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CREATING MEANINGFUL CONSEQUENCES THAT SCHOOL DISTRICTS CAN
IMPLEMENT WHILE STAYING IN COMPLIANCE WITH STATE LAW, FEDERAL LAW
AND SCHOOL DISCIPLINE POLICIES

by

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A capstone submitted in partial fulfillment of the
requirements for the degree of Master of Arts in Education.

Hamline University

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CHAPTER ONE

Introduction

Inquiry

Our government has determined that all individuals have the right to a free appropriate public education. According to the Race Forward: The Center for Racial Justice Innovation, 2013, starting in 1647 through the general court of Massachusetts Bay Colony, decreeing that every town of fifty families should have an elementary school. As a nation we understood how important education would be and that by investing in our youth's knowledge we would be investing in the nation as a whole. Unfortunately, at first we did not include everyone. Education was provided to wealthy white males. Race Forward: The Center for Racial Justice Innovation, 2013, also reported that in 1779, Thomas Jefferson proposed a two-track educational system. The organization explains that this system was developed to educate two different categories of pupils. Thomas Jefferson referred to these categories as, "the laboring and the learned. However, there continued to be an unequal balance among minorities and wealthy white males. Over many years of fighting for equity among all individuals and with the Civil Rights Movement, the law began to clearly state that all individuals would have the right to be educated from kindergarten through 12th grade, no matter the individual's race, gender or disability under the Free Appropriate Public Education Act, also known as FAPE ("U.S. Department of Education," 2010). The Leadership Conference, 2016 reports one of the biggest impacts of this movement took place on May 17, 1954 when the Court unanimously ruled that "separate but equal" public schools were unconstitutional in the Brown v. Board of Education. This ruled that "separate but equal" public schools for blacks and whites were unconstitutional.

Today we see a variety of diversity in our public school system, from different ethnicities and races to students with exceptionalities. Each student having the right to attend the school of their choice

with the goal of being provided a free appropriate public education. My question is: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws and district discipline policies for students receiving special education services?* I ask this question because I believe that it is important for students to be in school where they can have the opportunity to learn new skills. How are they able to learn new skills and practice them if they are not being taught? Different experiences in my life contribute to my question and shape my personal opinions about the educational system we provide for our students. This is a topic that I am passionate about, because one day I hope to become an administrator of a school. During my time as an administrator I hope to provide students with skills to be successful in life. When looking into my future I know that if I do become an administrator I would acquire several responsibilities, one of those responsibilities is providing students with consequences. With today's technology and social media it seems that schools are constantly in the public spotlight in regards to student consequences especially student removal from school. I hope by completing this research process that I will be able to develop a process that does not often, if ever include suspension/expulsion for my students.

Background

Growing up in a small rural town in Minnesota, where there was little diversity, my perspective was that my school district did allow all students a Free Appropriate Public Education (FAPE). I attended the same public school, Kindergarten through 12th grade as a general education student. I can remember my elementary school years very well and I can remember a few of my peers who seemed to have a special plan with the teacher, and every once in awhile they would leave the room for a short amount of time and then head back to class. I never really thought much of it with the exception of two different experiences.

The first time I really noticed that one of my peers had a “special plan” was when he would leave the classroom with another adult other than the classroom teacher. He would then come back choose a

friend, and leave for 15 minutes. When they would come back he and his peer would talk about how cool it was to go play basketball, or how much fun it was to just play legos in school. I became curious, very quickly and wanted to know what was going on, and where was this magical place where kids got to participate in fun activities when I was working on my math assignment? The next day I started talking to my peer about where he went when he left the room with the other adult. He explained to me that he went to the “resource room,” and that if he did what was asked of him two days in a row, he was then able to invite a friend for some free time to play legos or go outside etc. Then he said that the next time he would bring me. I can remember going home that day and telling my mom about my peer and how excited I was that I would be able to go to this “resource room” and play a game with him.

After two days I connected with the peer. He explained that he would be able to take his “friend time” during work time in the classroom, and if I was caught up on everything that I would be able to go with him. We checked with the classroom teacher and she confirmed that I was able to go during that time. I was so excited that I was finally going to get to see what this room looked like and what it was all about.

When the time came, my peer came into the classroom with an adult and waved me over. This was the signal that he had earned his “friend time.” I eagerly jumped from my desk and began to walk over to them. They led me down the hall to a room that I had never really noticed was in the school. When they opened the door, I was a little let down from my imagination. I had envisioned several different toys, maybe a swimming pool, indoor basketball court, the whole works. Instead, what I found was a classroom, much like any other classroom I had seen before. There were no desks though, instead different kidney bean shaped tables stationed in different areas of the room. In one corner of the room there was even a teacher working with a group of kids that I had seen around the school. There were different books and toys in the classroom, but there was no swimming pool or indoor basketball court. It was a very typical classroom that looked like several kids visited from different grade levels. My peer and

I played with the legos that were provided in the classroom for about 10 minutes and then we were headed back to our classroom.

The second time I realized that some students in the classroom have a “special plan” was during the middle of my 4th grade year. I can remember a student who had been struggling in class. He had a lot of energy and the class could tell that he was upsetting our classroom teacher. Our teacher was very skilled in handling his behaviors, but on one occasion she became more upset when the student pulled down the pants of another peer. At that point the teacher went for her phone. In my mind I thought that she would tell him to go to the office to talk to the principal. However, instead she picked up the phone and said a few words then hung up. She told the student to go to the back corner of the room and then directed the rest of us to the board where we would begin working on an assignment. Within a short amount of time that the teacher made the phone call, a woman came into the classroom and began to whisper to the student. He became very upset and started to yell. She then attempted to guide him out of the classroom, and he grabbed onto the table. She pried him from the table and carried him out of the room as he was kicking and screaming. I had never seen anything like this before, I was in shock. I remember thinking, that would be the last time I saw that kid, and he would probably be expelled. I was wrong, the next day he was back in the classroom with an apology letter to the peer that he pulled the pants down.

Looking back on these memories after earning a Bachelors of Science in Special Education with a license in Emotional Behavior Disability and Specific Learning Disability, I now know that these “special plans” that the two students had with the teachers were really reinforcement and behavior plans because those students were on an Individual Education Program (IEP). I now understand that students have unique needs, and may require additional support to be successful in the classroom.

An Individual Education Program also known as an IEP is defined by the U.S. Department of Education as a document that each public school child who is receiving special education and related

services must have. This document is designed by school officials, parents and sometimes outside agencies to truly individualize the students education to improve the student's educational results for children with disabilities.

Unique Needs of Special Education Students in the Classroom

As an educator my goal is to create lifelong learners who will be contributing adults to society. I feel that it is my ethical duty to model this for my students. Our district has several trainings and classes throughout the year where we talk about the individual needs of the students both on an IEP receiving direct services and those who are not. Educators have finally gotten to a point where they no longer look at the education process as a cookie cutter, one size fits all process.

Teachers and support staff have been trained to understand that every student is different and that there may be similarities in learning styles, but in reality all students learn differently. All students are different, they come from different backgrounds, they have different capabilities and needs. It is our job to help students learn through differentiation and targeting the specific need of the student. With that comes the responsibility of creating an environment where all students have the option to learn no matter their race, gender or in this case their disability (Maxwell, 2015, pp.432-441; “Building the Legacy of IDEA 2004,” n.d.; “U.S. Department of Education,” 2010).

I am currently a special education teacher in a federal level IV separate site setting for intense behaviors. I work for a special education cooperative. In this coop, we service seven surrounding districts in northern rural areas. At these schools a team of administrators, general education teachers and special education teachers refer students to special education for various reasons. Students are evaluated and if they qualify under state criteria for a disability area, they begin receiving special education services. Students are provided with different amounts of special education services depending on their individual needs. Some students may receive 60 minutes of direct special education services, another may receive more, it all depends on the individual need of the student.

The main goal is to provide a least restrictive setting for students with a disability and to try to establish time in their academic day that they receive instruction with their non-disabled peers, outside of a special education classroom. To make this happen special education teachers and general education teachers work as a team to develop interventions and differentiated lessons. They also implement other accommodations and modifications for the individual student. If the student is being provided these supports and is still not making progress in the classroom the team may determine to provide the student with more direct services. The more services that a student receives the more restrictive their setting is because they are not participating in classes with non-disabled peers. If students are receiving a majority of their daily instruction in the special education room and their behaviors are so intense that they are negatively impacting their own, and/or peers ability to learn, the team may determine to make a referral to place the student in our level IV program.

Currently our school has an enrollment of about 34 students. These students range from ages 15 to the age of 21. The school has a very high staff to student ratio and has two adults in the classrooms of a maximum of 10 students. Each student is working on their own individual goals. Some of them may look similar, but they are unique to their needs. Some of the goals are academic, most of them are behavioral. Our school mainly deals with individuals who have extreme behaviors. Several of the students, if not all of them, deal with mental health issues. Many of them also struggle with drug addiction and self injurious behaviors. We have students that bring drugs and objects that could be considered weapons into our program on a daily basis. What types of consequences can we provide to hold them accountable, while teaching them a more appropriate skills? Do we suspend students that repeatedly break school policies? This is where I ask: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws and district discipline policies for students receiving special education services?*

Being a federal level IV setting we are basically the last stop for students. There are treatment facilities and day treatment programs, however, they can refuse to take a student into their program or the student can be kicked out. In our setting students are on an individual education program (IEP). Because these students have been labeled with a disability, they have specific rights to receive a free appropriate education. When we have a student that breaks a school policy we have a couple of options as a school. We can suspend a student on an IEP for a day, which we will typically do if there is any type of physical aggression, bullying, or severe disruption to the program. When we look at suspension as a consequence, the Minnesota Department of Education (MDE) and state laws limit us to being able to suspend a student up to a total of ten school days in one school year. After five consecutive days the district is obligated to provide alternative services on the sixth day, which could be in-home instruction.

