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A Resource Manual for Mainstreaming Students with Behavioral Disabilities in the Middle School

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A RESOURCE MANUAL FOR
MAINSTREAMING STUDENTS WITH
BEHAVIORAL DISABILITIES IN THE MIDDLE SCHOOL

A Project
Presented to
the Graduate Faculty
Central Washington University

In Partial Fulfillment
of the Requirements for the Degree
Master of Education in Administration

by
Matthew L. Cobb
August, 1996

A RESOURCE MANUAL FOR
MAINSTREAMING BEHAVIORALLY DISABLED
STUDENTS IN THE MIDDLE SCHOOL

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The purpose of this project was to develop a resource manual to facilitate the use of effective components for mainstreamed or included Behavior Disabled (BD) students in the regular classroom. The manual will be used by Wapato Middle School, Wapato, Washington, to enhance the current mainstream / inclusion program. To accomplish this purpose, current research and literature related to BD student characteristics, legal issues, instructional strategies and policies were reviewed.

ACKNOWLEDGMENTS

Credit must be given to someone who has worked equally hard on this project as myself, and that is my wife Diane. She has supported and encouraged me through this whole experience, and at the same time has cared for the children and our home. Even my children, Elizabeth, Allison and Samuel have been helpful in allowing me to be away from home to work on this project.

Achieving my masters degree could not have been possible without the financial help of my dad. The financial assistance he gave symbolizes his love and dedication to me and my family. He has been there when we needed him as a parent, and as a grandparent.

I must also thank Dr. Susan Madley who has not only been like a "sister" to me, but a real friend too. She made this whole effort a delight and she would even laugh at my jokes . . . sometimes.

Finally, I would like to thank the Lord who has given me the grace to accomplish this feat. With Him all things are possible, and to that I say, "Amen."

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CHAPTER 1
BACKGROUND OF THE STUDY

Introduction

While there is a nationwide call to include all students with disabilities in general education classes (Will, 1986), it is imperative that the regular education class does not become a "dumping ground" for special education students. Of those receiving special education, students with behavior disabilities (BD) present the greatest challenge and are perhaps the most underserved (Grosenick & Huntze, 1990).

In order to prevent the regular class from becoming a "dumping ground" and better serve BD students needs, clear and effective policies, components and strategies need to be created and formulated to allow students the opportunity to be included on an equal footing. Lloyd and his colleagues (1990) support the contention that for the most part, BD students begin school on unequal footing because they have been given less opportunities to learn and demonstrate their social skills in informal settings.

To allow BD students an equal footing in school, administrators, teachers and parents need to work together to create a program for successful mainstreaming or inclusion, if the classroom is indeed the appropriate placement. An effective placement can only be determined by a working Individualized Education Plan (IEP) Team. This team and the education plan is one of the most critical steps for placement of BD students.

Teaching strategies, teacher characteristics, team-teaching, and collaboration are all factors that can lead to an effective mainstream / inclusion program for special education students.

However, the research is not definitive with regards to the subject of mainstreaming BD students. One fact is clear, students with behavior disabilities are part of the public education system and need to be served fairly and equally with a quality education.

Purpose of the Project

The purpose of this project was to develop a resource manual to facilitate the use of effective components for mainstreamed or included Behavior Disabled (BD) students in the regular classroom. The manual will be used by Wapato Middle School, Wapato, Washington, to enhance the current mainstream / inclusion program. To accomplish this purpose, current research and literature related to BD student characteristics, legal issues, instructional strategies and policies were reviewed.

Limitations of the Project

For the purpose of this project, it was necessary to set the following limitations:

1. Scope: The resource manual was designed for instructional use for Wapato Middle School regular and special education teachers.
2. Target Population: Approximately ten to fifteen Middle School students with Behavior Disorders in grades 6, 7, and 8.
3. Research: The preponderance of research and literature review for this project was limited to the last ten (10) years.

Definitions of Terms

Significant terms used in the text of this project have been defined as follows:

1. Behavior Disability: Severe behaviors or emotional problems which occur in a

variety of settings and could not be improved or changed significantly with at least two formal interventions prior to focus of concern (Landig, 1993).

2. Inclusion: The provision of educational services for students with disabilities in schools where nonhandicapped peers attend, in age appropriate, general educational classrooms with special education support full time throughout the day(Thousand & Villa, 1992).

3. Individual Education Act: (IEP) A program developed in a meeting with parents, teachers, special education personnel and student which describes the child's present levels of performance, states specific, measurable goals and objectives, and a description of services to be provided. The IEP must be reviewed annually (Vandercook, 1989).

4. Least Restrictive Environment: A term used to meet the maximum extent appropriate for handicapped children to be educated with nonhandicapped children (Affleck, 1989).

5. Mainstreaming: The practice of providing handicapped children an education with their nonhandicapped peers to the greatest extent possible (Schubert & Landers, 1982).

6. Special Education: Specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a student having a handicapping condition (Jenkins & Pious, 1991).

CHAPTER 2

REVIEW OF RELATED LITERATURE

Introduction of Related Research

The review of research and literature summarized in Chapter 2 has been organized into the following areas:

1. Inclusion / Mainstream Concepts: Background Information.
2. Inclusion / Mainstream Concepts and Problems for Behavior Disabled Students.
3. The Collaboration Needs of Special and Regular Educators.
4. Successful Components for Mainstreaming / Inclusion.
5. Summary

Research addressed in Chapter 2 was identified through an Educational Resources Information Centers (ERIC) computer search and a hand search of various other sources.

Inclusion and Mainstream Concepts: Background Information.

In 1990, the Education for All Handicapped Children Act (EAHCA) was amended and the title changed to the Individuals with Disabilities Education Act (IDEA). Before 1990 IDEA was often referred to by its Public Law number, 94-142, or as the Education of the Handicapped Act (EHA) or the EAHCA. While all of these designations are acceptable, for the sake of this review, IDEA will be used.

One of the major principles of IDEA is that education is to be provided to *all* children who meet the age eligibility requirements. This is based on the belief that all children are capable of benefiting from education (Rothstein, 1995).

A second major principal of the IDEA is commonly known as the mainstreaming mandate. This mandate was a response to the requirement that education was to be provided in the least restrictive environment (LRE). Mainstreaming, by definition, is the carefully planned and monitored placement of disabled students into regular classrooms for the majority of their academic and social educational programs (Salend, 1990). One of the early fears of educators was that the IDEA mainstreaming mandate meant that all children with disabilities regardless of the severity of disability, were to be placed into the regular classroom without support. While there have been some misplacements of students with disabilities into regular classrooms, the IDEA requires that the child be placed in the least restrictive *appropriate* setting. (Rothstein, 1995).

The philosophy behind LRE is that the placement of a student should be in a setting that is as "normal" as possible and where education takes place along with peers who do not have disabilities. Separation in education is inherently stigmatizing. Once a child is placed in a separate special education setting, the self-fulfilling prophecy can occur -- that is, the child will only be expected to perform at a particular level, and the expectations will generally be borne out by the child's performance.

The mainstreaming / inclusion movement in today's education is generally supported by the courts. While review of court cases is not part of this review of

literature, it is interesting to note that there is growing litigation in the area of appropriate student placement (Lewis, Chard, & Scott, 1994).

One must acknowledge the fact that mainstreaming or inclusion is not for all disabled students. The IDEA regulations provide for a continuum of placements to be available. The regular classroom might be considered the least restrictive placement, while hospital placement the most restrictive placement. Between these two extremes are a number of placement options: regular classroom with special education consultant, regular classroom with itinerant teachers, regular classroom with use of resource room for part of the time, part-time special class, full-time special class, special day school, and residential school (Blackhurst, Magliocca & Stephens, 1988).

Inclusion and Mainstream Concepts and Problems for Behavior Disabled Students.

Anyone working with behavior disabled (BD) youth realizes the difficulty of mainstreaming students into general education. Kupersmidt, Patterson, and Griesler (1988) found that socially, students with serious behavioral disabilities are twice as likely to be rejected by their peers than are students with learning disabilities, and three times more likely to be rejected by peers than are their nonhandicapped cohorts. In actuality, students with serious behavior disabilities begin school on an unequal footing with their nonhandicapped peers since they have fewer opportunities to learn and demonstrate their social skills in informal settings (Lloyd, Kauffman, & Kupersmidt, 1990).

Results from mainstreaming studies on the benefits to BD children have been inconclusive. In a fairly recent study done by Foley, Cullinan, and Epstein (1990)

standardized tests were used to compare the academic achievement of 118 mainstreamed and nonmainstreamed adolescents. There were no significant academic differences among the students. No studies were located that compared the social competencies of these two groups of students.

Meadows, Neel, Scoot, and Parker (1994) conducted a study that showed results contrary to Foley and her associates (1990). Meadows, Neel, Scoot, and Parker looked at academic performances and social competencies of mainstreamed and nonmainstreamed students with behavior disabilities. Overall, the mainstreamed students had higher reading and written language scores, better work habits, and a higher grade point average. Their teachers reported that they were more attentive, worked harder, and were better adjusted than the nonmainstreamed BD students.

The data involving BD students in a mainstream education program has been limited and at times contradictory. This may be due in part to the difficulty of separating the specific components that make for a successful mainstream BD program (Brennock, Zemitzsch, & Simon, 1989). A growing amount of information over the past five years from the experiences of mainstreaming BD students will hopefully lead to further studies. Successful mainstreaming BD students is a challenge that calls for more investigation.

The Need for Collaboration Amongst Special Educators and Regular Educators.

Responsible inclusion requires taking the demands and expectations of the regular classroom into account and preparing both the BD student and the regular education teacher (Fuchs, Fuchs, Fernstrom, & Hohn, 1991; Fuchs, Fuchs, & Fernstrom, 1993).

Most educators working with BD students agree that in order for these students to be successful in the regular classroom, some accommodations must be made (Stainback, Stainback, Courtage, & Jaben, 1985). At the same time, teachers rarely use academic, social, and instructional arrangements or accommodations for students with behavioral problems in regular education classrooms (Meadows, Neel, Parker, & Timo, (1991).

Mainstream teachers usually rely on traditional management methods and classroom rules to reduce inappropriate behaviors of BD students. Although very little is actually known about the effect of accommodation on student performance, it is often cited as a requirement for a student's successful integration into general education classrooms (Meadows et al., 1994).

If a mainstream program for BD students is to be successful, cooperation, and support between the regular classroom teacher and the special education teacher is vital (Heilman, 1982; Huntz & Werner, 1982). Grosenick, George, George, and Lewis (1987) believe teachers must be prepared to work much more closely and in collaboration with their colleagues than in the past.

Teachers in early classes of the emotionally disturbed did not have broad interactions with the regular educators as their programs were primarily segregated. This contrast with today's teachers of the behaviorally disabled who, in addition to the responsibilities . . . , are encouraged to involve regular education teachers in the educational process. Teachers of BD students share behavioral

interventions, communicate student progress, develop BD students' schedules, and modify the regular education curriculum as evidence of their collaboration with regular education. (p. 165)

Collaboration between special education teachers and regular education teachers could mean co-planning, co-teaching (Mick, 1993) and most importantly -- communication. The goal of this communication is to convince the regular education teacher to be an advocate for BD students. When a person is in the role of an advocate, positive steps and changes will be made more readily to accommodate the BD student into regular education.

Successful Components Needed for Mainstreaming or Inclusion.

If a Multi-Disciplinary Team agree to mainstream a BD student, then the core of a successful mainstream BD program according to D. Fennerty (personal communication, July 28, 1995) is to have a strong working Individual Education Plan (IEP) team. Without this IEP team, the personnel involved may not communicate and work in the best interest of the child.

Minimally, the IEP team should consist of the child's parents, regular education teacher(s), special education teacher, building principal, and school counselor. It is the IEP team's responsibility to create an effective program to support the BD student in the mainstream classes (Fennerty, 1995).

Before an IEP team is created, a regular education teacher needs to be chosen and to agree to work with the IEP team and the BD student. The regular teacher's attitude

toward behavioral problems and expectations is critical (Newman & Simpson, 1983). Brennock, Zemitzsch, and Simon (1989) also believe that a teacher's positive attitude toward behavior problems and his or her behavioral expectations are crucial elements in the success of mainstreaming BD youth. The regular education teacher must be willing to modify the curriculum (Heilman, 1982), instructional strategies (Bell, Young, Blair, & Nelson, 1990; Scruggs & Mastropieri, 1992), grading (Salend, 1990), and behavior expectations (O'Neill, Williams, Sprague, Horner, & Albin, 1993) for the BD student.

Legally the building administrator needs to be a part of the IEP team and they can provide support for the teachers involved. Administrators also need to be involved and informed to effectively communicate with the parents who may or may not be supportive of the program (Heilman, 1982).

The school counselor is another important element of the IEP team. Counselors can be helpful in implementing services, referring the student to other agencies and generally supporting and helping the student meet the goals of his / her IEP.

Parental involvement for the BD student is essential. When there is parental support, teachers often observe that BD students experience more success (Blackhurst et al., 1988).

The IEP team must assess, develop, implement, and monitor individual behavior change plans (Lewis et al., 1994). Whether through charts, graphs, self-check, or other means of noting change and growth (Heilman, 1982), a recording tool(s) needs to be in place.

Heilman (1982) points out that a behavior-attendance intervention plan needs to be in place that is clear to both the team and the student involved. The IEP team should determine what type of behavior intervention(s) will be most effective and appropriate, such as time-out, behavior contracts, positive-negative reinforcers, aversive therapy, etc.

Effective teaching strategies such as cooperative learning groups (Johnson & Johnson, 1987), learning styles (Jones & Jones, 1990), use of manipulatives (Balka, 1993), and direct instruction and active instruction (Jones & Jones, 1990), are ways to be more successful with the BD student in the regular classroom. The teaching strategy needs to be varied to each individual and their needs.

A key component to successful mainstreaming / inclusion of the BD student is the characteristic make-up of the regular and special education teacher. Bickel and Bickel (1986) have summarized a number of teacher characteristics and classroom organizations that appear to be linked to effective instruction for BD students. They found that in general, effective teachers displayed the following characteristics: (a) they are directly engaged with their students; (b) they give careful instruction, pace the introduction of new content, review and check learning constantly, and reteach as necessary; (c) they model the correct response; (d) provide feedback and correction; (e) reinforce student progress; (f) provide opportunity for both group learning and independent practice; (g) they define the skills to be mastered and make these explicit to the students; (h) they focus their effort and time on student learning of specific material and keep students involved in that learning.

