



Council for
Children with
Behavioral
Disorders

***COUNCIL FOR CHILDREN WITH BEHAVIORAL
DISORDERS***
A Division of The Council for Exceptional Children

**POSITION PAPER
ON
SCHOOL DISCIPLINE POLICIES FOR STUDENTS
WITH SIGNIFICANTLY DISRUPTIVE BEHAVIOR**

by

The Council for Children with Behavioral Disorders

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Position Paper on School Discipline Policies for Students with Significantly Disruptive Behavior

The Executive Committee of the Council for Children with Behavioral Disorders.

In this paper, the Council for Children with Behavioral Disorders forwards the position that flexible unified discipline policies meet the needs of schools, non-handicapped students, handicapped students - the behaviorally disordered in particular - as well as the legislative and litigation requirements that bind these parties. The Council forwards the opinion that flexible unified discipline policies hold students with significantly disruptive behavior, including the behaviorally disordered, to appropriate standards of behavior while simultaneously creating flexibility for special educators and general school administration.

Typically, the Council for Children with Behavioral Disorders focuses its position papers specifically on the behaviorally disordered population. In this instance the focus has been broadened to address the needs of all students who exhibit significantly disruptive behavior. Students who are in "at-risk" groups, students who exhibit behavioral problems, and students who are handicapped by their behavior share a behavioral continuum that ranges from mildly disruptive to dangerously aggressive. Students who are behaviorally disordered fall all along that behavioral continuum. The ongoing choice and responsibility of all educators of the behaviorally disordered is to address response and change techniques to behaviors at all points of that continuum. Since the behavior of at-risk groups of students and non handicapped students who exhibit behavioral problems also fall at all points of the continuum, it appears that in this particular instance, on this particular topic, the Council for Children with Behavioral Disorders finds itself taking a formal position with obvious implications for students beyond the behaviorally disordered population. For these reasons the Council for Children with Behavioral Disorders forwards a position statement which suggests the outlines of an approach to school disciplinary policy that might be adopted by general school administration to address the disruptive behaviors of all students, including behaviorally disordered children and youth.

BACKGROUND AND STATEMENT OF CONCERNS

The Council for Children with Behavioral Disorders holds three major concerns relative to past and current practice in the area of school discipline policy. These concerns are: (a) the commonly held perception of what discipline is; (b) the types of disciplinary techniques often used given that perception, especially for more serious rule-breaking behavior; and (c) the dual system of discipline that has arisen in many places, or as an alternative, an inflexible system of discipline for all students.

The most commonly held perception of discipline seems to be one of punishment for rule-breaking behavior. Such a perception often results in extremely punitive school

discipline policy as well as delimiting the range of options pursued by school personnel.

In part resulting from the punishment focus of discipline, schools often use a variety of *discipline* strategies that have questionable if not harmful, effects. Of special concern are those disciplinary strategies that result in varying forms of exclusion. While suspension and expulsion are most often thought of in this regard, a number of other strategies may be used in such a way as to effectively exclude a student from the school environment. These include strategies such as in-school suspension, home-bound instruction, shortened school day, referral to alternative schools, ignored truancy, and administrative transfer (Grosenick & Huntze, 1984). Despite the questionable/harmful effects of these strategies, use of them by administrators and faculty often increases as a result of the “pleasantness” of having the behavioral problem excluded from the environment for a period of time. The Council for Children with Behavioral Disorders takes a strong stand against the use of these strategies when they are employed in a way that excludes students from the school program.

Another outcome of punitive discipline is that schools have often selected strategies and procedures that are so exclusionary that the practice of them with the behaviorally disordered violates one or more of the provisions of Public Law 94-142 as they relate to the education of handicapped students (Rose, 1988). Public Law 94-142 provisions that could be commonly violated by exclusionary strategies include the right to a free appropriate public education; the right to prescribed procedures prior to a change of placement; the right to education in the least restrictive environment; and the right to “stay put” during the pendency of any due process procedure. The result has often been a “dual” discipline procedure in which non-handicapped students are subject to one set of strategies and procedures and handicapped students to another.

The Council for Children with Behavioral Disorders suggests a different view of discipline and describes a process for determining strategies which will be less exclusionary. The goal is to suggest a system of discipline that is essentially the same for handicapped and non-handicapped students.

DEFINITIONS

It is essential to insist that educators begin to think of discipline in its most accurate and broadest sense. Discipline is “training to act in accordance with rules; and instruction and exercise designed to train to proper conduct or action” (American College Dictionary, 1967, p. 344). Only in the third definition does the dictionary refer to discipline as “punishment inflicted by way of correction and training.” Unfortunately, it appears that many, if not most, school discipline policies are primarily a collection of suggested punishments which it is hoped will correct behavioral problems (Rosell, 1986).