Providing instruction in the home can be costly for the districts and come with liability concerns. It is also difficult to find qualified staff to provide services for the students individual needs. This is also outside of the staff's contract hours so the school then has to pay hourly. At the school where I work, the rate of pay is \$31.25/hour. If the school can not find a qualified staff they sometimes raise the rate of pay. If services are not provided on the sixth day, the school is liable for not providing the student with services. Typically what the districts in my coop will do is suspend for five consecutive days if the offense is serious enough, then hold a manifestation determination meeting. This way we will allow the school to have no obligation in providing services in the home.

A manifestation determination meeting is when the team meets to determine if the behavior that resulted in a school consequence (e.g. suspension) was a result of their disability. Typically we look for a pattern of behaviors. If we continue to suspend for the same behavior it is very possible that the behavior is a result of their disability. The next step is to determine, as a team, if the behavior that caused the consequence was a direct result of the school's failure to implement the student's Individual Education Program (IEP). Did the school personnel follow the plan that the team had mapped out? Many of the team

meetings that I have been involved with have determined that in most cases the behavior was a result of the student's disability, but not a result of the school's failure to implement the IEP.

Once the team has determined that the behavior was a result of the student's disability, the school is obligated to talk about providing more services, change programming and allow the student back to their educational setting, but does this method teach the student any type of skills to use in the future to avoid being suspended?

Meaningful Consequences

I continue to review the consequence processes that the state laws and Minnesota Department of Education (MDE) have put in place and think about how these policies teach our student new skills to correct the behavior that was unwanted (e.g. bringing a weapon to school, bringing drugs to school), especially if it is a behavior that manifested from their disability. When reading the district discipline policies and think about applying them to student with a disability I think of a scenario in my head. Picture a student in a wheelchair. This student is supposed to go to their geometry class 3rd hour of the day. However the student's geometry class is on the second level of the school and requires students to walk up stairs to get there. The student goes to the elevator, but it is out of service. The bell rings and the student was unable to make it to their geometry class on time because of their disability. Would the student be punished for not making it to class on time? Now think of a student who has a diagnosed disability of Attention Deficit Hyperactivity Disorder who is over stimulated in the hallway and struggles to be on time and organized. Because of his disability he does not always remember his schedule and also tries to talk to as many of his friends in the hall as he can during passing time because of his impulsive behavior. The bell rings and the student did not make it to class on time. Would we discipline that student?

Technically if schools are asked to individualize a student's curriculum, they should also take into consideration of individualizing their consequences in relation to the school policy. How do schools

individualize the consequences for each student, when our policies are set up to be uniform and very strict? Students with significant behavioral needs are often provided with the same consequences as students who do not have a disability. I like to think back to a situation of one of my students, this student brought in objects that could be considered a weapon. This is a student who currently struggles with mental health issues and engages in self harm. She typically brings in what would be considered a weapon on a daily basis. If the school were to follow the district's policy our initial reaction would be to suspend the student for bringing a weapon to school.

When thinking about the district's policy on weapons it also makes me think about the district's drug policy. I have also worked with a student who struggled with addiction and had drugs dropped off at the school again, district policy would have suggested that we suspend that student. Are we providing them with a meaningful consequence to teach them a new skill? Or are we reinforcing their poor behavior by allowing them time to be in the community continuing to make poor choices with no redirection? At the end of this study I hope to find practical consequences that are meaningful and effective.

Next step

In chapter two of this capstone I hope to find research in the literature that gives suggestions to districts on what is the most appropriate way to discipline students so that they learn from their mistakes. I want to take action on this study because I believe it is important for all students to receive an education, and to feel safe in their learning environment. I believe that students only benefit from being in school, and that when their behaviors exclude them from the classroom we have options to ensure they are still being provided with services. How do we create consequences for unhealthy behaviors that are truly going to change the students behaviors, that are going to support their academic success and teach them skills to be successful members of society.

Through my research and literature review I hope to focus on the question: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws*

and district discipline policies for students receiving special education services? I hope to collect research and review literature that will provide answers as to what methods are most successful. I plan to do this through literature review and applying a mixed methods approach using the seven districts in my co-op, and our level IV setting to gain an understanding of what works best to keep students in school. I also hope to challenge the idea of quickly removing a student from their educational environment as a quick fix punishment that has become the norm for educational discipline.

CHAPTER TWO

Review of Literature

Schools are rapidly changing from the way that they teach curriculum and assess for student understanding to the way that they handle discipline. Schools are beginning to shift to inquiry-based learning and promoting students to take their learning into their own hands. The U.S. Department of Education's Mission Statement (2016) stated, "ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." ("U.S. Department of Education," n.d., para. 1). What about those students with disabilities? Do they have the same opportunities to participate in a free appropriate education on a daily basis? What about those with severe behavioral needs? When students have a disability and are receiving special education through the development of an Individual Education Program (IEP), what legalities do schools have to support those students behaviors?

The following literature review seeks to answer the question: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws and district discipline policies for students receiving special education services?*

This chapter will explore special education due process compliance, suspension and school discipline practices along with meaningful consequences that districts can implement to help reduce the amount of times students are removed from their educational setting.

The review of the literature will discuss how students on an IEP with a disability are held accountable for their actions when displaying severe behaviors that break school policies. The special education due process is a compilation of the student data. This data consists of evaluation reports that

determine the student's eligibility, the student's individualized education program and data collected to show students are making progress towards their individual goals.

Special Education Due Process Compliance

Evaluation process. To be in compliance with state and federal laws, districts are obligated to follow the Individual's Disability Education Act (IDEA, 2004). This law sets guidelines that districts must follow when evaluating a student suspected of having a disability and when providing special education services. Schools must evaluate students who they believe could have some type of disability, or if a parent requests their child to be evaluated. This could range between several different categories of disabilities such as, Specific Learning Disability (SLD), Emotional Behavioral Disability (EBD), Developmental Cognitive Delay (DCD), Autism Spectrum Disorder (ASD) or Other Health Disabilities (OHD). The primary focus of this review are students who display severe behaviors, but note that any student labeled in the categories previously listed share the same rights as any other student on an IEP when looking at school discipline policies and what can and cannot be implemented ("Building the Legacy of IDEA 2004," n.d.).

When the district thinks that a student may have a disability, an Individual Education Program (IEP) team needs to evaluate the student to determine if they will qualify for services under Minnesota State criteria. The team can consist of several different members, however primary team members are typically the student, the student's parents/guardian, school administration, special education teacher, general education teacher, and the school psychologist ("U.S. Department of Education," n.d.). The team must then develop a prior written notice to present to the parents and student to show them a plan created to assess for a possible disability. Parents or guardians must sign off on the prior written notice stating that they agree with the proposed plan before the team can begin to assess. After all of the team members have collected the data, an evaluation report is developed and the team meets to go over all of the data that was

collected and determine if the student does indeed, meet criteria for special education services (“Building The Legacy of IDEA 2004,” n.d; “U.S. Department of Education,” n.d.).

Districts take the Individuals With Disabilities Education Act (IDEA, 2004) and its regulations (2006) very seriously when conducting an evaluation/reevaluation and IEP (“Individuals with Disabilities Education Act, 2004.”). Bateman (2010) and Zirkel (2014) both described similar comprehensive formats that should be followed when a child with disabilities must be evaluated by the district and appropriate programming should be developed and implemented by using a variety of assessment strategies to gather relevant information about the child, and assess in all related areas that may be related to the suspected disability. The data considered in the evaluation are observations conducted by the special education teacher, related service providers, and also contain information reported from the child’s parents/guardian and others who interact with the student on a regular basis (Bateman, 2010, pp. 80-82; Zirkel, 2014).

Developing an individual education program. Once the student has met state criteria the team will then develop an Individual Education Program (IEP) for the student. When the team is creating an IEP for the student they begin to look at areas of need, goals that the student should be progressing towards. They also look at the different levels of federal settings that the student should be placed in. The district will always want to have the student in their Least Restrictive Environment (LRE). The LRE is the time spent in a placement with non-disabled peers and consist of different setting levels . These setting levels range depending on how much direct service (time spent away from non-disabled peers, and instruction being provided by licensed special education teacher) the student is receiving. According to IDEA (2004), students who are in elementary school may only have 15-20 minutes with direct special education services, which would be a Level I federal setting. When students are in the secondary level they are typically given a whole class period or several class periods to work on their IEP goals and receive extra support, the team will then need to track progress on the student's IEP goals and develop an updated IEP annually with the students progress. The team will also need to conduct a reevaluation every

three years, during these meetings the team may determine that the student needs more support (“Building The Legacy of IDEA 2004” n.d.; Carson, 2015).

Some students have severe behavioral and academic needs and the IEP team will determine that the student’s LRE is a federal setting Level IV program, which contains only students who have a disability and are currently on an IEP (Individuals with Disabilities Education Act, 2004; Smith, 2011, p. 125). This program is typically a separate site setting that provides small classroom sizes with a large staff to student ratio. Students are sent to this program after they have been receiving special education, and several interventions have been tried in the general education setting, but the interventions are continuing to fail and the student continues to regress towards their goals. Students may also be placed in this setting for a unilateral 45 day placement for breaking school policy, as a consequence. This may happen if the student who is on an IEP has brought a weapon, drugs, or is under the influence at school, any behavior that would have a student who is not on an IEP (considered non-disabled) expelled (“Building The Legacy of IDEA 2004”, n.d.). These types of placements or the failure to provide services can cause conflict between districts and guardians/parents.

Importance of following state and federal laws. Disagreements between the student's parent/guardian and the district can occur in regards to the student's IEP and the amount of services that the student is receiving or in regards to district discipline policies. When this happens the parents have the option of challenging the district in an argument that the Individualized Education Program that was created for their child was not being implemented, which would lead to a due process hearing. The due process hearing is when the parent/guardian brings their complaints to the court system (Brown, 2012 p. 817; Romberg 2011).

