Manifestation Determination Decisions and Students With Emotional/Behavioral Disorders

Jennifer D. Walker, PhD[1] and Frederick J. Brigham, PhD[2]

Abstract

Sixteen general and special education teachers were randomly assigned to one of four teams that were to make manifestation determinations using two different "hidden profiles" case studies based on students with an emotional behavioral disability. One case study was constructed to support a decision of the behavior not being a manifestation of the disability and the other case study was constructed to support a conclusion that the behavior of concern was a manifestation of the disability. To fully understand the student and behavior of concern, team members were required to actively share and discuss all of the relevant information they possessed. Both the teams working with profiles supporting the manifestation of the disability reached that conclusion; however, the two teams working with profiles that supported a non-manifestation of disability conclusion reached different conclusions, one declaring the behavior to be a non-manifestation and the other declaring it to be a manifestation of the disability. Overall, participants found the manifestation determination process to be an effective way to discuss student behavior, but special and general educators approached the determination process differently. Discussion of the manifestation determination review (MDR) process is presented along with implications for practice, limitations, and future research.

Teachers note that almost half of the students with emotional/behavior disabilities (EBDs[1]) fall at or below the 16th percentile in social skill development, meaning that they lacked the appropriate skills to navigate through their school days in a socially appropriate, safe, and non-disruptive manner (National Longitudinal Transition Study-2 [NTLS-2], 2006). In addition, students with disabilities are more likely to be disciplined through exclusionary practices such as suspensions or expulsions than their peers (Katsiyannis, Losinski, & Prince, 2012). The union of low social skill development coupled with increased likelihood of exclusionary discipline places students with EBD at increased risk for interruption and disruption of their educational programs.

The definition for EBD contained in the Individuals with Disabilities Education Act (IDEA) characterizes the disability as including many of the common reasons for suspensions and expulsion. For example, students with EBD may exhibit inappropriate behavior or feelings under normal circumstances, which may include fighting, physical aggression, abusive language, and so on. School officials are required to determine both the extent to which the behavior is a manifestation of the student's disability and the appropriateness of the Individualized Education Program (IEP) when considering exclusionary disciplinary procedures.

Manifestation Determination Reviews (MDRs)

Prior to the 1997 reauthorization of IDEA, manifestation determination was absent from federal regulations; however, case law examining the concepts of Free and Appropriate Public Education (FAPE), the least restrictive environment (LRE), and stay-put provisions increasingly supported the need for such consideration in disciplinary actions for students with disabilities (Dagley, McGuire, & Evans, 1994). The 1997 reauthorization of IDEA required IEP team members to determine the relationship between a student's disability and the behaviors that led to the disciplinary action for students' disabilities. This process is

[1]University of Mary Washington, Warrenton, VA, USA
[2]George Mason University, Fairfax, VA, USA

Corresponding Author:
Jennifer D. Walker, University of Mary Washington, Fredericksburg, VA 20186, USA.
Email: Jwalker4@umw.edu

referred to as the MDR and is required when a student with a disability is either excluded from school for more than 10 days, is put in an interim alternative placement, or is under consideration for a change in placement. The 2004 revision of IDEA provided additional structure to manifestation determination meetings, requiring that the meeting is held with all relevant members of the IEP team, to include, but not limited to special education teachers, general education teachers, administrators, school psychologists, school counselors, parents, and if appropriate, students. The team reviews all relevant information in the child's file, the IEP, teachers' observations, and any pertinent information from the parent and the child. The purpose of the MDR meeting is

> to determine if the conduct was caused by or had a direct or substantial relationship to the child's disability, *or* if the student's conduct was the direct result of the Local Education Agency's (LEA) failure to implement the student's IEP. (IDEA, 2004, emphasis added)

This determination is made through the two-prong test, which focuses solely on the two points in the IDEA description.

Using the two-prong test, the team must determine the following:

1. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. Whether the conduct in question was a direct result of the local education agency's (LEA's) failure to implement the child's IEP.

If the team can answer "yes" to either question, immediate action is required to address the student's behavior or IEP implementation. If the student's behavior was found to be a manifestation of the disability condition, a functional behavior assessment (FBA) and behavior intervention plan (BIP) must be conducted if they are not already in place. The FBA is used to determine the function of a student's behavior within a classroom environment. The BIP contains preventative measures that address teaching alternative skills and responses to behaviors identified in the FBA. If a BIP is in place, it must be reviewed. Finally, the student returns to his or her school except in the special circumstances that involve drug possession and distribution, weapons, or serious bodily injury to self or others. If the team answers "no" to both questions above during the MDR process, then students may face consequences as if they are a general education student and the law requires no further action.

The 2004 amendments to IDEA were intended to simplify the MDR process, requiring a direct and substantial relationship between a student's disability and behavior

(Senate Report, 2003); however, critics noted that guidance and direction in decision making were still lacking (Zilz, 2006). Special education team members may lack the skills or knowledge to reliably make a determination of whether or not a behavior is a manifestation of a disability (Buck, Polloway, Kirkpatrick, Patton, & Fad, 2000). It has been hypothesized that special education teachers may lack an understanding of functions of behavior and may focus on punitive versus positive behavioral interventions (Buck et al., 2000). There is an absence of research on the preparedness of general educators and the MDR process but perceptions about the process include confusion about procedural guidelines (Bon, Faircloth, & LeTendre, 2006). Requiring teams to carry out difficult tasks in the absence of clear guidelines is likely to lead to unnecessary problems, suboptimal functioning, and arbitrary decisions (Gerstein & Ellsberg, 2008).

Barriers to Team Decision Making During Manifestation Determinations

Administrators express frustration with MDR as they attempted to schedule meetings and gather required personnel (McCarthy & Soodak, 2007). Furthermore, administrators report pressure from teachers, students, and the community in regard to MDR decisions. Some administrators admitted to making decisions based on the team's vulnerability to litigation (McCarthy & Soodak).