Discipline policies, as addressed here, will be those which have two parts: a discussion of the instruction designed to attain proper conduct as well as a discussion of the punishment techniques designed to assist in the development of that conduct.

PHILOSOPHY OF SCHOOL DISCIPLINE

The Council for Children with Behavioral Disorders favors a flexible, unified discipline policy; that is, one which applies equally to all students, handicapped and non-handicapped, while meeting the individual needs and situations of each student. Such an approach allows schools to set a unified standard of behavior, develop a range of instructional methods to achieve those standards, and apply a range of helpful and legal responses to the violation of those expectations.

PREFERRED PRACTICES

Expectations

Statement of expectations. First and foremost, discipline is a set of expectations for acceptable behavior in the school environment. Rosell (1986) found that while some school districts offer simple, general statements of expectations, most do not. A long and clear research history tells us that an approach relying on the elimination of undesired behavior will not necessarily result in desired behaviors. Sound school discipline depends on a clear statement of those behaviors considered necessary to maintain the proper school decorum (i.e., the positive environment in which learning takes place). Thus, a sound school discipline policy should begin with a clear statement of the desired learning climate and the expectations for behavior which will achieve the elements of that climate. These expectations are not prohibitive rules, but rather proactive statements about desirable ways to achieve a positive learning climate. It is imperative to remember that the purpose of discipline is instruction, that is, teaching pupils to regulate their own behavior in accordance with the stated expectations.

Methods of teaching. The school discipline policy should then delineate the specific ways in which administrators, teachers, and students will instruct students in the achievement of those expectations. Strategies for teaching children to meet the expectations as well as school personnel responses to the acquisition of those expectations would be discussed. For example, if a district or school lists as an element of school climate that all students and faculty should be regarded with dignity, then one of the behavioral expectations for that element might be that differing points of view will be provided a forum. The next step, then, is to determine how to teach appropriate ways to air differing views and how school personnel will respond when a student has appropriately aired a differing view.

At first thought the expectations/teaching methods approach might seem overwhelming, but two points should be kept in mind. One is that the climate elements and specific expectations should be kept fairly broad. The second is that, while it should not be the only approach used to create a set of expectations, one could look at a more traditionally written discipline policy with its list of sanctions and, working backwards, figure out why those sanctions exist. A school's list of climate elements and expectations would probably not be much longer than its existing list of sanctions. The most different aspect of this approach will lie in the discussion/delineation of the ways in which school personnel will endeavor to teach the expectation and their response to its acquisition.

Responses to Violation of Expectations

One of the ongoing concerns of special and general educators is the prospect (and often the reality) of dual systems of response to violation of school climate expectations (i.e., one in which non-handicapped students are treated in one way and handicapped students in another). Several problems result from a dual approach, among them that some handicapped students feel they have license to violate school rules and expect no serious consequences, and that some schools appear to avoid identifying students as handicapped, especially as behaviorally disordered, because they then lose the more serious sanctions available to the school for violation of the school climate expectations by handicapped pupils.

The Council for Children with Behavioral Disorders recognizes that a dual system involves serious problems for public schools as well as for the behaviorally disordered and the non-handicapped expectation violators they serve. A more viable alternative to the dual system is one in which the district or school implements a *flexible, unified discipline policy* which, in addition to the school climate/expectations/instructions sections discussed above, includes a section on flexible responses to violations.

Response to violations. This section of a disciplinary policy is created for two reasons: (a) to assist in teaching behaviors that meet the expectations for school climate; and (b) to protect the student and his/her peers, faculty, and administration from unreasonable disruption of the school climate. To that end, responses to school climate violations should be varied in number and type. The goal is to match the response to the violation in such a way that it is most likely that the response will result in learning on the student's part and undisrupted climate on the part of the school.

A flexible, unified discipline policy might take several approaches in responding to violations of school expectations for student behavior. Some of those options are discussed below. The degree of structure desired, the individual district characteristics, and typical violation problems would be some of the elements a district or school would consider in the creation of their individual policy. These ideas are not offered as a definitive list, but rather as a guideline to options available.

1. A unified discipline policy could be one in which each violation is accompanied by a variety of suggestions for reasonable responses to each violation. The school's administrators and faculty would be responsible for determining which of the suggestions was most likely, in the individual situation in question, to assist students in learning the desired behavior and to protect the school climate.

2. A unified discipline policy could be one in which each violation is accompanied by a recommended response which a school's administration and faculty would be expected to implement in most cases. A list of alternative suggestions would also be provided from which an administration and faculty could select in cases with extenuating circumstances. This option provides more structure by the district, but each school has some flexibility to make individualized decisions.