To begin this process the parent/guardian would first need to give written notice of their concerns that provide related facts, recommendations and a description of the problem (Brown, 2012, p. 822). During this time the district will implement a stay put placement, meaning that the student will remain in

their current educational placement/setting. The individual will continue to attend school until the IEP team is in agreement of the students educational programming (“Building The Legacy of IDEA 2004,” n.d.; Brown, 2012; Lombardi & Ludlow, 2004; Brown).

According to Lombardi and Ludlow (2004), the number of due process hearings doubled from the year 1991 to 2000, due to disagreement between parents/guardians and district in regards to discipline policies and placement of students. At that time more than 12% of the school population was receiving special education services. The authors explained that among the mandates of the Individuals with Disabilities Education Act (IDEA, 2004) is the provision of due process for the parents of students on an IEP receiving services, and the students themselves to call a due process hearing, If they felt the IEP was not being implemented. These hearings can be very expensive and time consuming for districts, Lumbardi and Ludlow (2004) found that one school district had eight hours of preparation for every hour of testimony during a due process hearing. With due process hearings being both time and cost consuming for schools, administration want to efficiently implement the mandates of IDEA (2008) to avoid due process hearing and argue that it is important for all individuals to receive an education (Individuals with Disabilities Act, 2004; Lombardi & Ludlow, 2004, p. 17).

The Minnesota State legislature (2014) stated that all individuals have the right to a Free Appropriate Public Education (FAPE), which requires Minnesota to provide disabled students with a free appropriate public K-12 education through the age of 21 or until a student completes secondary school even if the student break the district's discipline policies (“Minnesota House of Representatives House Research Department,” 2014, para. 2). This complicates some of the discipline actions that many schools implement such as suspension. The law states that when a child with an IEP is suspended from school for misbehavior the district must provide the child with special education and related services on the sixth consecutive day. The district must also then review the student’s IEP and the relationship between the child’s disability and behavior. The district would then need to determine the appropriateness of the

child's educational plan before expelling or excluding the child. The state also says that local school districts may not take disciplinary actions that deny students an education without adequate due process procedures. In the case *Mills v. Board of Education of the District of Columbia*, 348 F. Supp 866 (D.D.C. 1972), the federal district court determined that the removal of a disabled student from their district through suspension or expulsion without allowing them a prior hearing or periodic review afterwards, was a violation of the federal due process clause. When adopting IDEA, congress considered this case because it had generated substantial litigation that involved the disciplining of a disabled student ("Minnesota House of Representatives House Research Department," 2014, para. 11; Romberg, 2011).

The statute also describes how disciplinary procedures that are divided into three categories: permitted procedures, controlled procedures and prohibited procedures.

The Minnesota House of Representatives House of Research Department (2014) described these three areas as as the following:

Permitted disciplinary procedures Include disciplinary procedures that are part of a school district's student discipline policy and are commonly used with disabled and nondisabled students. *Controlled disciplinary procedures* include removing a student from a class or an activity, putting the student in a separate room, or suspending the student in-school or out-of-school for up to ten school days. *Prohibited disciplinary procedures* include expulsions and indefinite suspensions of more than ten school days that result in a unilateral decision to change a disabled student's placement. (The U.S. Supreme Court in *Honig v. Doe* declared that excluding a disabled student from school for more than ten days constituted a change in placement, which could only be accomplished by parents agreeing to the change or a court ordering the change). (para. 9)

With these laws set in place, schools often find it difficult to create meaningful consequences that will allow students to continue their FAPE, and also keep their learning environment safe and effective for

all learners. It seems that school policies such as suspension and expulsion do not have a positive effect on students with behavioral needs, or any student at all. One may argue that it is just a break for school staff from the students challenging behaviors.

Suspension and School Discipline Policies

Student removal. In today's school system, administration continues to implement the same consequences that have been administered for years such as student removal from school (suspension/expulsion). Skiba (2014) explained in *The Failure of Zero Tolerance* that for the last 20 years there has been fear for the welfare of our children and a "no-nonsense" path that has increased punishment and school exclusion and a disruption to the community through the approach of zero tolerance, a method of removing the individual who broke school policy from the school environment either for a short amount of time or for long periods of time, no matter the severity of the offense in relation to bullying, weapons on school grounds, or even drug use. During the 80's and 90's, fears concerning violent behavior in public and private schools led to an extreme increase in the implementation of zero tolerance discipline policies. By 1986 the Reagan administration proposed the zero tolerance legislation, but the legislation failed to make its way past Congress. However, in a time which the public widely believed that schools were being overwhelmed by violence the term zero tolerance became very popular and was implemented in the school systems (Skiba, 2014, p. 28). In 1994 the Clinton administration and Congress joined in implementing the Gun Free Schools Act in 1994. This act mandated a one year expulsion for possessing firearms on school grounds (Skiba, 2014, p. 28). Many would argue that this was a positive ruling to help control gun violence and student safety in schools. However, schools began to increase both the number and the length of suspensions and expulsions for many minor behavior issues such as wearing hats and failure to complete homework (Skiba, 2014).

Skiba (2014) and Gonsoulin, Zablocki, and Leone (2012) shared the idea that individuals' presumptions of zero tolerance is that strong disciplinary enforcement can act as a lesson to other students

that may be disruptive. This method teaches individuals that if they act out they may have to leave school (out-of-school suspension/expulsion) or they may have legal consequences due to the increase in security and police presence in schools. They describe individuals that believe it is important that we react harshly to even minor disruptions in the social order in order to make it clear that certain behaviors will not be tolerated. Those that believe in this theory and that the failure to intervene with a strong punishment action only allows the cycle of the disruption and violence to gain a solid toe hold in our schools and the community. Gonsoulin, Zablocki, and Leone (2012) argued that by introducing this concept students have a higher chance of having legal consequences and struggle to abide by the laws in the future (Gonsoulin, Zablocki, & Leone, 2012; Skiba, 2014 p. 28). Districts continue to look for alternatives when looking at removing a student who is receiving special education services, in response to an unwanted behavior from the student.

Removal of students from their educational placement. Districts are obligated by IDEA to provide protections against school removal if the offending behavior was a manifestation of the student's disability and/or the district was not in compliance with the student's IEP, as determined by the student's IEP team. A manifestation of the student's disability is the direct link between the behavior that was responsible for the consequence provided by the school and the student's disability. If either of the two conditions are present, the student who committed an infraction punishable by suspension or expulsion per the district's discipline policy, can not be removed from their educational setting (Brown, 2012, p. 821; "Building the Legacy of IDEA 2004," n.d.).

Brown went on to explain the following:

When considering whether to remove a special education student from school; and consistent with Federal school safety policies and "zero-tolerance" mandates, IDEA removal protections do not apply in cases involving weapons, controlled substances, and the infliction of serious bodily

harm. Offending students who are not or cannot be removed must be reevaluated and provided with an intervention to prevent the behavior from reoccurring and the school must be brought into compliance with the student IEP, if necessary. (p. 821)

This concept seems beneficial, because by reevaluating the student the team may find ways of teaching students new skills to be successful in decreasing the behavior that removed them from the school setting. By teaching individuals skills to correct the behavior, students will have better access to education because they will ideally reduce the amount of times they are suspended/expelled. Also, in my experience offending students would be sent to a level IV program and for a unilateral 45 day placement. During that time the student would be receiving special education services and be reevaluated.

Impact on students right to learn. When districts take an approach of removing a student from the school, many individuals argue that it affects the student's ability to learn, which impacts the student's individual rights. Skiba (2012) gave examples of several news reports of what seems to be endless cases in which students in the U.S. schools have been suspended or expelled for accidents or minor issues. Skiba described an incident where a student brought a knife in their lunch box to cut chicken and was suspended because of the school's discipline policy. Other examples given were students who were removed from their educational setting for pointing a picture of a gun at a peer, and a student who brought a plastic axe to school as part of a Halloween costume. Another student was suspended for making a phone call on their cell phone to their mother who was stationed in Iraq, during school hours. Many of these examples have led to legal actions such as lawsuits and created turmoil in the community. Extreme cases have ended in student suicide. In Fairfax County, Virginia, a young successful student athlete took his own life after he was removed from school for the possession of an illegal but controlled substance (Skiba, 2012). The author's argument is that these types of discipline actions do not teach an individual skills to learn from their mistake. When schools involve authority figures such as school

resource officers during these times it only seems to lead students towards a juvenile record introducing them to the court system at a young age.

In Toledo, Ohio, there was documentation that a 14-year-old female student was arrested for a dress code violation when she came to school for wearing a shirt that showed her midriff. Another case of a 14-year-old student in Palm Beach, Florida with a disability that was arrested and held for six weeks in an adult jail for stealing \$2 dollars from a classmate (Skiba, 2012). Gonsoulin, Zablocki, and Leone, (2012) argued that these types of consequence would only increase the likelihood that these students would only continue to find themselves in the repeating cycle of the court system with other offenses (Gonsoulin, Zablocki, & Leone, 2012). I continue to ask: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws and district discipline policies for students receiving special education services?*

According to Brown (2012) and Skiba (2004), the use of out-of-school suspension doubled since 1973. Brown (2012) reported after the implementation of zero tolerance in 1995 in Chicago, their district's expulsion rate jumped from 81 students a year to 1,000 students a year. A national randomized study of 510 parents, 33% of them reported inadequate special education services and 33% felt frustrated in getting the special education needs that their children had a right to receive. The authors also reported that the number of due process hearing requests filed on behalf of special education students increased from 9,827 in 1998 to an estimated 14,000 in the 2006-2007 school year and alternative education placement was the most common request in the hearings. This also led to an increase in referrals to juvenile justices facilities. Pennsylvania reported that the number of referrals had tripled over seven years and Florida reported that there were over 21,000 arrests and referrals to the State's juvenile department (Brown, 2012; Skiba, 2004). Skiba's main point is to educate individuals that, "no data exist to show that out-of-school suspension and expulsions reduce disruption or improve school climate" (Skiba, 2014, p. 29).