The special education teacher and the regular education teacher need to collaborate together in modifying the curriculum and grading expectations. Based upon the students ability and needs, modifications are applied to affirm success and chart for growth.

Scruggs and Mastropieri (1992) have stated that regular educators should cooperate with special education teachers in identifying social skill training needs. Often, social skills as a subject can be overlooked (Meadows et al., 1994). Therefore, BD students involved in a mainstream program need to attend at least one period a day to receive social skills training. The class should also be adapted to help the BD students with homework, teach organizational and study skills, and confer about any problems the student was having with being mainstreamed (Brennock et al., 1989).

Blackhurst et al. (1988) suggest that in order to successfully implement and support a mainstreaming / inclusion program, a district needs to have specific written procedures and guidelines. There needs to be a clear understanding so that all involved have a similar vision in building a mainstream / inclusion program. A continuum of special education services needs to be available and easily accessed. The leadership needs to be participatory to gain support and help foster the philosophy of mainstreaming. Lastly there needs to be communication mechanisms that allow all involved to work together in common to create the best program for the students involved.

Summary

The research and literature summarized in Chapter 2 supported the following themes:

1. The inclusion concept inherent in public law has assured disabled students the right to develop their potential to the maximum.
2. Inclusion for BD students has limited research as well as limited experiences of what constitutes best practices and programs.
3. The collaboration among regular education teachers and special educations teachers is critical in having acceptance and success with BD students in mainstream classes.
4. The essential components for a successful BD mainstream program:
 - (a) IEP team;
 - (b) Significance and role of each team member;
 - (c) Assess, develop, implement, and monitor individual behavior change plans;
 - (d) Behavior-Attendance intervention plan;
 - (e) Social skills training.
 - (f) Effective teaching strategies.

CHAPTER 3

PROCEDURES OF THE PROJECT

The purpose of this project was to develop a resource manual to facilitate the use of effective components for mainstreamed or included Behavior Disabled (BD) students in the regular classroom. The manual will be used by Wapato Middle School, Wapato, Washington, to enhance the current mainstream / inclusion program. To accomplish this purpose, current research and literature related to BD student characteristics, legal issues, instructional strategies and policies were reviewed.

Chapter 3 contains background information describing:

1. Need for the Project
2. Development of Support for the Project
3. Procedures
4. Planned Implementation of the Project

Need for the Project

The need for the project was influenced by the following considerations:

1. The writer (Matthew L. Cobb), a certified K - 12 Special Education instructor, was currently teaching at Wapato Middle School, Wapato, Washington, and searching for ways to better serve students with Behavior Disabilities (BD) in an inclusion setting.
2. Regular education teachers at Wapato Middle School who had BD students in their classes were experiencing frustration in serving this population.
3. The administration who handled the discipline of the BD student(s), was also expressing frustration.
4. There was an expressed need for clearer teaching strategies, expectations, philosophy, and teaming skills to effectively coordinate a mainstreamed / inclusion program for BD students.
5. Current research findings and interviews with teachers and administrators suggested that students with Behavior Disabilities had positive as well as negative effects on the lives of many students and teachers.
6. The BD student has been considered the least served of the Special Education population and may present the greatest challenge to mainstreaming / inclusion.

Development of Support for the Project

The writer conferred with Mr. Scott Dolquist, principal of Wapato Middle School, and Dr. Hans Landig, Special Education Director for the Wapato School District, regarding the need for the project. With their support and encouragement, the determination was made that a resource manual would be created and used to coordinate mainstreaming / inclusion of BD Students. These school administrators also made available and shared with the writer materials that helped in the development of the manual.

Procedures

To obtain background information regarding Behavior Disabled students and effective ways to mainstream / include them into the regular classroom, an Educational Resources Information Center (ERIC) computer search was conducted. Additionally, personal interviews with a professor and administrators were conducted by the writer.

Central Washington University
Ellensburg, Washington
Dr. Dan Fennerty, (Professor Special Education)

Wapato Middle School
Wapato, Washington
Scott Dolquist, (Principal)

Wapato School District
Wapato, Washington
Dr. Hans Landig, (Sp.Ed. Director)

Planned Implementation of the Project

The resource manual for purposes of this study has been adapted for current use by the writer in his capacity of instructor, and by the school administration of Wapato Middle School, Wapato, Washington.

CHAPTER 4

THE PROJECT

The Resource Manual for Mainstreaming Students with Behavioral Disabilities in the Middle School, which was the subject of this project, has been presented in Chapter 4 in five units, including:

- Unit 1 - Interventions for Behavioral Disabled Students
- Unit 2 - Teaching Strategies
- Unit 3 - Legal Issues
- Unit 4 - Behavior Management Activities
- Unit 5 - Summary

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UNIT 1

INTERVENTIONS for Behavioral Disabled Students

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- Steps in Responding to Students' Violation Of Rules And Procedure	P 26
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- Glasser's Example of Communication	P 28

Unit Overview

Whether BD students are mainstreamed or fully included in the regular classroom, teachers are going to need to have certain interventions working in order to handle effectively potential behavior problems and create a successful academic environment. The word interventions is being used here synonymously with the word *strategies*. The following interventions are not only used when a behavior problem has occurred, but also as a preventative measure for possible behaviors that might happen.

The organizational theme of Unit I has been designed to help the teacher adopt and / or offer further research for each intervention strategy. The interventions listed from P 5 through P 19 are listed in alphabetical order followed by a brief definition of what the intervention might entail. At the end of each intervention are information sources that offer further research in this area for the teacher to read if they choose to know more on the topic.

From P 20 through P 26 are other types of strategies that have been proven helpful in the classroom. The "8 Techniques To Help BD Students Curb Acting Out" (20) page is drawn from personal experience in working with BD students in the regular classroom. The "Creative Ways To Teach Rules & Routines" (22) is from a teacher in Spokane, Washington. She has found that teaching rules in a fun way reinforces what is expected in the classroom and sets the tone of what is to be expected. BD students function more successfully in this type of environment because there is more structure.

In working with any student, but especially the BD student, the "Key Factors In

Developing Professionally Responsible, Effective Responses To Unproductive, Irresponsible Student Behavior" page (25) gives some fundamentally sound ways needed to respond to special needs students expressing inappropriate behavior. There are several ways to deal with inappropriate behavior and the page "Steps in Responding to Students' Violation Of Rules And Procedure" (26) offers an example of one way. This is not a style that is done haphazardly, but is done with methodology that has to be learned. The following two pages refer to Glasser's model of dealing with class discipline. "Glasser's Problem Solving Methods" (27) and "Glasser's Example of Communication" (28) offer effective ways to work with BD students. Glasser's model allows for the student to take responsibility in resolving the situation and teaches the appropriate behavior as well.

This is not a "magic book" that has all the solutions to all the problems that can happen with a mainstream / inclusion program for BD students. Teachers may use this manual as a resource guide for further information and can also find helpful strategies to empower teaching BD students.

ACCEPTANCE

It is important for teachers to accept students' differing abilities, temperaments, and personal strengths and weaknesses. A teacher's acceptance of students "means that he / she continues to be fair, consistent, and professional even when they have tested his / her tolerance unmercifully" (Rockwell, 1993, p.14). In the classroom, acceptance of every student by the teacher leads to acceptance by the students of one another and of themselves.

Information Sources

Rockwell, S. (1993). Tough to reach: Tough to teach. Reston, VA: Council for Exceptional Children.

ACTIVE LISTENING

Active listening is the "process of decoding a student's uniquely coded message and then trying to give feedback" (Epanchin, 1991, p. 440). In active listening the adult pays close attention to what the student is communicating both verbally and non-verbally and conveys an awareness to the student that he / she is listening and interested in what the student is saying.

Information Sources

Dice, M. L. (1993). Intervention strategies for children with emotional or behavioral disorders. San Diego: Singular Publishing Group, Inc.

Epanchin, B. C. (1991). Teaching social behavior. In J. L. Paul & B. C. Epanchin (Eds.), Educating emotionally disturbed children and youth: Theories and practices for teachers. (pp. 413 - 447). New York: Macmillan.

ADOPTION BY A TEACHER

BD students may have a teacher with whom they have a special relationship. This teacher may "adopt" a student as a special concern. The student may check in with this teacher on a daily basis, and talk over issues and concerns. The teacher in turn may offer guidance to help the student toward improved behavior.

ANGER MANAGEMENT

Anger management is intended to counteract aggressive behaviors that interfere with students' interpersonal relationships at school and at home and to teach students how to express anger in ways that are less destructive for

themselves as well as others. Constructive management of anger means "making changes in thoughts, feelings, and behavioral responses to provocations that stimulate an anger response" (Eggert, 1994). Anger management programs include:

- Analyzing mood patterns and identifying triggers for anger, anxiety, and depression;
- Setting goals for anger management, linking thoughts with feelings and actions;
- Practicing and applying techniques to manage escalating anger and mood swings;
- Giving and receiving support for controlling anger and emotional spirals; and
- Monitoring anger and other moods, revising goals as needed, celebrating successes, and preventing relapses (Eggert, 1994).

Information Sources

Eggert, L. L. (1994). Anger management for youth: Stemming aggression and violence. Bloomington: National Education Service.

ANTISEPTIC BOUNCING

This technique allows a student to leave the classroom for a few minutes - perhaps to get a drink of water, use the bathroom, or run an errand - to regain control when his / her behavior begins to escalate. There is no intent to punish; the teacher allows the student to regain control by distancing himself / herself to save embarrassment and humiliation in front of classmates (Templeton, 1993).

Information Sources

Templeton, R. A. (1993). Managing disruptive behavior: Help for regular and SED teachers. In J. Marr, G. Sugai, & G. Tindal (Eds.). The Oregon Conference monograph 1993 (pp. 60 - 65). Eugene: University of Oregon.

BEHAVIOR CONTRACTS

The IEP team and student set up a contract that outlines goals the student must attain within a certain length of time. The goals may be academic or behavioral. These contracts may be a part of his / her IEP, or it may be part of the regular class expectation. The contract may be worked at school as well as at home. Steps for implementing effective behavior contracts include:

- define the specific behavior for which the contract is being implemented;
- select contract reinforcers;
- define the contract criteria;
- consider adding a bonus reward and / or penalty cause for particularly unmotivated students;
- negotiate the contract terms with the student;
- put the terms of the contract in writing;
- set a date to review the contract;
- all participating individuals should sign the contract.

Information Sources

Rhode, G., Jenson, W. R., & Reavis, H. K. (1994). The tough kid toolbox. Longmont, CO: Sopris West.

CLASSROOM DISCIPLINE PLANS

Classroom discipline plans should complement school-wide discipline plans. Good classroom rules should be the backbone of any proactive strategy to reduce problem behaviors. Reinforce these rules each day during the first two weeks of school by randomly selecting students to:

- read a posted rule,
- discuss and / or role play why the rule is important,
- explain what will happen if the rule is followed, and
- explain what will happen if the rule is not followed.

Information Sources

Rhode, G., Jenson, W. R., & Reavis, H. K. (1993). The tough kid book: Practical classroom management strategies. Longmont, CO: Sopris West.

COOPERATIVE LEARNING STRATEGIES

Cooperative learning encourages supportive relationships, good communication skills, and higher level thinking abilities. Cooperative learning strategies may be especially beneficial for students who are at risk for or who have behavioral disabilities because (a) they have been shown to increase achievement, especially among low-achieving students; (b) they have been shown to be helpful in mainstreaming students with BD; (c) they promote positive social relations and development; and (d) they help increase students' affection for themselves, each other, class, school, and learning.

Information Sources

Putnam, J. W. (1993). Cooperative learning and strategies for inclusion. Baltimore: Paul H. Brookes.

CURRICULUM MODIFICATIONS

Curriculum modifications can be effective in increasing the academic success of students while decreasing problematic behaviors.

Information Sources

Chalmers, L. (1992). Modifying curriculum for the special needs student in the regular classroom. Moorhead, MN: Practical Press.

JOURNAL WRITING

Journal writing allows students the opportunity to express their feelings in writing which they might not feel comfortable expressing otherwise. This may be a voluntary or assigned activity.

Information Source

Browning, A., Ellsworth, P., Lawrence, L., McCarville, S., Wicks, C., & Wildman, G. (1993). Behavior disability curriculum for the ICCSD K -12. Iowa City, IA: Iowa City Community School District.

LEVEL SYSTEM

A level management system is a motivational plan for behavioral improvement base upon a graduated series of steps or levels with increasing student responsibility and privileges at each step. As students progress through each level, they "earn" the privilege to gradually spend more of the school day in a regular classroom setting.

The design of a level management system includes the following steps:

1. Define steps clearly.
2. Define observable, specific desired behaviors.
3. Clearly define undesirable behaviors.
4. Clearly define reinforcers.
5. Determine measurable criteria.
6. Measure and record student performance.
7. Include complementary systems.
8. Communicate frequently.

Information Sources

Bauer, A. M., & Shea, T. M. (1988). Structuring classrooms through level systems. Focus on Exceptional Children, 3, 1-12.

NON-VERBAL CUEING

This technique is used to help the student move toward improved internal control. The teacher uses a hand gesture, facial gesture, or other non-verbal signal to the student that he / she needs to correct a behavior. The cue is determined by the teacher and student before it is used.

Information Source

Sprick, R., Sprick, M., & Garrison, M. (1993). Signal interference cueing. Longmont, CO: Sopris West.

PEER TUTORING

Peer tutoring techniques are most effective when they supplement teacher instruction rather than take its place. Students should be carefully taught specific tutoring procedures, and their tutoring efforts should be carefully monitored. Rotation of peer tutors enables students to socially interact with different classmates.

Information Source

Dice, M. L. (1993). Intervention strategies for children with emotional or behavioral disorders. San Diego: Singular Publishing Group, Inc.

POSITIVE REINFORCEMENT

Finding rewards for some students with BD may require ingenuity and creativity on the part of the teachers. The Golden rule for selecting reinforcers is:

Reinforcements should not cost a lot of money, should not take a lot of staff time, and should be natural whenever possible.

Information Sources

Sprick, R., Sprick, M., & Garrison, M. (1993). Structured reinforcement systems. Longmont, CO: Sopris West.

PUBLIC POSTING

Public posting is a strategy which can be effective to decrease disruptive behaviors and improve academic motivation. Behavior and / or academic progress scores are posted in a conspicuous place that is visible from students' desks. The more recent the information and the more immediately it is posted, the most effective this technique will be. Posting can be used to measure individual progress as well as team performance for students working in groups.

Information Source

Reavis, K H., Kukic, S. J., Jenson, W. R., & Morgan, D. P. (1993). Technical Assistance Manuals. Salt Lake City: Utah State Office of Education.

