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Psy 324-02 Psychology of Exceptionality

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Fetter-Harrott, Allison, Amy M. Steketee, and Mary Jo Dare. "Disciplining Students with Disabilities: the Legal Implications of Managing these Pupils." *District Administration* March (2009): 33-35. Print.

The authors wrote this article with the purpose of cautioning district administrators to be aware of and informed about the educational and legal issues surrounding the management of the behavior of students with disabilities. Failure to carry out appropriate discipline has financial and emotional consequences. The authors present several strategies administrators can use for district-wide policies and responses to behavioral issues.

Administrators can promote better run classrooms by promoting climates conducive to healthy classrooms which will impact all students. To do this, teachers need to clearly establish classroom rules that students understand and teach the rules like any other academic subject. Behavior expectations must be consistent and communicated to students' families. For students with disabilities, individualized preventative strategies will be needed. When students have a repeated behavior problem, administrators should determine the cause of the misbehavior and its purpose before deciding a replacement behavior. Strategies for managing the behavior of students with IEPs need to be included in the IEPs. Since these strategies often will need to be long-term, families should be involved in all stages of developing and implementing them. Administrators should know that students with disabilities have certain safeguards under IDEA. First, there must be equal treatment of students with and without disabilities; discrimination based on the disability is illegal. Second, a school has the right to suspend a student with an IEP for ten days if that discipline is consistent with the severity of the misbehavior. If the misbehavior is severe enough, the school can place the student in an Interim Alternative Educational Setting for up to 45 days. IDEA requires a manifest determination where members of a child's IEP team meet to consider whether the misbehavior was a manifestation of the disability or not; this impacts how the behavior can be addressed. If manifest determination concludes the behavior was a result of the disability and if a school changes the placement of a student with a disability, a functional behavioral assessment needs to be conducted to examine the purpose of the behavior so that a behavior intervention plan (BIP) can be made to manage the behavior in the future. A BIP can ultimately help to stop the behavior and move the student toward more productive behaviors. If the behavior was not a manifestation of the disability, the student may be disciplined like any other student by changing his or her placement.

The authors recommend that administrators should be well-acquainted with districtwide and individualized preventative strategies for managing behavior of students with disabilities. Administrators also need to be aware of the legalities of such procedures. Because of this, they should seek out good training and law counsel from other professionals and associations as they create school policies and carry out different disciplinary actions.

One of my initial reactions to the information in this article is that I could see myself being intimidated by disciplining a student with a disability. In a situation where a student becomes disruptive or even abusive, my first reaction is to stop the behavior, not consider the federal laws involved. This only reinforces the authors' recommendation that administrators (and teachers) be well aware of these legal matters. I think even if the misbehavior is a manifestation of the disability, there should be consequences albeit in less severity than if the misbehavior did not arise out of the disability. I was interested in the authors' statement that

social and behavioral skills should be added to the school curriculum alongside academic subjects. Being teachers are already hard-pressed for time to cover the academic subjects, I am not sure I favor this addition. Though I do not doubt it would be beneficial to students, social skills can be intertwined into daily classroom interactions and direct instruction may be unnecessary because of that.