General education teachers on disciplinary teams for students with disabilities also experience a great deal of confusion and conflict as they attempt to decipher the guidelines for disciplining students with disabilities (Bon et al., 2006). Katsiyannis and Maag (2001) suggested that a poor understanding of disabilities, particularly EBD, may lead professionals to conclude that making a decision about whether a behavior was caused by a disability is impossible. It is troublesome that team members face an absence of guidance in determining whether a behavior is a manifestation of a disability because of the very serious responsibility of protecting the rights of students with disabilities, particularly with having access to a free and appropriate education (Zilz, 2006).

Concerns regarding equity or fairness also affect MDR team members. The use of MDR with students served by special education is sometimes viewed as a dual standard of discipline that is unfair and unjust for teachers and students alike (Bon et al., 2006; Frick & Faircloth, 2007; Koch, 2000; McCarthy & Soodak, 2007). For example, Dupre (2000) described a case where a middle-school-aged student committed from 11 to 19 aggressive acts per week over a 2-year period, the results of many of which required treatment by the school nurse. The school attempted numerous behavioral interventions, none of which were successful,

over 2 years while both students and staff endured an abusive and disruptive environment. A student without the protection under IDEA would probably have been treated much differently. Such an event suggests to lay people and other critics of special education disciplinary measures, including the MDR process, that a student with disabilities cannot be treated the same as a general education peer due to IDEA's disciplinary mandates (Koch, 2000), thus, limiting the options for discipline that are available for students with disabilities (Lashley & Tate, 2009).

Research on MDR Teams

Although MDRs are required for children with disabilities who are facing exclusionary discipline, little research is available on this topic. Perceptions about the equity of discipline have been surveyed, but the process of a MDR lacks formal examination. Confidentiality issues and the requirement that MDR meetings be held quickly make conducting research on actual MDR meetings difficult. Yet, without an understanding of the processes taking place within meetings and the perceptions of MDR team members, it is impossible to know if this provision is promoting meaningful and deliberative decisions regarding students with disabilities. Research employing contrived case scenarios and simulations could provide a better understanding of the MDR process.

The present investigation was implemented to illuminate the MDR process by exploring the decisions and reasons for decisions that were made by individuals and groups who reviewed case study profiles of students with EBD. This study is an extension of research examining group decision making in mock MDR meetings conducted by Jakubecy (2002). Two research questions were addressed:

> Research Question 1: What information do team members deem important or unimportant in making a manifestation determination decision?
> Research Question 2: Are the perceptions of the discussion process in the manifestation determination procedure reported by general and special educators similar or dissimilar and in what ways?

Method

Participants

Participants were identified through purposeful and snowball sampling procedures. Inclusionary criteria included full state licensure to teach in a secondary setting. Participants were eligible to participate regardless of their experience or knowledge about MDRs or disciplinary procedures in special education. Each participant was compensated US$50.00 for his or her time.

Study participants included six males and 10 females from a large suburban school district in the east, with equal representation of special and general educators (eight of each). Ten teachers reported working in middle school settings, four in high school settings, one in a preschool through 12th-grade setting, and one teacher in a seventh-through 12th-grade setting. Participants had a mean of 14.81 years of experience, ranging from 2 to 28 years. Seven special educators had an endorsement in the area of EBD, eight in the disability area learning disabilities (LD), and three in mental retardation (MR) or intellectually disabled (ID). Four general educators had an endorsement in science and three in social studies. One general educator each also reported an endorsement in art education, sociology, and language arts. Participant demographics are summarized in Table 1. Twelve participants reported attending at least one MDR during their career, and of those who had never been part of a MDR one was a special educator, while the other three were general educators. Participant information by meeting is presented in Table 2.

One male general education teacher and one female special education teacher completed follow-up interviews. The general education teacher had 20 years of experience in education, and the special education teacher had 10 years of experience. Both teachers are currently teaching students in Grades 6 through 8.

Procedures

Case studies. Two hypothetical case studies based upon previously decided MDRs using eight hidden profiles (Stasser, 1992; Stasser & Titus, 1985, 2003) were developed by the researcher for the MDR meetings. Case studies included background information on the students' eligibility for special education services, academic and behavioral school history, family background, recent academic and behavior progress, and the disciplinary incident report that led to the most recent school suspension. Each case study was modeled after the present level of performance section of an IEP. One case study was written so that the preferred or desired decision was a non-manifestation determination and the other was written in such a way that the preferred or desired decision was a manifestation determination. Three rounds of field testing occurred to ensure that the hypothetical case studies of students with EBD were realistic and created the intended "no relationship" or "relationship" manifestation determination preference. During each round, a written overview of the IDEA guidelines and the requirements for the completion of a MDR, to include the two-prong test, were provided. As established in Hollingshead's (1996) study, which field tested fully informed case studies, an 80% level of agreement among participants, in addition to an expert, was established as the acceptable level of

Table 1. Participant Demographics.

Teacher	Gender	Years in education	Subject area/disability area	Current grade level
Mtg1 Sped1	F	16	ED/LD	7th and 8th
Mtg1 Sped2	F	16	SLD	7th and 8th
Mtg1 Gen1	F	13	Science	6th
Mtg1 Gen2	F	27	Social studies	6th
Mtg2 Sped1	M	11	ED/LD	9th
Mtg2 Sped2	M	2	ED/LD	9th–12th
Mtg2 Gen1	M	10	Art education	9th–12th
Mtg2 Gen2	M	20	Earth science/sociology	9th–12th
Mtg3 Sped1	F	18	ED/LD/ID	6th–8th
Mtg3 Sped2	F	10	ED/LD	6th–8th
Mtg3 Gen1	M	28	Science	8th
Mtg3 Gen2	F	15	Lang arts/social studies	6th
Mtg4 Sped1	F	17	ED/LD/ID	PK–12th
Mtg4 Sped2	F	13	ED/LD/ID	7th–12th
Mtg4 Gen1	F	12	Science	8th
Mtg4 Gen2	M	9	Social studies	6th and 7th

Note. Mtg = meeting; Sped = special education teacher, Gen = general education teacher; ED = emotional disturbance; ID = intellectual disabilities; PK = pre-kindergarten; SLD = specific learning disabilities.