SELF-MANAGEMENT

This is a technique that has been successful in increasing a students' appropriate behaviors.

Information Source

Carter, J. F. (1993). Self management: Education's ultimate goal. Teaching Exceptional Children, spring, pp.28-31.

SOCIAL SKILLS TRAINING

Effective social skills instruction include:

- modeling both appropriate and inappropriate social behaviors through the use of films or videotapes, live demonstrations, puppets, books or mental imagery;
- Role playing and rehearsing activities that provides opportunities for students to practice social skills;
- Positively reinforcing techniques to encourage the continuation of skills learned;
- Teacher coaching with the use of prompting and encouragement to improve students' skills;
- Providing contingent reinforcement to help students acquire and maintain the social skills they need to learn;
- Providing training in problem-solving skills to improve deficient social skills, and ;
- Providing activities that increase the generalization of skills developed during training activities to application in other settings; this is especially important for students with BD who may learn social skills within the classroom but need additional practice and guidance in generalizing those skills to other settings.

Information Source

Rhode, G., Jenson, W. R., & Reavis, H. K. (1993). The tough kid book: Practical classroom management strategies. Longmont, CO: Sopris West.

TIME OUT

Time out is not a place, rather it is a procedure whereby a student is removed from a reinforcing environment to a less reinforcing environment when misbehavior occurs. Reinforce BD students for not needing time out as well.

Also need to refer to legal issues regarding this topic.

Information Source

Edwards, L. L. (1980). Curriculum modifications as a strategy for helping regular classroom BD students. Focus on Exceptional Children, 12 (8), 1-11.

VIDEOTAPE FEEDBACK

The use of videotape feedback can be an effective tool to improve social interactions of BD students. Video feedback offers students an opportunity to view themselves "in action" in normal classroom activities, compare their behavior to that of their peers, process their behavior, and make a commitment to make a change. Students are quick to see what they are doing and how it differs from other students' behavior. From their observations, students draft their own improvement plans. In successive video sessions, students can assess their own behavioral progress.

Information Source

Kern-Dunlap, L., Dunlap, G., Clarke, S., Childs, K., White, R. L., & Stewart, M. P. (1992). Effects of a videotape feedback package on the peer interactions of children with serious behavioral and emotional challenges. Journal of Applied Behavior Analysis, 25 (2), 355-364.

8 Techniques

to help **BD** students to *curb*

acting out.

1. Speak in even, natural tones - use eye contact - use clear, simply stated requests and ignore teacher baiting materials.
2. Address the behavior, not the student. "Talking out is not acceptable at this time." "Fighting is out of bound here."
3. Draw attention to the task at hand. "What answer do you have?" "What question did you find difficult?"
4. Give verbal praise for on target behaviors. Also give smiles, nods and other gestures to indicate that you notice that the student is behaving within limits.

5. Find something good about the student's work to praise. Write notes on homework, etc.

6. Make a conscious effort not to allow yesterday's mistakes to color your attitude towards the student.

7. Discuss negative behavior with a student away from the classroom. Do not reward negative behavior with attention that stops the regular activities of the class.

8. Enlist help of the class. "When _____ is disruptive, it is important that you _____ (ignore him / her, ask him / her to stop, etc.)."

Source: Matthew Cobb
Wapato Middle School

Creative Ways to Teach Rules and Routines

1. *Puppet Plays*: Use puppets to role play responsible behaviors. Have students discuss what was appropriate. Have students identify what behaviors were not appropriate; what rules relate to the behaviors, and what behaviors should have happened instead.
2. *Storytime*: In September, read books to students that teach lessons on following rules and procedures and the rewards from self-discipline.
3. *Posters*: Have students make good behavior, good study habit, safety rule, etc. posters for the classroom, school hallways, cafeteria, and so on. Hang them where appropriate to remind students of your expectations.
4. *Letters*: Teach how to write friendly letters. Have students write letters to playground aides, bus drivers, cooks, custodians, the principal, etc., regarding the rules and their plans to be self-disciplined in the area of interest to whom the letter is written.
5. *Oops, I Goofed!*: Conduct a class discussion on student experiences when they broke a rule. Have students share a personal experience when they goofed in their behavior. Have students share what they should have done instead. Focus in on the idea that we all make mistakes and it is OK if you learn from the mistake and don't repeat it.
6. *Create a Play*: Have students write and produce a play on rules and procedures. Have students present the play to other classes in the school.
7. *School in Relation to Community Rules*: Have students share how school rules and the reasons for following them relate to community rules and their responsibilities as citizens.
8. *Rule Unscramble*: Have your class/school rules stated in phrases. Mix up the words in the phrase. Have students put the words in correct order so they make sense. Or mix up the letters of the words in a rule and have students put the letters of each word back in order so rules make sense.
9. *Rule Bingo*: Make bingo cards with classroom/school rules listed in each square. Have a student or the teacher act out the rule. Students cover the square if they have the rule listed that is being acted out.
10. *Wrong Way*: Have students role play the wrong way to behave or the wrong way to follow procedures. Videotape the role playing and have the whole group review and discuss not only what was done wrong but also how to do it the right way.
11. *Hug or Handshake*: When the teacher or students "catch" others following the rules, ask them if they want a hug or handshake and reward them with their wish.
12. *Contract for Success*: Have students write a letter to their parents listing the rules for the class and their plan for successful behavior and self-discipline for the school year. Have students take the letter home and review it with their parents. All persons sign the Contract for Success. Student returns the contract to school the next day.
13. *Picture Signals*: Have pictures as signals for each classroom rule. For example, ears for the rule "We listen politely." or chair for "Sit correctly in

Creative Ways to Teach Rules and Routines

your chair." Then use the pictures to signal students if they are not following the rule. The picture signals allow silent management rather than having to stop teaching to tell students what they are doing wrong.

14. *Rules in the Sack:* Write rules on cards and put them into a paper sack. Have a student draw out a rule from the sack and explain it to the rest of the class.
15. *Hidden Rules:* Fold paper. On the inside write the class rule. On the outside of the folded paper give clues to the rule. Students read clues and guess the rule. They open the folded paper to see if they are correct. This also works well for a bulletin board display.
16. *Numbered Rules:* Give each classroom rule a number. When a student is following a rule correctly, ask students to hold up the number of fingers which related to the rule being followed. Or when teaching rules, give clues for a specific rule and students hold up the correct number of fingers for the correct numbered rule.
17. *Discrimination:* Develop a list of correct and incorrect behaviors relating to the rules and routines of the classroom and school. Have students read through the list and separate the correct from the incorrect, thus making two lists from the one. Use this discrimination activity during a reading class.
18. *Wheel of Fortune:* Play *Wheel of Fortune* where rules are the puzzles to be solved. Students guess letters of the puzzle and try to guess the rule in the puzzle.
19. *Awards:* Design certificates or bookmarker awards for classroom rules. Give students the awards when their behavior reflects appropriate behavior in relation to the specific rule.
20. *Picture Posters:* Have students bring a picture of themselves to school. Use student pictures on posters to highlight a school rule. "The following students believe it is important to respect all teachers." Show their pictures listing their names and grades. Post the posters throughout the school. Use positive peer pressure for pride in school.

Source: Deborah Johnson, Lidgerwood Elementary School, Spokane, Wash.

Source: Deborah Johnson, Lidgerwood Elementary School, Spokane, WA

KEY FACTORS
in developing
PROFESSIONALLY RESPONSIBLE, EFFECTIVE RESPONSES
to
unproductive, irresponsible student
behavior:

1. Students must be clearly aware of the rules and procedures and the consequences for violating them.
2. Students must be given clear cues indicating that continuation of a behavior will evoke the specified consequences.
3. It is important to be as consistent as possible in employing consequences.
4. Students should be informed that they are choosing the consequence.
5. The consequence should be educational in nature.

Jones, L.S., & Jones, V.F. (1990). Comprehensive classroom management: Motivating and managing students (3rd ed.). Boston, MA: Allyn and Bacon.

Steps in Responding to Students' Violation of Rules and Procedures

STEP	PROCEDURE	EXAMPLE
1.	Nonverbal cue	Raised index finger.
2.	Verbal cue	"John, please follow our classroom rules."
3.	Indicate choice student is making.	"John, if you continue to talk while I am talking, you will be choosing to develop a plan."
4.	Student moves to a designated area in the room to develop a plan.	"John, you have chosen to take time to develop a plan."
5.	Student is required to go somewhere else to develop a plan.	"John, because you are choosing not to be responsible, you will need to see Mrs. Johnson to develop your plan."

Jones, L.S., & Jones, V.F. (1990). Comprehensive classroom management: Motivating and managing students (3rd ed.). Boston, MA: Allyn and Bacon.

Four factors make Glasser's model for effective discipline extremely useful for school personnel:

- 1st Problem solving can be accomplished in a short time.
- 2nd Step - by - step easy to learn procedure.
- 3rd Involves student in the problem-solving process and responds to a variety of students' needs.
- 4th Data can be collected and student can be accountable for results.

Glasser's Problem-Solving Method:

Step 1: Be warm and personal and willing to become emotionally involved

"I am glad you're here and I care about you as a person and a learner."

Step 2: Deal with the present behavior.

"What did you do?"

Step 3: Make a value judgment.

"Is it helping you?"

"Is it help others?"

Is it against a rule?"

Step 4: Work out a plan.

"What can you do differently?"

"What do you need me to do to help?"

"Do you need any assistance from others?"

Step 5: Make a commitment

"Are you going to do this?"

Step 6: Follow up.

"Let's check later and see how the plan worked."

Step 7: No put downs but do not accept excuses.

"It's OK. Let's keep trying. I trust that you can develop a plan that will work."

"I know things happen, but you made a plan. Do we need a new plan?"

Jones, L.S., & Jones, V.F. (1990). Comprehensive classroom management: Motivating and managing students (3rd ed.). Boston, MA: Allyn and Bacon.

The following is an example of a middle school teacher using Glasser's model with a student indicates how effective communication skills can be combined with Glasser's step-by-step procedure to create a positive resolution to a problem.

STEP 1. TEACHER: Horace, may I please speak with you for a few minutes?

HORACE: Okay.

STEP 2. TEACHER: What did you do that upset Larry?

HORACE: I didn't do anything.

TEACHER: Horace, I'm not trying to blame you or get you in trouble. What I want to do is try to help you solve the problem. But before we can solve it, I need to know what you did so that I understand what happened.

HORACE: Well, I pushed Larry's books off his desk and onto the floor and his papers got all messed up.

STEP 3. TEACHER: Thank you for being honest with me. It sounds like you are really making an attempt to try to figure this problem out. Is this helping you or Larry in any way?

HORACE: No, but he marked in ink on my assignment sheet that I was just about to hand in, and he ruined it. And so, now I have to do it all over again.

STEP 4. TEACHER: I will talk to Larry about this problem after we get finished dealing with your part of the problem. What kind of plan do you think you could work out so that you won't retaliate against anyone the next time something like this happens to you?

HORACE: I won't do it again.

TEACHER: I'm glad that you are going to try to not do it again. That will certainly help. But what else can we do?

HORACE: I don't know.

TEACHER: Well, how about if I make a few suggestions and you pick one of my plans to try to work with?

HORACE: Well, okay.

TEACHER: How about sending that person an "I" message telling them how you feel. Like, "It angers me when you ruin my homework and I have to do it over again." Or you could just get up and move away from that person, showing them that you don't appreciate what they've done. Do you like either one of these plans, Horace?

HORACE: Well, because we've worked on "I" messages and you want us to work out our own problems, I will try an "I" message next time.

STEP 5. TEACHER: Great, now, just to be sure we both understand, what are you going to do the next time somebody bothers you and your work?

HORACE: Send that person an "I" message.

TEACHER: Good; I'll check back with you in a couple of days to see how your plan is working.

A couple of days later:

STEP 6. HORACE: It worked!! Gary ripped one of my papers yesterday and I sent him an "I" message, and he actually apologized to me. I couldn't believe it.

TEACHER: I'm proud of you for working out your plan. I can see by your reaction that you are happy with your results.

Glasser, W. (1993). The Quality School Teacher. New York, NY: HarperPerennial.

Glasser, W. (1992). The Quality School (2nd ed.). New York, NY: HarperPerennial.

Jones, L.S., & Jones, V.F. (1990). Comprehensive classroom management: Motivating and managing students (3rd ed.). Boston, MA: Allyn and Bacon.

UNIT 2

TEACHING STRATEGIES

- Unit Overview	P 30
- "Pizza - Pizza"	P 31
- Motivating BD Students To Learn	P 33
- Evaluate The Quality Of Teacher - Student Relationships	P 35
- Ways To Modify The Curriculum For BD Students	P 37

Unit Overview

Many BD students may have no comprehension of what it takes to be academically successful. Lack of experience, little or no support from home or family, or an inappropriate placement may account for poor academic growth. Unit 2 offers some teaching strategies that can help in working with BD students. These strategies are more successful when they are implemented with certain interventions from Unit 1.

"Pizza - Pizza" (31) is a strategy that motivates BD students to read. It is one of the most effective reading strategies for BD students and students At-Risk. Pages (33-34)

"Motivating BD Students To Learn" offers some general guidelines and suggestions to motivate the BD student. These tips are not specific to BD students, but are applicable to all students in a regular classroom.

"Evaluate The Quality Of Teacher - Student Relationships" pages (35-36) was assigned to the Teaching Strategy unit due to the fact that teacher - student relationships effect learning.

Teachers need to know how they are teaching, which can be directly related to their relationships with the students.

The final page (37) "Ways To Modify The Curriculum For The BD Student" is based on personal experience in working with BD students in the regular classroom.

READING STRATEGY FOR SPECIAL NEEDS STUDENTS

"Pizza - Pizza"

Based on a reading strategy developed by Anita Archer and modified by Matt Cobb and Susan Steele to be used in the Middle School setting.

Students are paired together based on their reading abilities. The high readers are paired with the medium readers, and the low readers are paired with the medium readers too. The low and high readers are not paired together because of the gap in ability. The students read orally to each other in pairs and are allowed to sit anywhere in the room or hallway. Students take turns reading one paragraph to the other person. After a paragraph is read, the person briefly states what the paragraph was about to his / her partner. Then the other person reads a paragraph and does the same. Finally, the two read the third paragraph together chorally and repeat the process over again.