According to Gonsoulin, Zablocki, and Leone (2012), by trying to keep schools safe by implementing school discipline policies such as zero tolerance and referring students to police for school code violations schools are prematurely introducing youth to the juvenile justice system. The Council of State Governments Justice Center reported that 31% of students in Texas schools received suspensions even though only 3% of the infractions were for conduct that the state law mandates disciplinary removal. A disproportionate number of students with disabilities and African American youth received suspensions as well and overall, students who were removed from school had a much higher likelihood of involvement in the juvenile delinquency system. Gonsoulin, Zablocki, and Leone (2012) referred to this as the “school-to-prison pipeline” (STPP).

Relationship between suspension and incarceration. Brown (2012), Gonsoulin, Zablocki, and Leone (2012), Skiba (2014) all share the idea that associated with the concept of STPP are practices of removing the student from their educational setting like zero tolerance policies that mandate the application of predetermined consequences with little regard for the circumstances or contexts within which an incident occurs and often times they are severe and punitive in nature. They also described how researchers that analyzed juvenile court archive data found extreme increases in the rates at which schools referred youth to the juvenile courts for school misbehavior over a 10 year period in several states, and found approximately a 30% increase of school referrals in West Virginia and more than a 50% increase in Missouri for the same time period. Brown (2012) explained that recent national statistics reported that 0.2% of public school’s students were expelled from their district in 2006. The research also showed that Black students and students receiving special education service, labeled with a disability are expelled at a rate of five times more than that of a White, non-disabled students. Students that carry the label, Emotional Behavioral Disability (EBD), are more likely to be subject to both temporary and permanent disciplinary removals than students in any other disability category. Evidence shows that students with an

emotional or behavioral disorder recognized by the district are more likely to exhibit behaviors that merit exclusion (Brown, 2012; Gonsoulin, Zablocki, & Leone, 2012; Skiba, 2014).

Alternative education placements. Brown (2012) went on to explain that students protected under IDEA are entitled to an alternative educational placement when discipline policies require a removal exceeding 10 consecutive school days and/or where current services are deemed inadequate. This idea is directly related to the Free and Appropriate Education (FAPE) provision in IDEA. This literature described that special education services are appropriate to the students' needs and conform to their IEPs, meet state standards, and are provided at public expense. Individuals receiving special education services between the ages of 3 and 21 are entitled to FAPE and the individual or guardian can file a due process complaint against the district if they do not believe the provision is being met (Brown, 2012; "Minnesota House of Representatives House Research Department," 2014, para. 1.)

In cases where an alternative placement is deemed necessary and when proven that the public school district cannot provide adequate special education services, the placement may be private or out of state. In these situations tuition is paid by the public school district. However, if the guardian or individual removes their child or themselves from the school having not prevailed in a due process hearing, the guardian or individual would not be entitled to private school tuition (Brown, 2012).

Brown (2012) also stated the following information:

Disciplinary exclusion is associated with academic failure and disengagement dropout, and strained relationship with school staff. Furthermore, youth who are out of school for extended periods of time are more likely to experience early parenthood, use of illegal drugs, and engage in illicit activities. (p. 817)

As educators it is important to look into what we can do to develop meaningful consequences that will help students learn from their mistakes and change the unwanted behavior. We must ensure that all

students receive an appropriate education that will teach them the skills to hopefully become lifelong learners and proactive community members.

Meaningful Support Systems/Consequences that Schools can Implement

Programing for the behavior. Educators today face many different challenges in their career. In my opinion, many educators would argue that as a teacher you are not only a teacher, but a social worker, a therapist, and a parent figure. One of the main challenges of educators is behavioral management. When there is a pattern of a repeating unwanted behavior occurring and it is affecting the student's academic success, IEP team members may want to conduct a special education evaluation. Schools try to manage student behavior the best that they can with both old techniques and new techniques such as suspension, expulsion and positive behavior support systems. In the special education field, when working with a student who the districts are evaluating for special education services under the primary disability of Emotional Behavioral Disability, the IEP team conducts a Functional Behavioral Assessment (FBA). The purpose of an FBA is to look at the individual students target behaviors, or behaviors that are unwanted and disrupt the individual's ability to learn, that may be linked directly to the student's disability. The team looks at the baseline of the target behavior. This includes the frequency of the behavior, the intensity of the behavior and the duration of the behavior. The team then looks at what causes that target behavior to occur, also known as predictors or triggers? What is the potential setting, antecedents (what occurs directly before the behavior) and the consequence potentially maintaining the behavior (why the behavior continues). The team looks at the data collected in these areas through staff observations, documented incident reports/referrals, and even how many times the student had been suspended during the school year. Once they have the data they create a hypothesis statement that states why the behavior may have occurred (Asmus, Vollmer & Borrer, 2002; "Building The Legacy of IDEA 2004," n.d.)

With the FBA information provided the team can then create a positive behavioral support plan to help change the target behaviors into wanted behaviors. The team does this after determining that the student has qualified for special education services, during the development of the IEP.

Smith, Bicard, Bicard and Casey (2012) described the implementation of an FBA for two students displaying challenging behaviors after researching office discipline referrals (ODRs) and in-school suspension. What the authors found was that the top 5 percent of elementary students with the most disciplinary referrals accounted for 59 percent of all ODRs. Similarly, the top 5 percent of middle school students with the most disciplinary referrals account for 49 percent of all ODRs. When looking at this data they determined that about half of all elementary and middle school referrals are for repeat offenders, which would support Skiba's (2014) rationale that the removal of students from their educational environment does not teach them skills to correct the unwanted behavior (Skiba, 2014). They explained that although multiple research studies have shown that positive reinforcers and preventive measures are more effective than negative consequences, teachers and administrators continue to lean on in-school suspension (ISS) simply to rid the classroom of problematic students (Smith, Bicard, Bicard & Casey, 2012, p. 175; Skiba, 2014).

Smith, Bicard, Bicard and Casey (2012) conducted a research experiment using a qualitative case study approach to create a functional behavior assessment, also known as an FBA, on two different students to find their target behaviors and implement interventions to change the behavior of the students. The FBA concluded that Student 1 and Student 2 were engaging in disruptive behavior identified as talking out in class and being out of their seats. Their purpose for these behaviors was to gain peer attention through an unwanted behavior. The researchers created an intervention of self-monitoring checklist that the student would need to use to track appropriate behaviors such as talking with permission, staying in their seat, focusing on instruction completing assignment and turning in their homework. If the student scored an average of 80 percent or higher on the self-monitoring checklist, they

were then able to earn positive teacher attention and sit next to a preferred peer during class time, rather than an assigned seat (Smith, Bicard, Bicard & Casey, 2012, p. 176).

Smith, Bicard, Bicard & Casey (2012) found that the number of ODRs decreased for Student 1 from 3 ODRs per month during the three months of baseline to 0.25 ODRs per month over four months of the intervention being implemented. The mean number of ODRs for Student 2 decreased from 2 to 1.75 ODRs per month. The mean number of days that each Student spent in ISS decrease for Student 1 from 4.33 days per month to .5 days per month during the implementation of the intervention and from 2.5 days per month to 0 days per month for Student 2 (Smith, Bicard, Bicard & Casey, 2012, p. 176).

Smith, Bicard, Bicard & Casey (2012) concluded the following:

Using function-based interventions decreased the number of ODRs and reduced the duration of ISS as the students' needs were being addressed in the classroom through preventative measures.

The results from this study support findings from previous studies that function-based interventions can effectively and substantially decrease disruption and increase more appropriate replacement behaviors that serve the same function (p.176).

The conclusion that Smith, Bicard & Casey came to relates to my study because I am looking for ways to keep students in the learning environment. By using their interventions they were able to increase the amount of students attendance in the classroom and decrease the amount of time spent out of the class. They concluded that by using the function-based interventions they were able to increase appropriate replacement behaviors. Other ways to increase acceptable classroom behavior and decrease unwanted behavior is through positive reinforcement approaches.

Using a positive approach. Creating a positive behavior support plan consists of interventions to help support a student that exhibits challenging behaviors in order to reduce the challenging behavior. The team may do this by implementing a reward program or break program. Reward programs are exactly what they sound like, the students may be given criteria to meet. Once the student has met the criteria they

may be given a tangible or food item. These types of plans and criteria are developed with the student prior to them being rewarded. Justin and Anderson (2013) described another intervention that many schools implement with their special education students that is called a break policy. Staff train the student to remove themselves from the room for a few minutes before they engage in the target behavior in the classroom. During breaks students are provided with wanted items such as listening to music, working on a puzzle, a quiet area, or anything that is going to help the student calm down. The purpose of the break is to allow a student to remove themselves from the classroom appropriately before engaging in a behavior that is going to have possibly have a consequence of being given a discipline such as a referral or even suspension (Justin & Anderson, 2013). There are several other interventions that the IEP team can implement and some of them work very quickly, others take time to change student behavior.

Bambara and Brown (2006) reported that positive behavior supports (PBS) began to emerge about 20 years ago, during the time they wrote the article, *Introduction to Special Issues on Severe Disabilities and School-Wide Positive Behavior Supports*. They continued to say that numerous aversive interventions applied to individual with severe disabilities to try and change their problem behaviors (Bambara & Brown, 2006, p. 1).

Both Bambara and Brown (2006) and Smith (2011) described that in order to create a learning environment that is safe for all students and reduces the removal of students from their educational setting, districts should strongly consider the implementation of a three tiered system approach in the shape of a triangle, like PBS (Positive Behavior Supports). However, the authors agree that this should be more broad than only focusing on an individual student, but be supported throughout the entire school community and district by implementing SWPBS (School Wide Positive Behavior Support). Each author explains that this type of intervention is a decision making framework that guides the selection integration and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavioral skills. The system does this by starting at the base of the triangle the

primary or universal tier addressing 80% of the student population, and moves up the apex through the secondary strategies tier and lastly the tertiary prevention strategies tier (Bambara & Brown, 2006; Smith 2011).