Table 2. Participant Information by Meeting.

Meeting number	Average years in education	Range of years in education	Average number of MDR attended	Range of MDRs attended
Mtg1	18	13–17	5	0–12
Mtg2	10.75	2–20	6.5	1–14
Mtg3	17.75	15–28	5.2	0–13
Mtg4	12.75	9–17	2.8	2–6

Note. Mtg = meeting; MDR = manifestation determination review.

agreement for each round of case development. Upon completion of each round of field tests, the information gleaned from participant feedback was used to revise and refine the case studies and hidden profiles (Hollingshead, 1996). Field-tested hidden profiles were then used for manifestation determination hidden profile case studies.

A hidden profile occurs when the entire group receives a pattern of information that makes one alternative most favorable, but individual members receive information that favors another alternative. The information given to any individual team member makes it difficult to obtain a complete understanding of the student and behavior unless the team discusses and shares all available information. With sufficient sharing of all of the information held by the group, teams should be able to select the preferred manifestation or non-manifestation decision for each case study.

Participants were randomly assigned to one of four meeting sessions, each with a team of two special educators and two general educators. Two of the meetings contained hidden profile case studies in which the behavior in question led to a preferred manifestation determination (i.e., the behavior in question was a result of the student's disability).

The other two meetings used a hidden case study that led to the preferred non-manifestation decision (i.e., the behavior in question was not a result of the student's disability).

MDR decision making. Participants were given a brief welcome and an overview of the requirements as participants of the study. Specifically, each participant was asked to make a manifestation determination in a group setting based on the field-tested hidden profile case studies. Each participant was informed that the meeting would be both audio- and videotaped, and consent forms were distributed. Throughout all four meetings, the procedures remained constant as outlined by a meeting protocol. Prior to each team meeting, each participant was asked to complete a premeeting questionnaire including demographic information.

MDR training. Participants were provided with a brief oral overview of the MDR process, a written overview of the IDEA guidelines, and the requirements for completion of a MDR. These requirements included the two-prong test, which asked participants to answer the following:

1. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. Whether the conduct in question was a direct result of the local LEA's failure to implement the child's IEP.

Participants were permitted to reference the IDEA guidelines and requirements throughout the decision-making process. The training used in the study reflected the training used by LEAs in the region where the study took place. Although general guidelines for the procedure are in place, each education agency trains its own personnel according to local procedures that are based upon federal and state guidelines.

Preparation for the meeting. Following the demographic questionnaire and overview of IDEA legislation, each participant received the hidden profile case study regarding a student and the behavioral incident in question. Participants were asked to read their assigned case study and individually make a decision about whether they believed the behavior was or was not a manifestation of the student's disability. In addition, participants were asked to rate the certainty of their decision on a Likert-type scale from 1 (*not certain*) to 10 (*certain*). Last, participants were asked to include a written rationale for their decisions in response to several open-ended questions.

Meeting procedure. After prediscussion questionnaires were collected, participants were placed in a group to discuss the manifestation determination of the hidden profile case study. Each participant was permitted to use his or her individual case study for reference during the meeting. Using IDEA regulations, members were asked to discuss the student's behavior and determine whether the behavior in question was or was not a manifestation of the student's disability.

Before each meeting began, the researcher asked for a volunteer to act as a scribe to record the group's final decisions and a timekeeper to keep the meeting discussion at or under an hour. Once the group was ready to begin their discussion, the researcher left the room to avoid undue influence on the discussion or decision making. Upon coming to a consensus, the scribe recorded the group's MDR decision and the group's certainty about the decision on the same 1 to 10 Likert-type scale utilized in the prequestionnaire. Once the group decision and certainty were recorded, the researcher was informed, the group process was concluded, and case studies collected.

Post-meeting ratings. At the conclusion of the group process, individual members were asked for a second time to record their individual decision, independent of the group's consensus, about the relationship between the behavior in question and the student's disability. Participants were again asked to rate their individual certainty. In addition, participants were asked to rate their agreement with the group consensus decision on a Likert-type scale of 1 to 10, with 10 being *agree* and 1 being *disagree*. Each participant was asked to recall and record the facts that influenced the group decision making and place each fact into one of two columns: "Manifestation of student's disability" or "Not a manifestation of student's disability." Finally, participants were asked to respond in writing to thoroughly and clearly explain the evidence that brought them to the final manifestation determination.

Follow-up interviews. After the MDR meetings were complete, one special educator and one general educator were contacted for a follow-up interview based on their interest and depth of post-questionnaire responses. Interviews followed a semi-structured format, and questions were developed in response to participant answers in post-questionnaires. The focus of these interviews was on the MDR process and the educators' perceptions of the meeting.

Data Analysis

Both qualitative and quantitative data were collected from transcriptions of manifestation meetings. Additional qualitative data were collected from open-ended participant responses and interviews. Quantitative data were also collected from questionnaire rating scales, information discussed during the manifestation meetings, and participants' identification of important and unimportant facts leading to manifestation determination decisions.

Data from each method were used to expand the scope of the study, assessing different types of data across all research questions (Greene, 2007). Data from both the quantitative and qualitative portions of the study were synthesized to enrich the data collection. Transcriptions and participant responses were analyzed, coded, and themes were identified. Quantitative and qualitative data were compared, and data sources were used to support or refute analysis (Creswell, 2008). Finally, exemplars were identified during the analysis of each research question and were purposely selected based on their clarification of the research questions (Polkinghorne, 2005).

