honor's classes. She was helpful with Ken when he was younger and taking Spanish 3 and honor's Biology. She is Ken's stepsister and was embarrassed by him. Ken was kicked out of his house. He lived in a trailer with no electricity. He had threatened his stepmother and father with a baseball bat, and they were pressing charges. Ken had no job and used to work on fences and now pays \$50 rent. I don't know how he gets it. His behavior was so absurd that homebound was a waste of time. He lived in a nice townhouse. Many times when I walked in (as the homebound teacher), he had trouble with reality. There were other people at the trailer, but I don't know whom [when he was thrown out of the house, he stayed at the trailer]. The school psychologist reported this to social services. Ken would walk down a highway, just walking with his shirt off, a skinny kid, skinhead (bald) haircut and had not taken showers. The day before I dropped him [from homebound]; he was sunburned on his back with blisters. I went to CVS (drug store) to get him some medicine for his back. One day, I was doing homebound instruction with his stepbrother, while Ken was doing drugs in his room [he thinks]. The doorknobs were off in his room and he was doing drugs. He was in bad shape. (O-7, Interview, 6/14/00, p. 2)

Interview with the CRO. The CRO, O-5, at an interview on 6/14/00, indicated the following:

Ken is an ED student. He was caught with possession of a bong at school. They did not expel him, but suspended him. Then he was found with marijuana. I don't know what

happened with that, as I was not a part of it. I don't worry anymore, but I was a part of the middle school, [the year earlier when the CRO was working only at the middle school]. This is my first time at the high school. On 2/16/00, Ken had a bong possession (drug paraphernalia). This was allowed to go unofficial, because it was his first offense. Ken went through the Substance Abuse Program. I don't know if he successfully completed the program. However, when he was given a second chance, it could not go unofficial. The second charge occurred in April 1999 for possession of marijuana. There was enough for one joint. No one is bringing weights to school. They are leaving it out in their cars. (O-5, Interview, 6/14/00, p. 1)

The CRO indicated that they searched for drugs, weapons, etc. with the police dogs at the high school. O-5 stressed:

I want them caught, but I don't want the negative publicity. I will give the information to vice narcotics and informants to work the cases, which takes me out of the loop. Then I find them in the community. We have not had an intensive parking lot search in a while. When we brought in ten dogs, a lot of damage was done to the cars. The K9 Supervisor said that he would not do this again. The last time we did it, was before this present high school principal was here, who had retired from another school system. This is now the end of his third year at this high school. Ken is a lost cause on the street. You should talk to the dropout prevention coordinator, who is a 10-month employee with the school division concerning Ken. (O-5, Interview, 6/14/00, pp. 1-2)

Interview with teacher, O-4. Ken's past English teacher, O-4, was interviewed on 6/16/00 and 6/21/00. He emphasized:

I had him in class during Ken's sophomore year for English 10 [This was Ken's junior year]. He would sleep for an entire 90-minute block of time or he would be extremely hyperactive. He then would not stop talking or he would not do any work. There was only one to two days this year that he actually did any work. He was very capable, bright and wrote a lot of poetry. Ken came to school high and was suspended for ten days. He brought a bong to school. During his homebound (teaching), he had not cooperated. He had bizarre problems and was uncooperative. Then he would walk out of class. He would carry on a conversation with himself. It was so strange. There were times when he would hurt himself. During a school conference with special education personnel, the assistant principal and Ken, it was observed that Ken had cuts and burn marks. He said that he did it himself. I think there is a lot of abuse with the father being abusive towards Ken. The homebound teacher witnessed a fistfight with the father and Ken. (O-4, Interview, 6/16/00, p. 1)

This was not reported to anyone at that time.

O-4 thought, "Ken's mother lives in another part of Virginia. At one time the mother dropped Ken off at an orphanage" (O-4, Interview, 6/16/00, p. 1). A follow up conference was held with O-4 concerning Ken on 6/21/00.

At the beginning of the next school year, we will decide if Ken could attend the alternative education program while receiving homebound services there. They [the administration] are still working on this. (O-4, Interview, 6/21/00, p. 1)

The researcher was an observer in this process (Ken's IEP, 6/16/00). During that IEP meeting, it was agreed that such a program would occur. The IEP committee made the recommendation for the most appropriate program for Ken, yet staff indicated that they would

not decide on this placement until next year. Based on IDEA 1997, whatever placement is decided upon at the IEP meeting, is the placement option that should be followed as a legal and binding document.

Interview with a counselor, O-13. Ken's high school counselor started the interview, 6/21/00, by commenting:

I just loved Ken and I was crazy about him. It was great talking to him. Last year, I was in the old building and close to special education (rooms and offices). [Note: all of the special education classes are segregated from the mainstream classes and are together down isolated halls at the high school]. He would come by my office five times a week just to hang out. He was a wanderer and would roam the halls. Ken just could not sit still in the classroom. He would come to the guidance office and talk about his stories in life, his girlfriends, trying to date a girl, not working out, etc. He liked to date this 12-year-old girl. (O-13, Interview, 6/21/00, p. 1)

Since Ken was 16-years old and the girl was 12-years old, the researcher asked the counselor, O-13, if anything physical was going on between Ken and the 12-year-old girl. The counselor had noted that she talked to Ken five times a week and some of the issues involved relationships. O-13 did not know. However, O-13 indicated that "The parents were aware of the relationship. It was expressed at the IEP meeting that the girl was too young and that he needed to date girls his own age" (O-13, Interview, 6/21/00).

However, the researcher was an observer at this particular IEP meeting and this issue concerning Ken dating a sixth grader who was twelve years old from the local school was not addressed. Also, this counselor was not in attendance at this IEP meeting.

The counselor, O-13 stated the following concerning how Ken was doing in school:

He could handle special education. However, he had a temper and he would do something to get kicked out of the class. His grades were okay, but he failed his electives, including P.E. Ken had taken P.E. for the last two years. If he were not interested, he would not do the work. He knew he had to pass this PE class and said that he would do whatever it took to pass the class, including make-up work. But instead of Ken going home or doing something else, he made this commitment to complete his make-up work in PE class. He came back to school high and was caught. If Ken does not like a teacher he will not work with them. He will work if he bonds with you; for example, with the psychologist and me. He doesn't have much patience with anyone else. We had a great relationship. His home-life is kind of shaky. His father remarried about three or four years ago. His stepmother has children prior to their marriage. There are a lot of kids now. She has good kids and Ken does not like that very much. He does not talk to his stepsister. However, she does not talk period and is very quiet. The stepsister is a great student. She got a scholarship to a college in Virginia for next year. Ken is a year behind her. He doesn't talk about college but talks about careers, even talked about getting a Master's degree. He wanted to know how much money counselors made. Around Christmas time, he got a job (at a toy store). He loved it. He completely changed and he liked the responsibility. He would come in everyday dressed in a tie. He was so proud of his job. I was hoping that he would be able to keep the job for the rest of the year.

However, it was over after the Christmas holidays. (O-13, Interview, 6/21/00, p. 3)

The counselor noted "It was written in Ken's IEP, but I do not know if Ken had made contact with the transition coordinator. I do not think anything happened" (O-13, Interview, 6/21/00, p. 3). O-13 commented that Ken had an IEP meeting last week, [of which the researcher

attended as an observer]. The counselor, O-13, was not present during this IEP meeting. The counselor asked the researcher if Ken attended this IEP meeting. O-13 then indicated that she could not attend the meeting. She noted that homebound had not been a good experience for Ken. If this counselor would have either conveyed that message before the IEP meeting or had been present during this important IEP meeting that established the criteria for returning to the high school, this might have changed the IEP committee's decision to place Ken back to the unsuccessful homebound services that were noted in the past.

Interview with an AP, O-14. This high school assistant principal (AP), O-14, stated the following in a 6/29/00 interview:

Ken was a tenth grader who was referred often to my office. There were a lot of refusal issues with Ken and he was coded as emotionally disturbed. During his first referral, Ken had a conference with his teacher. The teacher, at that point, tried to connect with him and work it through, as to why it happened, why he was avoiding the issues, and to mediate it. I was feeling good about this initial conference. However, it only lasted two weeks. Then he forgot about everything. Ken had problems with another younger student who was not at this high school. He could not get past having this student in the same special education class with him. He would make loud and nasty comments to the boy. There were some accusations that this boy was responsible for attacking his sister and it was handled through the courts. Sometimes, he would just leave the class. On a 1-1 basis, Ken was a delightful person. Ken was suspended for having a bong [drug paraphernalia]. Silly. He had it at school in his locker. I think Ken wanted to get suspended. He was not cooperative during homebound. He seemed to have given up at school, but he would never say that. I never felt that I knew Ken. This is a teenager who is involved with

drugs, sex, and hooked on drugs. He has difficulty processing his behavior with consequences. I never could handle Ken. I would contribute that to the emotional disturbance part and lots of things in his early life. His mother had abandoned him. There were significant traumas in his life. (O-14, Interview, 6/29/00, p. 1)

Other Concerns by Central Administrative Staff

A School Board Member

A School Board member, C-8, was interviewed on 7/12/00 who was also on the student disciplinary committee that dealt with recommendations for suspensions and expulsions. She shared additional information concerning the researcher's topic and the disciplinary process involved in this school district. C-8 also had extensive background and experiences in dealing with disciplinary problems of students in another school district, which allowed her to review disciplinary procedural safeguards and practices on a daily basis. Before this interview, she had just met with another school district's superintendent concerning discipline issues, among other issues.

C-8 stated the following:

Before we actually start this interview, I would like to comment that there needs to be some procedural safeguards to be put in place as to how student's get into the alternative education center. Are those students in need of special education services versus punishment? A student may be attention deficit disorder, but might be placed with a student who has behavioral problems. They are different, completely different. The school district does not bother to do anything to basically sort through that. It would not be a very tedious setting if we asked for a review of records [the students]. In the school district that I am full-time employed, we actually sit down and look at the chronology of

records. We also look at the fact of what has been done to look at interventions, or we review if this student needs some sort of testing or whether or not there is some kind of special needs problem. We do not do that in this school district [where she is a school board member]. Maybe it's a behavioral student who is really a special education student, who is placed over in our alternative education program but they do not carry the special education label. However, we are still not meeting their needs. (C-8, Interview, 7/12/00, p. 1)

The researcher queried as to what C-8 would like to envision in dealing with expulsion outcomes. C-8 complied by stating:

I would like to basically standardize our expulsion process within the packets of information that are presented to the school board members. We need to do it because of the Virginia Code and what is required, the Gun Free Law, as well as what is required under IDEA 1997. We need to standardize everything, so that we might really get a handle on providing the same due process rights that we provide for one child that we do for another child. I am not sure that we always do this. (C-8, Interview, 6/12/00, p. 2)

The researcher then prodded further with this school board member, C-8, and asked "Do you mean special education students versus non-special education students?" C-8 responded, "Special education versus non-special education, white versus black, or green versus yellow. The school district does not keep statistics, which is a necessary thing to do" (C-8, Interview, 7/12/00, p. 2).

The school board member, C-8, commented concerning the use of homebound as a continuum of service options:

I think that it is wrong. Homebound does not qualify as an alternative placement. I believe that because we are a part of a regional program, which includes three other school districts, that in conjunction with those three jurisdictions, we need to sit down and look at them, and talk with them, and come up with services for special education students that are a part of a regional program. It should be utilized by all of the school jurisdictions. I think that we are more than fortunate to be a part of a regional program meaning that we don't have to go off in our own little world and do it all by ourselves. I do understand, and speaking very honestly, how people look at this as my little part of the world and this is where I have power and control, rather than looking at what is the benefit for the child. (C-8, Interview, 7/12/00, pp. 2-3)

The researcher commented that there was another special education student who was charged with brandishing a weapon (lead pipe) who would possibly be going through an expulsion hearing. C-8 quickly stated the following:

To lock up a student, all we provide is three square meals and provide clothing at a cost of \$35,000.00. Yet it costs \$8,000.00 to educate a student. When they are getting an education, they feel productive and are a contributing member of society. As a board member, I have recommended doing this. I will recommend this to the new chair; that we keep good documentation. If a child is expelled we need to know, where he is, what happened, and the severity [longest is 365 days]. There should be a self-evaluation as to how we are providing educational instructional programs. We should help schools evaluate their programs, both in funding [sources] and dollar [amounts]. There should be a ratio change with more inclusion. In this school district, the Commonwealth of Virginia

has given us more dollars, because we are in a regional program, so we need to look at this funding at that level. (C-8, Interview, 7/12/00, p. 3)

This school board member, C-8, expressed similar concerns that the researcher noticed while being immersed in the school community. C-8 made some comments that were proactive, preventative, child-oriented, and with reflections about the total well being of the child. C-8 expressed some weaknesses in this particular school district's system that the researcher hoped would be shared, since C-8 was knowledgeable and had the background to be forthright.

The Director of Special Education and Related Services, C3ab

The Director of Special Education and Related Services, C3ab gave general information that was noteworthy during the interview process. First an initial interview guide was used since this was one of the first points of contacts other than the School Superintendent.

The researcher had held the same administrative position in another school district, and was, therefore, aware of the many diverse challenges and opportunities faced in his role on a daily basis. The researcher honed in on the interview comments, which at times were intense, yet appeared to be sincere and concrete.

The first initial meeting was held on February 21, 2000 (designated as C3a) and the second was held on May 31, 2000 (designated as C3b). Therefore, this central office staff member was designated as C-3ab, representing central administrative staff, coded # 3, with two formal interview meetings representing the letters "a" and "b".

During the initial meeting, 2/21/00, the dissertation topic, purpose, and the process involved in the research components of this case study were discussed. C3ab indicated, at that point, that they had not initiated behavioral plans [for special education students] until the

1999-2000 school year. Therefore, no data would be available for the first year after IDEA 1997 concerning these plans. He also indicated that the teachers probably would not remember.

Approximately 14-20 students are contracted out to an Alternative Educational Regional Center, which was shared with other school districts. The population included students labeled as emotionally disturbed.

At that point, C3ab gave the researcher a printout of ten special education procedures. C3ab had printed under 'Procedure', which was entitled "1999 IDEA Regulations: Requirements for Removal", rather than IDEA 1997 (C3ab, Interview, 2/21/00). The researcher was unsure if the 1997 to 1999 change of date was intentional or not.

C3ab's role in responding, implementing, and resolving problems concerning discipline problems of special education students was as follows:

My role is assuring that the school division is in compliance with the state regulations governing special education and how they relate to discipline. I would act as a consultant to building-level principals. I develop procedures and policies that we would then follow in this school division. (C3ab, Interview, 5/31/00, p. 2)

The researcher questioned further if C3ab evaluated teachers. He responded:

I am the immediate supervisor for the school psychologists, educational diagnosticians, school social workers, and people that are system-wide, like occupational therapists. I evaluate a total of twenty-five staff members. I sometimes do the training and sometimes the school district has other staff do something. I would typically go to the school and meet with the special education staff. The school district has professional development activities, which someone else does. I would sometimes recommend activities for them. Our staff development person would send out questionnaires, including ideas of what

people might want, which is sometimes a lot of special education related activities.

(C3ab, Interview, 5/31/00, p. 2)

C3ab indicated that presently special education students were available in ED [emotional disturbance], LD [learning disabilities] and MR's (both severe and profound and trainable and educable), [mentally retarded], (C3ab, Interview, 5/31/00, p. 3). When asked if there was a specific program for the physically handicapped, C3ab stated:

The school district does not have a specific program for the physically handicapped, so the school district places those students in the program that is most appropriate. Some are in our LD [learning disabilities] program and one is in our MR [mentally retarded] program. The school district has students identified as orthopedically impaired, health impaired, and developmentally delayed. They are in the most appropriate program.

(C3ab, Interview, 5/31/00, p. 3)

The researcher obtained a pamphlet on the special education programs offered in this particular school district. C3ab indicated:

There were a total of 850 special education students that were being served, which was twelve and one half percent of the student body. This is about where we should be based on the total population. I think in comparison to another school district close to us, that we are a little lower than most as compared to 4 other school districts [named four close school districts to the one studied], which are rather high. They are getting more English as a Second Language than we are [this school district], and more students are being referred for special education [services]. It is sometimes difficult to determine what the issue is: as English as a Second Language, even though we [the school district] see more every year. It is difficult to say if it is a disparity or if it is English as second language

concern. We [the school district] have trouble deciding if it is a special education issue. (C3ab, Interview, 5/31/00, p. 3)

C3ab commented about dealing with the specific behavioral cases:

What we do in our school district depends on the behavior that the child has demonstrated and the seriousness of that behavior which could cause the special education student to be suspended for ten days. It is not common for a student to serve ten days all at once, unless it is a serious incident, and then it would be ten days. The school district suspensions are typically 3-5 days, which would call for short-term removals. Once a student has reached eight days that they have been suspended, we [the school district] do a functional behavioral assessment. (C3ab, Interview, 5/31/00, p. 4)

When queried about if the functional behavioral assessment was done separately from the IEP or as part of the IEP. C3ab responded:

We do it separately from the IEP. If we determine that the student needs the behavioral intervention plan, than we reconvene an IEP meeting and develop a goal indicating that the student must follow the behavioral intervention plan. It does not outline the behavioral intervention plan. We find that if the plan needs to be changed; we do not have to reconvene an IEP meeting. The IEP addresses the student following the behavioral intervention plan, but we do not necessarily put that as part of the IEP. (C3ab, Interview, 5/31/00, pp. 4 & 5)

The following were given as those responsible for the behavioral intervention plans:

The school psychologist, the special education teacher most familiar with the child, and usually the roster teacher at the secondary level handled these plans. The roster teacher is the teacher in charge of the IEP. Also included are an administrator, a guidance

counselor, and an educational diagnostician. At the secondary level, a school social worker is added. This could be the same committee as the IEP Committee, but not necessarily. The parent can be involved in this process. (C3ab, Interview, 5/31/00, p. 5)

When it was determined that a student needed a change of placement, C3ab noted: Typically, if the child has severe behavior, we suspend them for ten days. If they have already had multiple short-term removals, we reconvene an IEP meeting, and we recommend an alternative placement. It depends on what is happening with the student, but there have been occasions when the alternative placement has been a day program. During the interim, we recommend homebound (instruction), until we seek that day program. However, there are many instances where the alternative program is homebound. Then we reconvene and bring the child back. (C3ab, Interview, 5/31/00, p. 6)

When asked typically how long a student would be on “homebound status” C3ab commented:

It depends on the case. We have had students that might be on homebound status for five days, two weeks or a week. We’ve had a few that we put on homebound for the remainder of the year. Typically, if we are going to go longer than two weeks, we will put the student on homebound, because we are evaluating the student to see if we need to do anything differently with the disability or the placement. It is typically case specific when dealing with students at the elementary or high school levels. At the elementary level, we do not really suspend [the student] and there is closer supervision. Sometimes the students are disciplined differently, and parents think that their child did not have those problems until the child began the middle school. However, if the child did have these

problems, they would be addressed differently. I think that is unfortunate and it is an issue that we need to work on. Just because the child is in fifth grade, and then becomes a sixth grader [in the middle school], then it is different at the secondary level. Right now they start at the middle school in the seventh grade. In September 2000, they will start the middle school in the sixth grade. The difference is significant there. As a seventh grader, they would get suspended. As a sixth grader, they would not. As of right now, seventh grade is at the middle school. (C3ab, Interview, 5/31/00, p. 6)

C3ab answered the following when asked why the school district was making the grade changes next year:

The high school will be able to handle the 9th grade level (it is presently 10-12). This community felt that it was a better model: 6th, 7th and 8th grades—in the middle school, so the high school will accommodate the 9th grade. The elementary schools are crowded. With the sixth grade out (going to the middle), it frees up space at the elementary level (C3ab, Interview, 5/31/00, p. 7).

As one of the guided interview questions, the researcher asked:

Overall, when a special education student was placed in an interim alternative setting up to 45 days because of certain weapon or drug offenses or because a hearing officer has determined that there is substantial likelihood of injury to the child or others if the child remains in his or her current placement, describe how this is handled? C3ab stated:

We have not had any hearing officers. The way we approach this—we have not had to place anyone in an interim alternative setting for 45 days. Now, we do have a student who brought a weapon [to school] who we moved to an alternative placement and the parents agreed to it. I do not count that as a 45-day interim placement. What happened

was we put the child on homebound [placement] until we found a day program. The parents agreed with all of it. This was a few years back. What has been happening this year is that parents have agreed to homebound. We have not had to place anyone in a 45 alternative setting. (C3ab, Interview, 5/31/00, p. 7)

The researcher asked further if that had been the only weapons charge, which had occurred a few years ago. C3ab indicated:

The school district had another weapons charge during last year around this time. The student and parents agreed to homebound. However, that child took an expulsion. He was a special education student. He was on homebound about six weeks before we got the expulsion. (C3ab, Interview, 5/31/00, p. 8)

C3ab indicated that this case could be reviewed since it was the only expulsion case.

This student has been expelled for a year now. The parents are looking into petitioning the school board to bring him back [to the school setting]. The parents have not completed everything yet, but they have contacted us. He has been on homebound since his expulsion, when he was in the eighth grade. He does not have credits to be at grade level and he is currently 17-years old. This is a student that could fit into the GED program, because it will be hard for him to graduate, even if we put him back tomorrow...with his age and his culture. I believe that he will turn 18 next February, [this student was identified as Andy for this case study]. (C3ab, Interview, 5/31/00, p. 8)

When asked, C3ab explained what the parents had to do with the petition to get their child back into school:

We give the parents a list of things that they need to do. They will submit it and the school board will hear it. It just so happens that this particular student is under a triennial

[reevaluation], which has been completed and the psychological that we did will count (as part of this testing process). He was found eligible for learning disabilities. (C3ab, Interview, 5/31/00, pp. 8 & 9)

The next guided interview question queried, “When a child is removed for more than 10 days in a school year, how is the case handled?” C3ab stated, “The school district will reconvene an IEP meeting, and we would typically recommend an alternative placement, or homebound until we find a day program” (C3ab, Interview, 5/31/00, p. 9). The researcher commented that this was handled similar to how multiple short-term removals are handled, as answered earlier in the interview.