Bambara and Brown described each tier as the following:

- *Primary or universal prevention strategies*, which are designed to be applied to all students in all settings involving all adults and covering all times. The focus of the universal level is to prevent problem behavior for most students (approximately 80% of the student population) through the use of proactive and school-wide interventions.
- *Secondary strategies*, which provide group based interventions for students who are not responsive to universal prevention strategies but for whom individualized interventions may be unnecessary (approximately 15% of the school population).
- *Tertiary prevention strategies*, also known as individualized PBS, which refer to highly specialized interventions involving functional assessments and comprehensive behavior support plans for individual students who present intense or chronic problem behaviors (approximately 5% of the student population). (p. 1)

Bambara and Brown (2006) and Smith (2011) agreed that this type of intervention emphasizes four elements: the data used to support decision making, outcomes that support social competence and academic achievement, practices which support student behavior and lastly systems which support staff behaviors.

Smith (2011) also suggested that districts create alternative settings for at-risk-students. St. Louis Public School District and the 22nd Judicial Circuit Judge Jimmie Edwards created a school for at-risk-students. The school functioned as an alternative placement for students that were not successful in a general education setting. The school became a placement for students who violated the Missouri Safe Schools Act. Judge Edwards created the new learning environment because most of the time

at-risk-students were given long-term suspensions in the general education setting. Judge Edwards felt this to be ironic because when students are suspended they are not in school, thus putting the at-risk-students at great risk of not completing districts requirements to obtain a high school diploma and encountering trouble in the community which would also align with (Smith, 2011; STPP).

Smith (2011) explained that these school systems do not accept the preconceived belief that students who show challenging behaviors are just from tough neighborhoods and will therefore cause problems. Instead what these systems do buy into is the fostering of academic and behavioral excellence and all members of the community know that school safety is vital and at-risk students deserve to be educated in safe and secure environments (Smith, 2011, p. 125).

What happens when all of these interventions and approaches are implemented, but a student continues to struggle with challenging behaviors? How should schools program for students who break the school policies? Previous data explains that suspension and expulsion show no positive effects on students behaviors and seem to increase the chances of school to prison pipeline (Bambara & Brown, 2006; Brown, 2012; Gonsoulin, Zablocki, and Leone, 2012; Smith 2011; Smith, Bicard, Bicard & Casey, 2012; Skiba, 2014).

What happens when the positive supports do not work to change a student's challenging behavior and the student acts in a behavior that goes against school policy? Does the school implement a disciplinary action such as removing the student from their educational setting because the student went against school policy? Some research suggests that by taking the time to create philosophies that create school community have helped to reduce the amount of student removal from the classroom and/or the school. Restorative justice/practices is a techniques that has scientific based evidence that shows, when implemented correctly, student removal rates had decreased.

Restorative justice/practices. It is important to note that in this section Restorative Justice was a philosophy that was created to help develop a sense of community and used as a conflict resolution. Over

time Restorative Justice has transformed into Restorative practices and kept many of the same philosophies and techniques. Pavelk (2013), Hantzopoulos (2013), and Eyler (2014) all share similarities when describing restorative justice practices that are transforming the way that district administration and educators are thinking about, and responding to student behavior that goes against school policies. The authors explained that restorative justice seeks to balance the need of the victim and the school community through the use of consequence that hold students accountable for their actions. Pavelka (2013), describes restorative justice as a principal-based method of responding to unwanted behaviors and crime by providing a new approach to address issues in the area of school discipline (Pavelka, 2013, p.15). Pavelka (2013), Hantzopoulos (2013), and Eyler (2014) shared the idea that the process of restorative justice includes a sense of community and team work to repair harm, reduce the risk of the behavior occurring again, and empower the community.

Pavelka (2013) described these core principles of restorative justice as the following:

Repair harm. Restorative justice requires that victims and communities are healed of the harm which resulted from the wrongful occurrence. Wrongdoers are held accountable for their actions and encouraged to make positive changes in their behavior.

Reduce risk. Community safety requires practices that reduce risk and promote the community's capacity to manage behavior. Citizens feel safe and are able to live in peace when wrongful behavior is prevented and controlled.

Empower community. Schools along with the external community, must take an active role in and responsibility for the restorative response by collectively addressing the impact the wrongdoing and the reparation. Students are empowered as active participants in the resolution process. (p. 15)

These principles are met through creating a community in the district that involves multiple participants in the discipline process. Pavelka (2013), Hantzopoulos (2013), and Eyler (2014) shared ideas

of restorative justice using peer mediation, peer/accountability boards, conferencing and lastly the use of circles. Pavelka (2013) described the peer mediation group as school peers who mediate conflicts between two or more disputants by using conflict resolution skills. The author went on to explain the peer/accountability board consists of student peers, victims and wrongdoers. Their job is to identify the impact of the offense and determine responsibility and accountability then develop an individualized case plan that is tailored to incorporate consequences that will hold the wrongdoers accountable for their actions. Conferencing is when the team is focusing on those that were most affected by the occurrence and a trained facilitator guides discussion on how all the affected parties have been harmed by the offense, and lastly the most common practice, circles. Circles includes the wrongdoer, those affected by the occurrence and relevant community members. The facilitator of the process uses a talking piece that is passed around the circle. During this time each individual discusses how the wrongful occurrence has affected them and offers ways to seek reparation (Pavelka, 2013, p.15). When practicing these principles Pavelka (2013), Hantzopoulos (2013), and Eyler (2014) argued that students work together with each other district administration and community members, to gain a sense of school community. By doing this the student who broke school policy is forced to determine what happened, what they have thought about since the incident happened, who the behavior affected and what they will need to do to make things right. By taking this approach the students are able to gain skills in and practice conflict resolution and social competencies to reduce unwanted behaviors and increase student ability to follow school policies.

Implementation of restorative justice/practice. Eyler (2014) described a documented occurrence of restorative justice when a student from a suburban school in Southern California, who at the end of his sixth period class stood up, gathered his belongings, threw open the door and stormed out. While storming out of the classroom he uttered something under his breath that was not quite audible, but was certainly not appropriate. Eyler explained that the teacher was stunned at first and quickly became embarrassed of what had happened. The student had defiantly left his class and disrupted the work of

students who were on-task. The teacher became angry with 40 pairs of eyes staring at him to see what he was going to do. Under the pressure the teacher quickly implemented a two day suspension. Eyler (2014), explained that the teacher felt justified by yelling out the punishment, and that classroom order and hierarchy had been reestablished, even though the student was no longer present (Eyler, 2014, p. 24).

Eyler (2014) explained that even though the student had been given a consequence, the consequence may have little effect on the students behaviors. The district had just finished training on Restorative Discipline Practice, and felt that this was the perfect time to implement strategies that they had learned. The assistant principal took the time to sit down with a team of colleagues to find out the root of the problem behavior with the student present. Eyler (2014) reported that the team asked the following questions, what happened, what have you thought about since the incident happened and lastly what do you think you need to do to make things right, or as right as they can be? By asking these questions the team was able to have the student process through the incident and find the cause of the problem. The student explained that they had finished their assignment and began to think about their mom. The student reported that his mom would often become upset and yell at him when he was not on time when she arrived to pick him up from school. The student began to worry about this and became anxious, and angry. He determined that he would need to leave class so that he would not get in trouble with his mom. The team was able to use this a teachable moment for the student and create a plan of what he could do differently next time (Eyler, 2014, p. 25).

Another author, Hantzopoulos (2013), focused on Humanities Preparatory Academy, a public school in New York City. Hantzopoulos (2013) reported that this school implemented a restorative justice model call the Fairness Committee to address community norm violations. This practice was based on a two-year ethnographic study conducted between 2006 and 2008 that examined how current and former students made meaning of their experience. Hantzopoulos (2013) explained that the school created a “talking culture” environment, this practice created an atmosphere that implemented informal intellectual

discourse among students and faculty. The school's population consisted of 40 percent Latino, 38 percent Black, 12 percent White, 6 percent as Asian, and 4 percent as other. 12 percent of the population received mandated services for special education and about 54 percent qualified for free and reduced lunch. By implementing their restorative justice model they found positive outcomes in students academic success. Hantzopoulos reported that between 91 percent and 100 percent were accepted into college since the school had opened in 1997. The other positive that they found was that the dropout rate had been under 4 percent contrast to the New York Department of Education documented city rate of 20 percent. Denti and Guerin (2014) explained that instructive forms of discipline have the chance of providing better student self understanding and can create behaviors that are more adaptive. Taking positive approaches to behavioral challenges create and encourage proactive interactions between students and also between staff and students. Positive approaches opposed to suspension, and expulsion, provide guidelines for effective management of misbehavior, which would also support Bambara and Brown (2006) and Smith (2011) research of positive supports (Bambara & Brown, 2006; Denti & Guerin, 2014, p. 27; Smith, 2011).

Denti and Guerin (2014) continued to express that policies that encourage removing students from their educational environment, counter to positive instructive discipline and impose harsh administrative penalties without teaching self-discipline. This type of punishment can often lead to student reactions that range from anger, resentment, defiance, fear, withdrawal and resistance. Methods that move from blame and punishment to self understanding and responsibility provide active ways to move students beyond the anger and resistance (Denti & Guerin, 2014, p. 28).

Conclusion

The agreement that all individuals have the right to a Free Appropriate Public Education (FAPE), has been a great concept of our nation. When Districts look at the wording they understand that students with disabilities will need to be accommodated for, e.g. students in a wheelchair, will need to be provided with an elevator if their class is on the second floor of the school. Districts also know that they now need

to apply accommodations and modifications to those students who show intense behaviors that interrupt the student's academic success. Several of the Authors in this chapter explained Districts are trying to implement interventions to deter the intense behavior from occurring by implementing strategies like PBIS and conducting Functional Behavior Assessments for students on an IEP. However, districts still need to implement consequences when the behaviors take place to hold students accountable for their action. The big question now is how do districts hold their students accountable? Many Schools continue to practice the use of student removal procedures such as, out-of-school suspension and expulsion. The research provided in the chapter suggests that this type of consequence does not teach any type of replacement skill for the next time the student may resort to the behavior that is unhealthy.