Procedural Integrity, Reliability, and Validity

Procedural integrity was established through a scripted meeting procedure protocol. The meeting procedure protocol outlined the procedure for the meeting, explaining the purpose of each meeting, the required tasks of the MDR team, and the time limit. The researcher provided the procedural directions for each of the manifestation meetings by

reading directly from the meeting procedure protocol script. The transcriptions of the meetings and the script were established at 100% agreement.

To address reliability issues, codes were used to identify themes within the information shared about the MDR case study during the meetings (Creswell, 2009). A graduate student who was trained and experienced in qualitative methods cross-checked all codes for intercoder agreement. The acceptable level of consistency with coding qualitative data was established at 80% agreement between the researcher and graduate student (Miles & Huberman, 1994). Initial interrater agreement was 82% for the MDR meeting transcription themes. Differences in coding were resolved through discussion between the researcher and graduate student. Reliability procedures for frequency counts of identified codes in transcriptions and interviews were also completed. There was a 100% agreement between the researcher and graduate student on frequency counts.

Validity was addressed through member checks, triangulation of data, and peer debriefing. Member checks involved talking with participants to access the accuracy of the findings of the data. Through member checks, select participants were contacted at approximately 7 to 10 days after their initial participation in the MDR meetings, and a smaller random sample at approximately 6 weeks after the meetings. These discussions were used to validate participant discussions and responses and to allow participants the opportunity to comment on the case analyses and overall findings.

Triangulation of information was achieved through meeting transcripts, open-ended questionnaires, and individual interviews. Each data source and method of data collection was used as evidence to support the credibility of the overall results. As the interpretation of the data evolved, peer debriefing occurred on two occasions and focused on the implications of the data, development of themes, and overall conclusions.

Results

The results are presented according to each of the research questions. Research Question 1 asked, "What information do team members deem important or unimportant in making a manifestation determination decision?" Research Question 2 asked, "Are the perceptions of the discussion process in the manifestation determination procedure reported by general and special education similar or dissimilar and in what ways?"

Information Deemed as Important in Decision Making

The participants listed a total of 128 reasons when they were asked about their manifestation determination decision making. Overlapping reasons were collapsed to

Table 3. Information Shared and Meeting Times.

Meeting number	% of total facts shared	Total meeting time in minutes
Mtg1	87	44
Mtg2	88	59
Mtg3	49	52
Mtg4	50	10

Note. Mtg = meeting.

super-ordinate summaries, leaving a total of 40 pieces of information that were listed as influential in decision making. Twelve of these reasons were the teachers' opinions of the situations or teachers' assumptions about the student. The reasons for making determinations varied greatly across all meeting types, final manifestation determination decision reported, and educators.

Non-manifestation meetings. In two meetings, the preferred outcome was a non-manifestation decision. One group found the case to be a non-manifestation and the other a manifestation of the student's behavior. In the first meeting, participants shared 87% of the available facts and met for 44 min. In the second, only 49% of the facts were shared during a 52-min meeting. Meeting information is summarized in Table 3. Despite these differences, the teams included the same reasons for their manifestation and non-manifestation decisions. The common reasons for the decisions made by participants were the student's recent success in controlling emotions (four participants), a possible gang connection (three participants), and that the student was displaying "bravado" (three participants). The most frequently reported information influencing decision making included two major assumptions, the student's possible gang involvement, and the attribution of the student's behavior to "bravado." It is notable that neither of the case descriptions mentioned gang involvement nor did they employ the word "bravado."

Despite participants in both groups equally reporting these reasons, the two groups reached different conclusions regarding the MDR. In one of the meetings, a special education teacher shared,

> I think he was doing it, this whole thing, to me the whole thing has to do with the gang . . . he looked at the gang member and that triggered him to think, well maybe to get into the gang he has to show he's a big, tough dude and that he had to push the teacher, or something they told him to do.

Later, she reiterated several times that the student "can pull it together, he can pull it together, he knows how to pull it together," and she believed that "the actual action of pushing was in order to impress or to make it look like he's the

big guy and [he doesn't] care if [he's] in trouble or not." Throughout the meeting, each of the general education teachers also reinforced the importance of the student's success by mentioning that "he could pull it together and be successful" and "he was doing fine."

In the second meeting, a general education teacher expanded upon her reason for placing so much weight on the aspect of "bravado" by sharing the following:

> Having dealt with SPED [*sic*] kids for years, all behaviors are often considered to be part of a disability and often aren't analyzed separately. An EBD label doesn't forgive or excuse all behaviors nor is it because of all behaviors. All behaviors need to be considered separately before they can truly be identified as caused by a disability. Pushing a teacher can be caused by an EBD behavior. But when it's overshadowed or influenced by a desire to impress a group of "tough" students (gang members), the behavior needs to be considered to be within the norm of adolescent male behavior and should be punished. The true motivator was a desire to impress, which is normal for teens.

Another special educator explained her decision making as being influenced by the student's chaotic home life by suggesting that the parents were not actively involved with the student's schooling and that the student's special education eligibility category was not "pressured" simply to avoid sanctions for behavior. Therefore, in her opinion, the home life was the major influence on the student's behavior. Of more interest to the present discussion is the convoluted logic described in making the decision. Rather than describing characteristics that are consistently demonstrated by the student or documented in the case, she engages in conjecture regarding the probable cause of the incident in question:

> This child does have EBD and so I do feel that that should be a big part. Some of the times our students are diagnosed because, you know, we do, well, I know they're trying not to, but a lot of times with some pressure, well, this is going to happen, let's put my kid under this [EBD label]. I truly feel that, to me, this was a good, a non-pressured diagnosis, if you will. If you're not having a lot [of parent input], not that you don't want parents' input, but you don't want the pressure if you know what I mean, when you're going through that eligibility, so I feel that the EBD is a good scenario, the background is a good scenario to give me ideas of exactly why the student is acting out like this and some of the times, our kids could have a really horrible night with the parents, it's okay for a week, and then all of a sudden it just comes out.