In order for the teachers to know who are the high, medium, and low readers, instead of assigning a demeaning label that indicates a student's ability, the teacher uses a "code" that the students can relate to. The concept of making a pizza is well known amongst students and usually enjoyable. Within the pairs of readers, the lower reader will be the cheese and the higher reader will be the pepperoni. The teacher will give the instructions that cheese is put on first, which means the cheese will read a paragraph first. Then you put on pepperoni, which indicates the higher reader reads next. Finally, with cheese and pepperoni on the pizza, together that makes a pizza, which means the two read chorally together.

Graphics or pictures on the walls or bulletins helps to reinforce this teaching strategy. The notion was used without permission from Little Caesar's Pizza-Pizza™ because students relate to the advertisement and also enjoy the pizza.

Source: Anita Archer, Matthew Cobb &
Susan Steele

MOTIVATING

BD students to LEARN.

ESSENTIAL PRECONDITIONS

1. Supportive environment
2. Appropriate level of challenge / difficulty.
3. Meaningful learning objectives.
4. Moderation / optimal use

MOTIVATING BY MAINTAINING SUCCESS EXPECTATIONS

5. Program for success.
6. Teach goal setting, performances appraisal, and self-reinforcement.
7. Help students to recognize linkages between effort and outcome.
8. Provide remedial socialization.

MOTIVATING BY SUPPLYING EXTRINSIC INCENTIVES

9. Offer rewards for good (or improved) performance.
10. Structure appropriate competition.
11. Call attention to the instrumental value of academic activities.

MOTIVATING BY CAPITALIZING ON STUDENTS INTRINSIC MOTIVATION

12. Adapt tasks to student's interests.
13. Include novelty / variety elements.
14. Allow opportunities to make choices or autonomous decisions.
15. Provide opportunities for students to respond actively.
16. Provide immediate feedback to student response.
17. Include fantasy or simulation elements.
18. Incorporate game-like features.
19. Allow students to create finished products.
20. Include higher level objectives and divergent questions.
21. Provide opportunities to interact with peers.

STIMULATING STUDENT MOTIVATION TO LEARN

22. Model interest in learning and motivation to learn.
23. Communicate desirable expectations and attributions about students' motivation to learn.
24. Minimize students' performance anxiety during learning activities.
25. Project intensity.
26. Project enthusiasm.
27. Induce task interest or appreciation.
28. Induce curiosity or suspense.
29. Make abstract content more personal, concrete, or familiar.
30. State learning objectives and provide advance organizers.

Source: Jere E. Brophy

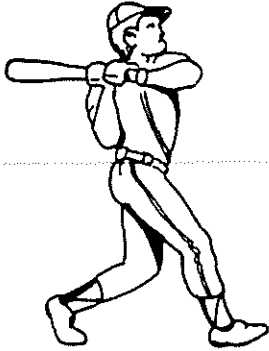
EVALUATE the QUALITY of TEACHER - STUDENT relationships

To create more positive teacher - student relationships, there's a need to evaluate the current quality of interactions between teacher and student. The following form is a questionnaire for the student and information for the teacher. The teacher may then review the results with the student afterwards.

Questionnaire

<i>Check the appropriate box</i>	<i>Home run</i>	<i>3rd base</i>	<i>2nd base</i>	<i>1st base</i>	<i>Strike- out!</i>
1. Am I courteous toward you?					
2. Do I treat the students fairly?					
3. Am I honest?					
4. Do I touch you?					
5. Do you seem excited about my teaching?					
6. Do I talk over problems with you?					
7. Are you praised for your work?					
8. Am I patient and understanding?					
9. Do I keep my temper?					
10. Do I listen to you when you want to talk?					
11. Am I polite?					
12. Do you think that I like you?					
13. Am I too strict with the class?					
14. Do I seem happy?					
15. Am I willing to admit I am wrong?					
16. Can you trust me?					
17. Do I embarrass you?					
18. Do I listen to your suggestions?					
19. Do I expect too much from you?					
20. Do I smile at you?					
21. Am I friendly?					
22. Am I a good sport?					
23. Do I have a sense of humor?					
24. Do I show appreciation for special things you do?					
25. Do I encourage you?					
26. Can you ask me questions?					
27. Do I have any nervous habits?					
28. Do I help you when you need it?					
29. Do I give you helpful feedback?					
30. Do I look at you when I talk to you?					
31. Do I share my feelings?					
32. Do I think you can do your work?					

Thank you for completing this questionnaire. Your responses help me evaluate my teaching.



COMMENTS

thank you!

Jones, L.S., & Jones, V.F. (1990). Comprehensive classroom management: Motivating and managing students (3rd ed.). Boston, MA: Allyn and Bacon.

Ways to modify curriculum for BD students

- provide oral tests
- short answer tests
- high lighted text
- visual aids
- individual instructions
- provide outlines
- extend time for assignment completion
- shorten assignments
- utilize assignment notebooks and prompts
- teach in small groups
- provide repeated reviews and drills
- allow peer tutoring
- reduce pencil/paper tests
- provide manipulatives (eg. in math use egg carton fractions)
- seat at front of class
- read to the student [audio tape]
- allow student opportunities to express key concepts in their own words
- help student build a card file of vocabulary words
- encourage student to underline key words or important facts.
- assisted technology

Source: Matthew Cobb
Wapato School District

UNIT 3

LEGAL ISSUES

- Unit Overview	P 39
- Application Of IDEA And Section 504 To The Disciplinary Exclusion Of Students With Disabilities From School	P 40
- The Underlying Rule Of Law	P 40
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Unit Overview

Students who are receiving special education are under specific laws on a federal level (IDEA) and a state level (WACs). There is a law that states if a student, with a Behavior Disability, can only be suspended from school no more than ten school days in a given year.

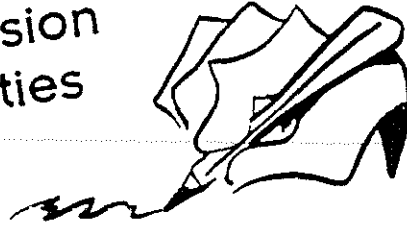
There are other laws regarding aversive therapy, relative services, placement, etc.

It is required by law that each child receiving special education services be served by an IEP team. The members of this team consist of principal (or district representative), special education teacher, regular education teacher (if student is mainstreamed / included), parent and student if transitional / vocational needs are addressed.

Unit 3 consists of specific laws that relate to special education students and disciplinary exclusion. P 40 through P 60 discuss issues such as school exclusion, suspension, drug and alcohol, role of the classroom teacher, and alternatives used for special needs students in dealing with behavior.

The final section of this unit (P 61 through P 71) is set up in a question and answer format. The questions are all related to issues of disciplining students with disabilities.

Application of IDEA and Section 504 to the Disciplinary Exclusion of Students with Disabilities from School



THE UNDERLYING RULE OF LAW

In 1988 the United States Supreme Court established the following rule of law regarding the disciplinary exclusion of students with disabilities:

A school district cannot implement a disciplinary action which constitutes a significant change in a disabled student's educational placement until it has satisfied required change of placement procedures. (Honig v. Doe, 559 IDELR 231)

This Rule of Law applies to students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA) and/or Section 504 of the Vocational Rehabilitation Act of 1973.

Both IDEA and Section 504 protect students with disabilities from being improperly excluded from school for disciplinary reasons. Certain disciplinary exclusions of a disabled student from school constitute a significant change in the student's educational placement. Such disciplinary exclusions are governed by both IDEA and Section 504 regulations and cannot be implemented until a school district satisfies required change of placement procedures.

The key here is the term "significant change in placement." Both IDEA and Section 504 require school district staff to satisfy specific procedural steps *before* making any significant change in a disabled student's educational placement, including changes made as a result of school disciplinary procedures. Both regulations require compliance with the procedural steps to protect the student's right to an appropriate education and to ensure parental involvement in such major decision-making. Any school

district which significantly changes a disabled student's educational placement without satisfying required procedural steps does so in direct violation of these procedural requirements. Any improper disciplinary exclusion of a disabled student from school (1) can be challenged and reversed and (2) can lead to suits for compensatory services.

In *Honig v. Doe*, the U.S. Supreme Court ruled that disciplinary exclusion of a disabled student from school for more than 10 consecutive school days (e.g. long-term suspension and expulsion) constitutes a "significant change in placement."

Reference: Honig v. Doe, 559 IDELR 231 (January 1988) U.S. Supreme Court Decision Re: Disciplinary Exclusion Of Students With Disabilities From School.

Following the *Honig* decision, the Office of Civil Rights (OCR) and the Office of Special Education Programs (OSEP) issued a joint written policy on the application of IDEA and Section 504 to the disciplinary exclusion of disabled students from school. Adopting the **10-day rule for consecutive days of exclusion**, this policy states that a series of suspensions that are each of 10 days or less in duration (e.g. cumulative short-term suspensions) that create a **pattern of exclusion** also constitute a "significant change in placement."

Reference: USED/OCR Policy Memo, 307 IDELR 05 (October 1988) Long Term Suspension Or Expulsion Of Students With Disabilities.

One can best understand how IDEA and Section 504 apply to the disciplinary exclusion of students with disabilities from school by separating school disciplinary actions into two categories: (1) actions which do not constitute a significant change in a disabled student's educational placement; and (2) actions which constitute a significant change in a disabled student's educational placement.

DISCIPLINARY ACTIONS NOT SUBJECT TO THE RULE

Disciplinary actions which do not constitute a significant change in the educational placement of a student with disabilities are not governed by the change of placement procedures. School districts can generally impose disciplinary actions which do not constitute a significant change in placement on students with disabilities for the same reasons, to the same extent, and in the same manner in which they impose such actions on non-disabled students.

Disciplinary actions which do not indefinitely exclude a disabled student from school, exclude a disabled student from school for no more than 10 consecutive school days in a given school year, or which cumulatively do not create a pattern of exclusion, do not constitute a significant change in placement. Such actions include:

- ◆ School-based disciplinary procedure such as study carrels, time out, detention, in school suspension and restriction of privileges.
- ◆ Short term suspension or emergency expulsion for up to 10 school days.

DISCIPLINARY ACTIONS SUBJECT TO THE RULE

Disciplinary actions which constitute a significant change in a disabled student's educational placement are governed by the change of placement procedures. A school district cannot implement a disciplinary action which constitutes a significant change in a disabled student's educational placement until it has satisfied the required change of placement procedures outlined in **change of placement procedures on page 4**.

Disciplinary actions which either exclude a disabled student from school for more than 10 consecutive school days in a given school year or create a pattern of exclusion constitute a significant change in placement. Such actions include:

- ◆ Long term suspension or expulsion which is indefinite or for more than 10 consecutive school days;
- ◆ Patterns of exclusion such as (1) cumulative short term suspension; and/or (2) repeated exclusion from a class or classes which significantly interrupts the child's educational program.

DETERMINING WHETHER A DISCIPLINARY ACTION IS SUBJECT TO THE RULE

The following guidelines should be used in determining whether a disciplinary action is subject to the rule.

TEN DAY RULE FOR CONSECUTIVE DAYS OF EXCLUSION

Disciplinary actions which either exclude a disabled student from school permanently or for an indefinite period, or for more than 10 consecutive school days in a given school year, constitute a significant change in placement.

PATTERN OF EXCLUSION RULE

Cumulative short term suspensions constitute a significant change in placement if they create a pattern of exclusion. The determination of whether a series of short term suspensions that are each of 10 days or fewer in duration creates a pattern of exclusion must be made on a case-by-case basis. The suspension of a disabled student for 8 or 9 days at a time, several times during a school year, clearly would constitute a significant change in placement. Among the factors that should be considered in determining whether a series of suspensions constitutes a significant change in placement are the length of each suspension, the proximity in time of the suspensions to one another, the total amount of time the disabled student is excluded from school, and the similarities of the behavior one to another which created the disciplinary actions.

Reference: USED/OCR Policy Memo, 307 IDELR 05 (October 1988) Long Term Suspension Or Expulsion Of Students With Disabilities. Parents of student W v. Puyallup School District, 31 F. 3rd 1489 (9th cn. 1994)

REPEATED EXCLUSION FROM A CLASS OR CLASSES

Repeated removal of a student from a class or classes for misconduct caused by the student's disability which significantly interrupts the student's educational program would deny the student an equal opportunity to participate in and benefit from the school district's educational program and would therefore be illegal.

Reference: OCR Letter, 19 IDELR 186.

THE SUSPENSION "CLOCK" RULE

Within a given school year, the ten day suspension "clock" begins again after a school district significantly changes the educational placement of a disabled student who previously had been suspended for misconduct. Minor adjustments to a disabled student's program do not constitute a significant change in placement and do not restart the suspension "clock" for disciplinary purposes.

Reference: OSEP Policy Letter, 18 EHLR 217 (March 14, 1991) Placement Change Restarts Placement "Clock."

STUDENTS CLASSIFIED AS DISABLED AFTER THE MISBEHAVIOR

The Office of Civil Rights' position is that lack of formal classification does not necessarily leave students unprotected. If the district has reason to believe that the student has a disability, a full evaluation must be conducted. ***Students in the referral process are protected.*** Prior to suspending or expelling students suspected of having a disability for longer than ten consecutive school days, the district must complete an evaluation to determine if the student has a disability and would therefore be protected.

CHANGE OF PLACEMENT PROCEDURES

Under IDEA and Section 504, all significant changes of placement are subject to required evaluation, placement, and due process procedures. School districts must follow the required procedural steps outlined below before imposing a disciplinary action which constitutes a significant change in a disabled student's educational placement.

CONVENE A MULTI-DISCIPLINARY TEAM MEETING

Both IDEA and Section 504 regulations require that placement decisions be made by a group of persons, including persons knowledgeable about the disabled student, the meaning of the student's evaluation data, and the placement options. Principals and assistant principals may be members of a disabled student's placement team, but they do not have a "controlling vote" in decisions made by such teams.

Placement-changing disciplinary actions imposed on disabled students unilaterally by principals and assistant principals can be challenged and reversed.

At the placement meeting, the required persons must determine the answer to two questions:

- ◆ *Is the misconduct in question a manifestation of the student's disability?*
- ◆ *Is the student's current educational placement inappropriate?*

Reference: USED/OCR Policy Memo, 16 IDELR 491 (November 1989) Deciding

DETERMINE WHETHER STUDENT'S MISCONDUCT IS A MANIFESTATION OF THE STUDENT'S DISABILITY

The determination of whether the student's misconduct is a manifestation of the student's disability must be based on the kind of information necessary to support a competent professional decision.

The determination must be based upon evaluation data related to behavior, and must be recent enough to afford an understanding of the student's current behavior. Misconduct is a manifestation of the disability if it "arises from the disability," "is caused by the disability," "has a direct and substantial relationship to the disability," or if the disability significantly impairs the student's behavioral controls. Misconduct is not a manifestation of the disability if it bears only an attenuated relationship to the student's disability.

