

Behavior Management and Discipline Practices

Developing a Systemic Approach to Positive School Culture and Equitable Discipline Policies and Processes

National Charter School Resource Center Conference

June 2012

Foreword:

Now Is the Time

- 1.** Growing national concern about discipline in public schools has fueled increases in research about discipline practices, state regulations regarding discipline infractions and consequences, and district oversight procedures for discipline reporting and monitoring requirements.
- 2.** As more and more discipline incidents are publicly sensationalized, both charter schools and public school systems face increased media scrutiny regarding school culture, behavior management, suspensions and expulsions.
- 3.** Following strict guidelines for discipline does not only apply to students with disabilities. Students with Section 504 Plans and a number of students in the RTI process, especially those with ongoing behavior and socio-emotional concerns, are protected by civil rights laws prohibiting discrimination based on both identified disabilities and indicators of *possible* disabilities.

Foreword:

Now Is the Time

4. Implementing effective discipline referral systems and practices requires school leaders to assume accountability for:

- keeping abreast of current research and best practices in sustaining a positive and safe school culture,
- understanding the complexity of building comprehensive, school-wide discipline processes and procedures,
- establishing high expectations for staff, parents and students to respect each other, follow school rules, and contribute to a positive, caring school environment,
- overseeing the development of reasonable and carefully defined infractions in Codes of Conduct, and
- ensuring equity during the determination and execution of consequences.

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Section I

Themes in Federal Law Regarding Discipline

DISCIPLINE OF STUDENTS WITH DISABILITIES UNDER THE INDIVIDUALS WITH DISABILITIES ACT AND §504 OF THE REHABILITATION ACT, Special Education Handbook, Rockingham County, Virginia

There are four themes in the federal regulations that guide the discipline requirements:

- “All children, including children with disabilities, deserve safe, well-disciplined schools and orderly learning environments;
- Teachers and school administrators should have the tools they need to assist them in preventing misconduct and discipline problems and to address these problems, if they arise;
- There must be a balanced approach to the issue of discipline of children with disabilities that reflects the need for orderly and safe schools and the need to protect the rights of children with disabilities to a free appropriate public education; and,
- Appropriately developed Individualized Educational Plans with well-developed intervention strategies decrease school discipline problems.”

Section I

Themes in Federal Law Regarding Discipline

DISCIPLINE OF STUDENTS WITH DISABILITIES UNDER THE INDIVIDUALS WITH DISABILITIES ACT AND §504 OF THE REHABILITATION ACT, Special Education Handbook, Rockingham County, Virginia

“Also threaded throughout the federal law and regulations is the governing principle that students with disabilities are entitled to the same constitutional rights as students without disabilities. These fundamental rights include:

- Meaningful notice of an alleged violation of law or school division rules;
- The opportunity for the student to present an account of the incident; and
- The opportunity to appeal the disciplinary action which is imposed on the student.”

Section II

The Issues: What Current Research Reports

Study: Suspended Education: Urban Middle Schools in Crisis; the Civil Rights Project, Daniel J. Losen and Russell J. Skiba, September 2010

Study: Breaking Schools' Rules: A Statewide Study of How Discipline Relates to Student Success and Juvenile Justice; Justice Center of the Counsel of State Governments (CSG), July 2011

Study: Suspended Education in California, the Civil Rights Project, Daniel J. Losen, Tia Martinez and Jon Gillespie, April 2012

Section II

The Issues: What Current Research Reports

Fact Sheet of Research on Positive Behavior Supports (PBS); National Association of School Psychologists, 2012

“PBS is based on behavioral theory; problem behavior continues to occur because it is consistently followed by the child getting something positive or escaping something negative. By focusing on the contexts and outcomes of the behavior, it is possible to determine the functions of the behavior, make the problem behavior less effective and efficient, and make the desired behavior more functional.”

Section III

Research-Based Recommendations

Study: Colorado Disciplinary Practices, 2008-2010: disciplinary Actions, Student Behaviors, Race, and Gender; National Education Policy Center, Ryan Pflieger and Kathryn Wiley, April 2012

- “Policy should be directed at decreasing the use out-of-school suspensions, which make up the majority of yearly actions and are linked to well-documented negative effects for students; policy also should be directed at decreasing the use of in-school suspensions.”
- “Policy should encourage increased examination of the effects of Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice programs...”

Study: Research-Based Recommendations for Improving School Discipline in Wake County Public Schools; Advocates for Children’s Services, Jason Langberg, Esq., July 2010

- “Suspension is an abandonment of the teaching role, rather than trying to build a relationship with the student, model good behavior, and offer alternative strategies for dealing with anger or solving disputes.” Neuroscience and psychological research “shows that adolescents are, by and large, developmentally incapable of moderating their impulses and making fully rational decisions that take long-term consequences into account.”
- Rethink policies that decrease the suspension of at risk children.

Section IV

Lawsuits Relevant to Discipline in Schools

Goss v. Lopez

A United States Supreme Court case held that a public school must conduct a hearing before subjecting a student to suspension. The Court upheld that a suspension without a hearing violated the due process clause of the Fourteenth amendment to the United States constitution. (1975)

P.H. v. Board of Education of Bergenfield

The New Jersey State Board of Education held that students expelled from school are entitled to alternative education until the age of 20, and that students suffer irreparable harm when education is disrupted. (2005)

Berry et. al. v. Pastorek et. Al

Currently Pending

The Southern Poverty Law Center's class action alleging the Louisiana Department of Education's failure to provide special education oversight and monitoring of charter schools resulting in systemic violations:

1. Discrimination on the Basis of Disability and Denial of Access to Educational Services
2. Failure to Implement and Develop Child Find Procedures
3. Failure to Provide a Free Appropriate Public Education (FAPE)
4. ***Failure to Protect Students' Procedural Safeguards in the Disciplinary Process***

Section V

Proactive State Regulation: Discipline in Louisiana

Louisiana has been proactive in focusing on discipline in charter schools through comprehensive State regulations.