The authors in this chapter outline ideas like restorative justice that allow for student to have the chance to learn from their mistakes. It shows the individual how their behavior impacted their academic success and the the feelings/successes of others, including their peers, educators, community members and their parents/guardians. After determining these factors the student may be more willing to develop a skill and practice it during the next situation that they feel the temptation to act out in an unhealthy behavior.

Chapter three will look at the reasoning and explain the mixed methods approach that will take place when looking at two rural school districts and a level IV setting that are part of a cooperative-learning governance. The explanation of the mixed methods and description of the study will explain the reasoning for collecting data on how different districts implement their discipline policies and what has been effective for them to lower suspension/expulsion rates.

CHAPTER THREE

METHODS

This section of the capstone lays out a map of the study for the previous two chapters that act as the foundation for the research question and action to take place. The content discussed in this chapter will shift to explaining the steps that will be taken and instruments that will be used to collect data in exploring the question: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws and district discipline policies for students receiving special education services?* The chapter will discuss the paradigm of my research, the setting in which the research will take place, who participated, the method that was followed for conducting the research, any instruments that were needed in the process of the research, and a summary of how data will be analyzed.

Chapter two, the literature review, identified different areas of due process law in relation to the Free Appropriate Education Act (FAPE), Individuals with Disabilities Education Act (IDEA), common discipline practices that schools use for students, and meaningful consequence like restorative justice/practices. In the research process that follows, I will use a mixed methods approach, with surveys, interviews and behavioral data that will provide information in regards to the districts and the types of discipline policies that they implement. The goal of this research project is to develop an understanding of districts discipline philosophies/policies to answer my research question and create a resource that will allow for districts to compare what's working, and what is not.

Research Design and Methods

The research paradigm that I will be using in this capstone to explore the question is a mixed methods approach.

Creswell (2014) described mixed methods research as an approach to inquiry that involves collecting both quantitative and qualitative data. “Mixed methods accomplishes this by integrating the two forms of data and using distinct designs that involve philosophical assumptions and theoretical frameworks” (Cresswell, 2014, p. 4). This form of inquiry is the combination of qualitative and quantitative approaches and provides a more complete understanding of a research problem (Creswell, 2014, pp. 4-5). Creswell (2014) explained that mixed methods is seen as a new methodology that originated around the late 1980s and early 1990s. It is based on work from individuals in diverse fields like evaluation, education, sociology, management, and health sciences. Like any new process, it has been through several periods of development including the formative stage, procedural developments, philosophical debates and most recently reflective positions and expansion into different countries throughout the world (Creswell, 2014, p. 217).

By using a mixed methods approach, I will be able to incorporate both quantitative and qualitative forms of research in my study. To begin my research I will start with an “examining approach” that Mills (2014) described as using and making records, which is a third category for data collection technique. In this approach I will review archival documents, or documents that involve primary sources held in a archives including records and documents, provided by the Minnesota Department of Education (MDE) on seven rural school districts (Mills, 2014, p. 94). The documents that I will review provided data on the districts and three of the school’s discipline procedures that they implement. By reviewing this data I am hopeful I will be able to compare each district to each other and determine if their is a program that is working best to reduce the amount of suspension/expulsion. I will use qualitative strategies to interview the three different school districts administrators. I will also use quantitative methods to survey the school districts on their suspension/expulsion rates for all students primarily focusing on students who are receiving special education services (Creswell, 2014). By using both strategies to conduct a mixed methods approach I am hopeful I will be able to come to a conclusion that is stronger than if I had only

chosen one research method to answer my research question in hopes to determine school consequences that will be meaningful to the students.

Surveys

When thinking about my survey approach, I knew that I wanted to ask the administration questions inquiring about their consequences in regards to what they use and if they feel it is effective. I kept in mind that I wanted something that would be simple for administrators to fill out, not taking up too much of their time. I chose administration because they are typically the ones that are implementing consequences for students in their school. Mills (2014) suggested SurveyMonkey.com. I decided that this would be the easiest way to send out my survey and receive organized data that I could use to explore my capstone question. Mills (2014) described this web-based survey tool as a supportive tool that would strengthen the design and analysis of my survey research. It was important to remember that the survey needed to be easily understood so that administration could fill it out in an efficient time manner and with accuracy. Districts will be asked to answer a survey during the 2016-2017 school year, for the previous school years. The survey will be given to each of the three districts that gave consent to participate in the research study. The survey will allow the administrator to rate the district's discipline policies and practices as to whether they agree with what is being implemented or, if they are unsatisfied with what the district implements. The district administration will then be interviewed with questions related to student removal practices. The survey is composed of questions that the administrator can rate their district on in relation to their discipline policy and practices. The survey will ask five question and then the administrator was able to select if they strongly disagree, disagree, agree or strongly agree (see Appendix A).

Interview

Mills (2014) described many different interview techniques. When looking at the different options I felt that the best approach for my study was to combine two types that Mills (2014) described. I

combined structured interview format that, “allows the teacher to ask all the participants the same series of questions” (Mills, 2014, p. 89) in the form of an E-mail. Using a structured formal interview through e-mail will allow me to create a series of questions to ask each district about the discipline policies and how they were implemented with special education students. My thought is that it will then be easy to compare each district to each other to determine which schools implemented practices that they felt effectively changed the student’s unwanted behavior. Mills (2014) suggested that when planning interview questions, to consider that the question is understandable to the individual responding. Mills (2014) suggested the “pilot question”, which would allow me to develop interview questions and practice them on a similar individual in the field of educational administration. Then allowing them to provide feedback about the questions asked (Mills, 2014, p.89). I also incorporated questions that were both convergent, and divergent. This will allow the administrators an opportunity to elaborate on some of the questions asked, and may also obtain information that might otherwise be considered as “outlying” or “discrepant” (Mills, 2014, pp. 90-92).

In order to implement these types of tools, permission is required by both Hamline University and the districts. This process will take place through Hamline University and the implementation of the Human Subjects Committee (HSC). The steps that needed to take place are outlined in the Human Subjects Committee (HSC) Procedures Handbook at Hamline University. This handbook includes a detailed step-by-step process for research that required a letter of informed consent to participants, the inclusion of the survey instrumentation, and confirmation of approval from the districts. A committee will convene to review the submission of all relevant documents prior to consent being given. Once approval is given, research and analysis will be given as outlined in the submission process. A copy of the interview questions are listed in Appendix B of this capstone.

Data Analysis

As I go through the data collected from the survey and the interviews it will be important for me to remember the appropriateness of the sources of data. Are the data sources providing the information necessary to answer the research question? It will also be important to evaluate my findings by asking myself questions that Mills (2014), points out on page 229 to make sure the area of focus involve teaching and learning. That I state a question that is answerable given the expertise, time and resources. Determine that the research area of focus be within the locus of control. That I used appropriate data collection techniques to answer the question, and evaluate different types of ethical challenges that evolved, if any. I will compare the action research effort and how it contributes to the ways I view teaching and learning. It is also important that the outcomes of the study lead to action. Lastly determine that the action be connected to the study's data analysis and interpretation (Mills, 2014, p. 229). The primary purpose of the analysis will be to determine the types of discipline policies that the districts implement to lower the amount of suspension/expulsion rate in their schools. This determination can be made by using appropriate mixed methods techniques. Once all of the survey data is completed I will then make an evaluation of the findings compared to my hypothesis.

Research Setting and Subjects

This research will be conducted in seven rural districts in the midwest primarily looking at their secondary level settings of students receiving special education services and one Level IV setting. The study looks at each highschool of each of three of the districts and will be referred to as School B, School C and School G to respect the district's confidentiality. The last school, School G is part of the coop, a level IV setting that each of the districts use when students are unable to show progress towards their Individual Education Program (IEP) goals, and no other interventions worked. The special education cooperative, is a cooperative learning group that shares several resource between the seven districts. Each district has special education teachers in their schools licensed in the areas of Emotional Behavioral Disorder (EBD), Specific Learning Disability (SLD), Developmental Cognitive Delay (DCD) and Autism

Spectrum Disorder (ASD), and Speech and Language (SL). The cooperative then fills in the gaps for services including, deaf and hard of hearing or vision impairment if the district has students who have a need in this area. These licensed individuals share their time between the buildings for all seven districts involved. The cooperative also provides special education coordinators, consultants, mental health professionals and school psychologists. These individuals also divide their time between the buildings. These team members may be included in determining a student's disciplinary consequences when showing unwanted behaviors, because there may be a link from the disability to the specific behavior.

Students who attend these school come from a community population ranging from 361 to 8,222 with very little diversity. Each of these districts have an Elementary (primary) setting and High school (secondary setting), and only a few of the districts have an Elementary School, Middle School, and High School setting. This means that some of the students that are in 5th-8th grade are kept in a school with students that are in 9th through 12th grade. The students are sectioned off into different grade levels in the schools, as best as possible, but still have times where there could be interaction between a 5th grader and a secondary education student. Data that districts provide will primarily look at suspension/expulsion rates of students from 9th through 12th grade ages 14 to 21, focusing on student who receive special education services. The following information is a summary of all of the schools that are serviced by the coops level IV setting schools. Schools B, C and G gave permission to participate in chapter four's research study. According to Minnesota Department of Education (MDE), 2016, **School A** has a population of 371 of that population 98 percent of the students are White, 1 percent are American Indian and 1 percent are Black. 16.2 percent of the 371 students are receiving special education services. **School B** has a population of 1,470, of that population 92.3 percent of the students are White, 2.2 percent of the population are Asian/Pacific Islanders, 2.2 percent are Hispanic, 1.8 percent are Black and 1.4 percent are American Indian/Alaskan Native. 166 of the 1,470 students receive special education services. **School C** has a population of 204 students, of those students 86.3 percent are white, 10.3 percent are American

Indian/Alaskan Natives, 1.5 percent are Black, 1.0 percent are Hispanic and 1.0 percent are Asian/Pacific Islander. 34 percent of the 204 students at school C receive special education services. **School D** has a population of 816 students, of those students 94.6 percent are white, 2.3 percent are American Indian/Alaskan Native, 1.2 percent are Hispanic, 1.2% are Asian/Pacific Islander and 0.6 percent are Black. 16.7 percent of the 816 student population receive special education services. **School E** has a population of 724 students, of those students 93.5 percent are White, 3.6 percent are Hispanic, 1.4 percent are American Indian/Alaskan Native, 1.2 percent are Black and 0.3 percent are Asian/Pacific Islander. 10.9 percent of the 724 students are receiving special education services. **School F** has a population of 239 students, of the 239 students 97.1 percent are white, 2.1 percent are Hispanic and 0.8 percent are Black. 17.6 percent of the 239 students enrolled at **School F** receive special education services. **School G** is a Special Education Cooperative that services the above districts with a federal level IV setting. The data on this cooperative does not separate different grade levels it only gives data for all grades. **School G** has a population of 88 Students, of those students 88.6 are White, 10.2 percent are Black and 1.1 percent are American Indian/Alaskan Native. 100% of the the 88 students enrolled receive special education services and 64.8 percent of the students receive Free/Reduced Priced Lunch (MDE, 2016).