When asked to define or give a range of what would be considered homebound services, C3ab responded, “If you are secondary student, we would typically give ten hours a week. Nobody gets less and nobody gets more” (C3ab, Interview, 5/31/00, p. 9).

In this school district, alternative placements were considered to be:

If it were an ED [emotionally disturbed] student, then we would look at the ED Day program, which is a part of our regional program. This program is located in another school district. Sometimes we would place a child there when we saw that there was a pattern or when our program was not meeting their needs, in order to avoid more serious behaviors. If it is an LD [learning disabilities] student, we have put students in day programs because of severe behaviors. We have also used our alternative education center for some of our LD students. (C3ab, Interview, 5/31/00, p. 10)

C3ab expressed that the school district did not send LD students to the ED program. The ED program only receives students who are ED only. We have an alternative education center and we put some LD students there. Sometimes, we find that it is not the best placement for

them. We would look outside the system, but we also watch that. Right now, we only have two LD students outside of the system. Although, it is my understanding that one of the two, just got into further trouble. These two students are placed at another school setting. Both of these students are with other local school districts within an hour of this school district. The school district has another behavior problem with an MR (mentally retarded) student who we did not want to suspend or expel him, since it was an immature-type thing. We put him on homebound until we found an alternative placement and he is now at another school. We do not have a whole lot of students outside the system, but we use it if we need to. Some special education students are behavior problems, and we found that a reduced schedule has helped, or alternative education (C3ab, Interview, 5/31/00, p. 10).

The researcher asked C3ab about “How many slots that the school district had at the ED program?” C3ab stated,

The school district does not really have slots. When we need to, we use it. We pay per student. We have 14 students right now. We average between 12-18 students and they usually stay there until they graduate. We have had a few students that we were able to gradually get back to the neighborhood school. What we do with those students; again, it gets to be a transportation problem. Unfortunately, the ED regional program is a bit of a distance from here. We have block scheduling at the high school right now-AB days. So, if we have a student that attends the last block everyday. We would pick him up at 12:30PM, and he is here for the 1:00 PM block. We are looking at trying to get him back all day next year. When we do that, we try to make it either first thing in the morning or the last thing in the afternoon. We try not to make it in the middle of the day so that we do not have to transport [him] both ways. Then the student can go home with everybody

else. We will try this in order to get them back in [to their regular school setting]. The ED regional program is in its first five years. We do not have to use cars, but buses [as a means of transportation]. (C3ab, Interview, 5/31/00, pp. 11 & 12)

The researcher asked another guided interview question, “How are cases handled that involve a functional assessment and behavioral intervention plans, strategies, and supports, which were either initiated or reviewed?”

In IDEA 1997, when they talk about behavioral plans, they also are talking about behavioral interventions, strategies, and supports. So when you talk about behavioral plans, the researcher queried further if the school district also added strategies and supports and if these terms were used together. The researcher asked for some examples of some of the behavioral intervention, strategies, and supports that the school district had utilized. C3ab responded, “I would not be able to [answer this], since the school psychologist handles that. But you can talk to our school psychologists at the schools. (C3ab, Interview, 5/31/00, p. 13)

C3ab made an additional recommendation:

They would be able to give you names of discipline files to look through. Then, I will give you the expulsion case. You will have to come here to review that file since I have it here. The school might have something. You could ask the principal. (C3ab, Interview, 5/31/00, p. 16)

When asked who the person was who typically facilitated the IEP process, C3ab stated: Typically, that would be the roster teacher. You are certainly welcome to talk to the two department heads in special education. At the high school, that would be (specific name),

and at the middle school, that would be (specific name). (C3ab, Interview, 5/31/00, p. 16)

Based on C3ab's recommendations, the researcher interviewed these personnel. The researcher further asked, "What about the classroom teachers?" C3ab commented,

I would suggest that you talk to the department heads and let them give you some recommendations and some names of classroom teachers to talk to. Classroom teachers are gone after June 21st. The psychologist will be around since they are on 11 month contracts. The department heads will leave the same time as the teachers. (C3ab, Interview, 5/31/00, p. 16)

With that in mind, the researcher chose to contact these personnel on a priority basis when beginning the research process.

The researcher further asked about the first point of contact with the principals and the assistant principals. C3ab responded:

These other people will be of more help to you. You are welcome to talk with the AP's, but I would spend more time with the psychologists and the special education department chairs. They are running the show. C3ab indicated that the assistant principals did the disciplinary actions at their schools. They do not have to notify me but could handle it through their internal process. I am aware of the higher-level suspensions. (C3ab, Interview, 5/31/00, pp. 16-17)

The researcher tagged onto this concept, and asked further, "Are the courts involved in any of these suspensions?"

C3ab's response was, "The school people could give you these names. The expulsion case had a probation officer (C3ab, Interview, 5/31/00, p. 17).

Based on the researcher's past experience as a school representative for the CPMT in one school district, and as a private provider representative for another school district on the FAPT, the researcher asked a question related to outside school placements. The researcher queried, "How many of these students are placed outside your school district?"

C3ab responded, "A lot of them do" (C3ab, Interview, 5/31/00, p. 17).

When the researcher mentioned that she would start tomorrow in contacting these people, C3ab stated, "I will send out e-mails today letting them know that you will be contacting them. None of them will have trouble answering the questions" (C3ab, Interview, 5/31/00, p. 17).

The researcher further stated that guided interview questions would be given out before the interviews occurred and that the researcher preferred to have visuals for them. C3ab commented,

You probably do not have to send the questions out. You will be okay without it. If you have to send it, fine. The special education chairperson and the school psychologist at the high school will both sit down with you. The special education department chairperson does not teach full-time and the school psychologist, so they both have a little bit more flexibility. The school psychologist has a little bit more flexibility at the middle school being full time there. (C3ab, Interview, 5/31/00, p. 17)

Summary

This chapter described both the staff training and development that had occurred related to IDEA 1997 and what was recommended regarding the discipline problems of selected students with disabilities. It also extensively provided data, summary and analysis of the seven cases involved as related to the five interview guides, which correlated with some new disciplinary regulations in IDEA 1997.

Both the Director of Special Education and Related Services and the Supervisor of Staff Development and Health Services were interviewed in regards to the school district's staff development and training, as well as analysis of training and projections.

The researcher as a consistent presence as well as some concerns by central administrative staff was documented.

The seven selected cases were described in detail, beginning with the interview guide question, which correlated with the student's disciplinary actions.

Each student had individualized and diverse data. However, the format and sequence of the presentation was the same. The interview guide was given and the name of the student using a synonym was provided for assisting in remembering the student (e.g., Rudy the Roamer). Each student began with an overall summary and analysis based on all data gathered, a description of sources for that student, with substantial additional documentation placed in the appendices.

Research was gathered from one or more of the seven students from observations, informal and formal records, journal notes and interviews from staff that gave information related to the disciplinary issues of the selected students.

Chapter V will elaborate on the lessons learned and recommendations. Surfaced themes and emerging patterns are discussed as part of lessons learned. Two noteworthy factors are reviewed. A summary statement is highlighted with a "Priority" poem.

CHAPTER V

LESSONS LEARNED AND RECOMMENDATIONS

Chapter V describes three themes that surfaced and ten emerging patterns as part of lessons learned with recommendations that are directly related to this school district and for further study. At the state level, recommendations were made dealing with monitor and compliance issues as well as a recommendation for further study. Two noteworthy factors are given as well as a summary statement.

Surfaced Themes as Part of Lessons Learned

Throughout the research, there were three themes that surfaced and were threaded throughout this case study that were school district centered. These themes were:

1. The continuous use of the “revolving door” of homebound placement as the least restrictive environment for these selected seven special education students.
2. Monitor and compliance issues.
3. Poor documentation concerns.

Recommendations at the School and State Level and for Further Study

The Revolving Door of Homebound Placement

The continued pattern of homebound services. It is the recommendation of the researcher that the pattern of using homebound instruction needs to be reviewed, while also researching other alternative options when making placement decisions for student’s with disabilities. The use of homebound services as a revolving door pattern was not the intent of IDEA 1997. Rather than all students receiving the same number of hours based on their grade levels, individualized review should follow suit so that they are placed in the most appropriate educational setting in the least restrictive environment.

Furthermore, placing a student on “permanent” homebound status or deciding if a student has been on “successful” homebound status is ambiguous and should be under scrutiny based on the legal regulations of IDEA 1997. Additionally, a placement option of having students in small group settings at an alternative center as the “homebound placement” needs further review, as recommended by the researcher in this school district. Students with disabilities who are presently on a homebound placement should be reviewed through the IEP process in order to appropriately meet their instructional needs and to also comply with the mandates in IDEA 1997.

This revolving door homebound placement was used for students with disabilities who were being considered for expulsion, for further action, or waiting for a more restrictive setting, which more often did not occur based on the researcher’s findings. Homebound placement was meant to be a short-term placement and not a permanent, revolving door process for students with disabilities. A school board member in this school district who was interviewed and dealt with disciplinary issues at the expulsion level, also agreed with this.

Other positive programs. The researcher would also further recommend that this school district needs to find other proactive, positive and preventative programs other than the revolving door of homebound services, which was documented as the most utilized for the population selected. Statewide alternative regional programs that are closer in proximity to the students’ base schools would be beneficial. Additionally, the Commonwealth of Virginia [in the past] has given cost incentives to those school districts that were willing to consider student placement alternatives that would not only benefit the child, but also the school district in cost savings measures [perhaps in order to support other proactive, preventative, and positive programs].

Evidence that Supports Homebound Recommendations

Only one student, Kellen, [who chose suspensions] out of seven special education students had not had homebound services as an IEP committee option for students with disabilities. However, Kellen was also the one student who manipulated his suspension time and was often out of school. His disciplinary referrals with suspension dates for out of school suspension read like a bingo sheet with most of the card filled up. He was out of school more than in school. In his case, homebound might have been better than non-attendance, especially at his age level [e.g. based on his pattern, if he was older, the GED program could have been a viable and positive educational option for him].

Rudy [the roamer] was both on homebound status and in a center-based program. Rudy had already been on homebound for two months during the current year as expressed by a teacher, and was now going through a recommendation for a second expulsion.

Kerry [who threatened with a gun] was placed on homebound permanently. The school district had been looking for an outside placement for him. When one of the centers was not available, Kerry was placed on homebound status. Then Kerry waited three months for another possible outside placement while continuing on homebound. The next placement would not accept him because he refused counseling services. Kerry remained on the homebound status for the entire 1999-2000 school year [and had also been on homebound since December 1998 the previous year].

Andy [who had two weapons violations] was on a homebound placement as an interim change of placement until his expulsion hearing. He earlier had a 10-day suspension for another weapons violation.

Maria's records were sketchy. Based on her extended absences, she had been on homebound placement at some point, in between her psychiatric center and juvenile detention placements.

Josh [who did not graduate] was placed on homebound pending the completion of further evaluations, after a ten-day suspension for possession of marijuana.

Ken [who was drug involved] failed in meeting the criteria for successful homebound. The homebound teacher continually documented bizarre and inappropriate behaviors during homebound. However, this was the only option given to Ken during the most recent IEP meeting before he would be allowed to attend the regular high school setting the following school year. He was placed on homebound before the expulsion hearing and after the decision was made to place him on homebound. The IEP team recommended homebound again. However, they indicated that they would investigate receiving homebound at an alternative center with small group instruction. They had to check with the principal of the center, who was not present at this decision-making process as required by law.

One school counselor noted that it would have been wonderful if Ken could have been placed in a more controlled environment where he would be able to concentrate on his academics. However, this was not conveyed or communicated at the IEP when a decision was made for Ken to remain on homebound placement. This counselor was not present at this meeting, nor was her recommendation conveyed.

The records noted that Kerry was placed on "permanent homebound placement", which was not legally an alternative for students with disabilities.

Kerry [who threatened with a gun] would not apologize to the Assistant Superintendent concerning a verbal threat that he made to his mother during the school day. Based on this

reaction, Kerry was placed on homebound. Kerry made the mistake of poor communication and poor processing skills, which were well documented in his records. By not apologizing, he was not allowed back in the school and was later placed on homebound after the expulsion hearing.

Teacher O-9 indicated that Kerry wanted to bring a gun to an IEP meeting to shoot his mother. However, Kerry stated that he really wanted to kill himself, which the teacher never reported at the time and was mentioned later to the researcher during the interview session. Due to this student's threat, the expulsion process was initiated. The school district needs to make it perfectly clear that they must report these verbal statements made by students, as required by law as a public servant at the time of the occurrence, so that it can be further investigated through the proper legal channels with ramifications that would [hopefully] benefit the child.

These revolving doors of homebound services will continue to spin around until these students are shut out or the door slams on their faces without anywhere else to go.

Criteria for Extended Year Access

As recommended by the researcher, the school district needs to review the criteria for access to the extended year programs for students with disabilities. Kerry was denied extended year time in the summer to make up for missed work, since he had chosen to not attend the second outside placement and had not regressed [as stipulated as a basis to receive these summer extended year services]. Due to his non-attendance at the placement, the school district would not compensate him for his missed work. Even though this school district used these criteria as a reason for access or denial, the next steps should have been to look at these unique and extenuating circumstances, as was in Kerry's case.

School's Role in CSB Cases

It is recommended by the researcher that this school district reviews and makes a decision to possibly change its criteria for giving monies to students with disabilities, while they are funded through the Community Services Board (CSB). Since this school district was a member of the CSB, and Maria had an active IEP, denial of school instruction based on her current IEP [which is a legal contractual document during this time-period] should be monitored, as it does not correlate with the expectations set forth in IDEA 1997.

Maria [who was not expelled] went to juvenile detention based on a probation violation for a thirty-day time period. She was hospitalized at a psychiatric center for ten days [more than once] and was successful academically while there. She stated that she felt safe and wanted to stay at the psychiatric center. The CSB paid for these services, with the courts assigned as case manager [She had also been on homebound at some point].

Monitor and Compliance Issues

There were some monitor and compliance issues in this school district that should be reviewed and remedied as recommended by the researcher and as recommended for further study.

Recommendations at the School District Level

Overall in this school district, the disciplinary process was very sequential and uniform for all students with disabilities. The staff had been trained well [based on the researcher's observable data] in how to process the referrals (even without the monitoring of the student's continued progress). In the cases studied, there was little indication that cases were monitored or that they were reviewed for compliance issues as related to the new disciplinary requirements mandated in IDEA 1997.

It was also noted that the student's behavioral patterns were not reviewed as to the frequency, consistency, and duration of the negative behaviors, which would make it more severe and problematic in the school setting and eventually lead to escalated disciplinary actions.

Poor understanding of the IEP process. During Maria's IEP meeting, the committee did not have a clear understanding of the process and guidelines involved in an IEP. Maria was left out of her IEP meeting. Yet, as a member on this committee, she should have been a part of her own IEP decision-making process. Additionally, a Hispanic interpreter at Maria's IEP meeting did not represent Maria's father, even though Spanish was his primary language.

Counseling as a related service. Counseling services were often recommended as an outside service to parents at their expense, rather than placing it in the IEP as a related service. If counseling was recommended due to the disability and it impacted on the instructional needs of the student, then it should have been placed in the IEP. It should not be mandated as a requirement for reentry to the school setting after an expulsion at the parent's expense, or a private recommendation when documented evidence determined that it is a related service in the most current IEP [If this misconduct did not manifest itself by the disabilities, then counseling may not be a related service in the IEP]. This school district needs to review their present practice and adhere to the disciplinary regulations in IDEA 1997.

Better forms of communication needed. Better forms of consistent communication should be implemented so that personnel who are knowledgeable about the child would have input during the IEP when making placement decisions. Additionally, poor communication and poor processing skills of a student should not lead to an expulsion and homebound services. At Kellen's IEP meeting, a general education teacher who had not known Kellen was solicited to attend the meeting, since another general education representative had not shown up for the

meeting. IDEA 1997 clearly indicated that the IEP team should consist of those individuals who are knowledgeable sources as related to the student's needs. The CRO and some staff members also voiced concerns that their issues were not effectively addressed. Further training concerning these roles and responsibilities should be ongoing with intermittent checks for understanding at a district-wide level.

Removal of a student. When Kellen was acting out in school, his parent was called and was asked to pick him up from school due to his negative school behavior. Kellen was not counted absent on that day based on his attendance records, nor was it counted as a suspension. Based on IDEA 1997, any removal for more than one half day for disciplinary reasons counts as a school suspension, which could add up to a change of placement when a student has accumulated more than 10 suspension days in one school year based on IDEA 1997. As recommended by the researcher, this should be reviewed when accumulating a total number of suspension days in any school year. When a causal hearing is held, these factors need to be considered and changed to match the federal guidelines when determining a change of placement.

Good training, inadequate implementation. Even though this school district had extensive overall training for its employees in vast content areas, the implementation of the new knowledge was not that evident when dealing with the disciplinary components as mandated in IDEA 1997. It is recommended by the researcher, that continued training involving disciplinary actions with follow-through of these actions, documentation and implementation of positive strategies related to IDEA 1997 be implemented in this school district. Not only based on IDEA 1997, but with the upcoming reauthorization. This would be a time to implement a more aggressive pace of compliance at the school district level. Some webs of thought could involve

grant monies (both at the federal and state level), technical assistance and other resources for those personnel who are knowledgeable sources when directly working with the day to day operations of disciplinary monitor and compliance issues and decision-making issues involving students with disabilities.

The referral process indicated that if a student did not complete a given disciplinary action (e.g., in-school suspension, after-school detention, etc.), it would then be escalated to the next disciplinary level until it finally led to an out-of-school suspension. Some students, (as an example, Kellen, who chose suspensions) were very aware of this and chose to manipulate this process by not completing the required administrative disciplinary actions until it led to suspensions that were out of school.

Administrators would benefit from additional training with an emphasis on monitoring, documentation, and review of disciplinary cases on a regular and individualized basis. Other disciplinary options could be reviewed with a plan of action in place, for those students with disabilities who had been unsuccessful in past disciplinary outcomes based on the student's negative and escalated behaviors. Alternative proactive and positive individualized plans could be considered and evaluated as related to the student's academic success, which should be measurable, on a regular basis.

Monitoring records. As recommended by Baskerville (1982), discipline records should be monitored in order to determine preventive intervention measures (this could include those interventions that are positive). Referrals should be made to other personnel who have student cases that have evaluated a pattern of frequent disciplinary problems. Further recommendations could be made such as additional professional help like counseling, which could have been done in Kellen's case [who chose suspensions].

Furthermore, it is the recommendation of the researcher that informal and formal student test records should be monitored in order to best meet the student's needs. Josh [the roamer] failed his Virginia Literacy Test eight times within the 1993-1998 time periods, and consistently failed the math portion of the test. However, a proactive alternative plan or action was not developed for him, in light of these test scores. Further monitor and compliance review with designated responsible persons who are knowledgeable about the student, would be beneficial in this school district.

The consistent, frequent and escalation of disciplinary referrals over a short period of time, were noted in more than one case (e.g. Kellen, who chose suspensions). The initial or review of the behavioral intervention plan for a student in need of one should be documented and monitored, as stated in IDEA 1997. Positive and proactive behavioral intervention strategies should be written and periodically assessed to evaluate if they are working or not. If the benchmarks are not working, then the behavioral plan should be changed to best meet the needs of the student with disabilities.

The roster teacher's role. The special education roster teacher did not know who Kerry [who threatened with a gun] was since he had been placed on homebound status. He was the one designated teacher assigned to monitor Kerry's IEP progress, etc. as the roster teacher. The roster teacher should be knowledgeable about those on their caseload and proactively advocate for the students.

Some of the teachers were not aware of the various labels of their students with disabilities in their classrooms, nor were they knowledgeable concerning their strengths and weaknesses. If the roster teacher would review the student's records, then write an updated summary to all of the teachers; this would assist in the further understanding of the educational

needs of the student so that accommodations could be implemented in the instructional setting (e.g., the school psychologist had not known that Kellen, who chose suspension, was labeled “Other Health Impaired”).

Recommendations at the State Level

Positive interventions, strategies and supports. In the Commonwealth of Virginia, the Virginia Department of Education asserted that behavioral interventions include “positive interventions, strategies, and supports for students with disabilities”. It was reiterated that it should be addressed in the IEP, which includes the individual strengths and weaknesses of the child, along with goals and objectives which address these issues, at least annually.

However, this school district, at the advice of the school attorney, suggested that the behavioral intervention plan should not be included in the IEP legal document, for the most part, if any. This method should be reviewed and procedures changed, based on the upcoming new reauthorization of IDEA with their improvements, if appropriate, based on the federal government-driven mandates.

Additionally, more positive and proactive behavioral interventions, strategies, and supports should be considered with frequent monitoring and follow-through in the least restrictive environment, which should be done and documented for compliance. This could be done with the utmost consideration for students with disabilities, which might also include regular education students who are in need of the additional positive interventions, strategies and supports that would insure their designated high school diplomas.

Transition time between legislation and implementation. For the most part, these mandates became effective too fast and too soon for localities {including this school district}, to effectively and immediately produce procedural safeguards. LaPointe (1997) directed that the

Commonwealth of Virginia provide a functional behavioral assessment and behavioral intervention plan to be in the context of disciplining students with disabilities “effective immediately” because the federal IDEA 1997 mandated states to implement the new requirements immediately.

As recommended by the researcher, this did not allow for this school district to assess and develop action plans with set benchmarks, and tools needed [e.g. additional funding, facilitators, assessment instruments, dissemination of the first teacher’s timeline, etc.]. Most personnel were caught off-guard with urgent timelines for implementation, which was initiated at the federal level. This school district was left to speculate how to interpret these new disciplinary procedural mandates would be implemented quickly. Timelines were not set as far as the development, training and implementation of these new disciplinary requirements as stipulated in IDEA 1997.

As one example, the Director of Special Education and Related Services in this school district, changed the date of 1997 to 1998, when referring to IDEA 1997 during the training sessions involving the school district training to those designated personnel. For the most part, these mandates came too fast and too soon to be in compliance, nor to be effective in monitoring.