Thus, the same information was employed to construct justifications for different outcomes by different groups.

Manifestation meetings. In meetings where the preferred outcome was a manifestation decision, six items were reported as the most common factors influencing decision making. Both meetings found the case to be a manifestation of the student's behavior. In the first meeting, participants shared 88% of the available facts and met for 59 min. In the second, only 50% of the facts were shared during a 10-min meeting. Four participants reported that they found the case to be a manifestation because of the student's physicality with peers. Other factors included the student's EBD identification (three participants), the duration of time since the student was found eligible for EBD services (three participants), the student's ability to recently manage his emotions (three participants), the student's chaotic home life (three participants), and the student's history with frustration with multiple requests (three participants).

Several teachers struggled with defining what constituted "normal" behavior for a student with EBD. At one point, a general education teacher stated, "An EBD kid is going to act that way." Later, when asked by another participant if he believed the student's reaction to the teacher was caused "because he's EBD" the teacher confirmed, "I do." Conversely, a special education teacher believed that the student "was just being a pseudo-normal 14-year-old" [*sic*] rather than acting out because of an emotional disability.

The challenge of attributing behaviors to the student's disability without an understanding of the student's state of mind was also a prevalent theme. One general education teacher reflected, "It was a difficult decision choosing yes or no because, really, only the student knows if his actions were uncontrollable because of the disability or if he acted out of anger, passion." Furthermore, another teacher stressed that "it is one thing to identify a student's disability but another issue entirely proving a valid connection between an action and a disability."

The duration of the student's disability was also an important factor for several participants during the meetings. Participants noted the length of the student's special education services and documentation of behaviors. One special educator justified his refusal to change his determination decision to the consensus of the group, stating,

> I just think this has been documented for so long . . . since third grade . . . since elementary school, in elementary school the student was frequently physically aggressive towards peers and last year he pushed a peer at the bus stop after being called fat.

One general education teacher made numerous references to the student's home life, suggesting that the student's behaviors could have happened "because his dad had made him mad the night before" or "he and his dad had a fight the night before." The special educators in the meetings also discussed the student's frustration with multiple requests. One special educator focused on the student's weaknesses and reactions by his teachers by sharing, "She (the teacher) gave him like nine, nine requests for the work, that's a lot when it clearly states in his (the student's) background information . . . it says he gets . . . he becomes overwhelmed with requests."

Summary of Research Question 1. During the preferred manifestation decision case studies, the most frequently reported information influencing decision making only included factual information as reported in the case studies. Based on the case study provided to participants, the most commonly mentioned items influencing decision making included the student's home life, history of physicality, student success with controlling his emotions, and current FBA/BIP. All four of these pieces of information were based on facts from the cases and were not assumptions or opinions.

During the preferred non-manifestation case studies, assumptions, rather than facts, about the student prevailed. These included classifying the student's behavior as impulsive, opinions about the student's LRE placement, concluding that the teacher provoked the student, and asserting that the student acted out because he was showing off in front of peers. It appears that these assumptions were particularly important in making determinations, and in this research, it was particularly important in determining non-manifestation decisions because the manifestation determinations were based solely on the facts presented in the case.

Manifestation Determination Guidelines

Participants generally reported that the MDR guidelines they were provided were relatively straightforward, but that the language in the two-prong test was often considered to be unclear. As one meeting group struggled to make a determination, one general education teacher suggested that the group only focus on one of the two-prong questions. He suggested that the manifestation determination requires a yes response to only one question, adding, "Unless you said yes, then, you know, the other one really doesn't matter." He asserted that once a "yes" answer was determined for one question, it was unnecessary to continue debating the second question.

Although some participants in the meeting believed that answering both questions was unnecessary, participants in another meeting scrutinized the language of the MDR questions. These participants repeatedly discussed the verbiage "direct" and "substantial" as outlined in the two-prong test. Although the group was unable to come to a consensus on whether the behaviors were directly related to the disability, they were able to agree on a "substantial" relationship. For those participants, it was enough to say that the behavior and the student's disability could be "correlated" without being "direct," which they perceived as more "causal" in nature.

From a procedural standpoint, most teachers believed that the MDR process procedures were straightforward, but there was some disagreement between general and special educators. A general education teacher reported that the manifestation determination process "does a good job allowing decisions to be made more fairly when dealing with special education students." However, one of the special education teachers stated, "Staff personalities and personal feelings about the student often cloud this process."

Overall Perceptions of the MD Meeting

The overall impressions of the meeting for most participants were positive. Teachers stated that they "liked" and "enjoyed" the MDR process, and the meeting was "informative," "very good," "excellent," and "productive." However, some participants struggled with making connections between the disability and a behavior when making a MDR decision. Specifically, participants questioned their ability to make connections with a student's behaviors as it relates to disability identification.

Differences in perceptions. In making determinations, four participants openly shared their approach to using information to influence decisions. Two general educators believed the student's behavior was not a manifestation unless evidence and information were provided to support a manifestation decision. One shared, "I think what we have to do here is try to create ways it would be caused by his disability." On the other hand, two special educators believed the student's behavior was a manifestation unless evidence and information were provided to support a non-manifestation decision. One special educator stated, "I always want to say yes and I think yes . . . there's not enough evidence here to say it wasn't connected." These differing approaches to information seeking may point toward opposing agendas of special and general educators during manifestation determination meetings.