A determination that a disabled student knew the difference between right and wrong is not tantamount to a determination that the student's misconduct was or was not a manifestation of the disability.

A school district may not make a categorical determination that misconduct is or is not a manifestation of the disability based on a student's IDEA eligibility label (e.g. school district staff cannot assert that the only students for whom misconduct can be a manifestation of the disability are those students who are labeled seriously emotionally disturbed for purposes of IDEA eligibility).

Reference: USED/OCR Policy Memo, 16 IDELR 491 (November 1989) Deciding Whether Misconduct Is Disability Related.

DETERMINE WHETHER THE STUDENT'S MISCONDUCT IS DUE TO AN INAPPROPRIATE PLACEMENT

The determination of whether misconduct is due to an inappropriate placement must be based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. District staff do not have to use all of the sources of information listed above in every instance. The point of the requirement is to ensure that more than one source of information is used in making a placement decision.

Reference: USED/OCR Policy Memo, 16 IDELR 491 (November 1989) Deciding Whether Misconduct Is Disability Related.

In addition, the placement team should examine the kind of educational placements that previously have been tried with the student and determine whether a placement more restrictive than the current placement may control the student's behavior. A district should not long-term suspend or expel a disabled student without first attempting to control the student's behavior by placing the student in a more restrictive educational placement **unless** it has a legitimate reason for rejecting a more restrictive placement as a viable placement option.

MAKE THE PLACEMENT DECISION

If the misconduct is *either* a manifestation of the disability *or* due to an inappropriate placement, the child cannot be long-term suspended or expelled. See Appendix A. Disabled children whose misconduct is either a manifestation of the disability or due to an inappropriate placement cannot be excluded from school for more than ten consecutive school days in any given school year. Rather than excluding the student from school, (IEP) teams or placement teams must determine how to modify the child's behavior at school. ***Under the IDEA, all significant changes of placement are subject to the IDEA's IEP requirements.***

PROVIDE PARENTS NOTICE OF BOTH DECISIONS

Under the IDEA, parents must be provided prior written notice of all evaluation and placement decisions made and given a reasonable time (i.e. ten calendar days) to respond before a district can implement a significant change in a disabled student's educational placement. This written notice to parents must include, among other matters, the determination that the student's misconduct was not a manifestation of the student's disability and the basis for that determination, and an explanation of applicable procedural safeguards, including the right of the student's parents to initiate an impartial due process hearing to challenge the manifestation determination and to seek administrative or judicial review of an adverse decision. ***Verbal notice is sufficient under 504.***

IMPLEMENT THE PLACEMENT DECISION

If the misconduct is either a manifestation of the disability or due to an inappropriate placement, the student cannot be long-term suspended or expelled.

If the misconduct is neither a manifestation of the disability nor due to an inappropriate placement, the student may be long-term suspended or expelled in the same manner in which such discipline is imposed on non-disabled students.

EDUCATIONAL SERVICES DURING LONG-TERM SUSPENSION/EXPULSION

Under Section 504, all educational services for such students may cease during periods of long-term suspension or expulsion.

Under the IDEA, the district must provide some form of alternative education to students with disabilities during long-term suspension or expulsion. These alternative educational options must be determined through the IEP process and should be reasonably calculated to confer educational benefit. Home-based programs, alternative schools, and services similar to extended school year programs have been determined to be acceptable.

Reference: OSEP Policy Letter, 13 EHLR 213 258 (September 15, 1989) Suspended Students Must receive FAPE.

IDEA/SECTION 504 DUE PROCESS HEARING

Parents may challenge the imposition of placement changing disciplinary actions by requesting an IDEA/Section 504 due process hearing. The "stay put" provision of the IDEA prohibits the school district from removing the student from his/her current placement during the pendency of the due process hearing. Section 504 has no "stay put" provision. (See Special Provisions Concerning Weapons, page 8.)

For a student not previously identified by the school district as a student potentially in need of special education, a parental request for evaluation or a request for a due process hearing or other appeal **after** a disciplinary suspension or expulsion has commenced does **not** obligate the school district to reinstitute the student's prior in-school status.

DISCIPLINARY OPTIONS FOR "DANGEROUS STUDENTS"

WAC 180-40-295 permits the emergency expulsion of all students who are a danger to themselves or others. While students with a disability are subject to emergency expulsion, there is a need to apply the ten school day rule. Prior to exceeding the 10 consecutive day maximum the district must complete the change of placement procedures outlined above.

Reference: OSEP Policy Letter, 17 EHLR 837 (March 7, 1991) Disciplinary Options for Dangerous Students.

TEMPORARY RESTRAINING ORDER

The "stay put" provision of the IDEA is invoked when a parent requests a due process hearing at the time a school district intends to expel a student with a disability. **There are no "stay put" requirements under Section 504.** The placement of a student with a disability must remain the same until all proceedings seeking to change it are completed unless the parents and the school district can agree to an alternative placement.

The district may obtain a court order (a temporary restraining order) to remove a dangerous student from school, or to extend the exclusion from school of a student, whose parents have requested a due process hearing and objected to any interim placement. To obtain a court order, a school district must demonstrate that maintaining student's current educational placement is "**substantially likely to result in injury**" to the student or others and must show that it "**has done all that it reasonably can do to reduce the risk that the child will cause injury.**" Efforts to minimize the risk of injury should, if appropriate, include the training of teachers and

other affected personnel in the use of behavior intervention strategies and the provision of appropriate special education and related services.

SPECIAL PROVISIONS CONCERNING WEAPONS

Effective October 1994, the Improving America's Schools Act amended the IDEA "stay put" requirements concerning the expulsion of students with disabilities who bring a weapon to school. The term "weapon" means a firearm as defined in Section 921 (a) (3) of Title 18, United States Code. The term does not include other commonly used weapons such as knives, cutting instruments, nunchuks, or brass knuckles. The amendment allows school officials to remove a student with a disability, as identified under IDEA, from his or her placement for up to 45 calendar days in cases in which the student brings a gun to school. This 45-day placement must be determined through the IEP process and would preempt "stay put" requirements pending a due process hearing. Prior to the expiration of the interim alternative educational placement, the school district must determine whether the student's misconduct was a manifestation of his or her disability. (*See Appendix A OSEP Memorandum 95-16: Questions and Answers on Disciplining Students with Disabilities Questions 11-16*).

References: OSEP Policy Letter, 21 IDELR 899 (August 1, 1994) Policy Guidance Gun Free Schools Act of 1994; OSEP Policy Letter, 20 IDELR 625 (July 14, 1993) Manifestation Determination Needed in Weapons Violation Cases.

DRUG AND ALCOHOL ADDICTED STUDENTS

When Congress passed the Americans With Disabilities Act (ADA) in 1990, it amended Section 504 to exclude persons who are "currently engaging in the illegal use of drugs" from the definition of Section 504-protected individuals. The current rules under Section 504 regarding discipline of students disabled by drug addiction or alcoholism distinguish between the required treatment of students who are drug addicted vs. those who are alcohol addicted, as follows:

DRUG ADDICTED STUDENTS

- ◆ Drug addicted students who are **active drug users are not protected by Section 504**. Regular disciplinary procedures can be used with such students regardless of the nature of the misconduct in question.
- ◆ Drug addicts in recovery who are not active drug users are protected by Section 504.
- ◆ **Drug addicted students**, regardless of whether they are active drug users or in recovery, are **not protected by Section 504 if they engage in drug-related**

misconduct at school (i.e. the use or possession of drugs at school). Regular disciplinary procedures can be used with such students for such misconduct.

ALCOHOL ADDICTED STUDENTS

- ◆ Alcoholic students, regardless of whether they are active alcoholics or alcoholics in recovery, are protected by section 504.
- ◆ **Alcoholic students**, regardless of whether they are active alcoholics or alcoholics in recovery, **are not protected by Section 504 if they engage in alcohol related misconduct at school** (i.e. the use or possession of alcohol at school). Regular disciplinary procedures can be used with such students for such misconduct.

STUDENTS WHO ARE BOTH ALCOHOL AND DRUG ADDICTED

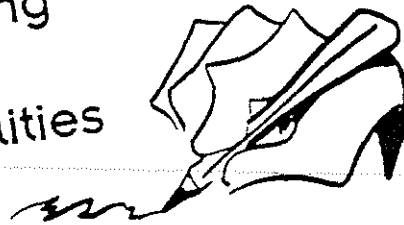
- ◆ Students who are both alcohol and drug addicted are protected by Section 504 if they are in recovery for drug addiction, are not active drug users, and are not engaged in alcohol or drug-related misconduct at school.

Reference: USED/OCR Policy Memo, 17 IDELR 609 (May 1991) Discipline Of Drug And Alcohol Addicted Students.

Drug/alcohol use does not alter IDEA obligations. Districts must fully comply with all IDEA requirements prior to disciplining any special education student for drug/alcohol related misconduct at school.

Reference: OSEP Policy Letter, 18 IDELR 1238 (May 14, 1992) Drug Use Does Not Alter Part B Obligations.

Best Practices Concerning Disciplinary Procedures for Students with Disabilities



THE FOLLOWING MATERIAL WAS TAKEN FROM THE NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION PROJECT FORUM PUBLICATION DISCIPLINING STUDENTS WITH DISABILITIES: A SYNTHESIS OF CRITICAL AND EMERGING ISSUES BY ERIC P. HARTIG, PH.D. AND GARY M. RUESCH, ESQ.

SCHOOL DISCIPLINE PLANS

In order to counteract the confusion that has resulted from the interpretation of the law in various court decisions and the lack of guidance provided by the IDEA and Section 504, school officials need to be cognizant of disciplinary alternatives that are available.

An effective school discipline plan requires cooperative understanding of what needs to be accomplished with students who display unacceptable behaviors. The most significant part of an effective intervention plan is preparation. Furthermore, successfully remediating behavior while simultaneously providing the opportunity to learn new, appropriate, and adaptive behaviors requires a combination of intervention approaches. The responsibility for the successful implementation of a comprehensive discipline plan rests within the school environment and ultimately, with the classroom teacher who must balance the school's educational expectations, the student's needs and interests, and legal requirements.

It is logical, but often forgotten, that all students do not respond exactly alike to the same procedures; therefore, it is necessary to customize intervention tech-

niques to deal with individual differences, regardless of the degree of those differences. The elements that comprise intervention plans must further be in harmony with legal requirements. More importantly, intervention plans must offer a continuum of positive educational alternatives to ensure that there is some type of a change in behavior. Such an approach is critical in identifying, defining, and subsequently remediating emotional or behavioral difficulties characterized as discipline problems. The intervention chosen must balance the schools need to maintain a safe and productive learning environment with student accountability and competency building.

Unquestionably, there is a need to provide adequate and appropriate information about all aspects of the discipline issue for teachers and administrators. Preservice and inservice training are critical to enable school personnel to acquire the skills and knowledge necessary to develop effective school and district level discipline plans.

DEVELOPING A DISTRICT-WIDE DISCIPLINE PLAN

There are some useful precepts to consider when developing a District-wide discipline plan or strengthening an existing discipline policy.

- ◆ Ignorance of the law is **no excuse** for the use of inappropriate discipline techniques or intervention plans.
- ◆ Local school boards are accorded a wide latitude in disciplinary regulation if the construction of the rules have been substantially well developed.
- ◆ The behavior of a student must specifically disrupt the school environment.
- ◆ Students have a **property interest** protected by the due process clause of the Fourteenth Amendment. It is important to emphasize the concept of fairness in the competing interests of the student and the school system.
- ◆ Proper conduct in the classroom and education are inextricably intertwined.
- ◆ Recognizing the relationship between a student's misconduct and their disability requires intensive analysis. It is essential that the multi-disciplinary evaluation and assessment team and the IEP committee are comprised of individuals who are knowledgeable about a student's social, emotional, and behavioral needs.
- ◆ The IEP that is developed should be **reasonably calculated** to allow the student to achieve some level of benefit.
- ◆ The **inadequacy of resources** is not an acceptable excuse for providing inappropriate discipline to a student.
- ◆ The **stay-put** provision applies. A student will remain in his or her current educational program pending a hearing outcome, although the school may seek injunctive relief to remove from the classroom students who are a danger to themselves or others.
- ◆ The discipline approach used **cannot** have the **effect of denying** a student a free and appropriate public education.

- ◆ School districts *may need to make modifications* to the general education classroom in order to develop appropriate discipline plans.
- ◆ Districts need to keep in mind their obligation to *consider supplemental aids and services* to accommodate a student with a disability in the general education classroom.
- ◆ School districts need to provide a full range, or *continuum, of alternatives for educational programming*.
- ◆ *Drug and alcohol* use by students with disabilities is a significant issue and may provide an *exception to the traditional protection afforded to students*.

References: Wood v. Strickland, 420 U.S. 308 (1975), Board of Education v. McCluskey, 458 U.S. 966 (1982), Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), Gross v. Lopez, 419 U.S. 565 (1975), Doe v. Maher, 793 F.2d. 1470 (9th Cir. 1986), Stuart v. Nappi, 443 F. Supp. 1234 (D. Conn. 1978); S-1 V. Turlington, 635 F.2d 342 (5th Cir. 1981); Doe v. Koger, 480 F. Supp. 225 (N.D. Ind. 1979), aff'd, 710 F.2d 1209 (7th Cir. 1983), Board of Education of Hendrick Hudson Central School District v. Rowley, 458 U.S. 176, 1981-82 EHLR 553:656 (1982), Mills v. Board of Education of District of Columbia, 348 F. Supp. 866 (D.D.C. 1972), Honig v. Doe, 484 U.S. 305, 1987-88 EHLR 559-231 (1988), McCracken County (KY) School District, 18 IDELR 482 (OCR 1991), School Administrative Unit No. 38, 19 IDELR 188 (OCR 1992), Greer v. Rome City School District, 950 F.2d 688, 18 IDELR 412 (11th Cir. 1991), Chris D. v. Montgomery County Board of Education, 743 F. Supp. 1524, 16 IDELR 1183 (M.D. Ala. 1990), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794(a) (1992).