State to monitor. The Virginia Department of Education should continue to monitor the roles of case managers involved in the CPMT and FAPT teams based on CSA, with an emphasis on the criteria established as determined at the decision-making level and the funding decisions on their CPMT teams. (For example, this school district was not the case manager in Maria’s case as decided upon within the CPMT meetings). [This information was based on the researcher’s commitment as a past team member both of CPMT and FAPT teams in two

different public school districts. As the school voting member representative on the CPMT team and as the FAPT private provider representative.]

It would be speculative to say who should be the case manager in a case, like Maria's, even though the funding pool comes from the same source based on CSA. The question of determining if the school would be the case manager as a member of the FAPT team would be interpretative based on whom one communicated with at that time and moment.

It is the recommendation of the researcher that the state focus on monitoring students with disabilities that are recommended for long-term suspension or expulsion as a continued primary focus. The Commonwealth of Virginia should advocate at the federal level for increased funding based on the past and new reauthorization of IDEA 1997. Goals should be geared towards disciplinary issues that involve monitoring could highlight special education legal procedures, local monitor and compliance issues and disciplinary placement practices. State systems should also advocate for more funding to support alternative education programs to address the ongoing and individualized needs of student's with disabilities.

Larger sampling of students recommended. It is the recommendation of the researcher that a larger sampling of student's with disabilities could be researched concerning disciplinary issues throughout the Commonwealth of Virginia as a way to monitor the outcomes of the requirements set forth in the new reauthorization of IDEA [which has not occurred yet]. This focus could take place after an adequate transitional time was established within the various school districts as far as their plan in the implementation of regulations with other new requirements [e.g. No Child Left Behind (NCLB)].

Documentation and Concerns

In this school district, poor documentation and record keeping were noted when reviewing disciplinary procedures and actions.

Teacher to student ratio. When a special education teacher recommended that Rudy needed one-to-one instruction, this was not done as suggested.

Expulsion documentation needed. As recommended by the school board member during the interview, when a student with a disabilities is going through an expulsion hearing, good documentation needs to be presented as to where the student is, what happened, and the severity of the disciplinary action (the longest being 365 days). Additionally, this school board member recommended that procedural safeguards need to be in place when also placing a student with a disabilities in the alternative center in this school district.

When writing educational summaries and reports (e.g. reevaluations) needed for appropriate placement decisions when students were being considered for expulsion, some scores, dates, and names of tests did not correlate with the information given in other confidential records. Some reevaluations were written only using past test data, rather than retesting and getting updated test scores. There was a discrepancy in facts when Andy was going through expulsion. Expulsion notes in Andy's eligibility packet indicated that he had low average intelligence. However, his causal meeting notes stated that Andy had average potential. Data should be checked for accuracy. Diagnostic training and a review of what is needed for reevaluations would be beneficial to all staff that who are required to do so.

Records indicated that Rudy had at-risk behavior, aggressiveness and lack of impulse control. This was not addressed in his most current IEP during his causal hearing when determining if there was a relationship between his behavior and his disability. This information

was noted in his behavioral contract but not utilized at the causal hearing. Counseling was also noted in his enrollment contract, but no indication if it had been done. The importance of keeping good documentation as given with ongoing training should be monitored.

Follow-through with assigned staff. Overall personnel follow-through with specified staff to monitor the disciplinary and special education procedures and safeguards within this school district needs to be done. Too often disciplinary recommendations were not completed or no one was held accountable for the completion of the recommended actions. This was also the case in many other documents, such as the IEP. If an IEP recommended that something should be done in this legal document (e.g., contact the transition coordinator as was stipulated in Ken's IEP), then someone should have been assigned or been held accountable for this compliance issue. There was little documentation in this school district that verified the accountability that something was completed as mandated. Furthermore, as recommended in Ken's IEP, he would possibly be going to the alternative center to receive homebound. The IEP team indicated that this decision would be left up to the principal of the alternative center rather than a decision by the IEP team, which was not legally correct. A counselor had noted in the interview concerning Ken that he should have been placed in a more controlled environment where he would be able to concentrate on his academics. However, this was not conveyed at the IEP meeting, since the counselor was in non-attendance.

Kerry was said to have been successful during the IEP meeting since he was seeking employment when reviewing his progress while on homebound placement. Yet, no one knew if he was not working nor was it documented.

Some teachers at the high school indicated that there was not appropriate follow-through when a student with disabilities was reported to have inappropriate behavior in a school setting.

For example, one teacher noted that Josh had made an inappropriate sexual comment to another teacher. The teacher reiterated that an assistant principal heard about it, but others denied it. The allegation was not investigated. The teacher further noted that it had been a frustrating year and that some things took two and a half months to get done (e.g., disciplinary process of some students). These concerns noted by some staff need to be addressed with a follow-through plan that deals with correct documentation, monitoring of student behavior, with a focus of safe and secure schools for all those in this working environment.

Kerry indicated suicidal thoughts in one of his writing assignments. A referral had been made to the psychologist. However, the teacher was not sure if Kerry was seen before he was placed on “permanent” homebound status. This process needs to start with accurate documentation and follow-through with an assigned person who knows that this must be done.

Diagnosing needed evaluations. A drug test was not completed for Josh even though he smelled like marijuana, as reported by the community resource officer. As recommended by the researcher, needed evaluations should be completed, even if done immediately, if it impacts on the student’s progress. When he was projectile vomiting and rumor had it that he had been drinking before class, the nurse sent him home. More extensive follow-through should be done for those students who are at-risk and presenting negative behaviors that are against school policy, rather than being ignored. These evaluations are ambiguous and warrant more flexibility in dealing with students on a case-by-case basis.

Keeping secure and confidential records. When the researcher was reviewing records, some crucial information was missing (e.g., disciplinary file for Kellen). A secure checkout procedure for confidential records should be in place at each school level. For confidentiality and

security reasons, there should be an updated policy that would address these confidentiality and security issues.

There was not a checkout system for confidential records in place. When reviewing Kellen's records, the discipline file was missing. Rudy's discipline records were misplaced when a review was being conducted concerning a weapons charge on school property. A secure record-keeping system should be put in place immediately for the safety of all students.

Conflict between issues. The dropout prevention coordinator indicated that sometimes special education issues would prevent her from getting involved with school concerns (e.g. truancy). There needs to be more coordination and communication between central administrators and those in special education, so that their interactions would effectively and efficiently benefit the students' needs in the overall goals of the school district.

Emerging Patterns as Part of Lessons Learned

Ten patterns emerged that were a part of lessons learned and were intermittently noted throughout this study, with examples of specific cases.

While analyzing the overall data for each of the special education students, there were some similar events that had occurred in their lives. Even though they cannot be called indicators without additional research, nor would establishing personal profiles benefit the child as it is too generalized, these events could be considered when reviewing the overall behavioral evidence of students going through disciplinary action and when determining the outcomes of the students' poor behavioral actions, as recommended by the researcher. These child-centered patterns are reflected upon in this chapter.

Pattern #1: History of Special Education Placements

All seven of the cases had a long history of special education placements, as well as two of the cases, which had other family members with special education labels.

Kellen had been in the learning disabilities program since 1995. He was first identified in another school district close in proximity to the one studied. Rudy was first found eligible for special education in the learning disabilities program in December 1999. Kerry was first found eligible for learning disabilities and speech and language programs in December 1983. Additionally, all of his other three siblings were found eligible for learning disabilities as indicated in the social case history.

Andy was first diagnosed as learning disabled as well as ADHD in 1994, which was noted while he was in the 4th grade.

Maria was labeled learning disabled before 1997, even though her complete records were not given. Maria had a history of emotional concerns, with some staff indicating that Maria would soon be found eligible for the program for the emotionally disturbed.

Josh was labeled learning disabled. However, Josh first started special education in 1989 in another school district close to this one and was labeled as severely emotionally disturbed at the age of eight.

Ken had a family history of ADHD and learning disabilities. It was reported that the mother also was charged with emotional abuse against Ken.

Pattern #2: Attendance Issues

Attendance problems were another issue with all of the seven students. Some were more noteworthy than others.

Rudy had not graduated from high school with an IEP diploma due to his severe attendance problems. He was called a “roamer” in school. The researcher had to cancel an observation scheduled for Rudy because he was not in the classroom, even though Rudy had been there five minutes earlier.

Maria missed 33 times alone in 1997-1998. Some absences were due to Maria’s psychiatric center treatment. However, others were directly related to school absences.

Josh also had not graduated as a senior due to his poor attendance record. Josh was unaware of this until after his exams, when Josh found out that, “He wouldn’t be walking”. His IEP had been changed in June from a regular high school diploma to an IEP diploma, due to his poor attendance patterns. All he would have needed to do was to attend school, to receive his diploma.

Ken missed 19 class blocks prior to March 1999 in that same year. Ken failed classes due to poor attendance. In particular, Ken would not show up for his homebound sessions and was eventually dropped from this service, even though he was given numerous chances to continue if he would have only attended on a regular basis. When the homebound teacher told Ken that he would no longer tutor him, it was brought back to the IEP committee. The IEP committee indicated that the only option given to Ken would be to continue homebound services. Ken was told that he had to be successful by attending homebound before anything further would be considered for him, even though he had failed complying with continual attendance in the past.

Pattern #3: Minimal Participation of Parents

Parents were minimally involved with their child’s progress; except for Maria, whose parents were described as being supportive to their daughter by the community resource officer.

Kellen's mother was not present at the eligibility committee meeting concerning her son, and she rarely participated, as indicated in Kellen's records.

Rudy was under the custody of his biological father with only reasonable visitation given to the biological mother, who lived in another part of Virginia due to her substance abuse issues. Rudy was living with the grandmother, but she wanted Rudy out of the home. The father and stepmother had planned to move to another area soon, which was not in this school district, but close to this one. However, they told Rudy that he could not go with them.

Kerry had verbally threatened to kill the mother and felt angry when she ignored him. This led to an expulsion hearing with a recommendation for expulsion in this school district.

Andy lived with the grandmother in a horrible townhouse in a drug-infested neighborhood as so noted in Andy's records.

Josh handled his own affairs once he turned eighteen-years old. The father indicated that he was not responsible for him. As indicated in the records, sometimes Josh was homeless. He lived with his girlfriend at his girlfriend's parent's home for a while, even though it was reported that Josh had been physically abusive to his girlfriend.

Ken had not seen his mother since he was approximately five years old until last year. The mother had dropped his siblings and him off at an orphanage when he was young. Last year, when he visited his mother in another state, Ken found out that his sister had recently died in a car crash there. He lived with his biological father and stepmother, but at times was kicked out of their home by them. At that point, he lived in a trailer without water or electricity. Ken indicated that he did not get along with his father. In fact, the homebound teacher actually saw the father and son assault each other at their home when he was there for homebound tutoring for both Ken and his stepbrother.

Pattern # 4: Student's Work Experiences

Three out of the seven special education students had work experiences. Rudy worked evenings and on Saturdays at a shoe store. He also had to complete community service hours for his court involvement.

It was recommended in Josh's most recent IEP that he should meet with the transition coordinator in order to possibly obtain a job or review various job opportunities. This was not done during the summer of the research. However, the transition coordinator indicated that he would be meeting with Rudy for the first time during the next school year [after the summer].

Ken was very proud of his job that he had obtained during the winter holiday, and would even attend school more dressed up (e.g., shirt and tie) when he was scheduled to work after school as indicated by his school counselor. However, he was laid off after the winter holiday. He had difficulty getting another job and blamed it on the time period that he was receiving homebound instruction [approximately beginning at 3:00 PM] even though he had not attended school during the regular school day.

At one point, Ken was building fences to make additional money. When he was kicked out of his home, he had to pay \$50.00 rent for the trailer usage without electricity and water, which he occupied with other people, as, noted by his homebound instructor.

Pattern # 5: Positive Interventions, Strategies, and Supports

Kellen was given the choice of the use of computers at school as a reward at the middle school. Additionally, the school psychologist facilitated two groups weekly, which dealt with "Anger Management" and "Getting Along with Others", of which Kellen participated. The school psychologist also sponsored a social skills group held during the lunch period at the middle school.

The CRO indicated that this school district gave students one chance before making an official court record/offense. Rudy received one misdemeanor violation, which was unofficial and was diverted as a first time offense. The CRO noted that the Commonwealth of Virginia started doing this in some school districts. It was explained that “diverted” meant other options were given to students such as counseling and community service, etc.

Similarly, this also happened to Ken, whereby his first offense was unofficial. As part of diverted options, Ken went through the Substance Abuse Program, which was located at the school by outside personnel.

Rudy [the roamer] was allowed to go to the special education resource center if he needed additional resources or supports at anytime. Additionally, Rudy’s triennial [now referred to as a reevaluation] was completed early due to a fighting incident. This was done in order to complete a full evaluation whereas the most current data would be reviewed to determine the current and most appropriate educational placement.

Kerry participated in small group discussions at his high school, which included topics that would increase verbal expression, gain confidence, and connect to others, as so noted.

Kerry went through an early triennial [reevaluation] which was done when a student’s progress had significantly changed, or if the student was in a perceived crisis situation.

The disciplinary referral format noted for Andy was used at this middle school for all students, which was composed of a checklist of options that could be reviewed. The consequences of discipline that were noted included: action plan, warning, Saturday detention, community service, in-school detention, and out-of school suspension.

This school district had a dropout prevention coordinator who had proactively worked with various students on individual issues. However, this coordinator had noted that special

education issues were clouded issues when handled with truancy problems. Furthermore, as noted by the researcher, more preventative measures were noted with middle school rather than high school students where options were less defined and unpredictable.

Pattern # 6: Court and CSB Involvement

Four out of the seven students selected for this case study were also court involved, while both Ken and Maria were involved with the Community Services Board (CSB). Maria was directly involved with the CSB with the courts as the case manager. Ken's family was indirectly involved due to other family issues, which were not directly related to Ken, as a student with disabilities.

Rudy received a ten-day suspension at the end of the school year for brandishing a weapon [a lead pipe] on school property, which was in the review process at the end of the school year. Rudy was previously court involved, until January 2000, for driving and wrecking his grandmother's car. He was also required to complete community service as part of the court involvement requirements.

Maria violated court probation by being truant from school, and was court-ordered to a juvenile detention for thirty days and then was admitted to a psychiatric center through the Community Services Board. Records indicated Maria had a history of substance abuse and other issues.

Josh had a history of court involvement since 1991. He had been under house arrest in 1991 for throwing rocks at moving cars. He was also placed back on house arrest in 1993 for stealing and violating his curfew. Josh stole money from his biological father and his father's girlfriend in 1994. Josh had not been court involved since that time. The father indicated that it had been a roller coaster ride trying to keep his son 'straight' and Josh was on his own. One night

when his father had kicked him out, the community resource officer paid out of her own money for Josh to stay at a hotel for one night, which later the CRO indicated was a mistake on her part.

This was the second time that Ken was referred to the CRO. Ken brought a bong [drug paraphernalia] in his book bag and then stored it in his locker. He was referred to the police. Ken's family also received therapeutic intervention through the Community Services Board via mental health, as the case manager. Ken's family had multiple family issues that involved continued outside resources and services.

Pattern # 7: Drug Involvement

Drug involvement was noted in six out of seven selected students with disabilities which was noteworthy. Kellen, who was one of the middle school students in this case study, was the only student that drug involvement was not noted at that time. However, Kellen's records noted that his mother had a substance abuse problem.

Staff had previously indicated that there was a lot of talk about partying and conversations about drugs in the classroom concerning Rudy. Rudy was not allowed to visit his mother's home due to her substance abuse issues and other inappropriate activities, as noted in his records.

On the Substance Abuse Screening Inventory, some of Kerry's responses suggested that some of his beliefs and behaviors were similar to those profiled as using chemical substances. In this same inventory, records indicated Kerry had a high degree of denial, resistance, and defensiveness regarding substance abuse. The special education chairperson had noted that she had known the mother, and that the mother had indicated to her that the oldest son had a history of substance abuse.

Another teacher indicated that he was not sure if Kerry was drug involved, depressed or both. However, he observed as well as other staff members, that there had been a drastic change in Kerry's behaviors from the period between Kerry's 10th and 11th grade school year, which coincided with the time period when the brother was home from college for the summer.

On the same Substance Abuse Screening Inventory, Andy had a high risk for substance abuse. Maria's records noted she medicated herself by using marijuana because her parents would not allow her to take medication prescribed by a doctor. Numerous staff members indicated that Maria had a definite drug problem, and that Maria constantly talked about marijuana. Maria participated in the drug program located on school property with outside resources.

There was a history of substance abuse with Maria, both at the elementary and middle school levels. Staff members were unaware of this and did not know if Maria had used anything stronger than marijuana. It was further noted by CRO that Maria was a marijuana user, runaway and sexually active (from what Maria had told her). The CRO indicated that there was rumor that Maria was trading sex for drugs.

Josh was suspended ten days for possession of marijuana. One time Josh was projectile vomiting in class. Based on his records, one student told another student that Josh was drinking before class. The nurse just sent him home on that day without being assessed by other resources. Another teacher noted that Josh was capable of doing more. One staff member stressed that Josh did what was expected and then other things pulled at him, which included the 'streets', substance abuse, and school attendance problems. This teacher further indicated that Josh would talk about drugs with the lure of his peers.

The Substance Abuse Counselor indicated that Josh completed a Substance Abuse Screening Inventory. The counselor indicated that Josh was resistive to treatment after an evaluation was completed. Another teacher noted that it was Josh's illegal actions rather than his physical aggression that would get him into trouble. The counselor further noted that in one incident, Josh smelled like marijuana, but none was found, even though he was accused. When he had thrown up at school, Josh aroused concern. An official drug test was not done. The counselor further noted that the community resource officer looked at Josh and indicated that he was fine. Josh went to court for a possession of marijuana charge. He was placed on probation, had to attend substance abuse counseling and had to take urine tests as part of his probation.

The homebound teacher noted in Ken's homebound journal, that one day when he was working with Ken's brother (who was also on homebound status), he suspected that Ken was doing drugs in his room. The doorknobs were off in Ken's room and he felt that Ken was doing drugs and in bad shape in that room. The homebound teacher further reiterated that many times when he would talk to Ken, he would have trouble with reality.

Ken's self-reported drug use history was significant. Ken commented that he used alcohol starting at age 11/12 by drinking wine coolers and beer. Ken started using tobacco (cigarettes) at the age of 13. He started using marijuana at the age of 13, with an average use of once a week. However, once he used marijuana daily for two weeks. Ken started drinking alcohol at the age of 15. He started using chewing tobacco at the age of 16. He first used hallucinogens at the age of 16, with a total of more than 20 times.

Ken received two different ten-day suspensions. One was for possession of marijuana and another was for bringing a smoking device (bong) to school. Both Josh and Ken were also noted as being depressed.

Pattern # 8: Family Issues

Five of the selected students had some notable family issues, which added to their difficulties. Other issues might have surfaced, but were not observed during the research.

Kellen's parents had been divorced for nine years.

Rudy had lived with his grandmother for the past three years before moving in with the father and the stepmother. There was a custody visitation order for the father and a reasonable visitation order for the mother from the courts. One stepbrother (age 4) and one stepsister (age 5) were also living with them. The mother and another stepbrother (age 6) were not living with them.

Andy lived in a horrible townhouse in a bad neighborhood with the grandmother, as documented. He had moved eight times since starting school.

Records indicated that the mother, sister and brother were not in Josh's home and that he was living with the father. Josh's parents had divorced when he was five years old. He had not seen his mother since he was ten years old until recently, whereby he found out that his sister had died in a car crash last year in another state.

Josh was periodically homeless. Earlier records also conveyed that Josh had been in foster care from May-September, 1994, for five months. He had moved a lot. He had been in three different elementary schools; one emotionally disturbed state psychiatric center, two different middle schools and two different high schools.

During a school conference, one teacher noted that Ken had a lot of cuts and burn marks. Ken indicated that he had done it himself. The teacher thought that there was a lot of abuse with the father being abusive towards Ken. Ken had reported to a school counselor that he wanted to kill himself.

In addition to the above family tragedies, Ken had a lot of other family issues. The stepmother was the stepbrother's biological mother. One teacher had heard that the stepbrother's father was in prison. Ken did not get along with the biological father or biological mother. Ken was kicked out of the home and had lived in a trailer without electricity and showers, as indicated by the homebound teacher.

Additionally, Ken's mother had placed six out of seven children in foster care when Ken was only seven years old. Ken's father stated that the children suffered physical and verbal abuse while in foster care. One can only wonder where was the father during this situation? Ken's younger sister was reportedly a victim of sexual abuse perpetrated by a relative outside the immediate family. The father indicated that he had become aware of this only after the daughter had told a school counselor recently.

Pattern # 9: Low to Average Intelligence

Three of the seven selected students had low to low-average intelligence based on their school records. As an example, Maria's scores ranged from the low-average range in the areas of reading and written language areas and as severely deficit to borderline range.

On the Stanford Binet Intelligence Test, Maria had a low score of 64 in short term memory to a high of 94 in verbal reasoning, which was in the low-average range of intelligence. Josh had a low full-scale score of 80 on the Wechsler Intelligence Test and had earlier received a score of 79 on the Stanford-Binet Intelligence Test. Josh's reading, math and writing skills were two to four years below grade level when he took the standardized tests in the 8th grade.

Lastly, Ken's full-scale score on the WISC III was 104, with a verbal score of 98, and a performance score of 111, which fell in the average range of intelligence.

Pattern # 10: Counseling Recommended

Counseling was recommended for all seven of the selected students with disabilities.

In Kellen's educational report, it was suggested that Kellen's parents should have psychological issues addressed privately for Kellen. It was recommended in an enrollment contract, but not in the IEP, that Rudy had to participate in regular and ongoing counseling for aggressive behavior and lack of impulse control before he could be admitted back to the regular school setting.

It was also noteworthy that this school district chose to make this recommendation in a contract rather than the IEP. If it had been placed in the IEP, the school district would have been obligated to pay for the counseling sessions as part of the required educational program.

In the review of records, a psychologist recommended further counseling after the initial screening was completed for Kerry. Kerry refused this and the mother concurred with that decision. Based on this refusal, he was not admitted to an outside school placement which had been recommended by the IEP Committee.