- **Louisiana's Charter law**
- **The Charter School Agreement**
- **Model Master Discipline Plan.**
- **Louisiana House Bill 559 of 2011**
- **Louisiana Senate Bill No. 67 of 2011**

Section VI

Building a Discipline System in New Orleans

Case Study:

In order to comply with Louisiana regulations, a region of nine schools designed and followed a five step process to build an effective school-based discipline system.

Section VI

Building a Discipline System in New Orleans

Step 1: Convened a Discipline Roundtable to meet four times during the school year, approved by the nine Principals and comprised of each school's Dean of Discipline/School Culture, special education coordinator and Child Study Team chairperson.

Step 2: Established as the **purpose of the Roundtable** to ensure that there are three key informed leaders from each campus, charged with guiding discipline practices based on familiarity with applicable laws.

Section VI

Building a Discipline System in New Orleans

Step 3: Established the following **tasks, deliverables and timelines** spread out through the school year.

Task A: Define discipline infractions currently common across the nine schools.

Task B: Assemble a discipline stakeholder group at each school, comprised of the Roundtable members, a parent, a student (if age appropriate), a teacher, and a non teaching staff member, to provide input on discipline policies, procedures and practices for review at Roundtable discussions.

Section VI

Building a Discipline System in New Orleans

Task C: To review and update the Pupil Policy Manual/Student Code of Conduct for SY 12/13, incorporating the policies and procedures developed by Roundtable members during the course of SY 11/12.

Task D: Create a streamlined and collaborative communication network among each school's leader, discipline designee, special education coordinator, Child Study Team chairperson, and data manager to ensure accurate discipline reporting and analysis, safe schools, and fair and reasonable outcomes for all students.

Section VI

Building a Discipline System in New Orleans

Task E: Develop simply outlined processes and procedures with required documentation and forms to guide consistent disciplinary response to behavior incidents as they occur.

Task F: Advocate for positive behavior management approaches based on best practice research and application; promote incorporating mental health and behavior standards and content within the curriculum as a Tier I intervention available to all students.

Task G: Create a Behavior Management and Discipline Practice Notebook, containing all applicable laws; Louisiana Department of Education mandates; regional policies; and newly created school-based processes and procedures, forms reporting requirements, and data collection methods.

Section VI

Building a Discipline System in New Orleans

Step 4: Complied with Louisiana's mandate to implement a **School Master Plan for Discipline** as defined by Louisiana statute 17:252(D) of 2010.

Step 5: Ensuring a **crisis plan** for traumatic events is in place (social workers and Clinical Practice Manual) and included in the Notebook.

Section VI

Building a Discipline System in New Orleans

Next Year

Step 1: Develop alternatives to suspension, starting with Restorative Justice and peer mediation programs.

Section VII

Reference: Draft Policies and Definitions

Cell Phone Policy

- Cell phone use during the school day is prohibited. Displaying or using a cell phone during the day without permission from an adult, is a disciplinary infraction. School leaders retain authority to implement one of two policies regarding cell phones in their schools.
- Cell phones will be confiscated if displayed or used during the school day. The first infraction will result in confiscation of the cell phone for the rest of the week, the second infraction will result in confiscation for 30 days, and the third infraction will result in the loss of the privilege of bringing a cell phone to school for the remainder of the school year. Cell phones will be returned only to a parent when confiscation periods have expired. School leaders maintain the right to search confiscated cell phones to make an accurate assessment of the nature of the disruption and its risk to other school community members.

Reference: Draft Policies and Definitions

Civil Rights, Harassment, and Bullying

The region defines bullying as aggressive behavior that involves unwanted, negative or discriminatory action; a pattern of behavior repeated over time, and an imbalance of power. Schools in the region do not tolerate derogatory comments and name-calling, social exclusion or isolation, physical aggression, lies and false rumors, extortion and stealing of money and property, or forced acts. The region prohibits the harassment, intimidation and bullying of a student by another student in accordance with Louisiana's laws.

- *Harassment*
- *Physical Touch*
- *Threats*
- *Cyber Bullying*

Section VII

Reference: Draft Policies and Definitions

Positive School Culture

General Expectations – The Credo (all schools have their own credos as well)

If there is a problem, we look for a solution.

If there is a better way, we find it.

If a teammate needs help, we give.

If we need help, we ask.

Behavior Expectations

The schools are committed to using positive behavior supports and effective tools, strategies and incentives, such as paycheck and merit awards for good behavior, to ensure a safe and orderly school environment and a caring school culture. Within the first days of the school year, school leaders and teachers provide information about behavior expectations and discipline consequences and answer any student questions about compliance with the Code of Conduct.

Reference: Draft Policies and Definitions

Willful Disobedience

- Behaviors that are non compliant with reasonable requests and directions by an adult in the school, despite clear understanding of expectations and an attempt to redirect by an adult.

Zero Tolerance Actions

- Behaviors that are illegal, defined and regulated by Louisiana education law, and extremely harmful to the misbehaving student and/or others, including possession of a dangerous weapon, possession of a controlled substance, and assault with maiming.

1. Weapons

2. Drugs

3. Serious Bodily Injury

Q & A & Discussion

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