The number of students present in each district that are on an IEP may change on a monthly or even weekly basis. Some students receiving special education services may be placed in a different settings depending on the amount of service the team determines they need. The research in this study will focus on discipline policies looking at the removal of students from their educational setting including students in special education in the mainstream setting focusing mostly on students labeled as EBD. The study will look at students on an IEP receiving services and the amount of time that they are out of the classroom due to in-school suspension and removal from the school (suspension) in order to stay in compliance with their district discipline policies.

Rationale and Relevance of the Research Plan

It is important to use a mixed methods approach that incorporates archival data, a survey and an interview questionnaire to triangulate and strengthen the data that will show which districts out of the seven participating are developing ways to keep their students in the classroom where the curriculum is being taught. The literature review in chapter two shows that there is no benefit to students when discipline actions take a school removal approach like out-of-school suspension.

Districts that continue to suspend students on an IEP and remove them from the classroom continue to deprive students of their educational right and make them even more “At-Risk” for dropping out. Also, this method does not teach the student any healthy replacement skill, and the student is most likely to continue the unwanted behavior. Many students on an IEP with behavioral challenges have thus missed out on their academics because of being removed from the classroom for unwanted behaviors, which puts them behind in class.

Conclusion

When writing Chapter Four, I search to answer the question: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws and district discipline policies for students receiving special education services?* This question is important to many districts and their students. Not only is it important, and the law, to provide all children with a free appropriate education, but it will also impact the way our society functions as a whole. If we are dismissing the behavior without teaching a new skill that will help the student to be successful in the community we are possibly setting the student up for a lifetime of struggle.

To answer my research questions it is an important to use a mixed methods approach that will incorporate both qualitative and quantitative methods, through the use of archival data retrieval, survey, and interviews of the seven districts participating. The use of multiple techniques will strengthen the validity of the research and provide an answer of which schools implement discipline policies that make a difference in the student's skills to function in the community and an educational setting. By surveying

the different districts and then interviewing the administration, the research will have a solid foundation that looks at which schools are successfully changing challenging behaviors to healthy behaviors and therefore lowering the rate of out-of-school suspension/expulsion consequences. The analysis of the survey and interview given to the seven different school districts will be given in Chapter Four. In Chapter Four, the data and results will be discussed looking at the documents and how the project study proceeds. The chapter will include an analysis and an interpretation of the data collected through the mixed methods approach discussed throughout this chapter. This will lead us into the conclusion chapter, Chapter Five. Chapter Five will provide a restatement of the research question and a detailed description of what I personally learned, and any new connections or understanding that I may have.

CHAPTER FOUR

Research Results

Reasoning for Research

This chapter describes results from a mixed method approach using a survey and informal interview that was sent to three different secondary school settings. One of those setting being a federal setting level IV separate site setting that the other two schools use as an alternative placement.

Research was conducted in an attempt to answer the question: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws and district discipline policies for students receiving special education services?* The reason for the question is to attempt to find alternative consequences for students that do not remove them from the educational setting and that all students are provided with a free appropriate education. The research in chapter two reports that there is an overwhelming relationship between students who are suspended and expelled for behaviors that break school discipline policies, and being incarcerated as described by Brown (2012), Gonsoulin, Zablocki, and Leone (2012), Skiba (2014).

As an educator I believe that it is just as important as the academic portion of a school's responsibility to attempt to do everything we can to also reduce the gap between the school to prison pipeline (Brown, 2012; Gonsoulin, Zablocki, & Leone, 2012; Skiba, 2014). Information provided in chapter three and the results that I found imply that one of the practices to help reduce that gap is to implement a sense of community and positive reinforcement program.

Preparation

When determining the research method for this capstone I sent out eight permission documents to eight different districts. Seven of the districts are part of the cooperative that share different services that help program for their students needs. One of the districts is the level IV setting that holds students from

the seven districts once the student shows a need for 420 minutes of academic and or behavioral special education services, which is their entire school day. Three of the districts gave consent to participate in the research project. Administration from three secondary schools completed an online survey using surveymonkey and an informal interview that was e-mailed to them. The administrations was provided with a survey that is listed in appendix A and an email interview/questionnaire listed in appendix B.

Same Consequence for Students with a Disability as Nondisabled Students

There was some inconsistency among the administrators responses when asked about providing a consequence to a student with a disability. They were asked if they believe that students with a disability should be given the same consequence as a non-disabled student. Administrator C reported that they agree that the same consequence should be provided to a student with a disability as they would to a non-disabled student. Administrators B and G disagreed and strongly disagreed. Each of the administrators also had different views on implementing zero tolerance in their districts. Administrator B agreed that their district implements zero tolerance. Administrator C disagreed with implementing zero tolerance into their district and administrator G strongly disagreed with implementing zero tolerance.

Through the research collected in chapter two and my own experiences after analyzing the responses if administration should provide the same consequence for a disabled student as a nondisabled student, I would have to agree with administrators B and G. It would be equitable to say that we would provide the student with same consequence, but we would then not be staying in compliance with the law. This would also relate to zero-tolerance and how ineffective the practice is. The research collected in chapter two would argue that zero tolerance is not very effective anymore. The reasoning that zero-tolerance is not effective is because it is nearly impossible to implement for all cases of misconduct. There has to be some flexibility in order to stay in compliance with state and federal laws zero-tolerance does not provide that flexibility.

Discipline Practices

The administrators that participated were provided with an e-mail interview/questionnaire and were provided with different scenarios where students may have broken school policies. In the first scenario administrators were asked to provide a consequence to a student who was labeled as having an Emotional Behavioral Disorder. The student tells the administrator that he had a knife that he forgot was on him. The student tells the administrator that he had no intent on using it to harm anyone, he just forgot.

In the second scenario administrators were asked to describe their discipline practices when working with a student who was labeled Other Health Disabilities with a clinical diagnosis of Attention Deficit Hyperactivity Disorder. The student finished their assignment at the end of the day and decided to get up and leave for the day. On his way out a staff redirects the student to return to his seat. The student then yells and swears at the staff along with calling the staff a derogatory term and walks out. Each administrator responded with different types of discipline practices that they use. Several of their practices were the same.

Processing and Reporting

For the first scenario Administrator G reported that the student would need to turn in the knife and an incident report would be completed. They explained that the student would be apprised of the potential consequences for repeated infractions including suspension. Administrator G ended their comment by stating that given the recent Supreme court decision regarding intent, a district would likely not be able to expel for this incident. Processing would include the student, teachers, administration and possibly a mental health professional or school counselor. The team would walk through the situation and determine where the problem occurred and what the student could do differently next time. Administrator G also reported that an incident report would be written up. The incident report would be filed and use for future offenses. The team would then determine if there was any type of a pattern of behavior and what types of programming should be put in place to help support the student in making better choices (e.g. changing the unwanted behavior).

Administrator C reported that for the second scenario the student would be written up for a truancy. A truancy is an unexcused absence that is reported to the districts county. If the student has too many truancy the student could be called to juvenile court and put on probation. The students parents may also be liable and held accountable. Each county determines the number of truanies that need to occur before legal action takes place. Once the student turns 18 truancy no longer apply to them because they are an adult and can drop out of school.

Inschool Suspension

When asked about the two different scenarios all of the administrators that participated in the interview reported some type of inschool suspension as a possible consequence for each of the scenarios. Inschool suspension would allow the student to continue stay in the school, but participate in a separate classroom working on work independently with very little social interaction with others. The room is staffed with a support staff and helps student with homework. This technique allows the student to be monitored and supervised while reducing their ability to gain wanted items or wanted items in the community. This technique also allows students to be removed specific classes where the offense may have taken place.

Out of School Suspension

For the first scenario administrators B and C reported that the behavior would likely result in a 1 to 3 day suspension. When a student is out of school suspended they are asked to leave school grounds and can not come back until the administration determines. This could be one day, or three. For a student receiving special education services administration can not suspend longer than five consecutive days. If the administration does suspend longer than five consecutive days they would need to provide a Free Appropriate Public Education on the sixth day.

Administrator B also reported that depending on the severity of the behavior a building level assessment team should be formed to look into the situation in a greater depth, some student may also be

given a unilateral alternative 45 day placement to school G. Determining the duration of the suspension would be based on the severity of the offense.

Unilateral Alternative 45 day Placement

Administrator B reported that they may send their student to an alternative placement using a unilateral alternative placement. This placement is offered to students receiving special education services and lasts 45 days. After the student has completed the 45 days a team meets to determine if the student returns back to their previous school and programming . The placement is typically done if the behavior was severe enough to warrant an expulsion or a suspension that lasts longer than 10 consecutive days. The 45 day placement will usually take place in a separate site special education setting. It could also take the form of homebound (instruction in the household).