In the expulsion notes for Andy there was a hand-written note that a psychiatric evaluation needed to be done. There was no record if this recommendation was completed. However, as part of the re-entry packet to the school district after a year's expulsion, one of the six requirements listed was a completed summary report of counseling services during the time expelled.

A recommendation for counseling was made for Maria after being suspended for possession of marijuana. Maria was placed in a state psychiatric center for a month based on her records, which was not her first encounter.

A report indicated that Josh should participate in instruction/counseling to address problem solving, coping strategies, self-esteem, interpersonal relationships, and substance abuse issues.

Ken had extensive therapy for approximately six months. He took Welbutrin and St. John's Warts for depression and was in counseling for depression and suicidal thoughts. The counselor also noted that Ken was 16 years old at the time, and it was reported that he was dating a 12-year-old, 6th grade girl from a nearby elementary school where he often frequented. The counselor indicated that the parents knew about this. No one referred this information to a social service agency.

Ten patterns were noted that were child-centered in focus while reviewing information concerning the seven students with disabilities and their relationship with the interview guide questions. Even though IDEA 1997 had produced some new regulations that were specifically related to disciplinary issues, there was evidence of other events that could have influenced the negative behavioral actions that led to the various levels of disciplinary decisions for these seven students. Further research surrounding the impact of these themes and patterns when dealing with disciplinary concerns could be beneficial when developing proactive and positive interventions for all students who are in need of these supports, including students with disabilities. Additionally, a large sampling of students rather than those noted similar to this case study would give further insight into disciplinary outcomes during the new reauthorization of IDEA.

Other Noteworthy Considerations

Climate and Culture

Safety and security of students. School-wide discipline should be reviewed with the interest of the highest level of safety and security in mind. Rudy [the roamer] should not be able to leave the classroom unless he is escorted by adult personnel or at a setting where there is close monitoring of him. Kellen had picked up a pair of scissors and went towards a classmate after which he only received a two-day school detention.

Some staff (including teachers, the dropout prevention coordinator and the community resource officer) felt that they were not being supported by the administration in their dealings with special education students. The dropout prevention coordinator and the CRO noted that a double standard was evident. The CRO indicated that some student information could have been withheld by administration since they were under no obligation to provide it to her. Some staff stressed that it took too long for follow-through and completion with inconsistent student disciplinary consequences. Clarification of roles, procedures along timelines, and action plans would support better communication.

Location. The overall location of the special education classes (core academic areas) was isolated away from the general education classes. At the high school, they were in separated wings away from any of the centralized overall school offices (e.g. the clinic, the main office, the cafeteria, the CRO office, etc.). Since special education classes should be placed in the least restrictive setting in the most appropriate environment based on IDEA 1997, the segregation of the special education classes needs to be changed whereby students are with students in the least restrictive environment. Special education classes could be located with their subject areas. By doing this, perhaps a more positive climate and culture would be evident by proactive interaction

and modeling from peers Ken's counselor reiterated that when she was down the special education hall last year, she had more interaction with Ken while renovation was in process.

Leniency based on grade level. During the year researched, 6th graders were considered to be in the elementary grades while 7th graders were in the junior high school. When at the elementary school, discipline was handled less severely and more individually. These students will be going through a transitional period and should be given a prescribed time to comply with some leniency due to the transition.

The following year, the sixth graders would be added to the middle school, while the ninth graders would move to the high school. The disciplinary consequences should be consistent so that 6th graders will not be treated differently than their 7th and 8th grade counterparts in the middle school. This would benefit the positive climate and culture set forth as well as policies involving safe and secure schools.

Decision-making

Basic training was extensive in this school district in supporting overall knowledge base. Many different topics were noted when making decisions on what training would occur. However, continued training involving disciplinary problems in the upcoming reauthorization of IDEA should be implemented at a more aggressive pace at the school district level. Some resources could be made available with grant monies, technical supports and assistance, and school initiatives. These ways of spending monetary issues would not only support the training of disciplinary best practices, but would allow the school district viable and current legal information in order to remain in compliance, and provide special education students the rights to their legal safeguards.

A compilation of best practices concerning disciplinary practices when dealing with suspensions and expulsions with the use of positive and proactive behavioral intervention plans would benefit all students, including those students with disabilities. The special education basic skills classes at the high school level were designed to be study halls with maintenance, safety and low academic expectation as goals, as noted in Josh's case. The appropriateness of utilization of these courses, purpose, and outcome changes in order to improve the academic levels of special education students assigned to these classes are recommended.

Attendance problems and school phobia were noted with some of the cases. This could be diminished if the students were placed in a small, home-style alternative setting with personal attention given, where the bus picked up the student at his door. Personal resources could support these creative options in order for the student to remain successful in the school setting.

Summary

The two research questions were addressed by first answering the training question as a baseline and prerequisite for delving into the second research question involving disciplinary concerns of students with disabilities as related to IDEA 1997. The disciplinary research question was the focus of the research. How this school district dealt with the new disciplinary regulations and the implications for further study were explicitly given.

Additional ways of establishing positive dialogues with preventative measures, with proactive outcomes, with preventative measures with these needed students is strongly encouraged. Important and positive changes can occur, even if just one child at a time.

The researcher could best express the summary of recommendations based on a poem entitled "Priorities", by an anonymous source, which states the following:

PRIORITIES

A Hundred Years From Now It Will Not Matter

What My Bank Account Was, The Sort of House

I Lived In, or the Kind of Car I Drove...But

The World May Be Different Because I Was

Important In the Life of a Child.

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Appendices

Appendix A

Basic Data and Interview Questions

Basic Data and Interview Questions

Discipline Problems as Related to IDEA 1997 for Special Education

Students during 1999-2000 in a Virginia School District

I. Basic Data and Information:

A. Name of School and Grade Level Served

B. Your Role in Responding, Implementing and Resolving Problems Concerning Discipline Problems of Special Education Students:

C. Special Education Services Offered at Your School (e.g. ED, LD, MR, and Speech):

II. Interview Guide Questions:

A. Discipline Problems Related to IDEA 1997 for Special Education Students

1. Think of a case with a special education student that involved multiple short-term removals (10 consecutive days or less) based on discipline problems. Describe how that case was handled.

2. Think of a case with a special education student that was subjected to a disciplinary change of placement. Describe how that case was handled.

3. Think of a case with a special education student that was placed in an interim alternative setting for up to 45 days because of certain weapon or drug offenses or because a hearing officer has determined that there is substantial likelihood of injury to the child or others if the child remains in his or her current placement. Describe how that case was handled

4. Think of a case with a special education student when the child was removed for more than 10 days in a school year. Describe how that case was handled.

5. Think of a case with a special education student that involved a functional assessment and behavioral intervention plans, strategies and supports that were either initiated or reviewed. Describe how that case was handled.

B. Staff Development and Training Related to IDEA 1997 Regarding the Discipline

Problems of Special Education Students

1. What staff development and training has occurred related to IDEA 1997 regarding the discipline problems of special education students?

2. What staff development and training would you recommend related to discipline problems of special education students?

C. Any Additional Comments or Information?

1. Is there anything else about the discipline problems of special education students in your school district that you would like to share?

2. Are there any other people that you feel would be able to give additional information concerning this topic?

3. Any additional information?

Appendix B
Letter to Respondents

Date

Carolynn B. Shumate
7874 Wellington Drive
Warrenton, Virginia 20186
H 540-347-9288, E-mail: shumatec@erols.com

Dear _____:

I am presently a doctoral candidate in Educational Leadership and Policy Studies from Virginia Polytechnic Institute and State University conducting a study concerning discipline problems as related to IDEA 1997 for special education students in a Virginia school district. The purpose of this study is to analyze how various special education students' cases were handled as related to IDEA 1997 during the 1999-2000 school year as well as to what staff development and training has occurred in your school district since IDEA 1997, with recommendations for future training.

I am contacting you as a knowledgeable representative of your school who is specifically aware and a part of responding, implementing, and resolving discipline problems (including barriers) concerning special education students at your school. Your School Superintendent's letter of endorsement is attached for your information. He will also receive a copy of the results of this study, even though the specific names of respondents will be kept confidential.

Also enclosed is an "Informed Consent to Participate" document for your signature. If agreed by you, please sign and bring this with you at our scheduled interview.

Enclosed is a copy of the interview guide questions that I will be asking you when we meet on _____ (date and time) _____ (place), as agreed by you. After reviewing the interview questions, you may choose to bring additional information. I may ask that you allow me access to additional data (e.g. disciplinary files, special education records, Individualized Education Programs, and other pertinent records) for further review.

Even though compensation will not be given for your participation, your response to these questions are vital to the fact-finding of this study and will help to achieve a better understanding of how your school district is responding to the needs of those special education students in need of disciplinary support as related to IDEA 1997. THANK YOU in advance for taking the time and energy to support this research study!

Sincerely,
Carolynn B. Shumate

Enclosures: informed consent form & interview guide questions

Appendix C

Informed Consent to Participants of Investigative Research

Informed Consent to Participants of Investigative Research

Virginia Polytechnic Institute and State University Informed Consent to Participants Of Investigative Research

Title of Research: Discipline Problems Related to IDEA 1997 for Special Education Students during 1999-2000

Investigator: Carolynn B. Shumate

I. The Purpose of the Research Project

The purpose of this study is to describe through qualitative inquiry, how one Virginia school district is responding, implementing, and resolving discipline problems (including barriers) as related to IDEA 1997 during 1999-2000 for specific students who are in need of disciplinary measures. Also, data will be gathered as to what staff development and training concerning discipline problems since IDEA 1997 has occurred, and what recommendations are made for the future.

The researcher will use exploratory research and continue in fact-finding beginning with the initial interview. The total number of participants will depend on the continued information received by the researcher in this case study.

II. Procedures

A case study qualitative approach with descriptive method of data collection will be employed in this study. Data in this study will be primarily generated through initial interviews. Further data will be gathered through additional interviews, field notes, disciplinary records, Individualized Education Programs (IEPs), and other pertinent records, as some examples. This will allow the researcher to inquiry further based on the information beginning with the initial interview process. Data will be collected through the use of such tools as audiotapes if agreed by the participant, researcher's journal, contact summary forms, and transcript verification forms.

The selected participants in the initial interview will be asked descriptive, open-ended questions using an interview guide approach. These participants will receive the interview guide questions in advance, and may choose to bring additional data with them. The participants should anticipate approximately one and one half hours of time based on the pilot study administered by the researcher. The selected participants for the initial interview have been selected as recommended by a central or school administrator. Additional personnel may also be interviewed. Initial participants have received an introductory letter explaining the purpose of the study.

A copy of the interview guide questions and the "Informed Consent to Participants of Investigative Projects" for their signature, are enclosed with the introductory letter. The date, time, and place by the participants as stated in this letter and documented in the researcher's journal are noted after making an initial telephone call or face-to-face conference with the participant. The participant may be asked to provide access to additional data. Each of the participants will be interviewed during the spring/summer of 2000.

III. Risks

There are no foreseen risks to participants in this case study.

IV. Benefits of the Research

There is little known as to how school districts have responded, implemented, and resolved discipline problems (including barriers) as related to IDEA 1997. Data gathered concerning staff development and training opportunities in the area of discipline problems since IDEA 1997, as well as making projections of needed training in the future, would benefit one locality once suggesting some of their future needs. The results will have implications for practitioners who recognize the significance of understanding discipline problems as related to the new regulations in IDEA 1997.

There have been no promises or guarantees of benefits to encourage participants to participate in this case study.

In the introductory letter, the researcher acknowledges that the School Superintendent will receive a copy of the results of this study, even though specific names of participants will be kept confidential by using a coding system.

V. Extent of Confidentiality and Anonymity

The names of participants will not be kept with the basic data form accompanying the interview guide questions or when the researcher notes other data from personnel in this specific school district. However, the researcher will number this form, which will be kept with the participant's name in the researcher's journal. The researcher will store, secure, and maintain the confidentiality of all information. Information will be reported in this study utilizing pseudonyms for each participant in this selected Virginia school district.

All interviews will be tape recorded and then transcribed into text, if agreed by signature below. The researcher in this study will transcribe audiotapes. Tapes will be stored and secured by the researcher prior to and after being transcribed. Transcribed interviews will be submitted to participants for accuracy and upon written or oral verification, the researcher will destroy audiotapes. The participant may choose to sign a transcript verification form or choose to verbally acknowledge that the transcribed interview(s) are accurate. If the participant verbally acknowledges this, it will be so noted with time and date in the researcher's journal.

VI. Compensation

Participants will not be compensated for their participation in this study, as mentioned in the introductory letter.

VII. Freedom to Withdraw

Participants are free to withdraw from this study at any time without penalty. Participants are free not to answer any question(s) or respond to situations that they choose without penalty.

VIII. Approval of Research

The Institutional Review Board has approved this research project for Research Involving Human Subjects at Virginia Polytechnic Institute and State University, by the Department of Educational Leadership and Policy Studies.

IX. Subject's Responsibilities

I voluntarily agree to participate in this study. If I choose, I may recommend someone else to complete the initial interview process. I have the following responsibilities:

- *Provide approximately one and one half hours in length for the interview.
- *Provide written documentation and data (e.g. student's disciplinary file, special education records, Individualized Education Programs (IEPs), or other pertinent data.
- *Provide assistance by recommending further contacts or data that would be salient to this study.

X. Subject's Permission

I have read and understand the Informed Consent and conditions of this study. I have had all of my questions answered. I hereby acknowledge the above and give my voluntary consent for participation in this study.

If I participate, I may withdraw at any time without penalty. I agree to abide by the rules of this study. If there are any parts of this "consent form" that I disagree with, it will so noted here:

Signature	Date
-----------	------

Should I have any questions about this research or its conduct, I may contact:

- *Carolynn B. Shumate, Researcher at 540-347-9288.
- *Dr. Stephen Parson, Faculty Advisor at 703-538-847
- *Dr. Jerry Cline, Research Division at 703-538-8481.

Appendix D

Contact Summary Form

Contact Summary Form

Contact Type _____ Site: _____

Phone: _____ Contact Date & Time: _____

With Whom & Title: _____ Today's Date _____

1) What were the main issues or themes that struck you with this contact (add attachments, if needed)? _____

2) Summarize the information you got or failed to get with each of the questions you asked with this contact (add attachments, if needed).

3) Was there anything else that struck you as salient, interesting, illuminating or important with this contact (add attachments, if needed)?

4) What new or remaining target questions do you have in considering the next contact with this person or site (add attachments, if needed)?

5) Any additional notes by the researcher (add attachments, if needed)?

Appendix E

Some Probes Asked During the Interviews

Some Probes Asked During the Interviews

The following probes could accompany the initial guide interview questions. These probes are only given for initial props. **MANY ADDITIONAL QUESTIONS** were asked by the researcher and documented based on the information given during the interview process.

1) PROBE: How would you define multiple short- term removals? (For question #1: “Think of a case with a special education student that involved multiple short-term removals (10 consecutive days or less) based on discipline problems. Describe how that case was handled”).

2) PROBE: What is your definition of a “disciplinary change of placement” for special education students? (For question #2: “Think of a case with a special education student that was subjected to a disciplinary change of placement. Describe how that case was handled”).

3) PROBE: How would you respond, implement, and resolve problems, including barriers, when dealing with discipline problems of special education students? (For question #2, which is above, and question # 4: “Think of a case with a special education student when the child was removed for more than 10 days in a school year. Describe how that case was handled”).

4) PROBE: In your own words, define “interim alternative setting” as it involves special education students (For question #3: “Think of a case with a special education student that was placed in an interim alternative setting for up to 45 days because of certain weapon or drug offenses or because a hearing officer has determined that there is substantial likelihood of injury to the child or others if the child remains in his or her current placement. Describe how that case was handled”).)

5) PROBE: Include the functional behavioral assessment and behavioral intervention plan, strategies and supports that were given in this case (For question #5: “Think of a case with a special education student that involved a functional assessment and behavioral intervention

plans, strategies and supports which were either initiated or reviewed. Describe how that case was handled”).

6) PROBE: Tell me about the manifestation determinations and the IEP team meetings that make these determinations (For question #5 above).

Appendix F

Audiotape Transcript Verification Form

Audiotape Transcript Verification Form

_____ (Date)

To _____ (Participant)

Transcribed interview(s) based on our interaction, will be submitted to you for accuracy. Please notify the researcher if the information in the transcription is accurate based on our interview, by returning this form with your signature and date in the self-addressed envelope. If you have any further questions or comments, please feel free to contact me at 540-347-9288.

Thank you again for your time and expertise in addressing these issues. Your comments are greatly appreciated and add to the benefits of this study.

Sincerely,

Carolynn B. Shumate

After reading the transcription of the audiotape, I verify that the transcribed interview(s) are accurate.

Signature and Date

Appendix G

Kellen's Review of Records

Kellen's Review of Records

This middle school 8th grader was labeled "Other Health Impaired" (OHI) with attention deficit hyperactivity disorder (ADHD)" and a secondary label of "learning disabilities (LD)" based on his latest IEP (4/11/00). As noted when Kellen was going through triennial [three year evaluation] (12/15/98) [now called re-evaluation], his medical doctor from a group health plan diagnosed him as "attention deficit/hyperactivity disorder" (Kellen's Record Notes, p. 20).

His most recent IEP (4/11/00) continued his primary special education label of OHI. Based on this 4/11/00 IEP, Kellen was "functioning 2-3 years below grade level in math and written language and needed direct instruction and accommodations for these areas" (Kellen's Record Notes, 6/9/00, p. 21b).

The psychologist, M-2, wrote in the psychological report:

Impulsive behavior, disorganization and attention difficulties did not demonstrate any significant emotional difficulties. Kellen's lack of confidence in academics as well as his relationship with peers are factors (Kellen's Record Notes, 6/9/00, p. 22).

He was Caucasian, male, and thirteen years and eight months old at the time of this study.

The teacher narrative (12/98) also indicated some of the same concerns as the psychologist.

Some of the behaviors noted:

Kellen had difficulty finding assigned work, difficulty completing work, writing messy, disorganized and difficult to follow, difficult concentration most of the time, unsettled everyday, and bounces around, behavior hinders his progress, mischievous and wanders, requires individual attention, hard time understanding simple directions (Kellen's Record Notes, 6/9/00, pp. 22-23).

Based on some highlights from Kellen's official school records, he failed the reading and writing portions of the Virginia Literacy Test, while passing the math portion. His cognitive ability was in the low average range. He was diagnosed with ADHD in 1995, and was receiving all of his academic classes at that time in self-contained, learning disabilities classes. It was noted as early as 1995 that Kellen was "easily distracted, impulsive, easily frustrated, had a difficult time maintaining friendships, made inappropriate comments, and would become both verbally and physically aggressive" (Kellen's Record Notes, 6/9/00, p. 17).

There was a concern that Kellen was not taking his medication on a regular basis. His goal was, "his behavior should be appropriate to the school setting" (Kellen's Record Notes, 6/9/00, p. 18).

In Kellen's educational report (12/98), "Kellen had issues of anger were slightly more than that of his same age peers" (Kellen's Record Notes, 6/9/00, p. 21a). However, in this same educational report, a recommendation was made that "It may be advisable for his parent's to have his psychological issues addressed privately [counseling]" (Kellen's Record Notes, 6/9/00, p. 21a).

Appendix H

Kellen's Discipline File Notes

Kellen's Discipline File

Based on Kellen's disciplinary records during the 1999-2000 school year, he had a history of multiple short-term removals (10 consecutive days or less) due to his disciplinary actions. The following were some outcomes, dates, disciplinary referrals, and recommendation for disciplinary action:

1. 6/7/00: He was given a one-day in-school suspension scheduled for 6/12/00 based on an "act of disrespectful behavior. He signed the referral 'Joe Smoe', which was not his real name (Kellen's Discipline file notes, 6/9/00, p. 1).

2. 6/7/00: Another referral was written on the same day as above for "refusing to follow classroom rules and teacher's directions. He was standing on a chair yelling during the flag salute and throwing the teacher's belongings around the classroom. He had rude, disrespectful and destructive behavior" (Kellen's Discipline file notes, 6/9/00, p. 1). The referral indicated that he would serve Saturday detention (6/17/00). The administrator noted, "Failure to attend Saturday detention would result in an out-of-school suspension on 6/12/00 (Kellen's Discipline file notes, 6/9/00, p. 1). The offense dated 6/7/00 (which is number one above) had already given Kellen an in-school suspension on that same day (6/12/00) as an out-of-school suspension (6/12/00, #2 above). Therefore, Kellen did not show up for Saturday detention and did not serve the in-school suspension, and chose to stay home that day as an out-of-school suspension. The researcher was scheduled to observe Kellen during the in-school suspension scheduled date of 6/12/00, but he was absent from school.

3. 6/5/00: "Kellen was disrespectful. He was speaking out unrestrained without permission and was not following directions" (Kellen's Discipline file notes, 6/9/00, p. 2). Saturday detention scheduled for 6/10/00 was noted on the referral.

4. 5/24/00: “Kellen was inappropriate for the school setting. Loud, disrupting teacher, and inappropriate language. He was constantly talking about pimps and whores, which was extremely offensive” (Kellen’s Discipline file notes, 6/9/00, p. 2). Saturday detention was assigned for failure to attend assigned place on 5/27/00. It was noted that failure to attend the scheduled Saturday detention would result in an out-of-school suspension scheduled for 5/30/00 (Kellen’s Discipline file notes, 6/9/00, p. 5). Kellen failed to attend the Saturday detention that was given for two of the 5/22 and 5/24 disciplinary offenses above. He was absent from school on 5/30/00 and took the out-of-school suspension.

5. 5/22/00: Kellen was sleeping in class. It was recommended that he receive a Saturday detention scheduled for 5/27/00 (Kellen’s Discipline file notes, 6/9/00, p. 2).

6. 5/10/00: “Inappropriate language during in-school detention” (Kellen’s Discipline file notes 6/7/00, p. 4). However, there was not a referral in his discipline file indicating an in-school detention in the first place). Kellen commented “...all fucking day long. I’m not doing this shit no more” (Kellen’s, Discipline file notes, 6/9/00, p. 4). A Saturday detention was scheduled for 5/13/00. A suspension date was also scheduled for 5/15/00 if he hadn’t attended the scheduled Saturday detention. It was also noted that the mother was called on that day to pick Kellen up from school, at the school’s request. The mother complied and picked him up, which did not count as a suspension or a total day absence.