Summary of Research Question 2. General and special educators experienced some confusion about terminology and attribution of behaviors to the EBD disability category while working with the provided guidelines for making a MDR. In making determinations, factual information was most commonly reported as influential in manifestation decision making, and opinions and assumptions were most commonly reported as influential in non-manifestation decision making. Most teachers believed the meeting process to be a fair way to make decisions; however, several teachers from each group of special and general educators approached the decision making differently. Two of the general educators believed that evidence must be provided to support a manifestation determination; however, two special educators took the opposite approach and assumed that the behavior was a manifestation unless proven otherwise. Thus, even within groups that were able to report a consensus, participants from different roles used the same data differently.

Discussion

General education and special education personnel were randomly assigned to one of four teams that were to make

manifestation determinations using two different "hidden profiles" case studies. One case study was constructed to support a decision of the behavior not being a manifestation of the disability, and the other case study was constructed to support a conclusion that the behavior of concern was a manifestation of the disability. To fully understand the student and behavior of concern, team members were required to actively share and discuss all of the relevant information they possessed. Both the teams working with profiles supporting the manifestation of the disability conclusion reached that conclusion; however, the two teams working with profiles that supported a non-manifestation of disability conclusion reached different conclusions, one declaring the behavior to be a non-manifestation and the other declaring it to be a manifestation of the disability.

Interpretation of Manifestation Determination Guidelines

Participants reported no specific challenges in deciphering the MDR guidelines, but during one meeting, an extensive conversation took place about the meaning of the words "direct" and "substantial" in the two-prong question. Although participants were unable to agree that the student's behavior was directly related to his disability, they were able to come to a consensus on the word "substantial" when describing the relationship. This supports the research conducted by Bon et al. (2006) that found that teachers in disciplinary teams for students with disabilities experienced confusion and conflict as they attempted to decipher the guidelines for disciplining students with disabilities. Without a clear-cut method to determine whether behavior is a manifestation of a disability, team members in this research were also forced to negotiate their own definitions for the language in the guidelines.

In addition, several teachers and groups struggled more with defining what constituted "normal" behavior for a 14-year-old student versus a 14-year-old student with EBD. Teachers had difficulty understanding what behaviors were true manifestations of the student's disability for two reasons. Teachers struggled with understanding what behaviors were characteristic of students with EBD. In addition, determining causation was subject to the interpretations of team members conducting the manifestation determination and, as seen in each of the meetings, participants grappled with determining the cause without an understanding of the student's internal state. This relates back to the difficulty of the contextual and social construction of the disability label that can make determining causation a near impossibility (Katsiyannis & Maag, 2001). Without understanding or knowing for certain how a student was thinking at the moment of the misbehavior in question, educators struggled to make connections between a student's disability and behavior. It is unclear, however, whether such information regarding immediate mental states could be supplied in a reliable and valid manner.

Although the MDR has been described as a dual standard of discipline and an unfair and unjust process for teachers and students alike (Bon et al., 2006; Frick & Faircloth, 2007; Koch, 2000; McCarthy & Soodak, 2007), the general educators in this research were not challenged by this aspect of the MDR provision. Instead, the general educators reported that the process was straightforward and one general educator reported that the meeting seemed to be a fair way of working with students with disabilities during behavioral incidents. Previous researchers concluded that general educators find disciplinary policies to be unfair to general education students (McCarthy & Soodak, 2007); however, special and general educators in the present study reported similar perceptions about fairness of the process. It is possible that the difference in teacher perceptions of the procedure reported in this and previous research reflects the different ways that the data were used by each group rather than an overall satisfaction with MDR procedures. With more substantive advice to stick to the facts presented and avoid inference, participants may have been less satisfied.

Of more concern are the differences in outcomes across mock MDR meetings. Concern for equality of discipline requires consistency in decisions regarding infractions. The present study suggests that the MDR procedure is less likely to yield consistency than its proponents intended, thereby rendering questionable the equality of discipline yielded subsequent to the procedure.

Discussion Information and Consistency of Decisions

In three of the four mock MDR meetings, the preferred manifestation decision was made. In meetings where the preferred decision was a manifestation, the groups most frequently discussed the student's placement in general education, history of aggression, and the student's special education EBD disability category. In one of these meetings, all participants came into the meeting agreeing that the case was a manifestation and discussed the facts of the case study for less than 10 min. In the other meeting, one member of the team believed that the decision should be a non-manifestation before the discussions began. This participant reported that the discussion of the EBD disability label was the unequivocal reason for his change from a non-manifestation to a manifestation determination decision.

In both preferred non-manifestation decision meetings, the FBA and BIP provisions and the special education teacher's actions during the case study incident were frequently discussed in making the manifestation determinations, despite the fact that participants in one meeting came to the preferred determination and participants in the other made the non-preferred determination. In the case where

the preferred decision of a non-manifestation was made, participants most frequently discussed the student's recent success in a general education setting. Conversely, participants in the second group most frequently discussed the student's EBD disability category and did not come to the preferred consensus of non-manifestation, but made a manifestation determination.

It appears that the EBD disability category was influential with groups who made manifestation decisions during MDRs. This aligns with teachers' overrepresentation of students with EBD on rating scales of multi-risk school adjustment (Farmer et al., 2011). As Kauffman and Badar (2013) and Farmer (2013) have suggested, perhaps being identified as a child with EBD results in stigmatization and if that is the case, the present research suggests that such stigma results in a presumption that all behaviors displayed by an individual with EBD are a manifestation of his or her disability. Such a presumption could result in a de facto exclusion of the individual from disciplinary procedures presented to students in the general education program.

Conversely, the present results may point to a poor understanding of the nature of the EBD condition and its impact on individual behavior on the part of the teachers in this study. It would be foolish to assume that *everything* that a student with EBD did was because of his or her disability; however, in the absence of a deep understanding of the condition as well as its characteristics for the individual under consideration, even the wisest judges in history might be likely to make an assumptive shortcut to suggest that behaviors that could result in exclusionary discipline are manifestations of the disability. The problem is that such cognitive shortcuts undermine the systematic and deliberative process required of MDRs.