CHARACTERISTICS OF COMPREHENSIVE SCHOOL-WIDE DISCIPLINE PLANS

Effective discipline policies and procedures must adhere to current state and federal laws or rules, including statutes governing the use of suspensions, expulsions, and corporal punishment. Furthermore, policies should outline in detail intervention techniques, programmatic alternatives, or other procedures which are specifically prohibited. Essentially, school officials need to :

- ◆ Conceptualize, describe, and *operationalize specific school tasks and skills required of students in social and behavioral areas*.
- ◆ Differentiate between behavior pathology and a wide range of normal behavior to ensure early identification and facilitate intervention on an individual basis.
- ◆ Provide *systematic observation* of a student's behavior.
- ◆ Promote the development of *effective group classroom management* techniques by teachers to students, and create individual behavioral management programs tailored for each student on a need basis.
- ◆ *Individualize* instructional programs based on the general education class curriculum which lead to a student's acquisition of demonstrated and proven academic skills.
- ◆ *Train parents* in the support skills necessary for working effectively with the student in cooperation with the school. Parental involvement needs to move

toward a shared-choice consumer model which is designed to help teachers, student, and families to work as a team to contribute to the development of educational programs, with increased sharing of educational information between all parties.

- ◆ **Provide assistance and direction to general education teachers** to facilitate appropriate integration of students with disabilities.
- ◆ Distinguish between educational and legal procedures.
- ◆ **Develop agreements between agencies within the community** including, but not limited to, representation from social services, mental health services, alcohol and chemical dependency treatment centers, law enforcement agencies, and Social Service agencies.
- ◆ Develop **effective unambiguous discipline policies** and procedures that conform to applicable state and federal statutes, due process, equal protection and related issues

References: M. Weber, A. Chambers, B. Lang, J. Orlenko, and D. Schwichtenberg, Components of Effective Programs for Emotionally Disturbed Children (Sheboygan, WI: Sheboygan Area School District, June 1983), 27-32, National School Safety Center, School Discipline Notebook, rev. ed. (Malibu, CA: Pepperdine University Press, 1992).

BALANCING LEGAL, THEORETICAL AND PRACTICAL INTERVENTION TECHNIQUES

In an attempt to balance legal, theoretical, and practical intervention techniques, a comprehensive school policy needs to be formally established and adopted. This disciplinary policy should include:

- ◆ A comprehensive school discipline plan that **outlines response strategies for specific behaviors**.
- ◆ The utilization of a **multi-disciplinary team/teacher assistance team** for dealing with discipline problems, identifying behaviors and coordinating intervention and behavioral plans.
- ◆ An understanding of the discipline plan, its implementation, and contingencies.
- ◆ Constructive communication between all parties. Inappropriate behavior of the student must be depersonalized in order to avoid interference with the staff's ability to make objective and effective decisions.
- ◆ A differentiation between the processes that are followed for state and federal statutory requirements and educational processes for instructional responsibilities.

PRESCRIPTIVE INTERVENTION TECHNIQUES

The application of a prescriptive intervention approach emphasizes the value of designing multiple intervention techniques that maximize remedial effectiveness in advance, since no single intervention is equally effective for all students and all types of problems. Intervention techniques chosen should be:

- ◆ **Commensurate with the severity** of the inappropriate behavior
- ◆ Determined on a specific **case-by-case** basis; and
- ◆ In all cases, **documented on the IEP** or accommodation plan.

A basic assumption in educational psychology emphasizes that students' affective and cognitive functions are intertwined. Effective teaching that promotes improvement in academic skills directly leads to improvement in nonacademic behaviors that is reciprocal. By carefully planning and structuring the classroom environment through clearly defined classroom rules and expectations, instructional arrangement, and organizational procedures that facilitate learning, teachers can effectively prevent many maladaptive, disruptive, and unproductive behaviors. Situational planning techniques must be emphasized: preventive planning, anticipating problems, and making accommodations and modifications are more beneficial than an unprepared emotional response to a recalcitrant student. Yet, the management of challenging behaviors is often based exclusively on intervention techniques chosen at the time of a crisis or a critical behavior event.

Student's problems, when not addressed at an early age, can result in sophisticated behavioral difficulties because inappropriate actions have been inadvertently reinforced and are not now readily amenable to change. A valuable window of opportunity during which the problem is more likely to be resolved initially is often lost. Early intervention and addressing critical behavioral events by utilizing a teacher assistance team or a multi-disciplinary team complements efforts at prevention by breaking the cycle of misbehavior. Furthermore, teachers who address behavioral problems at an antecedent level ultimately devotes less class time to behavioral issues and more time to task and academic lessons.

References: T.R. McDaniel, "The Discipline Debate: A Road Through the Thicket," *Educational Leadership*, (March 1989): 81-82, *Burke County Board of Education v Denton*, 895 F.2d 973, 16 EHLR 432 (4th Cir., 1990), *Department of Human Services, Division of Developmental Disability*, 16 EHLR 842 (SEA N.J. 1990), *Waechter v. School District No. 14-030*, 773 F. Supp. 1005, 18 IDELR 134 (W.D. Mich. 1991), C.E. Schafer and H.L. Millman, *Therapies for Children*, (San Francisco: Jossey-Bass, 1983): 1-12, *Tyne v. Childs*, 359 F. Supp. 1085 (N.D. Fl 1973), G.F. Render, J.M. Padilla, and H.M. Krank, "What Research Really Shows About Assertive Discipline," *Educational Leadership* (March 1989): 72-75, H.F. Clarizio, *Toward Positive Classroom Discipline*, 3d ed. (New York: Macmillan Co., 1986), 8, R. Petty, "Managing Disruptive Students," *Educational Leadership* (March 1989): 26-28.

ROLE OF THE CLASSROOM TEACHER

The importance of the classroom teacher cannot be denied, since it is the teacher's observation that helps to identify inappropriate behavior in the classroom. Furthermore, it is the classroom teacher who establishes the relationship between events in the school environment and the consequence of the student's challenging behavior. The classroom teacher can carefully observe behavior in a variety of environmental conditions to:

- ◆ **Identify and define** problem behavior.
- ◆ **Identify events and circumstances** associated with the problem behavior and
- ◆ Determine potential **functions** and ramifications of the problem behavior.

The classroom teacher can develop intervention techniques either to modify events or circumstances associated with the problem behavior or to teach alternative behavior. Furthermore, evidence shows that encouraging effective peer relationships can facilitate social development and self-efficacy, enhance self-esteem, and create more opportunities for incidental learning.

References: R.E. Shores, et al. "Classroom Interactions of Children With Behavior Disorders." Journal of Emotional Behavior Disorders 1 (1993): 27-39, L. Johnson and G. Dunlap, "Using Functional Assessment to Develop Effective, Individualized Interventions for Challenging Behaviors." Teaching Exceptional Children 25 (Spring 1993): 44-45, R. Fox and D. McNeil, "Development of Social Skills," in Issues in Special Education, ed. A. Rotatori, M. Bandberry, and R. Fox (Mountain View, CA: Mayfield, 1987): 204-17.

CONTINUUM OF ALTERNATIVES

School districts are required to have available a **continuum of alternative placements, including general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.** The student is offered a placement in the least restrictive environment which is appropriate to the student's individual needs. Too often disciplinary problems of a student rise to crisis levels because school districts lack a full continuum of alternatives capable of addressing students' needs at their inception.

References: 34 C.F.R. Sections 300.14(a)(1), 300.551(a), 300.551(b)(1).

COMMON BEHAVIORAL TECHNIQUES

There are a variety of management strategies that, when implemented consistently, are considered useful in maintaining appropriate behavior and changing undesirable or unacceptable behavior. Behavioral intervention techniques generally focus on

observable behavior rather than emotions and feelings. The initial goal is to change behaviors that can be controlled by the application of consequences, but internal control issues must also be recognized in the context of improving feelings and emotions so that behaviors learned are eventually and inherently self-reinforcing. A common behavioral technique can be easily written into a behavior plan documented on a student's IEP.

One technique is the use of **reinforcement contingencies**. Positive reinforcement acknowledges an activity, task, or social requirement that is well done. The utilization of negative reinforcement is the contingent removal of some unpleasant stimulus. The simple application of both positive and negative reinforcement techniques can have a significant effect on students' behavior. **Extinction techniques** center on the removal of any acknowledgment or positive reinforcement of activities. Ignoring behavior as an extinction process uses consistent non-reinforcement of an undesirable behavior as an effective means to reduce or eliminate that behavior. Another technique involves **contingency contracts** in which written agreements are used to state consequences that will occur given a student's performance of specified appropriate behaviors and/or the completion of academic tasks. Contingency contracts need to be renegotiated frequently to respond to the student's changing behavior.

Punishment tells a student what is not acceptable, but it does not tell the student what is acceptable. Punishment can be an effective means of reducing or eliminating unwanted behaviors, although a punishment technique used in isolation will not encourage growth of positive and acceptable behaviors unless it is paired with positive alternative reinforcement contingencies.

References: P. Al Berto and A.C. Troutman, *Applied Behavior Analysis for Teachers*, (Columbus, OH: Charles E. Merrill, 1986): 171-174, R. Sprick, *The Solution Book: A Guide to Classroom Discipline* (Chicago, IL: Science Research Associates, Inc., 1981): D1-D5 L.P. Homme, "Human Motivation and the Environment," in *The Learning Environment: Relationship to Behavior Modification and Implications for Special Education*, ed. N. Haring and R. Whelan (Lawrence: University of Kansas Press, 1966), H.F. Clarizio, *Toward Positive Classroom Discipline*, 3d ed. (New York: Macmillan Co., 1986), Kentucky Department of Social Services, 19 IDELR 32 (OCR 1992), S. Braaten, et al. "Using Punishment With Exceptional Children: A Dilemma for Educators," *Teaching Exceptional Children* (Winter 1988): 79-81, Council for Children with Behavioral Disorders, "Position Paper on Use of Behavior Reduction Strategies with Children with Behavioral Disorders," *Behavioral Disorders*, 15 (Aug. 1990): 243-60.

PROGRAMMATIC ALTERNATIVES

There are many productive and useful substitutes for suspension and expulsion. The following programmatic alternatives are not all inclusive, and must be based on the student behavior and system resources within the district. It is important that school officials recognize that a continuum of available alternatives or choices enhances and reinforces the confidence of the staff in maintaining and delivering services and programs to students with disabilities. Improving the organizational structure by offering a variety of program delivery models and successful methodology, encourages and adds another level of support. **These**

programmative alternatives should be, as part of best practices, incorporated and written into the IEP or accommodation plan.

TIME-OUT

Time-out has proven to be both a popular and effective method for suppressing inappropriate behavior. However, ***time-out is a form of isolation and therefore an aversive therapy prohibited by WAC 392-172-392 except under the conditions of WAC 392-172-394.*** It can be defined as the contingent removal of a student from an activity through isolation from the group or environmental stimulus which has promoted the misbehavior. Removal should result in reduced anxiety and improved attention and concentration. The application of the time-out procedure does allow for immediate follow-through since the student remains in the school settings. Time-out also allows for the reinforcement of more positive and appropriate behaviors following the reduction of problem behaviors by emphasizing the importance of time-in activities. Time-out is not a suspension from services; rather it is isolation for a limited period of time during the school day with minimal impact on the educational process. Time-out that is an extension of the IEP or accommodation plan is intended to eventually increase the student's opportunity for learning.

References: Honig v. Doe. 484 U.S. 305, 1987 EHLR 559:231 (1988), aff'g as modified. Doe v. Maher, 793 F.2d 1470, 1985-86 EHLR 557:353 (9th Cir. 1990). D.E. Smith, "Is Isolation Room Time-Out a Punisher?" Journal of Behavioral Disorders 6 (Aug. 1981): 247-56.

IN-SCHOOL SUSPENSION

The overriding goal of in-school suspension programs is to exclude the problem student from the general education classroom while continuing to provide some type of educational service. An in-school suspension program is not to be a reinforcing or unnecessarily punitive environment, but rather one that has the intent of deterring students away from future violations of the disciplinary policy. It should offer an instructional program that is, at a minimum, as demanding, challenging, and informative, as the student's routine program. Outlining the terms of in-school suspension in the IEP or accommodation plan facilitates a communication link between the home, the student, and the administration to ensure that specific activities are completed.

References: M.H. Mizeil, "Designing and Implementing In-School Alternatives to Suspension," The Urban Review 10, No. 3 (1978): 213-26. Chester County (TN) School District, 17 EHLR 301 (OCR 1990). J.K. Crawford, "In-School Suspension: A Positive Alternative to Disciplinary Exclusion," in Positive Alternatives to the Disciplinary Exclusion of Behaviorally Disordered Students, ed. J.K. Grosenick and S.L. Huntze (Columbia: Department of Special Education, University of Missouri, 1984).

SYSTEMATIC EXCLUSION

Systematic exclusion involves sending misbehaving students home or to an acceptable and supervised alternative site for a limited time period rather than isolating them within the school. The actual duration and location of the exclusion is determined by the nature of the misbehavior. The effectiveness of systematic exclusion is enhanced by an additional contingency: time lost is time that must be made up to assure that a student understands the notion the avoidance of responsibilities is not an option. Systematic exclusion entails the use of a behavior contract, and the IEP or accommodation plan process provides an excellent vehicle to review the implications of such an approach. This technique appears to work well with students who display

acting out, impulsive behavior and who do not have a clear recognition of the consequences of their own behavior.

References: D.W. Kairsey, "Systematic Exclusion: Eliminating Chronic Classroom Disruptions" in Behavioral Counseling, ed J.D. Krumboltz and C.E. Thoresen (New York: Holt, Rinehardt and Winston, 1969). 89-114.

LEVEL SYSTEMS

The development of a level system focuses on a description of four to six levels of behavioral, academic, and social expectations, and the criteria for movement from one level to another. As the student progresses through these levels, expectations and privileges are increased. In a level system the student recognizes that by changing behavior, attitude, and performance, there is an opportunity to experience success in school. Important to the level system is the determination of entry-level, intermediary, and terminal-level behaviors, the appropriate privileges, and the establishment of communication, monitoring, and support systems that will be necessary. The continuum of levels can be readily incorporated into a student's IEP or accommodation plan, with parental support to help avoid misunderstandings about integration levels. Change from one level to another is defined by performance, and is predetermined by the written plan for each individual student.

References: A.M. Bauer and T.M. Shae, "Structuring Classrooms Through Level Systems," Focus on Exceptional Children 21 (Nov. 1988): 1-10, A.M. Bauer, T.M. Shea, and R. Keppler, "Level Systems: A Framework for the Individualization of Behavior Management," Journal of Behavioral Disorders 11 (1986): 28-35, S.W. Smith and D.T. Farrel, "Level System Use in Special Education: Classroom Intervention with Prima facie Appeal," Journal of Behavioral Disorders 8, no. 4 (Aug. 1993): 254-64.