7. 5/09/00: Kellen was warned about his language. He called another student a “dirty bitch” (Kellen’s Discipline file notes, 6/9/00, p. 4). He received an in-school detention scheduled for 5/11/00. Kellen refused to sign the referral.

8. 5/1/00: “Kellen used profanity to another student and refused to follow classroom rules concerning safety. He refused to clean up in the kitchen area. Kellen had disruptive behavior

during lab” (Kellen’s Discipline File notes, 6/9/00, p. 5). The referral recommended an in-school detention scheduled for 5/10/00 (which would mean that he would serve two days of in-school detention in a row on 5/10 and 5/11).

9. 3/29/00: “Kellen deliberately goes out of his way to walk into another student. He kicks her cane, as she is walking” (Kellen’s Discipline file notes, 6/9/00, p. 6). A Saturday detention was recommended for 4/29/00.

10. 3/27/00: “Kellen refused to stay seated and would not stop talking” (Discipline file notes, 6/9/00, p. 6). A Saturday detention was recommended for 4/29/00. This was the same date that was recommended above for the 3/29/00 referral.

11. 3/27/00: A letter was written to the parent concerning “repeated school violations and verbal abuse both to teachers and students. It was recommended that he serve a one-day suspension on 3/29/00 (Kellen’s Discipline file notes, 6/9/00, p. 7). However, Kellen must have been in school on 3/29/00, as he received another disciplinary referral in school on that same day.

12. 3/24/00: Kellen did not show up for lunch detention, which he had obtained for having “tardies to class”. A suspension was recommended for 3/28/00 (Kellen’s Discipline file notes, 6/9/00, p. 7). It should be noted that Kellen had two different offenses, which were combined as one-day suspension, rather than two.

13. 3/23/00: “Kellen refused to follow directions, rules, inappropriate language, calling teachers and students names, threatening teacher saying ‘if you don’t give me those seeds, I’m going to use you to mop this floor’” (Kellen’s Discipline file notes, 6/9/00, p. 7). A one-day suspension was recommended for 3/28/00. It was noted that Kellen refused to sign the referral and stated, “I did not do all of that stuff” (Kellen’s Discipline file notes, 6/9/00, p. 7).

14. 3/14/00: “Kellen was very disruptive...calling students ‘cow manure’. He threw and ripped a book while cursing the teacher” (Kellen’s Discipline file notes, 6/9/00, p. 8). A recommendation was made for an in-school detention. However, a date was not marked on the referral as to when Kellen should serve it.

15. 3/14/00: “Kellen hit another student, cursed the teacher and was instigating [another student]” (Kellen’s Discipline file notes, 6/9/00, p. 9). A three-day suspension was recommended for 3/14/, 3/15, and 3/16.

16. 3/14/00: The referral stated, “Other boys were making fun of him and he was agitated. He picked up a pair of scissors and went towards one of them. The teacher intervened and removed Kellen from class” (Kellen’s Discipline file notes, 6/9/00, p. 9). It was recommended that he receive a two-day in-school detention for 3/14 and 3/15. Kellen had already been scheduled for an out-of-school suspension for three days (3/14, 3/15, 3/16) above for a referral that he received on the same day as this one. He did not attend school on these days.

17. 3/8/00: A functional behavioral assessment was written to deal with the specific behaviors of threats, anger, aggression, throwing things, and verbal impulsiveness. The past consequences listed: “negative behavior by the teacher, peer attention, verbal warning, and loss of privileges, time-out, in-school detention, and Saturday detention”. The “function of behavior” was noted as “expressing anger, frustration, and seeking status”. The school intervention strategies were to stand in the hall 3-4 minutes to cool down, detention table at lunch, assigned seating, five minute computer time each day without a referral, and a bag of chips”. The home intervention strategy stated “The mother would allow him outside everyday when there is not a referral from the day before” (Kellen’s Discipline file notes, 6/9/00, p. 11). The committee indicated that they would reconvene on 3/21/00.

18. 2/25/00: “Kellen was fighting and had rude comments”. A three-day suspension was assigned for 2/25, 2/28, & 2/29 (Kellen’s Discipline file notes, 6/9/00, p. 12).

19. 2/21/00: The referral stated, “When Kellen could not go to the clinic, he called the teacher a ‘bitch’” (Kellen’s Discipline file notes, 6/9/00, p. 13). The disciplinary recommendation was for a one-day in-school suspension on 2/24/00.

20. 2/15/00: “Kellen pushed another student”. The referral noted that the next referral would be an out-of-school suspension. It was recommended that he attend Saturday detention on 2/19/00, which he did not attend. He was suspended on 2/22/00 (Kellen’s Discipline file notes, 6/9/00, p. 13).

21. 2/15/00: “Kellen was talking during detention and had no work”. He was given another day of in-school suspension 2/18/00 (Kellen’s Discipline file notes, 6/9/00, p. 13). It was not noted Kellen was in an in-school detention with the above referral (#20). However, based on documentation, Kellen was given a Saturday detention (2/19/00) and an in-school suspension again (2/18/00), while attending an in-school suspension on 2/15/00.

22. 2/15/00: “Kellen squared off with another student, as to fight”. It was recommended that he receive an in-school suspension on 2/17/00 (Kellen’s Discipline file notes, 6/9/00, p. 13). The last three referrals occurred on the same day.

23. 2/11/00: “Kellen was told to remove his coat and to move away [from a certain area]. He screamed and was eating without permission. He was uncooperative”. The consequence was to serve an after-school detention on 2/14 (Kellen’s Discipline file notes, 6/9/00, p. 14).

24. 12/21/99: “Kellen was posturing with another student. A one-day suspension was set for 12/22” (Kellen’s Discipline file notes, 6/9/00, p. 14).

25. 12/20/99: “Kellen threatened another student. He was rude and disrespectful”. A recommendation for an in-school detention was made for 12/22 (Kellen’s Discipline file notes, 6/9/00, p. 14). An in-school detention was recommended for 12/20. On the next day, 12/21, a recommendation was given for an out-of-school suspension on that same day.

26. 12/16/99: “Kellen was tardy to class twice. He did not show up for lunch detention. Recommendations of two after-school detentions were scheduled for 12/21 & 12/22 (Kellen’s Discipline file notes, 6/9/00, p. 15). Kellen would not be able to serve the after-school detention on 12/21, since a recommendation for an out-of-school suspension was made on that same day, 12/21, in the 12/20 referral (#25 which was given above).

27. 12/16/99: “Kellen refused to sit in assigned seat [which was one of the intervention strategies suggested in Kellen’s 3/8/00 functional behavioral assessment]. He was tardy to class. The teacher removed lead of pencil when he sharpened it. He walked out of the class. A recommendation was made for a Saturday detention. There was no date given on this referral date. Failure to attend the Saturday detention would be an out-of-school suspension scheduled for 12/20/99. Kellen received another referral on 12/20 above (#25), on a day that he should have been suspended from school. Also, Kellen wrote a note on this referral [the only one that he wrote something], which stated, “I don’t know why I did not sit in my assigned seat. I was tardy because I went to the bathroom and didn’t know how much time I had” (Kellen’s Discipline file notes, 6/9/00, p. 15).

28. 12/14/99: “Kellen created a disturbance in class”. A recommendation for an after-school detention was made to be served on 12/17/99” (Kellen’s Discipline file notes, 6/9/00, p. 16).

29. 12/7/99: “Kellen pushed a student during in-school detention”. A recommendation was made for a three-day detention to be served on 12/7, 12/8, and 12/9, (Kellen’s Discipline file notes, 6/9/00, p. 16).

30. 12/2/99: “Kellen was sitting on the detention table. He stood on the lunch table and jumped across to the other side. An in-school detention was recommended for 12/7/99 (Note: While serving an in-school detention, Kellen received another discipline referral on 12/7, # 30 above) (Kellen’s Discipline file notes, 6/9/00, p. 16).

31. 11/31/99: “Kellen had refusal behavior such as not following directions and disrupting class”. A recommendation for an in-school detention was made on 12/6/99 (Kellen’s Discipline file notes, 6/9/00, p. 16).

32. 11/17/99: “Kellen kicked another student”. A recommendation was made for a two-day suspension scheduled for 11/23 & 11/24 (Kellen’s Discipline file notes, 6/9/00, p. 16).

33. 11/7/99: “Kellen threw his work across the room. He refused to do work”. A recommendation was made for an after-school detention 11/16/99 (Kellen’s Discipline file notes, 6/9/00, p. 16).

34. 11/1/99: “Kellen was sent to the library to finish his assignment. He was running down the hall cursing. When the teacher started writing a referral, he walked out of the room and refused to go to the office”. An after-school detention was recommended for 11/3/99 (Kellen’s Discipline file notes, 6/9/00, p. 17).

35. 10/27/99: “Kellen destroyed items that the teacher owned. He was asked to sit outside of the classroom. He wouldn’t stay outside. He used inappropriate language, tone of voice, and attitude. Medical change was noted. Keeping documentation for mother and the doctor”. A warning was given (Kellen’s Discipline file notes, 6/9/00, p. 17).

36. 10/15/99: “Kellen was placed outside of the room. He refused to cooperate”. Kellen was given an in-school detention scheduled for 10/19/99 (Kellen’s Discipline file notes, 6/9/00, p. 18).

37. 10/8/99: “Kellen failed to attend assigned lunch detention scheduled for this date”. He was given an after-school detention for two days, on 10/13 & 10/14 (Kellen’s Discipline file notes, 6/9/00, p. 18).

38. 10/7/99: “Kellen will not stay in his seat. He was disruptive. The teacher could not continue the lesson”. An after-school detention was assigned for 10/11/99 (Kellen’s, Discipline file notes, 6/9/00, p. 12).

39. 9/29/99: “Kellen was threatening a 7th grade student”. An in-school detention was scheduled for 10/2/99. Failure to serve this would lead to a suspension on 10/4/99 (Kellen’s Discipline file notes, 6/9/00, p. 12).

40. 9/29/99: “Kellen didn’t report to after-school detention”. An in-school detention is scheduled for 10/1/00 (Kellen’s Discipline file notes, 6/9/00, p. 12).

41. 9/29/99: “Kellen was disrespectful and yelling at a teacher”. An after-school detention was assigned for 9/29/99 (Kellen’s Discipline file notes, 6/9/00, p. 18). An after-school date was the same date as an earlier behavioral incident on the same date [#40 above].

Appendix I

An Observation in Kellen's Art Class

An Observation in Kellen's Art Class

The researcher observed for the entire class period. When one student asked why the researcher was visiting, the teacher indicated, "I was observing her" (M-5, Observation, 6/13/00, p. 1). The students were preparing for their final exams. Students were in groups at five different oblong tables. The researcher positioned herself in close proximity to Kellen's table, where two students were sitting (Kellen's Observation, 6/13/00, p. 1)

When the researcher walked around the entire class, Kellen appeared to be cautious. Three students, including Kellen were at his art table. One male was Caucasian, while the other male was African-American (the only minority in this classroom). They were the only minorities in this classroom with a total of eighteen students. The three of them were talking about "going back to the 6th grade, because the recess was better" (M-5, Observation, 6/13/00, p. 1). Then, they continued a discussion about how fast they were running in the mile during their PE class, while the art teacher, M-5, was going from table to table asking if anyone had questions about the questions that would possibly be on the exam. When the art teacher asked Kellen, "What are you looking for?" Kellen interrupted and asked the teacher, "Where could he find #5 [the answer]?" The teacher then stated, "She would tell them [the answer] because it was not on the sheet". As soon as the teacher gave the answer, Kellen loudly stated "How about [questions] # 7 & # 10?" She responded, "Just a moment...the class would be going over the answers tomorrow as part of the review" (M-5, 6/13/00, pp. 2 & 3). Once the teacher indicated that she would be going over the answers during the next day, Kellen basically stopped working on the questions.

Kellen looked tired; as he yawned eight times within the given hour and appeared slow in his movements. The art teacher, M-5, went back to the table and asked if they "needed anymore help?" Kellen yelled out "Yeap!" [For eleven minutes before this, Kellen's table had not

completed any work, but were talking to each other] (M-5, Observation, 6/13/00, p. 4). There after, Kellen proceeded to ask the art teacher five more questions, even though he should have been working on them during the class period.

The art teacher, M-5, reprimanded another student at the same table, indicating that he had been disruptive. The art teacher requested that this student move to another table. The researcher had not noticed that this particular student was disruptive [there were only three at this table].

Kellen, based on behavioral observations, appeared to be the most disruptive, loud, and rude [interrupted the teacher and other students when they wanted to get some questions answered]. Kellen appeared methodical in his process of retrieving the answers that he wanted when he wanted them. When the teacher moved somewhere else, he consistently got off task and talked about everything else except what was going on in class. Again, the teacher told another student who was sent to another table that he was being too loud. However, in fact, it was Kellen who was using a loud and disruptive tone of voice while dialoging with the only other student at his table. This was extremely disruptive to the entire class.

The teacher used good proximity in moving around the room and was thoughtful and reflective in trying to help the students find answers to questions that most likely would be on their final exam, which M-5 had forewarned to the class earlier in the period. It was quite evident that this process had not occurred with Kellen. He only demanded the answer, not an explanation of how the answer was obtained or processed. Furthermore, Kellen was not interested in discussing the various outcomes with those other students sitting at his table.

There were a total of eighteen students in this classroom with five different “art” tables. There were approximately 3-5 students at each table. Kellen’s group of three students was the lowest number noted in the classroom.

It was noticeable that another student who was sitting across the room from Kellen had her hand up for at least three minutes. She did not blurt out or yell, as was Kellen’s pattern for immediate attention. Then, the teacher went to another table. When Kellen again yelled out again, “Where can I find # 13”? (M-5, 6/13/00, p. 3), the teacher then diverted her attention to Kellen. The other student put her hand down.

The art teacher told another group of students at another table to “talk lower” (M-5, 6/13/00, p. 3). Kellen wasn’t interested in the class rules, as he basically completed what he wanted to do at his own pace with additional attention from the teacher. Kellen blurted out “What color: primary or secondary?” M-5 stated, “That’s it” (M-5, Observation, 6/13/00, p. 5).

When the class period was almost over, M-5 indicated that she would talk more about the exam in class tomorrow. The student next to Kellen raised his hand and M-5 ignored him.

Overall, the teacher was responsive to Kellen. Based on this observation, Kellen had become very adept at knowing what to say and when to say it in order to get immediate attention even if he was disruptive to others, or if others in the classroom were deprived of additional classroom attention from the teacher. Additionally, Kellen thrived on any one-on-one attention, and appeared to be able to figure out what to do in order to receive or elicit that response from the teacher. However, left by himself or without the teacher in close proximity, Kellen would not complete any of the independent work and then demanded that the teacher give him the answers. Perhaps the other seventeen students had just accepted this pattern in the classroom.

Appendix J
Rudy's Review of Records

Rudy's Review of Records

The researcher noted the significant absence of Rudy's disciplinary file, which was never found in this investigative process. The special education department chairperson indicated that the police had talked to Rudy that morning, and perhaps they had taken the file (Rudy's Record Notes, 6/12/00, p. 1). No other explanation was given. The records had not indicated that the disciplinary file had been checked or signed out.

A custodial visitation order was written on 9/12/89. Custody was awarded to the father while reasonable visitation was granted to the mother (Rudy's Record Notes, 6/12/00, p. 1).

Rudy's Psychological Evaluation

A psychological evaluation was completed on 11/4/99, when Rudy had been in the 10th grade with a chronological age of 16 years and 3 months. At that time, he was labeled "learning disabled". Rudy was a transfer student from another school district in the Commonwealth of Virginia, and came to this school district with a current individual educational program (Rudy's Record Notes, 6/12/00, p. 1).

In the last evaluation (3/99) while Rudy was in the previous school district, it was noted that Rudy "took a propane torch and pointed it at another student which resulted in a long-term suspension, and hence, the manifestation determination" (Rudy's Record Notes, 6/12/00, p. 2).

The school psychologist indicated after the above manifestation determination:

Rudy continued to show some emotional difficulties, and some difficulties in understanding social nuances. Unfortunately, the dangerous and threatening-type of behavior of using a propane torch [as a dangerous weapon] was not addressed at the manifestation determination. He did appear to know the consequences of his actions and knew that his behavior was not considered appropriate. This action did not appear related

to his 'sequential processing deficit'. The committee found no causal relationship between Rudy's disabilities and conducts (Rudy's Record Notes, 6/12/00, p. 2).

The researcher noted that the propane torch incident could have been related to some difficulties in understanding as well as some emotional difficulties as noted by the psychologist. However, for this causal relationship, only the previous weak area of sequential processing deficit was taken into consideration when the manifestation determination was made.

Rudy was currently receiving homebound services due to a fighting incident that had occurred at the high school. Due to this incident, the triennial evaluation was moved up in order to complete a full evaluation to determine the most appropriate educational placement (Rudy's Record Notes, 6/12/00, p. 2).

Based on the WAIS III Intelligence test, there was a 29-point discrepancy between Rudy's verbal and performance skills, in favor of the visual domain. Specifically, he had a standard score of 87, which fell into the 19th percentile on the verbal component. His performance standard score was 116, which fell in the 86th percentile, with a full-scale standard score of 99. Rudy was weak in auditory processing, short-term memory, processing speed, and visual motor integration (Rudy's Record Notes, 6/12/00, p. 3).

Rudy's Social Case History

A social case history was completed on 12/1/99. Rudy was living with his custodial father and stepmother. At the time of the case history, his father was 37 years old. His highest level of education was the 11th grade and his occupation was listed as a tree doctor. His stepmother's age was 32, with highest education listed as one year of college. Her occupation was governess.

Additionally, Rudy was also living with one half brother (age 4) and one half sister (age 5). Other family members who were not living in the home were listed as the mother and one half brother (age 6) (Rudy's Record Notes, 6/12/00, p. 4).

Rudy's stepmother indicated that Rudy had a history of school problems and that he also had significant health disorders, wore glasses, and smoked cigarettes. He also had a history of low academic achievement. He lived with the grandmother for the past three years in another school district in the Commonwealth of Virginia. Since his behavior was uncontrollable, the grandmother felt that she could no longer be responsible for him (Rudy's Record Notes, 6/12/00, p. 5).

It was also noted that Rudy would be on court probation until January 2000 for driving and wrecking his grandmother's car. He also had to complete community service for this action.

Rudy was working during the evenings and Saturdays at a local shoe store. He was not allowed to visit his mother due to her substance abuse and other inappropriate activities (Rudy's Record Notes, 6/12/00, p. 5).

Rudy's Educational Evaluation

Rudy's educational evaluation was completed 11/5/99. At the time, his chronological age was sixteen years and three months and he was in the tenth grade. The evaluation indicated that Rudy had delayed academic skills especially in reading and written language, which was in the severely deficit to borderline range. His strongest areas were in math and general knowledge, which were in the low average range. The Woodcock-Johnson Achievement test noted that Rudy had a standard score range on the various sub-tests of 61-91 (Rudy's Record Notes, 6/12/00, pp. 6 & 7). This would place him in the low average to deficient range.

Other Stipulations for Rudy

An individualized educational program (IEP) was written on 2/4/00, when Rudy returned from his homebound status. At that time, he was assigned to PE 10, Auto Tech, and mainstream classes. He was on homebound status from 12/16/99 until 2/2/00.

Once he returned to school, Rudy was placed on an enrollment contract for the 1999-2000 school year. The contract basically addressed that Rudy should demonstrate full cooperation with teachers and peers, follow all directions, engage in no verbal or physical altercations, engage in no attempts to intimidate peers, maintain satisfactory academic progress, and participate in regular and on-going counseling for his aggressive behavior and lack of impulse control. The counseling component was not placed in the student's IEP but was placed in the enrollment contract as stated (Rudy's Record Notes, 6/12/00, pp. 7, 8 & 9).

After the researcher reviewed Rudy's records, a special education teacher stated that he had heard Rudy was suspended from school for ten days. This teacher also indicated that the family would soon be moving to another area and had already told Rudy that there would be no room for him at the new place (Rudy, Conversation with O-14 and noted in Rudy's Record Notes, 6/12/00, p. 8).

Appendix K

Kerry's Review of Records

Kerry's Review of Records

Kerry's review of record notes was extensive with a total of 26 hand-written pages by the researcher. The information was not given in a chronological or sequential order.

During the 1999-2000 school year, Kerry was on homebound placement. He was receiving 1.5 hours a week in government and 1.5 hours a week in English.

Kerry was labeled "learning disabled." His learning difficulties were in the areas of "reading, writing, language, short-term auditory memory, visual-motor integration, and processing difficulties" (Kerry's Record Notes, 6/12/00, p. 1).

Kerry's present level of functioning indicated he was a 12th grader and had passed all sections of the Virginia Literacy Passport Test. There was a discrepancy between his ability and achievement in the areas of reading and written expression. He also had difficulty with information processing deficits and visual motor integration. Strengths were noted in the areas of visual reasoning, associative reasoning, creativity in solving math problems and visualizing objects (Kerry's Record Notes, 6/12/00, p. 2).

In October 1998, Kerry's behavior in school indicated anger and depression, as well as being guarded and resistant to addressing concerns. In that same month, Kerry was suspended for making threats to others and himself (Kerry's Record Notes, 6/12/00, p. 2).

The WAIS-III Intelligence test indicated a verbal standard score of 96, a performance standard score of 106, and a full-scale score of 106. Processing speed was noted as strength while short-term memory was noted as a weakest (Kerry's Record Notes, 6/12/00, p. 4). These scores fell in the average range of intelligence.

The Woodcock-Johnson [W-J] Achievement Test indicated that Kerry had a broad reading standard score of 70, with a basic reading score only in the first percentile and a reading

comprehension rate only in the sixteenth percentile. Math standard scores were 99. Broad written language scores were 75. Broad knowledge scores were 95 (Kerry's Record Notes, 6/12/00, p. 4). Based on this information, his reading and written language scores were in the severely deficit range, while math and knowledge scores were in the low average range of achievement.