3. A unified discipline policy could be one in which each violation was accompanied with a required response. However, administrator prerogative to select another alternative exists, with requirements that the administration justify deviation from

the required response. In this instance, the only flexibility available to an individual school is that which falls out of the *procedure* for responding which is discussed below.

Procedures for response. Whether the range of responses to expectation violations is long, short, very flexible, or more structured, the key to a unified discipline policy is a unified procedure that allows for adaptation to individual needs and achieves a balance between affording each student the best alternative for that situation and allowing school personnel to manage the discipline in a timely and efficient manner. The following steps meet these criteria.

1. When a school climate expectation is violated, the person in charge, usually a general education administrator, will seek the assistance of one other person in making a determination concerning which of the possible responses to the violation will best assist in teaching the student and protecting the school environment. For the non-handicapped student, the referring teacher, home room teacher, counselor, or another administrator would participate in the response selection. The degree of flexibility in the response suggestions will generally determine how easy it is to individualize for each student. For handicapped students, the person participating with the individual in charge might be the teacher on whose case load the student appears, a supervisor of the classroom in question, the director of special services, and so forth. In either case, two perspectives are used to determine a response to the expectation violation that best meets the student's need to learn decorous behavior and the school environment's need for protection from excessive disruption.

A requisite understanding for utilizing this approach most effectively is that the minimum amount of time possible should elapse between the behavioral problem and the implementation of response. The closer these events are temporally, the greater the likelihood that the chosen response will result in learning on the student's part.

Emergency situations might require the person in charge to act unilaterally. In that event, the individual will want to subsequently discuss the situation with another person. Depending upon the unilateral response, it is possible that step 2 will also need to be implemented.

2. In any case in which a staff pair selects a response which might violate a handicapped student's rights under EHA or Section 504 (see Grosenick & Huntze, 1984; Grosenick et al., 1981) or about which the team has some concern in relation to a handicapped student, the team shall convene a multidisciplinary team to evaluate the appropriateness of the response based on that student's needs and his/her IEP. While the Council for Children with Behavioral

Disorders does not recommend such action, from a legal standpoint the response selected here could include a suspension of 10 days or less.

3. The only point at which the disciplinary policy varies for non-handicapped and handicapped students is the one at which a suspension of more than 10 days or an expulsion is recommended.

- a. For a non-handicapped student, suspensions of short duration may be carried out by the staff pair originally considering the response to violation. Suspensions of a longer duration typically require an informal meeting or hearing. Expulsions have a long case law history which requires a formal evidentiary hearing (Grosenick & Huntze, 1984; Grosenick et al., 1981).

- b. For a handicapped student, suspensions of short duration may be carried out by the multidisciplinary team if it is consistent with the needs and IEP of the student. The Supreme Court decision, *Honing versus Doe* (1988), makes it clear that for all practical purposes, a handicapped student may not be excluded, which in this case means suspension of more than 10 days or expulsion.

RECOMMENDATIONS

It is recommended that school districts create flexible, unified school discipline policies. A committee of general and special educators should set about the task of creating a school discipline policy that includes:

1. A major discussion of the desired school climate and its elements.
2. A set of expectations regarding the types of behaviors necessary to achieve the school climate.
3. A delineation of the instructional methods that will be used to teach those expectations, including the school's response to the acquisition of the expectations.
4. A section addressing the possible responses that might be taken to the violation of the expectations.
5. A delineation of procedure to implement those responses which treat all students in an individualized fashion.
6. A requirement that administrators keep records concerning the strategy selection for expectation violations.

CONCLUSION

The Council for Children with Behavioral Disorders forwards this position paper as a statement of our concern for the needs of all significantly disruptive students - including the behaviorally disordered - and as a statement of our concern for the integrity of the public school programs which serve the majority of school-age children and youth.

REFERENCES

- The American college dictionary*. (1967). New York: Random House.
- Grosenick, J. K., & Huntze, S. L. (Eds.). (1984). *National needs analysis in behavior disorders: Positive alternatives to disciplinary exclusion*. Columbia: University of Missouri, Department of Special Education.
- Grosenick, J. K., Huntze, S. L., Kochan, B., Peterson, R. L., Robertshaw, C. S., & Wood, F. H. (1981). *National needs analysis in behavior disorders: Disciplinary exclusion of seriously emotionally disturbed children*. Columbia: University of

- Missouri. Department of Special Education.
Honing v. Doe, S.Ct. 27 (1988).
- Rose, T. L. (1988). Current uses of disciplinary practices with handicapped students: Suspensions and expulsions. *Exceptional Children*.
- Rosell, J. (1986). *An analysis of school district policies for disciplinary action with handicapped students*. Unpublished manuscript.
- U.S. Department of Education. (1975). *Public Law 94-142: The Education for All Handicapped Children Act*. Washington, DC: U.S. Government Printing Office.

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