MODIFIED SCHOOL DAY/MODIFIED SCHOOL WEEK

A modified school day or shorter week allows the IEP or accommodation plan committee to plan more specifically and organize a student's schedule so that time is used more wisely. The ultimate schedule is determined by the needs of the student and is a management of time. The technique of a modified school day may be especially effective with secondary level students who are involved in transition programming into the community and the world of work. A modified school week offers flexibility for instructional programming and is based on the model that the schedule is developed from a student's needs rather than out of convenience of the system. **The student is exposed to the same number of hours annually**, but the plan includes a reinforcement contingency that allows the student to attend school during a specified period of time while earning reinforcement for a period of time off for good behavior. The modified school week is self-reinforcing and encourages the student to work harder to maintain the level of the shorter week program.

References: School District of the City of Saginaw, 16 EHLR 1801 (OCR 1990), Christopher M v. Corpus Christi Independent School District, 17 IDELR 990, 992 (5th Cir. 1991)

ALTERNATIVE SCHOOL PLACEMENT

Alternative schools are an option for students who are not motivated to participate in the general education curriculum. They may also be utilized for control of disruptive behavior and for teaching new and socially appropriate behavior, although alternative school placements must be considered in light of the district's responsibility to provide FAPE in the least restrictive environment. Various considerations must be

addressed when developing such a program, including simple, direct program rules, established measures for noncompliance with rules, a plan for parental involvement at all stages, the qualification of individuals to be employed and facilities to be used, and specific evaluation and performance measures.

References: Letter to Uhler, 18 IDELR 1238 (OSEP 1992)

INVOLVEMENT OF FAMILIES

Schools need to involve families and the community at every level of policy development concerned with discipline so that these groups are familiar with and supportive of the school's goals and objectives. The development of a working policy that encourages parental involvement in the school experience is essential in reducing discipline problems.

References: S.M. Elam, I.C. Rose, and A.M. Gallup, 'The 23rd Annual Gallup Phi Delta Kappa Poll of the Public's Attitudes Toward the Public Schools,' (Phi Delta Kappa Educational Foundation, 1992).

THE IEP DISCIPLINARY PLAN

Any restrictions or disciplinary plans that are created for an individual student with disabilities must address and recognize to the maximum extent appropriate:

- ◆ Opportunities for **interaction with age appropriate peers** who do not have disabilities;
- ◆ A **continuum** of placement alternatives in accordance with individual needs; and
- ◆ **Appropriate placement** in the least restrictive environment selected from the available options, although not at all costs or to the detriment of the student or others.

Under certain circumstances, school officials may be required to develop a discipline plan consistent with a student's individual needs in order to meet the FAPE requirement of the IDEA. Such measures can be developed and implemented only after the IEP team determines the effect of the student's disability on behavior and reviews possible modifications to program and educational settings.

It seems logical, then, that students with known propensities for misbehavior would best be served by having behavioral objectives incorporated into a discipline plan outlined in their IEP. The objectives of such a plan for students with disabilities should be very specifically related to hourly, daily, weekly, and monthly accomplishments within specific methods, activities, and materials. Managing the moment is often the hallmark of an effective intervention plan, and the IEP can be efficiently used as a road map to effective change.

A disciplinary plan incorporated into the IEP with parental support and student participation (as appropriate) should outline behaviors that are prohibited, behaviors that are expected and positive and negative consequences for those behaviors. Such a plan will provide a clear indication of what will occur at the time of a critical behavioral event, including a continuum of alternatives. Incorporation of intervention tech-

niques and/or discipline plans into the IEP will help to balance a student's needs with accountability and consequences for their actions, competency development and maintenance of a safe and productive learning environment. Naturally, ***a discipline plan built into the IEP must remain within the limits of common law, must be reasonable in light of its purpose and can entail no deprivation of the student's substantive rights.*** Interventions created should be based on individual needs, and the methodology to be used should reflect that individualization.

A disciplinary plan discussed in advance with the parent or guardian is more likely to meet with success in both the home and school. In addition, a disciplinary plan that is implemented as part of a student's IEP is less likely to be legally challenged by the parent, guardian or in some cases the school.

References: *School Administrative Unit #38*, 19 IDELR 186, 188, 189 (OCR 1992). *Shasta Union High School District*, 16 EHLR 482 (SEA Cal. 1990), *Syracuse (NY) City School District*, 16 EHLR 1405 (OCR 1990), *Northwest (IL) Suburban Special Education Organization*, 16 EHLR 1331 (OCR 1990), *Board of Education of Sacramento City Unified School District v. Holland*, 786 F. Supp. 874, 18 IDELR 761 (E.D. Cal. 1992). *New York City School District Board of Education*, 18 IDELR 501 (SEA N.Y. 1992), *Board of Education v. Rowley*, 458 U.S. 176 (1982), *Bencic v. City of Malden*, 32 Mass. App. Ct. 186, 582 N.E.2d 794, 18 IDELR 829 (1992). *Council for Children with Behavioral Disorders*. "Position Paper On Use of Behavior Reduction Strategies With Children With Behavioral Disorders," *Journal of Behavioral Disorders* 15,(4) (1990): 243-60, 34 C.F.R. Sections 3000, 301. *Wells-Ogunquit (ME) Community School District No. 18*, 17 EHLR 495, 496 (OCR 1990).

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QUESTIONS AND ANSWERS
ON DISCIPLINING STUDENTS WITH DISABILITIES

Question 1: Under IDEA, what steps should school districts take to address misconduct when it first appears?

ANSWER

School districts should take prompt steps to address misconduct when it first appears. Such steps could, in many instances, eliminate the need to take more drastic measures. These measures could be facilitated through the individualized education program (IEP) and placement processes required by IDEA. For example, when misconduct appears, determinations could be made as to whether the student's current program is appropriate and whether the student could benefit from the provision of more specialized instructional and/or related services, such as counseling and psychological services or social-work services in schools. In addition, training of the teacher in effective use of conflict management and/or behavior management strategies also could be extremely effective. In-service training for all personnel who work with the student, and when appropriate, other students, also can be essential in ensuring the successful implementation of the above interventions.

Question 2: Are there additional measures that educators may use in addressing misconduct of students with disabilities, and if so, under what circumstances may such measures be used?

ANSWER

The use of measures such as study carrels, time-outs, or other restrictions in privileges is permissible so long as such measures are not inconsistent with a student's IEP. While there is no requirement that such measures be specified in a student's IEP, IEP teams could determine that it would be appropriate to address their use in individual situations. Another possibility is an in-school change in a student's current educational program or placement, or even a removal of a student with a disability from school.

Where these changes are long-term (more than ten school days), they are considered a change in placement. IDEA requires that parents be given written notice before a change in placement can be implemented. (See question 7). However, where in-school discipline or short-term suspension (ten school days or less) is involved, this would not be considered a change in placement, and

IDEA's parent-notification provisions would not apply. Also, there is no requirement for a prior determination of whether the student's misconduct was a manifestation of the student's disability. (See question 6).

Question 3: Is a series of short-term suspensions considered a change in placement?

ANSWER

A series of short-term suspensions in the same school year could constitute a change in placement. Factors such as the length of each suspension, the total amount of time that the student is excluded from school, the proximity of the suspensions to each other, should be considered in determining whether the student has been excluded from school to such an extent that there has been a change in placement. This determination must be made on a case-by-case basis.

Question 4: Are there specific actions that a school district is required to take during a suspension of ten school days or less?

ANSWER

There are no specific actions under Federal law that school districts are required to take during this time period. If the school district believes that further action to address the misconduct and prevent future misconduct is warranted, it is advisable to use the period of suspension for preparatory steps. For example, school officials may convene a meeting to initiate review of the student's current IEP to determine whether implementation of a behavior management plan would be appropriate. If long-term disciplinary measures are being considered, this time also could be used to convene an appropriate group to determine whether the misconduct was a manifestation of the student's disability.

If the student's IEP or placement needs to be revised, the school district should propose the modification. If the student's parents request a due process hearing on the proposal to change the student's IEP or placement, the school district may seek to persuade the parents to agree to an interim placement for the student while due process proceedings are pending. If the school district and parents cannot agree on an interim placement for the student while the due process hearing is pending, and the school district believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others, the school district could seek a court order to remove the student from school. (See question 5).

Question 5: Under what circumstances may a school district seek to obtain a court order to remove a student with a disability from school or otherwise change the student's placement?

ANSWER

A school district may seek a court order at any time to remove any student with a disability from school or to change the student's current educational placement if the school district believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.¹ Prior to reaching the point where there is a need to seek a court order, a school district should make every effort to reduce the risk that the student will cause injury. Efforts to minimize the risk of injury should, if appropriate, include the training of teachers and other affected personnel, the use of behavior intervention strategies and the provision of appropriate special education and related services.² In a judicial proceeding to secure a court order, the burden is on the school district to demonstrate to the court that such a removal or change in placement should occur to avoid injury.

Question 6: What is the first step that school districts must take before considering whether a student with a disability may be expelled or suspended from school for more than ten school days?

ANSWER

The first step is for the school district to determine whether the student's misconduct was a manifestation of the student's disability. This determination must be made by a group of persons knowledgeable about the student, and may not be made unilaterally by one individual. See, 34 CFR §300.533(a)(3) (composition of the placement team); 34 CFR §300.344(a)(1)-(5) (participants on the IEP team). If the group determines that the

¹Honig v. Doe, 108 S.Ct. at 606.

²See Light v. Parkway C-2 Sch. Dist., 41 F.3d 1223 (8th Cir. 1994), where the Court of Appeals for the Eighth Circuit (Arkansas, Iowa, Missouri, Minnesota, Nebraska, North Dakota, and South Dakota), held that in addition to showing that a student is substantially likely to cause injury, the school district must show that it has made reasonable efforts to accommodate the student's disabilities so as to minimize the likelihood that the student will injure him or herself or others.

student's misconduct was not a manifestation of his or her disability, the school district may expel or suspend the student from school for more than ten school days, subject to the conditions described below. If an appropriate group of persons determines that the student's misconduct was a manifestation of his or her disability, the student may not be expelled or suspended from school for more than ten school days for the misconduct. However, educators may use other procedures to address the student's misconduct, as described in question 10 below.

Question 7: If an appropriate group determines that a student's misconduct was not a manifestation of his or her disability, what is the next step that school districts must take before expelling or suspending the student from school for more than ten school days?

ANSWER

A long-term suspension or expulsion is a change in placement. Before any change in placement can be implemented, the school district must give the student's parents written notice a reasonable time before the proposed change in placement takes effect.³ This written notice to parents must include, among other matters, the determination that the student's misconduct was not a manifestation of the student's disability and the basis for that determination, and an explanation of applicable procedural safeguards, including the right of the student's parents to initiate an impartial due process hearing to challenge the manifestation determination and to seek administrative or judicial review of an adverse decision.

If the student's parents initiate an impartial due process hearing in connection with a proposed disciplinary exclusion or other change in placement, and the misconduct does not involve the bringing of a firearm to school (see question 11), the "pendency" provision of IDEA requires that the student must remain in his or her current educational placement until the completion of all proceedings.⁴ If the parents and school

³34 CFR §§300.504(a) and 300.505 (requirements for prior written notice to parents and content of notice).

⁴For a student not previously identified by the school district as a student potentially in need of special education, a parental request for evaluation or a request for a due process hearing or other appeal after a disciplinary suspension or expulsion has commenced does not obligate the school district to reinstitute the student's prior in-school status. This is

district can agree on an interim placement, as is frequently the case, the student would be entitled to remain in that placement until the completion of all proceedings. During authorized review proceedings, school districts may use measures, in accordance with question 2 above, to address the misconduct.

Question 8: Under IDEA, where a student is suspended for more than ten school days or expelled for misconduct that was not a manifestation of his or her disability, does the school have any continuing obligations to the student?

ANSWER

Under IDEA, as a condition for receipt of funds, States must ensure that a free appropriate public education (FAPE) is made available to all eligible children with disabilities in mandated age ranges. Therefore, in order to meet the FAPE requirements of IDEA, educational services must continue for students with disabilities who are excluded for misconduct that was not a manifestation of their disability during periods of disciplinary removal that exceed ten school days. Thus, a State that receives IDEA funds must continue educational services for these students. However, IDEA does not specify the particular setting in which continued educational services must be provided to these students. During the period of disciplinary exclusion from school, each disabled student must continue to be offered a program of appropriate educational services that is individually designed to meet his or her unique learning needs. Such services may be provided in the home, in an alternative school, or in another setting.

because in accordance with the "stay-put" provision of IDEA, the student's "then current placement" is the out-of-school placement. After the disciplinary sanction is completed, if the resolution of the due process hearing is still pending, the student must be returned to school as would a nondisabled student in similar circumstances. It should be noted that, pending the resolution of the due process hearing or other appeal, a court could enjoin the suspension or expulsion and direct the school district to reinstate the student if the court determines that the school district knew or reasonably should have known that the student is a student in need of special education.

Question 9: Under Section 504 and Title II of the ADA, where a student is expelled or suspended for more than ten school days for misconduct that was not a manifestation of his or her disability, does the school have any continuing obligations to the student?

ANSWER

Two related Federal laws, which are enforced by the Department's Office for Civil Rights (OCR), also contain requirements relating to disabled students in public elementary or secondary education programs. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination on the basis of disability by recipients of Federal financial assistance, including IDEA funds. The Section 504 regulation at 34 CFR Part 104, §§104.33-104.36, contains free appropriate public education requirements that are similar to the IDEA FAPE requirements. The Americans with Disabilities Act of 1990 (ADA), Title II, extends Section 504's prohibition of discrimination on the basis of disability to all activities of State and local governments, whether or not they receive Federal funds. This includes all public school districts. The Department interprets the requirements of Title II of the ADA as consistent with those of Section 504. Throughout the remainder of this document, references to Section 504 also encompass Title II of the ADA.

As is the case under IDEA, under Section 504, students with identified disabilities may be expelled or suspended from school for more than ten school days only for misconduct that was not a manifestation of the student's disability. However, the Department has interpreted the nondiscrimination provisions of Section 504 to permit school districts to cease educational services during periods of disciplinary exclusion from school that exceed ten school days if nondisabled students in similar circumstances do not continue to receive educational services.

In implementing their student-discipline policies, school districts must comply with the requirements of IDEA and Section 504. Further questions about the application of the requirements of Section 504 and Title II of the ADA should be directed to your OCR regional office.

Question 10: What options are available to school districts in addressing the misconduct of students with disabilities whose misconduct was a manifestation of his or her disability?