When the researcher further reviewed records, there was a discrepancy in the data recorded based on page four and page ten of the review of record notes. The Woodcock-Johnson Achievement Test sub-score in basic written language was 76 (page 4) and 57 (page 10). Also, the broad knowledge standard scores were 95 (page 4) and 88 (page 10), when referring to the same test. This information was utilized for the 12/17/98 eligibility committee meeting. However, which information they chose to review for the eligibility committee, would be difficult to speculate. In particular, the 57 score in written language as well as reading scores could have had a major impact on Kerry's ability to function within the parameters set forth in his class structure and school work (Kerry's Record Notes, 6/12/00, p. 10). The reading, written language and auditory processing scores which were very weak, could have hindered Kerry both educationally and emotionally in dealing with challenges throughout the school day.

The most recent psychological evaluation was completed during December 7th and December 8th, 1998. It was noted for the first time in the sequential records, that Kerry had been placed on homebound status for "verbally threatening to bring a gun to school" (Kerry's Record Notes, 6/12/00, p. 5). This was further written in a letter to Kerry's mother on 10/28/99:

Kerry made some threats in reference to himself and others on Monday, 10/26/99. Kerry made this statement to one of his special education teachers. The referral stated specifically that Kerry said 'whenever my mother ignores me, I feel like shooting her in the face' (Kerry's Record Notes, 6/12/00, p. 17).

The referral also stated that Kerry made another troubling statement in another special education teacher's class. The statement was made, "I think I am going to bring a gun to the meeting" [due to the suspension recommendation made with the gun threat] (Kerry's Record Notes, 6/12/00, p. 17).

Kerry had been on homebound since 12/99 and was successful based on maintaining employment on his own. It was recommended that he contact the Department of Rehabilitative Services and Virginia Employment Commission. However, no report or note was given as to who would be responsible for determining if this had actually happened.

An addendum to the IEP was then written (4/20/99) indicating that the selected day placement was not available at that time. Therefore, Kerry was notified that this opportunity was withdrawn. It was noted by the researcher, that this "opportunity" took three months of decision-making.

It was determined in February 1999 that Kerry would continue on homebound status until a day placement was found for him. Effective March 1, 1999, Kerry was informed that he had been accepted to a private day placement in a school in the Commonwealth of Virginia, via notice of transportation. However, his records also indicated that on 2/24/99, the private day placement indicated to this school district that the Rudy's behavior had noted anger and depression issues. It was noted that Kerry was guarded and resistant in addressing these concerns. The committee at this day placement stated that they felt another structured setting where emotional concerns would be addressed would be more appropriate (Kerry's Records Notes, 6/12/00, p. 3).

Another private school accepted Kerry with the guarantee that he would also attend counseling, which Kerry refused. This facility rejected him based on refusing to attend counseling (Kerry's Record Notes, 6/13/00, p. 25).

Furthermore, based on an email sent [4/16/99] from the Director of Special Education and Related Services to the Special Education department Chairperson (O-2),

Kerry was not allowed to receive extended school year services for the missed time while on homebound, as he should not get ESY (extended school year academic support) because he chose not to attend the accepted private school due to the mandatory counseling component. ESY is only for regression, not compensation for missed work. (Kerry's Record Notes, 6/13/00, p. 25)

An eligibility committee meeting was scheduled on 12/17/98 when Kerry was an 11th grader. It was noted that he was not a problem at home and that he had a job at a local grocery store. When his boss at work was contacted, he noted that Kerry became easily frustrated.

A private psychologist was hired with no indication as to who had paid for the visit. An interview was held with Kerry's mother and himself. No further psychological evaluations were noted at that time (Kerry's Record Notes, 6/12/00, p. 5).

The 'diagnosis' given based on the visit was "detachment from family, school, and his life". Kerry was diagnosed as "adjustment disorder with mixed disturbances of emotions or conduct and ADHD- NOS" (Kerry's Record Notes, 6/12/00, p. 5).

The psychologist who completed this evaluation also stated, "The danger level that Kerry displayed to him or to others is low...immaturity and his emotional detachment are of a concern" (Kerry's Record Notes, 6/12/00, p. 6). The psychologist further suggested counseling for Kerry,

which was refused by his mother and Kerry. It was noted that they both concurred in this decision (Kerry's Record Notes, 6/12/00, p. 6).

An "early triennial" was indicated. However, no date was given in the records as to the beginning of this process. Kerry had been previously labeled as needing services in special education in the areas of learning disabilities and speech and language. The original placement date for speech and language was 12/2/83 (Kerry's Record Notes, 6/12/00, p. 20).

Kerry was initially found eligible as "speech impaired for articulation problems" in 1983 as a two year old. Kerry's label was changed to learning disabilities with deficits in verbal expression and memory in 1990. In 1996, there was evidence of weaker verbal ability than nonverbal, although both were in the average to high average range (Kerry's Record Notes, 6/12/00, p. 6).

Kerry's scores were as follows, noting the best scores occurred in 1993:

<u>Dates:</u>	<u>Verbal</u>	<u>Performance</u>	<u>Full Scale</u>
1996	106	94	105
1993	94	116	110
1990	105	110	109

(Kerry's Record Notes, 6/12/00, p. 21).

When Kerry was questioned about the incident that caused the suspension and subsequent homebound services were recommended as the appropriate continuum of service placement, Kerry stated that he had not threatened to bring a gun to school. He denied any desire to hurt himself or anyone else. He indicated that he did not like school and could not verbalize any areas of interest. He had a job at a grocery store. Tests were interpreted as strong task persistence on

tests. Kerry appeared to be organized with good problem solving skills on visual tasks (Kerry's Record Notes, 6/12/00, p. 7).

On the Substance Abuse Screening Inventory, some responses suggested:

Kerry's beliefs and behavior were similar to others using chemical substances, but it also indicated that Kerry had a high degree of denial, resistance, and defensiveness regarding this issue. Kerry experienced feelings of conflict, frustration, and some depression.

(Kerry's Record Notes, 6/12/00, p. 12)

The school psychologist commented:

Although assessment for emotional functioning suggested some concern, it is difficult to fully assess emotional status at this time due to Kerry's guardedness and resistance.

However, neither unorganized thinking nor bizarre content was evident through observation and interview. (Kerry's Record Notes, 6/12/00, p. 8)

Kerry's social and emotional development should be closely monitored as he progresses through adolescence and into adulthood. Further assistance should be given in short-term memory, visual motor integration, and have Kerry participate in small group discussions to increase verbal expression, gain confidence, and to connect with others. (Kerry's Record Notes, 6/12/00, p. 9)

The social case history was written on 12/2/98.

The father was fifty-years old with a Master's degree in Network Engineering. The mother was forty-eight years old with two years of college, and worked as a deli-clerk at a local grocery store on a part-time basis. One brother was twenty-five years old; two sisters were ages nineteen and fifteen respectively, while Kerry was seventeen-years old.

(Kerry's Record Notes, 6/12/00, p. 10)

At one time Kerry suffered from upper respiratory infections. There was a history with the extended family of lung cancer, heart disease, and breast cancer. Kerry's oldest brother was at the University of Utah (records did not indicate if he finished his degree). Another sister was at a Fashion Design school in New York. The other sister was at the high school level and was presently doing well in school. The sister and Kerry attended the same high school. All of the siblings were diagnosed with learning disabilities.

Kerry had a history of speech problems and more specifically with verbal communication skills. He will blow up and then retreat, but is not considered physically aggressive.

(Kerry, Record Notes, 6/12/00, p. 11)

The parents viewed Kerry's work in school as less than his intellectual capacity. Kerry told his parents that he would like to be removed from special education services.

However, the infraction at school warranted a school change in educational services. He was enrolled in the learning disabilities program at a local high school. Parents noted that Kerry had more problems in the school setting than any other place and that Kerry did not like school. During the 1998-1999 school year, Kerry's grade point average (GPA) was 2.133. (Kerry's Record Notes, 6/12/00, pp. 12 & 13)

Teacher narratives were given to the eligibility committee for triennial review in October 1998. The comments from various teachers were mixed. The shop teacher indicated that Kerry was doing well and that his academic performance was above average. He indicated that Kerry was one of the few students that he did not have to worry about and that he was a pleasure to have in class. The consumer math teacher indicated that Kerry was an overall good student. The resource teacher stated that Kerry was not working up to his potential and that Kerry slept a lot in class. He described Kerry as moody, and that he participated in class reluctantly and minimally.

When motivated, the teacher felt that Kerry could perform well. The US/VA History teacher felt that Kerry was obviously unhappy and at times, sullen and unresponsive. He noted that Kerry was never disrespectful or disruptive. The teacher felt that he thought Kerry needed someone to ventilate, as to whatever was bothering him needed to be addressed whether concerns were real or imaginary. (Kerry's Record Notes, 6/12/00, pp. 13 & 14)

There was an attempt to re-enter Kerry to school in a letter by the mother on 11/30/98. However, it was noted that this could not be done on that day, "due to Kerry's lack of cooperation regarding the seriousness of this issue". (Kerry, Record Notes, 6/12/00, p. 14)

A plan was written for Kerry, which recommended homebound placement no longer than 30 days following the eligibility meeting (12/17/98). It stated that a change of placement necessitated an Individualized Education Program (IEP) meeting. The triennial [re-evaluation] would be scheduled several months earlier than usual as a result of this incident. The actual placement would be determined at another meeting. (Kerry's Record Notes, 6/12/00, p. 15)

At the Manifestation Determination meeting (11/2/98), it was noted that Kerry had average to above average intelligence. The above average intelligence was not noted in any of the other review of records. Kerry had demonstrated processing deficits with expressive language, which impacted on reading, written language, and acquisition of knowledge. Visual motor integration was also noted as a deficit.

Kerry was dismissed from speech and language services in 1982 due to non-cooperation with the therapists. Kerry was found eligible for learning disabilities in 1990. (Kerry's Record Notes, 6/12/00, p. 16)

Kerry's grades during his 10th grade year were as follows: lab-88%, resource-84%, International Foods-70%, algebra- 73%, PE-91%, English 10-85%, and biology-90%. The school psychologist on 11/3/98 saw Kerry as per school policy. The mother stated that Kerry had a bad year and was very angry (Kerry's Record Notes, 6/12/00, p. 16). Kerry attended a private Christian school during 1988. However, the records had not indicated how long he was in this placement. In 1992, he was enrolled in a public elementary school. During that year, he missed thirteen days of school. A letter was sent home to the parents indicating that Kerry could not miss more than thirty days of school in one year, and that at that time, thirteen days was excessive (Kerry, Record Notes, 6/13/00, p. 24). There was no indication as to why Kerry missed those days.

Appendix L

Interview with Kerry's Teacher, O-9

Interview with Kerry's Teacher, O-9

This special education social studies teacher had worked with special education students in the contents areas of government, foundations/geography, and resource. He had taught at this same high school for the past twenty years and stated the following:

When I first worked with Kerry about two years ago; he was up and down in moods. He was basically cheery, pleasant, and good-natured. He would join in on projects during the language and science labs. He was brilliant on ideas, but didn't like to write. We did a lot of plays and stories so that the pressure would be off the individual projects. He would dictate projects and see things through a unique point of view. He had a good sense of humor. After about a year of working with him, he became very moody. Kerry went through a change. His head was down a lot. Kerry slept and was angry. I saw a side of him that I hadn't seen before.

One day I was meeting with an administrator, and he reported that Kerry had said that he would bring a gun to school. When confronted, what he really meant was that he wanted to shoot himself. Then he got into a thing with the Assistant Superintendent, who told Kerry that he had to apologize to her for making this statement. He wouldn't apologize. They [the school district] wanted to do testing on him. At one point, he was given work and then he received a homebound teacher. (O-9, Interview, 6/19/00, p. 1)

This special education teacher, O-9, further stated,

Kerry had a stepsister in the resource program that was conscientious and maybe in the 11th grade. The sister was one of those students that made good use of the resource time and she participated in athletics. The stepsister's boyfriend is a marine. Good child and parents were involved. (O-9, Interview, 6/19/00, p. 2)

Based on the review of records, Kerry had a stepsister who was living with the family (O-9, Record Notes, 6/12/00, p. 10).

When the researcher asked O-9 if the stepsister ever mentioned his stepbrother, O-9 commented,

She did not go into that. I enjoyed working with Kerry, before his change. Something happened with this up and down rage. He could be depressed or drug involved, not sure [When asked by the researcher]. I have noticed a drastic change in him. I had Kerry in class his 10th grade year. Kerry's problems all started in his 11th grade year. As far as trouble, there were blatant red flag comments that Kerry was making. (O-9, Interview, 6/19/00, p. 2)

The researcher asked O-9 if he felt that Kerry would have shot his mother in the face, which had been reported in the discipline referral involving the gun threat. O-9 stated,

Kerry wanted to bring a gun to the meeting (manifestation determination meeting), but he wanted to shoot himself. First hand here. However, all of the reports indicated that he wanted to shoot his mother. I did a project with Kerry, which dealt with music. I got Kerry a kazoo, which was a real instrument. Kerry never came back. He had his cloth ball that he would juggle around and he was quite creative with it. (O-9, Interview, 6/19/00, p. 2)

When the researcher asked if Kerry had friends, O-9 replied:

He could have, especially when he was in an upbeat mood. When he wasn't, he would shut down, like sleeping. Towards the end, there was a lot of rage and anger that I hadn't seen in the 10th grade. Other teachers noticed this too. That's why we took what he said so seriously. Once on track, he could have come back here, if he would have apologized

[to the Assistant Superintendent in charge of discipline]. Once he was out, things just snowballed. (O-9, Interview, 6/19/00, p. 3)

Appendix M

Andy's Review of Discipline Records

Andy's Review of Discipline Records

Andy's mother stated, "I did not know that my son had a (BB) gun. He got someone else to buy it and had it in the woods. It was raining and Andy said that he did not want it to rust, so he took it to school with him (Andy's Discipline Records, 6/9/00, p. 1). Much of the information given in these records was also documented in the Expulsion Hearing Notes in preparation for Andy's expulsion.

"Andy had received special education for LD services since the 4th grade. He had eight moves since he began school, with a history of disciplinary problems. He had a previous weapons violation (knife)" (Andy's Discipline Records, 6/9/00, p. 1).

The discipline file was not in chronological order. Dates of disciplinary behavior and the consequences were scattered with mixed disciplinary consequences. During the spring of 1998, Andy had eight different disciplinary actions. Seven actions noted that disciplinary action was pending based on the manifestation determination meeting (Andy's Discipline Records, 6/9/00, pp. 7 & 8).

These behaviors ranged from "refusal behavior, failure to showing up to assigned detentions, failure to follow directions, and sexual harassment. Andy was placed on homebound status from 4/6/-4/10/98 while 'action was pending manifestation determination'" (Andy's Discipline Records, 6/9/00, p. 7). The actual behavioral consequences were not noted once the manifestation determination was completed.

Since Andy was placed on homebound status the following January, 1999, after the 12/8/98 BB gun incident, disciplinary information during the school time was recorded from September 1998 until his last discipline incident (11/23/98) before the weapons violation incident.

On 9/23/98, Andy “failed to attend assigned detention on 9/22. He received an in-school detention for one half of a day”. Andy stated, “I forgot” (Andy’s Discipline Record, 6/9/00, p. 5). This was a pattern for Andy. He would often fail to attend detention time, and then an administrator would assign a set number of out-of-school suspension days instead of the in-school suspension.

On 9/28/98, Andy failed to attend detention. Therefore, he received a three-day suspension. On 9/29/98, he received two different referrals. One referral stated that he was disruptive in class. Andy stated, “I don’t care” (Andy’s Discipline Record, 6/9/00, p. 6). Another referral stated that he was disrespectful and refused to give his name. He received a three-day suspension (Andy’s Discipline Record, 6/9/00, p. 6). These three referrals were combined. Rather than receiving nine days of suspension time, he only received three total days of suspension.

On 10/7/98, Andy failed to attend assigned detention. Andy was assigned in-school detention on 10/19 & 10/20/98. On 10/13/98,

Andy was going through another student’s backpack while he was alone in a classroom.

Then he lied and said that he hadn’t gone through it. He received one day of in-school detention on 10/20/98. (Andy’s Discipline Record, 6/9/00, p. 5)

Again the consequences of two different referrals (10/7 & 10/13) were combined, so Andy received only one day of in-school detention rather than two different days.

On 10/15/98, Andy skipped 7th period class. He received one day of in-school detention on 10/21. On 10/19/98, Andy failed to appear in the after-school detention. He had been in in-school detention on 10/19 & 10/20 (based on the 10/7 referral), if he even attended school on

those days. He was assigned in-school detention on 10/22 & 10/23. Additionally, a referral was written on 10/21 for six un-excused tardies to school. He was assigned two more days of in-school detention (10/26 & 10/27) (Andy's Discipline Record, 6/9/00, p. 4). Therefore, Andy was assigned a total of seven days of in-school detention total (10/19—10/27, excluding Saturday and Sunday).

On 10/16/98, Andy received a referral for failure to attend assigned detention. He was assigned Saturday School Detention on 11/14/98. On that same day, 10/16/98, Andy received a referral for walking out of an administrative detention when the teacher required him to do work, and was assigned Saturday detention on 11/14/98 (Andy's Discipline Records, 6/9/00, p. 3). In other words, Andy really was in a detention setting, just not the "regular" one since it indicated "administrative". On 10/27/98, the referral listed "disrespectful and poor attitude". He received the same Saturday Detention 11/14/98 as the two referrals written on 10/16 (Andy's Discipline Records, 6/9/00, p. 3).

On 11/2/98 referral, Andy had twelve un-excused tardies. Andy stated that he woke up late. He was assigned Saturday detention on 11/7/98. On 11/4/98, Andy was asked to put his candy away, but he would not. The teacher then took Andy's candy from him. Andy stated that "He did not have to give anyone anything" (Andy's Discipline Records, 6/9/00, p. 2). He received two days of Saturday detention, 11/7 & 11/14 (Andy's Discipline Records, 6/9/00, p. 2). Again two referrals overlapped with the same 11/7 Saturday detention.

On 11/23/98, Andy was disrespectful and received an in-school detention in the morning of 11/30/98 (Andy's Discipline Records, 6/9/00, p. 2). This was the last referral before the 12/8/98 BB gun incident.

Appendix N

Maria's Review of Records

Maria's Review of Records

Maria was retained during the 1997-1998 school year while only receiving .05 credits. She had accumulated 33 absences during that same school year. Maria was at a psychiatric hospital on an out patient basis beginning 8/3/99. She entered the same hospital on 9/7/99 and withdrew on 10/19/99. At that time, she was a 10th grader (Maria's Record Notes, 6/16/00, p. 1).

The middle school that Maria attended recorded:

Maria was inattentive, impulsive, and seems to have a manic personality style. She is reactive and seems to jump from subject to subject. She has learning disability problems.

There was a psychiatric hospital report dated 11/5/99, which indicated that Maria had depressed moods, mood instability, and anxiety. She received four A's in classes, while she was in the hospital. (Maria's Record Notes, 6/16/00, p. 1)

A Vocational Assessment Summary Report, 11/10/97, stated:

Maria is a thirteen-year old in the 9th grade. She is living at home with her mother, stepfather, and two younger brothers. She enjoys Tae-kwon-do, writing poetry, songs, and hanging out with friends. She has worked mowing lawns. She is interested in exploring careers in law, drama, and newspaper reporting. (Maria's Record Notes, 6/16/00, p. 6)

A CAFAS report (form was completed through the Comprehensive Services Act as an assessment indicator for at-risk students), suggested three goals for Maria. They were:

1. Attend school.
2. Abide by the rules at home, school, and in the community.
3. Refrain from the use of alcohol and illegal drugs. (Maria's Record Notes, 6/16/00, p. 2)

Maria was born in El Salvador.

She passed both the reading and writing portion on the Virginia Literacy Passport Test; while failing the math portion. In the 7th grade, she had scored in the following percentile on the ITBS test: Reading composite: 58, Total Language: 28, Total Work Study: 28, Total Math: 35, Basic Composite: 53, and Complete Composite: 37. A Manifestation Determination meeting, 5/17/00, noted that Maria had possession of marijuana, pager, and cigarettes on school grounds. She had numerous other referrals for cutting class, forging notes, disruptive behavior, use of inappropriate language, and leaving school grounds. There was a significant history of hospitalizations. Maria's medical diagnosis was bipolar disorder and she was taking medication for this. (Maria's Record Notes, 6/16/00, p. 2)

Earlier, the Community Resource Officer noted, "A middle school staff member indicated that Maria was self-medicating because her parents would not give her medication, so she used marijuana". (O-5, 6/14/00, Interview, p. 1)

Maria had several schedule changes due to her inability to perform in the regular education classes and was now in the all special education self-contained classes (Maria's Record Notes, 6/16/00, p. 3).

Maria had a parole officer, a guardian ad litem, and had participated in a substance abuse program that was located at the high school. On 5/25/00, the FAPT team recommended residential treatment. At that meeting, it was also noted that Maria had not been consistent with her medication. It was recommended that a functional behavioral assessment be completed, that her triennial review be moved up, and that she continue in the substance abuse program located at the school (Maria's Record Notes, 6/16/00, p. 4).

When the Functional Behavioral Assessment was completed (5/17/00), it was noted, “Maria had lacked focus and was impulsive” (Maria’s Record Notes, 6/16/00, p. 4). The triennial IEP addendum (5/17/00) indicated, “Maria lacked focus, was inattentive, had poor writing skills, was deficient in visual perception, had a history of emotional concerns, and had a possible diagnosis of bipolar disorder” (Maria’s Record Notes, 6/16/00, p. 4).

The IEP, (5/17/00), stated “Maria had withdrawn from the school district. The IEP will be effective upon her return” (Maria’s Record Notes, 6/16/00, p. 5). However, on an IEP addendum written 3/1/00, it stated, “This academic school provides support for Maria due to her emotional concerns” (Maria’s Record Notes, 6/16/00, p. 8). [Maria had a learning disabilities label not an emotionally disturbed one].