Despite the fact that two groups each received identical case studies, their manifestation determination decisions were inconsistent. This supports the research conducted by Bon et al. (2006) that found that teachers in disciplinary teams for students with disabilities experienced confusion and conflict as they attempted to decipher the guidelines for disciplining students with disabilities. Without a clear-cut method to determine if a behavior is a manifestation of a disability, team members in this research were also forced to arbitrarily define language in the guidelines. The lack of guidance in determining whether a behavior is a manifestation of a disability is disturbing because of the very serious nature of protecting the rights of students with disabilities, particularly with having access to a free and appropriate education (Zilz, 2006).

Limitations

Limitations include case study development, those related to the methodology, and thoroughness of self-reports. Across all meetings, participants reported that they wanted more information to make an informed decision. Additional information could have been provided to include the student's IEP, FBA, BIP, academic records, disciplinary file, or additional teacher reports. The addition of these documents may have been helpful for decision making for some participants. Such information *should* be in each student's files; however, it is uncertain that such information would be readily available or in useful or relevant form in actual school settings.

Participants had no vested interest in the student discussed in the manifestation determination. The teachers who participated may not have held the emotional investment, as would those in an actual school setting. However, teachers in an actual school setting may be predisposed toward certain outcomes because of their emotional investment because they knew the teachers or students involved in the issue. The participants in the present investigation were unlikely to hold preconceived ideas regarding the students and behavior in the cases studied here. Furthermore, the possibility of resulting legal action or endangerment of the school population in the face of an incorrect decision with this procedure is absent in the present investigation. Although hidden profile case studies offer a feasible way to examine team decision making, the extent to which these results directly mirror the procedures carried out under pressures of time, emotional investment, and legal review remains unclear. It is likely, however, that the present results suggest the way teams are likely to function under optimal, low-pressure situations.

Implications for Practitioners, Teacher Education Programs, and Policymakers and Future Research

Although participants in this research reported little difficulty with understanding the language in MDR procedures, they struggled to understand the connections between disabilities and behaviors. Each state and school district may provide additional guidance in making MDR decisions. Therefore, it is important that these guidelines be as measurable, observable, and objective as possible to assist in decision making. In addition, the manifestations of disability areas should also be more carefully explored and outlined to assist teams with understanding the possible connections between disabilities and behaviors.

Overall, there is great potential for the development of training models for team decision-making across all types of special education meetings to include eligibility decisions, IEP creation, and FBA/BIP development (Walker & Hott, 2015). Intervention research could focus on training models for team meetings, or professional development that educates and empowers general educators on special education processes. In addition, education courses should create ample opportunities for discussion and practice with both

general and special educators in collaborative decision-making scenarios.

To expand upon this research, a complete profile to include an IEP, eligibility documentation, and written reports from teachers and parents could be included. The option of using hidden profile case studies including other disability areas outside of EBD also seems plausible. In addition, the roles and impact of hidden profile case studies on parents, administrators, and educational experts could be explored. This is particularly important given teacher perspectives in this research that suggested that personal feelings about students affect the MDR process.

Participants in these meetings were not provided with systematic feedback regarding the amount of hidden profiles information that emerged during their meetings. Future research could include a follow-up presentation of the completeness of the summary as a part of the debriefing. It is possible that teams who were told, in retrospect, that they had considered the cases in a more complete manner would regard the MDR procedure differently than would those who later learned that they had engaged in a less than complete analysis.

Finally, it is known that decisions are affected by the emotional condition of the individual making the decision (Vaes, Paladino, & Leyens, 2006). Decisions reached in MDR meetings are intended to be impartial but psychological priming tends to increase the accessibility of information related to the prime, thus making certain thoughts and feelings more likely to come to mind (Loersch & Payne, 2014). It is therefore possible that items as innocuous as radio reports of crimes or, conversely reports of individuals being treated unfairly could influence decisions against justice for a student. Future research should carefully examine psychological priming as a contributing influence in MDR decision making.

Declaration of Conflicting Interests

Funding

Note

1. Federal regulations refer to children and youth eligible for services under this category as "emotionally disturbed." However, the term emotional/behavior disability (EBD) is more common in current professional discourse than is the federal designation. The EBD designation appears in texts as old as 1995 (e.g., Kauffman, Lloyd, Hallahan, & Astuto, 1995) and is employed throughout more recent work in the field (e.g., Kauffman, Brigham, & Mock, 2004) and more recently by Therrien, Taylor, Watt, and Kaldenberg (2014). Although the category of individuals under consideration in this article is technically designated as "emotionally disturbed" under federal regulations and are identified according to the definition embedded in the regulations, we use the more correct EBD term.

References

Bon, S. C., Faircloth, S. C., & LeTendre, G. K. (2006). Protecting the rights of students with disabilities while maintaining teachers' sense of safety in schools. *Journal of Disability Policy Studies*, *17*, 148–157. doi:10.1177/10442073060170 030301

Buck, G. H., Polloway, E. A., Kirkpatrick, M. A., Patton, J. R., & Fad, K. M. (2000). Developing behavior intervention plans: A sequential approach. *Intervention in School and Clinic*, *36*, 3–9. doi:10.1177/105345120003600101

Creswell, J. W. (2008). *Educational research: Planning, conducting, and evaluating quantitative and qualitative research* (3rd ed.). Upper Saddle River, NJ: Pearson Education.

Creswell, J. W. (2009). *Research design: Qualitative, quantitative, and mixed methods approaches*. Thousand Oaks, CA: SAGE.

Dagley, D. L., McGuire, M. D., & Evans, C. W. (1994). The relationship test in the discipline of disabled students. *West's Education Law Quarterly*, *3*, 319–337.