ANSWER

If a group of persons knowledgeable about the student determines that the student's misconduct was a manifestation of his or her disability, the student may not be expelled or suspended from school for more than ten school days. However, it is recommended that school officials review the student's current educational placement to determine whether the student is receiving appropriate instructional and related services in the current placement and whether conflict management and or behavior management strategies should be implemented for the student as well as for teachers and all personnel who work with the student, and for other students if appropriate. A change in placement, if determined appropriate, could be implemented subject to applicable procedural safeguards (see question 7). For example, the school district could propose to place the student in another class in the same school or in an alternative setting, in light of the student's particular learning needs.

The school district also would have the option of suspending the student from school for ten school days or less. The school district also has the option of seeking a court order at any time to remove the student from school or to change the student's placement if it believes that maintaining the student in the current placement is substantially likely to result in injury to the student or to others. (See question 5).

Question 11: Are there any special provisions of IDEA that are applicable to students with disabilities who bring firearms to school?

ANSWER

Recent amendments to IDEA made by the Improving America's Schools Act give school authorities additional flexibility in protecting the safety of other students when any student with a disability has brought a firearm¹ to a school under a local school district's jurisdiction. These amendments to IDEA took effect as of October 20, 1994.

¹This amendment to IDEA uses the term "weapon" and states that "weapon" means a firearm as such term is defined in section 921(a)(3) of Title 18, United States Code. The Gun-Free Schools Act also uses the term "weapon."

Even before determining whether the behavior of bringing a firearm to school was a manifestation of the student's disability, the school district may place the student in an interim alternative educational setting, in accordance with State law, for up to 45 calendar days. The interim alternative educational setting must be decided by the participants on the student's IEP team described at 34 CFR §§300.344(a)(1)-(a)(5), which include the student's teacher, an agency representative who is qualified to provide or supervise the provision of special education, the student's parents, and the student, if appropriate. However, the student's placement cannot be changed until the IEP team has been convened and determined the interim alternative educational placement that the team believes would be appropriate for the student.⁶ If the parents disagree with the alternative educational placement or the placement that the school district proposes to follow the alternative placement and the parents initiate a due process hearing, then the student must remain in the alternative educational setting during authorized review proceedings, unless the parents and the school district can agree on another placement.

Question 12: Under the provision described in question 11 above, how long can a student be placed in an interim alternative educational setting?

ANSWER

A student with a disability who has brought a firearm to a school under a local school district's jurisdiction may be placed in an interim alternative educational setting, in accordance with State law, for up to 45 calendar days. However, if the student's parents initiate a due process hearing and if the parties cannot agree on another placement, the student must remain in that interim placement during authorized review proceedings. In this situation, the student could remain in the interim alternative educational setting for more than 45 calendar days.

⁶Under IDEA, a student with a disability who has brought a firearm to school may be removed from school or subjected to in-school discipline that removes the student from the current placement for ten school days or less. Therefore, before the student is placed in the interim alternative educational setting in accordance with the IEP team's decision, the school district has the option of removing the student from school, using other in-school discipline, or placing the student in an alternative setting for ten school days or less. (See questions 2 and 3).

Question 13: Does the Gun-Free Schools Act apply to students with disabilities?

ANSWER

The Gun-Free Schools Act applies to students with disabilities. The Act must be implemented consistent with IDEA and Section 504. The Gun-Free Schools Act states, among other requirements, that each State receiving Federal funds under the Elementary and Secondary Education Act shall have in effect a State law requiring local educational agencies to expel from school for not less than one year a student who brings a firearm to school under the jurisdiction of local educational agencies in that State, except that the State law must allow the local educational agency's chief administering officer to modify the expulsion requirement for a student on a case-by-case basis. The Gun-Free Schools Act explicitly states that the Act must be construed in a manner consistent with the IDEA.

Question 14: How can school districts implement policies under the Gun-Free Schools Act in a manner that is consistent with the requirements of IDEA and Section 504?

ANSWER

Compliance with the Gun-Free Schools Act can be achieved consistent with the requirements that apply to students with disabilities as long as discipline of such students is determined on a case-by-case basis in accordance with IDEA and Section 504. Under the provision that permits modification of the expulsion requirement on a case-by-case basis, the requirements of IDEA and Section 504 can be met. IDEA and Section 504 require a determination by a group of persons knowledgeable about the student on whether the bringing of the firearm to school was a manifestation of the student's disability. Under IDEA and Section 504, a student with a disability may be expelled only if this group of persons determines that the bringing of a firearm to school was not a manifestation of the student's disability, and after applicable procedural safeguards have been followed.

For students with disabilities eligible under IDEA who are expelled in accordance with these conditions, educational services must continue during the expulsion period. The Gun-Free Schools Act also states that nothing in that Act shall be construed to prevent a State from allowing a school district that has expelled a student from such a student's regular school setting from providing educational services to that student in an alternative educational setting. For students with disabilities who are not eligible for services under IDEA, but who are covered by Section 504 and are expelled in accordance with the above

conditions, educational services may be discontinued during the expulsion period if nondisabled students in similar circumstances do not receive continued educational services.

Question 15: Does the authority of the school district's chief administering officer, under the Gun-Free Schools Act, to modify the expulsion requirement on a case-by-case basis mean that the decision regarding whether the student's bringing a firearm to school was a manifestation of the student's disability and placement decisions can be made by the chief administering officer?

ANSWER

No. As discussed above, all of the procedural safeguards and other protections of IDEA and Section 504 must be followed. Once it is determined by an appropriate group of persons that the student's bringing a firearm to school was not a manifestation of the student's disability, the school district's chief administering officer may exercise his or her decision-making authority under the Gun-Free Schools Act in the same manner as with nondisabled students in similar circumstances. However, for students with disabilities who are eligible under IDEA and who are subject to the expulsion provision of the Gun-Free Schools Act, educational services must continue during the expulsion period. By contrast, if it is determined that the student's behavior of bringing a firearm to school was a manifestation of the student's disability, the chief administering officer must exercise his or her authority under the Gun-Free Schools Act to determine that the student may not be expelled for the behavior. However, there are immediate steps that may be taken, including removal. (See question 16).

Question 16: What immediate steps can school districts take to remove a student with a disability who brings a firearm to school?

ANSWER

A student with a disability who brings a firearm to school may be removed from school for ten school days or less, and placed in an interim alternative educational setting for up to 45 calendar days. (See questions 2 and 11). However, if the parents initiate due process, the student must remain in the interim alternative placement during authorized review proceedings, unless the parents and school district can agree on a different placement. (See questions 11 and 12). In addition, school districts may initiate change in placement procedures for such a student, subject to the parents' right to due process. A school district also could seek a court order if the school district believes that the student's continued presence in the classroom is substantially likely to result in injury to the student or to others. (See question 5).

UNIT 4

Behavior Management Activities

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Using "Calm-down" Thoughts to Deal with Frustration

Think about why these people might be frustrated; then suggest some things they can say to themselves to keep from getting upset.

Please note: Images on this page were redacted due to copyright concerns.

P 73

Huggins, P. (1990). Helping kids handle anger: Teaching self control. Longmont, CO: Sopris West, Inc.

Frustration Do's and Don'ts

P 74

Four Steps for Controlling Anger

Step 1: Stop and Calm Down



Calm down your body by taking some deep breaths.

Calm down your mind by saying to yourself,

- "I won't blow up."
- "I won't get myself in trouble."
- "I can control my temper."

Step 2: Think



Think about

- what will happen if you lose your temper.
- what you want.
- whether you should stay... or walk away... or ignore it.

Step 3: Talk



Talk to the person you're mad at:

- Say what you're mad about.
- Say what you want.
- Talk to someone you trust about the problem.

STEP 4: FEEL GOOD AGAIN



Get rid of any anger that's left by

- doing something active.
- doing things you enjoy.
- doing a relaxation exercise.
- trying to forgive and forget.

Ways to Say You're Mad Without Using Putdowns

Notice none of the statements start with "you."

That bothers me.

Stop bugging me.

Don't do that.

Cut it out.

I don't like that.

I've had it.

Leave me alone.

Stop it.

That makes me mad.

Knock it off.

I don't like it when you...

I'm mad because...

Your ideas:

How to Deal with Frustration

Step 1: Stop and Calm Down

Calm down your body by taking some deep breaths.
Calm down your mind by saying to yourself things like

- "I'd like to have this but I'll live without it."
- "It's not worth getting upset over."
- "It's not the end of the world."
- "I would have liked it but it's not a disaster."
- "I can't always get my own way."
- "People aren't always going to do what I want."
- "I can handle frustrating things."
- "A few days from now this won't even matter."
- "I'll start over."
- "I'll try again later."

Step 2: Think

Think about some creative ways you can get what you want.
Think about some other things you could do instead.



Step 3: Talk

Talk to the person who won't let you do what you want and suggest a compromise.
Talk to someone you trust about your frustration.

Step 4: Feel Good Again

Do something else you enjoy.

Problem-Solving Form

CHOOSE TO BE RESPONSIBLE

Name _____ Date _____

Rules we agreed on

1. Speak politely to others
2. Treat each other kindly
3. Follow teacher requests
4. Be prepared for class
5. Make a good effort at your work and request help if you need it
6. Obey all school rules

Please answer the following questions:

1. What rule did you violate? _____

2. What did you do that violated this rule? _____

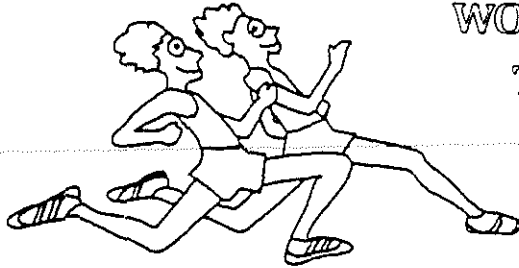
3. What problem did this cause for you, your teacher, or classmates? _____

4. What plan can you develop that will help you be more responsible and follow this classroom rule? _____

5. How can the teacher or other students help you? _____

I, _____, will try my best to follow the plan I have written and to follow all the other rules and procedures in our classroom that we created to make the classroom a good place to learn.

Problem-Solving Form



WORKING
TOGETHER

to
Solve
Problems

1. What happened that caused the other person to become upset?

Before

During

After

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Did the behaviors described above violate a school or classroom rule?

no yes if so which one _____

3. Did the behaviors help you to positively resolve the problem?

no yes

4. What agreement or plan can you create to resolve the problem? Complete the sentence.

We have decided that we will _____

5. What plan can you develop for preventing future problems? Complete the sentence.

The next time one of us does something that bothers the other we will

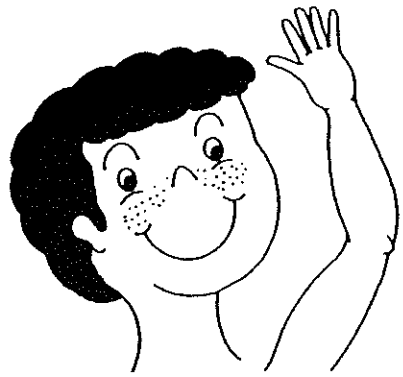
Student #1 signature

Student # 2 signature

Date

Countoon

COUNTOON



1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20	11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30	21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40	31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50	41	42	43	44	45	46	47	48	49	50

Count your hand raising

Count your talk outs

Student Self-Monitoring Form

Student's Name _____

<i>Time</i>	<i>What the class is <u>supposed</u> to be doing</i>	<i>What good ol' (student's name) is doing ... (+ or o)</i>
9:55		
10:00		
10:05		
10:10		
10:15		
10:20		
10:25		
10:30		
10:35		

Teacher's signature

Travel Card

Student _____ Grade _____ Date _____

Desired behaviors

Period	On time to class	Brought necessary materials	Handed in assignment	Obeyed class rules	Participated in class	Teacher's signature
1						
2						
3						
4						
5						
6						
7						



I've got the POWER!

 Matt

IS GREAT!
NOT LATE!

I WILL be on time to P.E. class, 11:00 a.m. sharp
FOR 5 consecutive days. Allan HAS OFFERED
TO HELP BY walking to class with Matt. MY
TEACHER WILL HELP BY telling me how well I did
each day I am on time.
TO CELEBRATE I WILL BE ABLE TO be a student
helper in P.E. and referee/umpire activities.

DATE

GREAT PERSON

HELPER

TEACHER

UNIT 5

Summary

Speaking from personal experience, BD students can be mainstreamed / included in the regular classroom. In the classrooms where BD students were having success, the following characteristics and styles were presented by the teacher(s):

- Clear and high expectations were present
- Cooperative learning groups
- Strong teacher - student relationship
- Clear and consistent class rules
- Lots of manipulatives (hands-on items) used
- Variety in lesson presentation
- Intensity and enthusiasm from the teacher
- Flexibility and creativity on behalf of teacher

These characteristics could be called virtues of education. Teachers who strive for these virtues will increase their chances for success with the BD student and the whole class.

CHAPTER 5

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary

The purpose of this project was to develop a resource manual to facilitate the use of effective components for mainstreamed or included Behavior Disabled (BD) students in the regular classroom. The manual will be used by Wapato Middle School, Wapato, Washington, to enhance the current mainstream / inclusion program. To accomplish this purpose, current research and literature related to BD student characteristics, legal issues, instructional strategies and policies were reviewed.

Conclusions

Tentative conclusions reached as a result of this project were:

1. Teachers and administrators need to work together as a team in creating effective academic and behavioral strategies to mainstream / include the BD student into the regular classroom.
2. Appropriate placement is critical and should be determined by the IEP team.
3. The essential components for a successful BD mainstream program:
 - (a) IEP team;
 - (b) Significance and role of each team member;

(c) Assess, develop, implement, and monitor individual behavior change plans;

(d) Behavior-Attendance intervention plan;

(e) Social skills training.

(f) Effective teaching strategies.

4. Successful inclusion programs have featured teams of regular and special education teachers.
5. Teachers (Regular Ed. and Special Ed.) who work with BD students need to become skilled in the identification and use of effective instructional strategies.

Recommendations

As a result of this project the following recommendations have been suggested:

1. In-service training on instructional strategies can provide teachers with effective tools to use while working with BD students.
2. Inclusion programs for BD students should consist of teams of regular and special education teachers.
3. A principal's knowledge should include the needs and laws associated with special education.
4. Mainstream / Inclusion programs should address federal (IDEA) and state (WACs) for proper adherence and application.

5. Schools seeking to develop Mainstreaming / Inclusion programs for BD students may wish to use all or portions of the research and the manual which was the subject of this project for use in their schools, or undertake further research in this area to meet their unique needs.
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