Maria was both involved in special education and court services; therefore, she was eligible to receive a possible different placement if agreed by this committee.

On 5/10/00 Maria was considered for expulsion. She also appeared in court that same day, and was placed in a juvenile detention facility for at least ten days. The probation officer was hoping that the period of incarceration would be followed by a FAPT team recommendation and placement in a residential psychiatric facility. The FAPT team would meet again on 5/23/00.

As a result of the court action being taken, and the fact that this is a first offense, the school board has not recommended expulsion at this time. A school staff member will monitor and contact the office as soon as possible, when Maria is released. A mandated conference will be held at the Central office prior to Maria’s return to school, regardless of when she is released. (Maria’s Record Notes, 6/16/00, p. 6)

Appendix O

Josh's Review of Records

Josh's Review of Records

Josh was a 12th grader who was labeled emotionally disturbed. He was in a self-contained setting, and based on notes, in danger of not graduating from high school (Josh's Record Notes, 6/13/00, p. 1). A Manifestation Determination meeting was held on 10/28/99 and a ten-day suspension was given to Josh for possession of marijuana (Josh's Record Notes, 6/13/00, p. 15).

Josh stated, "He did not know what he was thinking when he smoked marijuana on his way to school" (Josh's Record Notes, 6/13/00, p. 16). An administrator noted, "Josh appeared remorseful about this behavior" (Josh's Record Notes, 6/13/00, p. 16). A letter by the Principal of the high school (10/15/99) stated, "Josh admitted smoking marijuana on his way to school and had physical evidence in his possession. A recommendation was made for possible expulsion" (Josh's Record Notes, 6/14/00, p. 24).

Also, Josh had received a weapons violation in another school district on 12/12/97 for "brandishing a safety pin at students, along with verbal abuse to teachers and students" (Josh's Record Notes, 6/13/00, p. 12). However, the earlier incident was not mentioned in the 10/28/99 Manifestation Determination. There were no notes in Josh's records if there had been any consequences for him when he earlier received a weapons violation.

While Josh was on the ten-day suspension for the possession of marijuana, certain stipulations were made by the school system. A referral was made to the substance abuse program located at the high school; a chemical dependence evaluation was requested; a full special education evaluation was to be completed as soon as possible; Josh would go on homebound instruction pending the completion of the evaluations; and a referral would be made to the Transition Coordinator. It was noted that the Transition Coordinator had tried to work with Josh, but Josh would not follow through (Josh's Record Notes, 6/14/00, p. 17).

A psychological evaluation was completed on 11/5/99. In the summary it was noted: Josh was an 18-year old senior who was referred for an early triennial evaluation due to the disciplinary procedures related to the possession of marijuana. On the WAIS-III Intelligence Test, Josh earned a verbal score of 81, performance score of 78, and a full-scale score of 78. His scores were generally evenly developed. (Josh's Record Notes, 6/14/00, p. 19)

The psychological evaluation noted:

Short-term memory was significantly weak. In addition, social and emotional assessment suggests a profile marked by weak coping skills, low self-esteem, and depression. He appears at risk for poor decision-making and dysfunctional behavior. Josh also appears remorseful for his actions and motivated to graduate and become successful, although he will require considerable support for that effort. Josh was to continue his involvement in the Substance Abuse Program. Josh would be expected to work with social services to develop a plan for his living situation. He would be requested to participate in small group counseling and instruction to address problem solving, coping strategies, self-esteem and interpersonal relationships. Additionally, he should continue in educational placement with small, highly structured classrooms to address his academic and emotional needs. Josh will be requested to consult with the Transition Coordinator to develop goals and methods to attain these goals. (Josh's Record Notes, 6/14/00, p. 20)

The latest social case history was completed on 12/2/99 as part of the early triennial due to the disciplinary procedures. Josh's father refused to meet with the school visiting teacher to complete this component. Since Josh was an 18-year old, which was legal age, he could represent himself in legal matters. Josh indicated that he had a poor relationship with his father.

His father had demanded that Josh leave the house since Josh was not following the rules, curfew, and other behaviors. Josh would not tell the visiting teacher of his present living arrangements. It had been reported that he has no place to live. He goes to friend's houses to eat, bathe, and dress for school (Josh's Record Notes, 6/14/00, p. 22).

When asked about his mother, Josh was not willing to discuss her since she was not sharing in a part of his life. The visiting teacher stated, "Josh appeared sad, depressed, and unwilling to discuss personal emotional feelings" (Josh's Record Notes, 6/14/00, p. 22).

Josh had a close girl friend, personable, and had a sense of humor. Josh was somewhat passive while completing the social case history. His significant emotional state, low self-image and use of drugs does indicate a need for intensive counseling and a more positive relationship with family members. Josh does not have an attendance problem as earlier reported. Teacher narratives were also completed (1/28/00) in preparation for the early triennial due to the disciplinary procedure. The teacher comments were positive. Some of the comments were: Josh is more than capable of earning A's and B's, progressing well, does well when he comes, good job in class, works well both in writing and grade work, passing with 'A'. He is cooperative and respectful. (Josh's Record Notes, 6/14/00, p. 23)

A school certified master Addiction Counselor completed the Substance Abuse Risk Assessment on 10/26/99. The counselor reported:

Josh seems somewhat despondent with low intensity affect. When asked about marijuana, Josh stated, 'I am not smoking weed anymore. It makes me feel bad because of all the people who thought I was a good kid, then I go and do this to them. You go to school for an education'. (Josh's Record Notes, 6/14/00, p. 25)

The assessment indicated,

Josh is most proud of being a senior. He does not present a discipline or attendance problem at school. While at his previous high school, Josh got into trouble for fighting, skipping, and not showing up for detention (Josh's Record Notes, 6/14/00, p. 25).

When asked by the counselor what transformed his behavior while at this high school, he replied, "Everybody was so friendly, I had to return something" (Josh's Record Notes, 6/14/00, p. 25).

It was also noted in an assessment that the Department of Social Services had once placed Josh in the care of his uncle because of problems with the father. Reports noted:

Josh was thinking about suicide, but never having a plan or making an attempt. Josh wants to be with people. He does not consider himself a drinker. He was a drug user, but not anymore. (Josh's Record Notes, 6/14/00, p. 26)

It was further noted in the Substance Abuse Risk Factor Assessment:

Josh likes football, basketball, singing, and dancing. He was not employed. Josh has a history of aggressive behavior. There have been reports that Josh had been arrested three times for assault and battery. The first two arrests occurred at age twelve and the last one at the age of thirteen. Josh was incarcerated for a month on three occasions. He had a probation officer about two years ago, but no longer has one. There were no pending charges based on the counselor's report. Josh has a family history of criminal behavior concerning his father. The father had been incarcerated, but Josh did not know why and did not know about any drug use by the father. There was a history of criminal behavior with the mother. There had been a lot of involvement in social institutions. Also, there

had been association with drugs and alcohol used by peers. Josh stated that he first used marijuana when he was twelve years old. (Josh's Record Notes, 6/14/00, p. 28)

A Self-Report of Drug Use History was also completed which indicated,

He was a 15-year old, the first time he used tobacco. The first time he used marijuana, he was twelve years old, and the first time he drank alcohol, he was eight years old. During the last two years, Josh smoked [cigarettes] daily and also smoked about two joints [marijuana] a day. (Josh's Record Notes, 6/14/00, p. 28)

Josh's scores were similar to those of substance abusers and at high risk for development of a substance use disorder in the future. Josh has a substance abuse of long standing that may be developing a chemical dependence, requires counseling, support, and education.

He is likely depressed, lonely and would benefit from a mentor. He is surrounded by substance abusers. (Josh's Record Notes, 6/14/00, p. 29)

This assessment also indicated,

Josh would benefit from involvement in a local recovering community (AA/NA). He is desperate to belong and to be accepted may unwittingly enter a situation of jeopardy or be unable to extricate himself from one. If there is substance abuse at home, it does not seem realistic to believe that Josh will stop using drugs. (Josh's Record Notes, 6/14/00, p. 30)

The Mental Health and Substance Abuse Evaluation were completed 11/19/99 as part of a requested document due to the disciplinary procedures involving the possession of marijuana.

Records indicated:

Josh's parents were divorced when he was five years old. He had not seen his mother since he was ten years old. The father's girlfriend is a stabilizer. Josh is depressed and

had not slept or eaten in the past two weeks. Josh feels sad most of the time. Basic needs are not being met. This counselor recommends that Josh continue attending the high school, get individual counseling, continue in the substance abuse program, and accept services (e.g. for food and shelter). (Josh's Record Notes, 6/14/00, p. 32)

Josh had failed both the reading and math parts of the Virginia Literacy Test. He passed the writing portion in the spring of 1993 while in the 6th Grade. He took this test seven additional times, the last being in the Spring of 1998, whereby he had still failed the math portion, but had passed the reading portion in the Fall of 1996 (Josh's Records Notes, 6/13/00, p. 2).

Josh needs support for this emotional disturbance from the staff for in regular and special education classes to assist in developing and demonstrating appropriate interactive verbal skills necessary for academic and personal growth. Josh is pleasant, hard working, currently in the 10th grade, but will be able to graduate in June 1999. He has made a great deal of progress (Josh's Record Notes, 6/13/00, p. 3).

He was in the regular classes except for Employment and Consumer Math class.

Josh had passed all of his classes, except for Art 1 and American Studies. He needed support in his math class to complete basic facts and continued to need adult assistance. He needed assistance in developing effective communication skills. He had not always orally communicated when he needed help. Josh joined men's chorus and had actively participated in concerts. (Josh's Record Notes, 6/13/00, p. 4)

A psychological evaluation was completed while Josh was in the 10th grade and in another school district in the Commonwealth of Virginia. A referral to the child study team stated:

Josh was receiving intensive assistance in his current placement but is not showing significant improvement in his behavior. He has missed 11 out of 151 days; 1 in-school suspension, 9 unexcused tardies, and earned 5.5 credits. His grade point average is .91 with a class rank of 423 out of 441 students. (Josh's Record Notes, 6/13/00, p. 4)

A previous social worker completed a social case history on Josh in 1986.

He was below average range on the Kaufman Assessment Battery for Children. It was noted that his behavior interfered with his attention. Josh had below cognitive functioning in language concepts, expressive vocabulary, number concepts and general knowledge. In 1989, Josh had a test composite standard age score of 79 on the Stanford Binet Intelligence Scale, Fourth Edition and a full scale IQ score within the 72-88 range on the Wechsler Intelligence Scale for Children-Revised. Significant deficits were noted in verbal communication with strengths in quantitative reasoning and short-term auditory memory. In 1992, Josh had an 80 IQ score on the Wechsler Intelligence Scale for Children. Josh was depressed and at high risk for suicidal behaviors. His emotional problems impact severely on his current level of functioning. (Josh's Record Notes, 6/13/00, p. 5)

Josh thought that special education classes were helpful. He had a bad temper and usually lost it because of what people were saying to or about him. A self-report inventory suggested that Josh was very depressed. Josh's profile suggested that Josh had clinically significant elevations on hyperactivity, aggression, attention problems, focus of control, social stress, anxiety, and depression. He perceives himself as bad, feels isolated, and feels rejected by significant adults in his life. He appears angry, frustrated and sad. (Josh's Record Notes, 6/13/00, pp. 5-7)

His teacher noted, “Josh claims to have a twin brother who gets into trouble. At times Josh appears to be hearing voices. He crawls on the floor of class on a regular basis” (Josh’s Record Notes, 6/13/00, p. 7).

Josh feels unable to control what is happening to him, feels that someone wants to hurt him, and that no one understands him. He feels that nothing goes his way and that no one listens to him. (Josh’s Record Notes, 6/13/00, p. 8)

It was summarized in a 1997 report from another school district:

Josh’s intellectual functioning is adversely affected by his emotional problems. He appears to be a clinically depressed individual who feels extremely isolated and alone. He appears to have a very poor self-image and to see himself as worthless. He appears to feel very frustrated, angry and helpless. His attention problems appear to be related to an elevated level of anxiety and depression. (Josh’s Record Notes, 6/13/00, p. 8)

An earlier social case history was completed in 5/5/97, which indicated:

Josh was a fifteen year old in the 10th grade. He was living with his father, who was in the catering business. He did not live with his mother, sister or brother who resided in North Carolina. There had been no significant improvement in Josh’s behavior. An early evaluation was completed in another school district, in case there was a change of placement. The father noted in the report that Josh ‘keeps to himself and likes to make people laugh’. (Josh’s Record Notes, 6/13/00, p. 9)

Many of the behavioral referrals noted in the social case history were “due to disrupting the class. Josh admits that he wants the attention and that he has a poor attitude towards school” (Josh’s Record Notes, 6/13/00, p. 12).

Josh had a history of court involvement since 1991.

Josh was on house arrest in 1991 for throwing rocks. He was also on house arrest in 1993 for stealing and violating his curfew. Josh stole money from his father and the father's girlfriend in 1994. There had been no court involvement since then. The father said it's been a roller coaster, lots of work, trying to keep Josh straight. Josh regretted a lot of things, feels stupid and wished that he hadn't left his mother, brother and his sister.

(Josh's Record Notes, 6/13/00, p. 10)

In the social case history report, Josh admitted "seeing things that weren't there, but only at home" (Josh's Record Notes, 6/13/00, p. 10). The father said, "Sometimes Josh will talk to himself. I want my son to learn a trade and I am wondering if the Job Corps would be appropriate for him" (Josh's Record Notes, 6/13/00, p. 12).

Based on the social case history report,

Josh does not like to be told what to do. He has not seen his mother or sister since 1991 and their whereabouts were unknown. He does not like to be around family members. His brother was a teacher and basketball coach and tries to work with him. (Josh's Record Notes, 6/13/00, p. 11)

An earlier educational evaluation was completed on 5/5/97. It was noted:

Josh attended three different elementary schools, and then spent a month at a public psychiatric center during his middle school years. He was in two different middle schools before transferring to two different high schools. Josh was placed in foster care in 1994 for approximately five months from May-September. The father stated that Josh seems to be going downhill, and is not progressing. (Josh's Record Notes, 6/13/00, p. 11)

Besides the weapons violation noted earlier, there were two additional referrals that school year. “One occurred in December 1997 and the other in May 1998 regarding disruption in the classroom, refusing to stay seated, complying with a reasonable request, and horse playing” (Josh’s Record Notes, 6/13/00, p. 13).

During the 11th grade year,

Josh’s report cards scores ranged from a 95% in U.S. Government to a 60% in U.S. History. Josh failed three classes due to poor attendance: U.S. Virginia History, Weight Training, and his Special Education Resource Class. (Josh’s Record Notes, 6/13/00, p. 14)

During Josh’s senior year of high school (1998-1999),

He transferred to his present school district. His previous eligibility in another school district, had found Josh eligible for special education-emotional disturbance. He was in all self-contained classes. (Josh’s Record Notes, 6/13/00, p. 15)

Appendix P

Ken's Review of Records

Ken's Review of Records

One of the two manifestation determination meetings was held on 2/29/00 due to a possession of a bong [marijuana-smoking device]. Also, Ken had previously had another ten-day suspension for being under the influence of marijuana (Ken's Record Notes, 6/14/00, p. 1).

A recommendation was made during the manifestation determination to "adjust Ken's present schedule to address failures in his classes due to his absences. Ken should be placed on homebound status until the expulsion hearing on 3/17/00" (Ken's Record Notes, 6/14/00, p. 2).

The functional behavioral assessment was held the same day as the manifestation determination, 2/29/00. The following specific behaviors were addressed:

1. Disruption of the class routine.
2. Arguing with staff and peers.
3. Sleeping in class (may have a sleeping disorder).
4. The basic objectives stipulated that Ken would comply with directions given by teachers and other adult figures.
5. Use problem solving. (Ken's Record Notes, 6/14/00, p. 2)

A month earlier on 1/18/00, another manifestation determination was held for Ken. Ken is currently serving a ten-day suspension starting 1/13/00 for being under the influence of marijuana. Ken is at risk for substance abuse. Significant strengths were noted in problem solving. (Ken's Record Notes, 6/16/00, p. 4)

Previous referrals from Ken's academic year addressed "class cuts, use of inappropriate language, leaving class without permission, leaving the building without permission, insubordination, and sleeping in class" (Ken's Record Notes, 6/16/00, p. 5).

Ken had been referred to the substance abuse program housed at his high school, even though it was not a part of the school district.

The father related that Ken did not think that the marijuana had an impact on how Ken acted in school on the day he was suspended. Ken had visited his mother in early January for the first time in five years. The father related that this was a traumatic time for Ken. Ken continued to have sleeping problems. He took wellbutrin (a drug medication for depression) as prescribed, while undergoing intermittent counseling. He had been in counseling during the past year for depression and suicidal thoughts. (Ken's Record Notes, 6/16/00, p. 6)

The Substance Abuse Assessment, 1/18/00, recommended:

1. Assessment with the Student Assistance and Program Coordinator.
2. Independent Assessment for chemical dependency.
3. Attendance in the Substance Abuse Program.
4. Academic work would be sent to Ken and arrangements made to complete his exams.
5. A behavioral assessment would be formulated.
6. A job consult in reference to obtaining a job would be completed. (Ken's Record Notes, 6/16/00, p. 6)

The Certified Substance Abuse Counselor noted in the Substance Abuse Assessment, 1/18/00,

Ken and father were cooperative and had the ability to appropriately communicate with each other. Ken ran into a friend to smoke a birthday blunt (cigar stuffed with marijuana), and he left school with him. He returned to school because he didn't want to fail his PE class. (Ken's Record Notes, 6/16/00, p. 22)

Ken described his relationship:

With my father is cool, not warm, and my stepmother as good, when I was not under the influence of substances. I hate my [biological] mom, but I want to visit her, because she is my mother. (Ken's Record Notes, 6/16/00, p. 23)

The Substance Abuse Counselor in the 6/18/00 report stated,

Ken identifies as his strengths his ability to play football and his knowledge of video games. Ken describes, "His weakness as women, I cannot handle them or control them". (Ken's Record Notes, 6/16/00, p. 24)

When asked to describe his accomplishments for this assessment, Ken stated, "The second thing that I am most proud of is that I went further in school than my older brother [He would not name the first thing]. As for grades, I do not do anything until the end of the nine weeks, and then I do all of my work" (Ken's Record Notes, 6/16/00, p. 25).

In the Substance Abuse Risk Quick Reference check concerning Ken, it indicated:

There is a history of alcoholism and other addictions on both sides. There is a history of criminal and antisocial behavior on the mother's side. There is a history of severe family disruptions resulting in foster care and abuse. Ken had been diagnosed as ADHD as a child. (Ken's Record's Notes, 6/16/00, p. 25)

Ken as part of the suspension stipulation for drug possession completed a "Self-Report Drug Use History". Ken indicated:

I started using alcohol at age 11/12 which was wine coolers and beers. I started using tobacco (cigarettes) at age 13. I first started using marijuana at age 13, with an average use of once a week. However, once he used marijuana daily for two weeks. He started drinking heavier alcohol at age 15. He started using tobacco (chewing) at age 16. He first

used hallucinogens, at age 16, more than twenty times. (Ken's Record Notes, 6/16/00, p. 26)

In the self-report section concerning alcohol and drug use, Ken was placed in the 98th percentile. Ken reported:

I was taking drugs repeatedly to improve thinking and feeling; to help to feel better about my problems; to help forget feelings of helplessness and worthlessness; to become extremely intoxicated more than just drunk or high. I repeatedly used marijuana, LSD, and alcohol in combination. I once or twice continually took drugs to avoid pain of withdrawal. (Ken's Record Notes, 6/16/00, p. 26)

The SASSI [substance abuse] profile described:

An individual with little insight into the basis and causes of his problems, nature of substance abuse, the role it plays in helping him cope with life, and the way it is affecting his psychological and emotional well being. Ken was overly self-critical and maybe suffering from depression related to his self-esteem and his poor self-image. (Ken's Record Notes, 6/16/00, p. 27)

In conclusion, the SASSI profile reported:

Mixing of medication, alcohol, and marijuana is not a good combination and could be dangerous. Personal and social judgment is lacking. Ken requires structure, guidance, and supervision. He is driven by his moods and emotions. Although he is intelligent, he tends to view and react to the world as a child. (Ken's Record Notes, 6/16/00, p. 27)

On 2/2/2000, Ken obtained a Substance Abuse Evaluation at a hospital. The evaluation indicated that Ken met the criteria for chemical dependence. It was recommended that Ken:

1. Would benefit from attendance in an educational program concerning alcohol and drug use and chemical dependence.

2. Participate in intensive outpatient program.

3. Attend Alcohol/Narcotics Anonymous [Meetings].

4. Participate in the substance abuse program located at Ken's school.

5. Receive random urine drug screening. (Ken's Record Notes, 6/16/00, p. 28)

A notice of an IEP meeting was scheduled for 4/5/00 and an addendum was written which extended homebound services. The father did not attend. It was recommended that homebound services would consist of ten hours per week from 4/5/00-6/20/00 in the areas of Consumer Math, English, History, and Language Lab (Ken's Record Notes, 6/16/00, p. 7).

In a 3/18/99 IEP meeting,

Ken demonstrated significant emotional concerns including depression, anxiety, ADHD, and poor coping skills. Ken reports similar problems at home, plus irregular sleep patterns. EDSC (Emotionally disturbed self-contained), 65% [participation] of the time was seen as the least restrictive environment. Ken was skilled at taking tests, strategic reasoning, and working with details. He was enthusiastic about meeting challenges that he believed to be manageable. He does well in situations where guidance is available.

(Ken's Record Notes, 6/16/00, p. 11)

Six weeks prior to the 3/18/99 IEP meeting, Ken had missed over 19 class blocks during February and March and received more than seven disciplinary referrals. The referrals were for refusal to cooperate and follow directions, late to class, refusal to stay in after school detention, and walking out of class (Ken's Record Notes, 6/16/00, p. 12).

According to Ken, “I went on strike for a period of several weeks, but I am no longer on strike, over a change in his schedule at the start of 2nd semester” (Ken’s Record Notes, 6/16/00, p. 12). The father said that Ken has resumed taking his medication and also St. John’s Worts for depression (Ken’s Record Notes, 6/16/00, p 12).