Dupre, A. P. (2000). A study in double standards, discipline, and the disabled student. *Washington Law Review*, *75*(1), 1–96.

Farmer, T. W. (2013). When universal approaches and prevention services are not enough: The importance of understanding the stigmatization of special education for students with EBD—A response to Kauffman and Badar. *Behavioral Disorders*, *39*(1), 32–42.

Farmer, T. W., Hall, C. M., Weiss, M. P., Petrin, R. A., Meece, J. L., & Moohr, M. (2011). The school adjustment of rural adolescents with and without disabilities: Variable and person-centered approaches. *Journal of Child and Family Studies*, *20*, 78–88.

Frick, W. C., & Faircloth, S. C. (2007). Acting in the collective and individual "best interests of students." *Journal of Special Education Leadership*, *20*, 21–32. Retrieved from http://www.casecec.org/resources/jsel.asp

Gerstein, M. S., & Ellsberg, M. (2008). *Flirting with disaster: Why accidents are rarely accidental*. New York, NY: Union Square Press.

Greene, J. C. (2007). *Mixed methods in social inquiry*. San Francisco, CA: Jossey-Bass.

Hollingshead, A. B. (1996). The rank-order effect in group decision-making. *Organizational Behavior and Human Decision Processes*, *68*, 193–219. doi:10.1006/obhd.1996.0098

Individuals with Disabilities Education Act Pub. L. No. 105-17, 111 Stat.37. (1997).

Individuals With Disabilities Education Act. 20 U.S.C. § 1401 et seq. (2004).

Jakubecy, J. J. (2002). Group decision-making and information pooling during the manifestation determination (Doctoral dissertation, University of Virginia). Available from ProQuest. (AAT 3056836)

Katsiyannis, A., Losinski, M., & Prince, A. M. T. (2012). Litigation and students with disabilities: A persistent concern. *NAASP Bulletin*, *96*, 23–43. doi:10.1177/0192636511431008

Katsiyannis, A., & Maag, J. (2001). Manifestation determination as the golden fleece. *Exceptional Children*, *68*, 85–96. doi:10.1080/10459880109603341

Kauffman, J. M., & Badar, J. (2013). How we might make special education for students with emotional or behavioral disorders less stigmatizing. *Behavioral Disorders*, *39*, 16–27.

Kauffman, J. M., Brigham, F. J., & Mock, D. P. (2004). Historical to contemporary perspectives on the field of emotional and behavioral disorders. In R. B. Rutherford, M. M. Quinn, & S. R. Mathur (Eds.), *Handbook of research in emotional and behavioral disorders* (pp. 15–31). New York, NY: Guilford Press.

Kauffman, J. M., Lloyd, J. W., Hallahan, D. P., & Astuto, T. A. (1995). *Issues in educational placement: Students with emotional and behavioral disorders*. Hillsdale, NJ: Lawrence Erlbaum.

Koch, K. (2000). Zero tolerance: Is mandatory punishment in schools unfair? *Congressional Quarterly Researcher*, *10*, 185–208. Retrieved from http://www.cqpress.com/researcher

Lashley, C., & Tate, A. (2009). A framework for educative, equitable, and empowering disciplinary practice. *Journal of Special Education Leadership*, *22*, 24–35. Retrieved from http://www.casecec.org/resources/jsel.asp

Loersch, C., & Payne, B. K. (2014). Situated inferences and the what, who, and where of priming. *Social Cognition*, *32*(Suppl.), 137–151. doi:10.1521/soco.2014.32.supp.137

McCarthy, M. R., & Soodak, L. C. (2007). The politics of discipline: Balancing school safety and rights of students with disabilities. *Exceptional Children*, *73*, 456–474. doi:10.1177/001440290707300404

Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis: A sourcebook of new methods*. Thousand Oaks, CA: SAGE.

National Longitudinal Transition Study-2. (2006). *The social adjustment of elementary and middle school students with disabilities*. Washington, DC: U.S. Department of Education, Institute for Educational Sciences.

Polkinghorne, D. E. (2005). Language and meaning: Data collection in qualitative research. *Journal of Counseling Psychology*, *52*, 137–145. doi:10.1037/0022-0167.52.2.137

Senate Report No. 108-185, at 44, 2003. (2003). Retrieved from https://www.congress.gov/congressional-report/108th-congress/senate-report/185

Stasser, G. (1992). Information salience and the discovery of hidden profiles by decision-making groups: A "thought experiment. *Organizational Behavior and Human Decision Processes*, *52*, 156–181. doi:10.1016/0749-5978(92)90049-D

Stasser, G., & Titus, W. (1985). Pooling of unshared information in group decision-making: Biased information sampling during discussion. *Journal of Personality and Social Psychology*, *48*, 1467–1478. doi:10.1037/0022-3514.48.6.1467

Stasser, G., & Titus, W. (2003). Hidden profiles: A brief history. *Psychological Inquiry*, *14*, 304–313. doi:10.1080/1047840X.2003.9682897

Therrien, W. J., Taylor, J. C., Watt, S., & Kaldenberg, E. R. (2014). Science instruction for students with emotional and behavioral disorders. *Remedial and Special Education*, *35*, 15–27. doi:10.1177/0741932513503557

Vaes, J., Paladino, M. P., & Leyens, J.-P. (2006). Priming uniquely human emotions and the in-group (but not the out-group) activates humanity concepts. *European Journal of Social Psychology*, *36*, 169–181. doi:10.1002/ejsp.279

Walker, J. D., & Hott, B. L. (2015). Navigating the manifestation determination process: A teacher's perspective. *Beyond Behavior*, *24*, 38–48.

Zilz, W. A. (2006). Manifestation determination: Rulings of the courts. *Education and the Law*, *18*, 193–206. doi:10.1080/09539960600919928