Ken might have to repeat both PE 9 and PE 10. He also failed English 10.

He learns best in visual and tactile modes. He detests reading and writing except reading about video games. He is a reluctant student. He insists on understanding the larger context of any academic work that he attempts. (Ken’s Record Notes, 6/16/00, p. 13)

Ken is careful and consistent about his appearance. His emotional disability has already had a deleterious effect on his ability to acquire and use academic knowledge and skills.

Ken’s emotional disability hampers his use of his thinking skills, communication skills, behavioral skills, and social skills, which otherwise would be adequate or allow him to participate and progress in the general curriculum. His grades were as follows:

History-67%, Resource-failing, Math-46%, Reading-72%, Wood Tech-failing, PE-85%, and Language Studies Lab-80% (Ken’s Record Notes, 6/14/00, p.1). Ken was failing four out of his seven classes, mostly due to poor attendance. Ken also failed his 10th grade Standards of Learning (SOL’s) Biology test in the spring of 1999. (Ken’s Record Notes, 6/16/00, p. 14)

Based on a standardized test battery (name not given), 4/97, while Ken was in the 8th grade, Ken received the following grade equivalent scores: “Total Reading- 4.0, Total Math- 6.6, and Total Language- 5.3” (Ken’s Record Notes, 6/14/00, p. 3). These grade scores were two to four years below his current grade level.

The Eligibility Committee Meeting Notes (4/7/98) discussed the most recent Triennial Evaluation. The next Triennial Evaluation would be due on 4/7/01. Information was presented concerning the Social Case History, the Psychological Evaluation, the Educational information, and teacher reports.

The Psychological Evaluation was also reported in the Eligibility Committee Minutes held on 4/7/98. On the Wechsler Intelligence Test- Part III, Ken obtained a full-scale standard score of 104, with a verbal score of 98, and a performance score of 111. He has inaccurate perceptions and is possibly depressed. He has difficulty with interpersonal relationships and withdraws into fantasy, and is at risk for substance abuse (Ken's Record Notes, 6/16/00, p. 15).

The researcher noted that these were the same behavioral descriptors given at the Manifestation Determination Meeting (2/29/00).

The Educational Evaluation noted:

On the WIAT, the standardized reading score was 106, the math score was 91 and the written composite was 80 standard score. Ken didn't put forth the best effort and this is likely an underestimate. (Ken's Record Notes, 6/16/00, p. 15)

The teacher narratives in the Eligibility Committee meeting minutes (4/17/98), gave some of the following descriptors:

In PE, he needs to work; math, science, social studies, and English, he is disorganized, unprepared, sleeps, always hungry, doesn't like mainstream classes, creative and a good reader, and refuses to do work. In art, he is unprepared and uncooperative. A recommendation was made to continue his eligibility as Emotionally Disturbed with average potential and receive special education services for 56% of the school day. (Ken's Record Notes, 6/16/00, p. 16)

In the spring of 1997, Ken took the Virginia Literacy Test as an 8th grader. “Ken passed all three areas in reading, writing, and math (Ken’s Record Notes, 6/14/00, p. 3).

Other documentation presented in Ken’s record notes was significant.

On 1/12/00, Ken was smoking marijuana and was suspended for ten days from 1/13/00 until 1/27/00. Also, Ken brought a ‘bong’ in his book bag, which he stored in his locker. He was referred to the police. He was also suspended ten days from 2/16/00 - 2/29/00. (Ken’s Record Notes, 6/16/00, p. 16)

No reference was made as to the outcome of the police referral.

While in another school district, Ken received six A’s and one B from 4/9/96-6/14/96, as a 7th grader. He became more aggressive in the middle school in the present school district. A comment made by Ken to a teacher illustrated that fact on 6/2/97, “I’ll knock your big butt off if you try to take my yearbook ...and shut up” (Ken’s Record Notes, 6/16/00, p. 16).

In a private report completed by a group health plan (4/1/98), Ken was diagnosed with the label:

‘Depressive DO NOS’. He was seen for assessment after he told school counselors that ‘I want to kill myself’. He stated ‘that the work started to get to me after I fell behind after sleeping in class.’ He goes to a school counselor three times a week, [the researcher thought that it was supposed to be intensive therapy, as recommended]. He would talk just to get out of classes. He feels lonely and girls do not like him. He only has two friends, both boys. He watches videos all day. He has problems with sleep, but drinks tea, Mountain Dew, and coffee all day. (Ken’s Record Notes, 6/16/00, p. 17)

In his school transcript, during the 1997-1998 school year, “Ken had a grade point average of .05, during grades 8th & 9th. He had 15 absences during that same time period” (Ken’s Record Notes, 6/16/00, p. 17).

Ken’s school counselor wrote a letter on 3/16/00. The counselor mentioned, She had known him since the 10th grade and he was a frequent visitor. He would wander into the office without a pass and would often refuse to go back to class. He would say that there is trouble remaining in the class for the 90 minute time period. It would be wonderful if he were placed in a more controlled environment where he could concentrate on academics. (Ken’s Record Notes, 6/16/00, p. 18)

This was written after the second ten-day suspension for drug usage and ‘bong’ possession, yet he remained on homebound status, which appeared to be the most restrictive environment for this school district at the time, in almost all cases.

Ken was very immature and had problems making rationale decisions and made bad choices. He was proud of his Christmas job, but was then released (Ken’s Record Notes, 6/16/00, p. 18).

Another letter was written from the school psychologist to the substance abuse coordinator on 3/10/2000 concerning Ken:

I have known Ken since coming to this high school in his 10th grade year. He was classified as Emotionally Disturbed. He was currently in the 11th grade and she had seen Ken almost everyday. There was a definite attendance problem. This behavior was also noted at the middle school, where he spent large chunks of time with the social worker. He had difficulty seeing another perspective besides his own. His perceptions were distorted and he may misinterpret what others say. His responses are inappropriate or

over-reactive. His judgment and decision-making are limited. Ken reacts with anger either walking out of the room or verbally threatening physical violence. He sometimes would use rationalization, intellectualizations, and denial as coping mechanisms to avoid responsibility. The best way to work with him was when there was time to settle down after a confrontation. Then Ken needed to describe the situation in concrete and observable terms. Then he would finally work through it in terms of feelings, reactions, and alternative courses. He has limited insight. (Ken's Record Notes, 6/16/00, p. 20)

When Ken first entered this school district, he accumulated twelve disciplinary referrals from 9/21/99 to 2/16/00. Ken had six referrals for disruptive, four for class cuts, and two for drug usage. When a referral was given, it did not necessarily correlate with the student receiving a consequence for the negative student behavior. No final documentation had been given either at the high school or middle school level that would verify that accountability.

Appendix Q

Ken's Homebound Teacher's Journal Notes

Ken's Homebound Teacher's Journal Notes

This homebound, special education teacher (O-7) had also been one of Ken's teachers when he had attended the high school. He was on homebound placement from 3/1/00-5/8/00. The following were given below in chronological order as written in O-7's homebound journal entries:

1. 3/1/00: Gave a series of assignments with due dates.
2. 3/3/00: I could not meet with Ken due to prior commitments.
3. 3/6/00: Did not bring any work. I gave him assignments and talked about the homebound schedule.
4. 3/7/00: Worked on English/Consumer Math. Ken did not do assigned work.
5. 3/8/00: Did not have any work and did not do assigned work.
6. 3/9/00: Worked on Consumer Math and did not do assigned work.
7. 3/10/00: No homebound.
8. 3/13/00: Ken did not show up for homebound.
9. 3/14/00: Ken's sister told me that he has been kicked out of the house. I gave her my home and work number and asked her to have her dad call and verify that information.
10. 3/15/00: Ken's sister told me that Ken had not come home. I again asked for verification from the father.
11. 3/17/00: I dropped by the house. I again gave my information to Ken's sister and asked her to ask her father to call me over the weekend. I tried to call the father from home and at school 3/14-3/17 but could not reach him. I left messages at work but there was no home answering service.

12. 3/22/00: I went to Ken's house and his dad told me that he had not run away and that we could resume homebound the next day.

13. 3/23/00: I met with Ken at his home. We worked on Consumer Math and history. The television was on and there were a number of kids in the house, so he had trouble focusing. I called his father that night and told him that I could no longer meet with Ken at the house because there had to be an adult present. Ken did not do assigned work.

14. 3/24/00: We didn't meet on Friday.

15. 3/27/00: Ken showed up for homebound with a student from the middle school and did not have books. He said that he didn't want to meet. I did not have any extra books. I warned him that this was his last chance. He left with his friend.

16. 3/28/00: I contacted Ken at 2:45 p.m. and reminded him that he was scheduled to meet at the library. He did not show up and I waited until 3:40 p.m. I went to his house to have a conversation with his father. I told his father that I was not going to meet with Ken if he did not show up again. His father said that he was having problems with Ken and that he was in danger of failing his drug program because he already had "two strikes". He told me that Ken knew exactly where his books were. They were right by his bed. He had just never picked them up.

17. 3/29/00: Ken showed up for homebound with a student from the middle school. This was the same one he was with on 3/27. He told me that he did not want to do any work. He did not bring a pencil, paper, or books to our meeting. He stated that this was a bad time (3-4 p.m.) because that's when all of his friends got out of school. I told him that this was the agreed upon time and the he has counseling from 5-8 every night, so that I would have to meet with him after 9 p.m. which was not convenient for me. Ken was angered by this and told me that he wanted one of three things: a) a homebound teacher who could meet him during regular school hours,

b) to be enrolled in a program so that he could get his GED or c) to be allowed to take the rest of the year off and start again next year. I told him that was not an option. It took twenty-five minutes to begin an English assignment and then he left because he wanted to get cigarettes. I have officially decided to drop homebound with Ken.

18. 4/4/00: I met Ken at the library. He said that he had to leave at 3:15 PM. It was currently 3:13 PM. Ken showed up with the same student from the middle school. I informed Ken that I was dropping him from homebound. I also informed him that I would be meeting with his father at 5 PM in order to sign the paper that was needed for Ken's meeting.

19. 4/5/00: I attended Ken's meeting. The only option available to Ken would be if he agreed to meet with Ken and his father from 5:30-7:30 PM everyday starting 4/10/00.

20. 4/10/00: Ken's father told me that he sent Ken on an errand at 4 PM and he never came back. I waited with Ken's father from 5:30-6:00 PM, but he never showed up. Ken's father told me that he was frustrated and did not know what to do. He even suggested that it might take juvenile detention (JDH) to get Ken's act together.

21. 4/11/00: Ken showed up for homebound. He refused to work inside but said that he would work on the porch. He was with the same friend from the middle school. Ken worked on English and Language Lab and had quite a productive session. He left two times for fifteen-minute blocks. I would usually give him one fifteen-minute block of time per session.

22. 4/12/00: Ken again refused to work inside at the table. I gave him an LS Lab assignment that should have taken him 25-40 minutes. It took him over 2 hours. In those two hours, he left, spent a half-hour trying to find a job application and looked for headache medication. His friend from the middle school also came over several times. He played heavy metal music from his stereo very loudly. His father and I had to ask numerous times for him to

turn it down. He did not want to do the assignment because 'it would take too much thinking' (his words, not mine), so he opted for some puzzles that I brought him. I gave him options of things to do (most of which he should have already done) including English, History, and Consumer Math but each time he refused to work on them. I gave him work for when I would meet with him on 4/14 and I gave him a work schedule for the spring break to give to his father. Ken had not done the assigned math homework.

23. 4/13/00: No homebound services.

24. 4/14/00: Ken and I met at the library, but he did not bring his books. He did take a vocabulary quiz and he passed it with a score of 15/15. Overall, it was a productive session. I gave Ken his homework for the spring break holiday and a copy of our new schedule. On Tuesday's and Friday's we would meet at the library from 3 PM to 5 PM.

25. 4/14/00-5/2/00: Ken completed most of his assignments but refused to do any of the assigned homework. The five things that Ken did when he was on homebound: a) Refused to work in the same room with me, b) He doesn't really do the assignments, he just copies the answers out of the book, c) He won't work on any assignments that call for extra effort. He will do crossword puzzles and read, but won't do anything else, d) He leaves for periods of time without telling me where he was going or brings friends over while he was supposed to be working, e) He told me that he would only work on assignments that I don't have. I don't have double copies of all of the books (he knows this). For example, I don't have another copy of his history book. Ken would say that he doesn't know where his books are. In anticipation of this, I would bring extra English and Math books, but then Ken would say that he would only do History today.

26. 5/3/00: Ken had a new job and said that he could not meet with me on Tuesdays and Fridays. I worked out a new schedule with his father. Ken was working on an assignment where he was not supposed to use a calculator. Ken insisted on using a calculator. His father became very upset and after a heated argument, they got into a physical confrontation. The fight moved from the living room to the kitchen. I did not witness most of it, and decided against calling the police because things settled down and no one seemed to be hurt. Ken continued using the calculator. We only worked for about one hour.

27. 5/4/00: Ken grabbed his LS Lab packet and went into his room at 5:30 PM. He promised me that he would have four pages completed. I checked on Ken at 6:30 PM, and he was in his room and had put a chair to lock the door (the room smelled like smoke, but not cigarettes). He had not completed any work. At 7:30 PM, he brought the work down and said that he had completed part of four sheets. I saw no evidence that he had completed any work at all.

28. 5/5/00: Ken did not show up for homebound.

29. 5/8/00: Ken was on the couch in just his underwear. He said that he was not going to write anything or read anything. Both his father and I talked to him about taking homebound more seriously. Ken lay on the couch with his back towards me. We worked on a career transition exercise. He refused to give me realistic answers. When I wrote the answers on the paper and asked Ken to check them, he pretended to look at them, and then tossed each of the fifteen-page packets (of information) on the floor. Ken would ask me to follow him around as he moved from room to room, including the kitchen, basement and bathroom. I refused to follow him. Ken refused to do any work after this project, which took less than one half of our allotted time. Ken was verbally abusive telling me several times as he has done in the past, 'to shut up,

leave, and fuck off". I told Ken that I was dropping him from homebound. He said that he would only do homebound if another special education teacher [he gave a specific name of a teacher] taught him. I also notified his father and agreed to work with him on Tuesday and Wednesday of this week.

Appendix R
Ken's IEP Observation

Ken's IEP Observation

Highlights of the researcher's observations and script at Ken's IEP on 6/16/00 were as follows (pp. 1-4):

O-4 gave Ken's level of performance. None of Ken's regular education teachers could attend, so they asked a regular teacher to attend, who did not know him. On 5/8/00, homebound was dropped. Ken was not doing work and had abnormal behavior while being tutored with his homebound teacher (noted 3/29/ & 5/8). At present, he was not receiving homebound instruction. O-2, who was the special education department chairperson, asked the committee what stipulations would be included. O-7 indicated that Ken had to cooperate with homebound before going back to school. O-7, Ken's homebound teacher and also one of his special education teachers at school, indicated that he had kept a homebound journal describing Ken's behavior while tutoring him. O-7 noted that Ken did not regularly attend homebound and he completed few assignments. When he was serious, he worked. Ken then stated to O-7 that he was doing the work. O-7 then indicated that when Ken was working during the same time period as his brother [the homebound teacher also tutored Ken's brother who was also on homebound], Ken did some work. The father queried about what behavior would be acceptable for Ken to return school (Ken's IEP Observation, 6/16/00, p. 1).

O-7 stressed that Ken should be cooperative for a month, 2 hours a day. O-4 noted that Ken should work 8-10 hours, which meant that he would be back in school in 4-5 weeks. O-4, the special education teacher who monitored Ken's IEP, wanted to know what other options the IEP committee had. The special education department chairperson, O-2, commented that Ken could be placed in the alternative education program designated for special education students and that the GED program was not an option. O-4 stressed that Ken had to be cooperative and

wanted to know what Ken didn't like about homebound. Ken answered that he didn't like it at his house [the homebound journal also said that it was held at the library]. He wanted to be with his friends, during the time that homebound was offered. Ken stated that he missed school [at the high school] and that he did not like doing homework. O-4 suggested that Ken should do homebound for a month. Ken said that he would consider this if it were completed at the school. Both O-4 and O-2 stated that this hadn't work in the past. O-2 stressed to Ken that he either slept or had behavioral problems. Ken commented that he was not going to do that again. O-7 recommended that homebound should be a semester, not just a month.

O-2 stressed that Ken would be placing himself in a situation that he couldn't win, and that Ken was not ready [to go back to school yet]. The special education teacher, O-4, who monitored Ken had not written goals [draft] prior to the IEP meeting because she did not know that she was supposed to do this. O-2 reiterated that the one ten-day suspension was one thing, but a second suspension was excessive. The chairperson gave an example that one of Ken's friends was graduating who had also been on homebound status (Ken's IEP Observation, 6/16/00, p. 2).

When O-2 asked who Ken would recommend as his homebound teacher for two periods at a time, Ken named three teachers: an alternative education teacher, another special education teacher that had also been his homebound teacher previously [Ken had been unsuccessful during homebound], and a transition coordinator.

O-2 described the proposed homebound setting as being structured with other students who had also needed homebound services. It would be an alternative with small group instruction. O-2 further stated, he would explore on-site homebound at the Alternative Education Center. O-7 recommended that Ken should work on a contract in order to return to school. O-4

added that Ken should complete six weeks of successful homebound, and be cooperative with his teacher and have a 95% attendance rate. The sessions would start no later than 3:00 PM. Ken would be allowed twelve absences within a six week time period. O-2 emphasized that the next IEP goal should deal with social/emotional issues. Goals were selected that also dealt with organizational skills and improving appropriate behavior when working with staff. O-2 commented to Ken that he didn't like other people telling him what to do. O-2 and O-4 indicated they would prioritize and take the goals to the Principal of the Alternative Education Center. O-2 stated that if Ken were in the Alternative Education situation, then O-2 would agree to only six weeks of homebound services at the Alternative Center. Then Ken stated that he would rather do homebound [1-1 tutoring]. O-7 asked Ken about how he would feel if he had 3-5 weeks of homebound, and asked if he was open to that at all. O-7 recommended that rather than going to Ken's house, he could go to the school and work with a couple of other students. O-7 commented that if Ken was making an effort, that would be a quicker way of getting him back at the high school. O-2 told Ken to really think about it [homebound placement] and that the alternative program was still up in the air. O-2 asked Ken what his plans were once he graduated from high school (Ken's IEP Observation, 6/16/00, p. 3).

Ken commented he would like to study computers at a college and that he would not be living at home, or living with his family. Ken stressed that he would have his own family and not those whom he was presently living with. O-4 commented that when Ken was 18-years old, he would be able to sign his own papers. His parents would still be able to be invited by the IEP team to attend the IEP meeting. O-4 questioned if there should be a general curriculum (objective). Homebound was designated as the most appropriate placement, while also noting that the SOL's [Standards of Learning tests] would be taken in a special education setting and

that Ken would have to take standardized tests. Ken signed the IEP along with the others that were present. O-7 commented to Ken that a few weeks ago, he couldn't get a job because he was not in school. Ken stated that he had applied for a nighttime job and they still said 'no'. O-4 commented that it didn't make the IEP team feel good to not have success for students (Ken's IEP Observation, 6/16/00, p. 4).

Vita

Carolynn Bissett Shumate is first and foremost the proud mother of Joshua James Shumate and Andrew Kenyon Shumate, who are now just beginning their college careers as young adults.

Carolynn Bissett Shumate has spent the last twenty-eight years in various educational related positions. Some job-title highlights include that of a principal at a private psychiatric center and school, assistant principal at a public high school, director of special education for a school district, counselor, regular and special education teacher for the emotionally disturbed and learning disabled at the elementary, middle and secondary levels, educational diagnostician, consultant for teacher performance evaluation, facilitator and presenter for various educational related workshops, and volunteer trainer and guest speaker mainly in the areas involving special education and issues involving at-risk students, at all levels from elementary to university.

Other positions that *Carolynn Bissett Shumate* has held that added to her various life-long experiences have included: Assistant Director and Volunteer Coordinator for a YWCA Grant entitled: “Socialization, Work Retention, and Related Skills for Special Needs Students”, working for the Department of Justice as a Course Developer Instructor, researcher on a Congressional subcommittee entitled Missing Persons in Southeast Asia, Educational Program Assistant for the [then] Health, Education, and Welfare.

Memorable moments have included being one of the first four special education teachers hired to teach emotionally disturbed students [who had not been in previous public schools based on new law (P.L. 94-142) in 1974 at the age of twenty. Other firsts: In the first doctoral cohort group in Educational Leadership and Policy Studies from Virginia Polytechnic Institute and State University, in the first group obtaining an MEd in Special Education- Learning Disabilities from

George Mason University, the first group of twelve teachers hired as consultants for teacher performance evaluation in a school district, the first group of elementary crisis counselors hired in a school district, and one of the first members on the Welfare and Reform Committee in one county. All of these experiences have occurred in the Commonwealth of Virginia.

She was one of the Virginia Department of Education subcommittee members responsible for authoring a booklet entitled: An Overview of Functional Behavioral Assessment and Behavioral Interventional Plans in Virginia's Schools, 2000. *Carolynn Bissett Shumate* has been on the forefront of other committees: Virginia Department of Education Discipline Committee member reviewing disciplinary procedures of students with disabilities, subcommittee member on school funding issues for the Virginia Governor's Commission on Champion schools, district representative on the Community Planning and Management Team and private provider representative on the Family Assessment and Planning Team through the Comprehension Services Act involving at-risk children and youth.

Her educational background includes: a CAGs degree from the Virginia Polytechnic and State University, Blacksburg, Virginia; an MEd degree in Special Education- Learning Disabilities from George Mason University, Fairfax, Virginia; and a B.S. degree in Special Education-Emotional Disturbance and Elementary Education, with a minor in Psychology from Madison University, Harrisonburg, Virginia. *Carolynn Bissett Shumate* is certified as a principal at the elementary, middle, and secondary levels, obtained from the University of Virginia, Charlottesville, Virginia and from George Mason University, Fairfax, Virginia.