Committees to Evaluate Misconduct and Determine Consequence

Each of the administrators were asked if they believed that any of their discipline practices were unique to their school and are effective in correcting the misconduct. School B reported that they have a student handbook which guides most of the standard practices within their district. The handbook is revised annually and approved by the school board. They reported that they have implemented a Building Level Assessment Team. The team is made up of administration, counselors, and teachers. The team takes a comprehensive look at all offences that could result in a student being placed on a 45 day alternative placement from the building or a 1 year expulsion. The practice was implemented for the first time during the 2016-2017 school year after an expulsion was overturned by the court system in regards to a weapon violation. They reported that the district took a comprehensive look at the current practices revolving around “zero-tolerance” and implemented the assessment team to incorporate all aspects revolving around the student (Grades, attendance, prior discipline, health office visits etc.). School C reported that they did not have any unique practices.

School G reported that they use a combination of natural and logical consequences combined

with Restorative Practices as primary discipline strategies. They explained that they do give students in-school and out of school suspensions for serious violations of the code of conduct (out of school suspensions may be used for physical aggression, drug offenses or very significant property damage.) Police reports and charges may be used for physical aggression and serious property damage, but they attempt to do other consequences before that method is used to avoid putting student on the school to prison pipeline. School G implements this practice through a system called circles. Circles incorporate the Student who is receiving the consequence, anyone who was harmed by the student (people who were affected), teachers, community members, parents, administration and counselors. The team then determines what the student would need to do to make things right. This may look like processing and reporting, in-school suspension, out of school suspension, etc.

A similarity that I noticed between school B and G were that they have developed a team to determine a student's consequence, not only including just the student and the administrator, but rather a team of individuals who can look at all aspect revolving around the student and the behavior. By creating this team they are also providing a sense of community to the student. This may force the student to understand that their actions affected several individuals and created a ripple effect.

Suspension as a Consequence

After collecting the data from schools B, C and G there was a strong relationship between each school and their views on suspension/expulsion of their students. Two of the administrators reported that they strongly disagreed with the idea of suspension as the initial consequence for student misconduct. One of the administrators reported that he disagreed when asked about suspension as an initial consequence for students when breaking school policies. Overall each school agreed that the removal of a student from their school setting should be a very last resort and is determined by the severity of the behavior.

When administrators were asked if they felt suspension was an effective consequence that will help students gain new skills, administrator's C and G reported that they did not find suspension to be an

effective tool when trying to change a challenging behavior. They argued that when students are not required to come to school they then have access to the community and preferred items. Administrator B disagreed with this and reported that they felt suspension could be effective if they are implemented consistently and for the right reasons. Administrators B and G also mentioned that suspension is more effective if the parents are on board and also follow through with some type of consequence at home. Each of the administrators agreed that sometimes suspension needs to take place to keep other students and their environment safe and gave examples of chemical abuse, possession and weapons. Each of the administrators were also asked about their views on expulsion and reported similar information that was provided about suspension. The administrator for school G reported that expulsion has a limited effectiveness and even when expelled the district has a legal obligation to provide a Free Appropriate Public Education also known as FAPE. Each administration also reported that they believe their district first tries to implement meaningful Consequences that students can use to develop new skills that will help them be successful.

After reading the survey from the administration and reviewing the research in chapter two it seems that the administrators of schools B, C and G have an understanding of the risk of using suspension as a consequence. The administrators understand that it depends greatly on the situation and severity of the behavior. It seemed that they would not just suspend a student for minor infractions like some the examples listed in the research in chapter two. Administrator G also reported that when students are suspended they have access to the community etc. This could also be where students engage in illegal activity in the community at a young age increasing their chances of incarceration creating a pattern of behaviors that may lead them in prison. A lot of the information provided in chapter two talks about the school to prison pipeline. It is possible that by creating effective consequences educators and parents maybe able to decrease that process.

Summary

The data that was collected from the cooperating administration overwhelmingly shows that the three different administrators do not believe that suspension/expulsion is an effective consequence. Administrators A and C reported that although their first reaction is not to suspend, they believe that suspension can be an effective consequence if the student's are also held accountable at home. They believed that it is best to keep students in the school as much as possible, but if it comes to serious safety issues or disruption to other learners, they reported that suspension with parental support (e.g. providing limited access to preferred items at home) can work as an effective consequence. The following is the data collected when compared to each district for each of the survey questions:

Question	Averages
1. When providing a student with a consequence the district's first reaction is to suspend the student.	66.67% or 2 of the administrators Strongly Disagreed 33.33% or 1 of the administrators Disagreed
2. When Providing a student with a disability a consequence the district provides the same consequence that would be given to a non-disabled student.	33.33% or 1 of the administrators disagree 33.33% or 1 of the administrators agree 33.33% or 1 of the administrators strongly agree
3. When providing a consequence to a student with a disability the district implements zero-tolerance practices.	33.33% or 1 of the administrators strongly disagree 33.33% or 1 of the administrators disagree 33.33% or 1 of the administrators agree
4. I believe that the best practice and most meaningful consequence is to remove students from the school when they break school policy.	100% or 3 of the administrators strongly disagree
5. I believe that my district first tries to implement meaningful consequences that students can use to develop new skills that will help them be successful.	100% or 3 of the administrators strongly agree

The reason for this study was to determine different consequences for students to learn from their

mistakes and change their behavior from unwanted behavior that may lead them to getting suspended/expelled to wanted behaviors that will keep them in the classroom. A recent Supreme Court decision may have an impact on student dismissals for misconduct. A recent article was printed in the Minnesota School Boards Association LEADER that describes a lawsuit that a school district was challenged with.

According to Minnesota School Boards Association LEADER, a student from *United South Central School District* was expelled the last 6 weeks of the school year for bring a 3-inch pocket knife to school in her purse. The student had been helping a peer with some farm chores and used the knife to cut twine. During the student's school day the school brought in drug sniffing dogs to conduct a random drug search. The dog stopped at the student locker, and the locker was searched. No drugs were found in the locker, but the administration did find the pocket knife that the student had forgotten about. As a result the school district expelled the student. When the Minnesota Department of Education affirmed the expulsion the student appealed to the Minnesota Court of Appeals where they overturned the expulsion. It was reported in the article that the Minnesota Supreme Court interprets the portion of the Pupil Fair Dismissal Act (PFDA) that deals with student dismissals, M.S. 121A.45, Subd.2, which outlines Grounds of dismissal. The decision to overturn was justified by the court because the court determined that needed to be intent or willfulness purpose of the knife (Miller, 2016, p. 1-2).

Miller's (2016) article in the Minnesota School Boards Association Leader reports the following: Student dismissal for violation of a school board regulation is only allowed "when a student makes a deliberate, conscious, and intentional choice to violate a reasonable school policy." The Court relied on the dictionary definitions of "willful" in reaching this conclusion. "Willful conduct is not the same thing as a willful violation"; proof of a wilful violation requires more than a showing of willful conduct. (p. 2)

With this new ruling many schools will need to rewrite their student handbook to reflect this

change. Again, this is why I felt that the meaning of my question was so important. It was also important to collect information from multiple schools to see if there were any practices that were reducing the amount of suspensions that they were using as student consequences for misconduct, especially those receiving special education services. Chapter five will discuss my findings and how the research has impacted my personal philosophies and what I hope to implement not only in my classroom, but ultimately school wide when pursuing the next step in my career as an administrator.

Conclusion

After analyzing the data collected from the survey and the e-mail interview/questionnaire it was interesting to see how the results from the administrators correlated with the research that was collected in chapter two. It seemed like the administration understood the risk of over using suspension and that they are trying to implement strategies and tools to lower their suspension/expulsion rate. By reducing the suspension/expulsion rate they are able to keep students in school more often. This was evident with School G when asked about how a student would be disciplined for bringing a knife to school without the intent to use it for harm. The administrator used several other discipline practices that allowed the student to stay in school. Had the administrator followed the zero-tolerance model they would have suspended the student.

The information provided in this chapter only reaffirmed the practices that I incorporate in my own classroom and the school I am employed at. There are times throughout my work day that I question if I am truly doing what's most important and best for my student. I reflect upon whether I impacted their lives in a meaningful way that will allow them to become successful contributing adults. At times this has to be done by holding students accountable for their actions. I also learned that at times you may need to ask students to leave the school through a suspension to help keep the other students safe and program for all students. Even though I struggled with some of the responses from the different administrators, I learned that they have an obligation to provide a Free Appropriate Public Education to all of their

students, this may take the form of an alternative placement for a student or even asking them to leave the building to insure that right for all other students.

CHAPTER FIVE

Conclusion

Introduction

The Hamline University capstone project has required me to broaden my research skills and reflect on the past five years of my teaching career. While obtaining my masters through Hamline, I have taken several classes related to education, students rights and collaboration to help develop a learning community for my students that will allow them to have the chance to succeed in their academic growth and become lifelong learners. Through my experiences in the classroom and the classes I took at Hamline I began to think of student rights and how schools react to student discipline policies.

As a special education teacher teaching in a federal level IV separate site setting for intense behaviors I began to compare our philosophies and unique school procedures when it comes to student discipline to other schools. I noticed that most schools took a very strict stance on zero tolerance issues and misconduct. During several different situations I watched students be told that they needed to leave school grounds and then given a day they could return. I began to ask myself what type of skills are the students being taught during that time and how are the skills changing the behavior? When the students would return I would often see the same behavior recur, and the same consequence would be given. It seemed to be like a cycle that just kept recurring and students were missing out on their classes slowly regressing as their peers continued to progress.

While working in an elementary setting I saw students who should have been moving to the next grade level retained by their teacher because they had not showed a mastery level of the different skills being taught in that grade. All I could think was that it would be difficult for the retained student to master the skills if they are asked to go to the “resource” room because of behavioral needs. If students are not in the classroom because of recurring behaviors that impact other students learning, they are missing the

content that is being taught during that time, and may need to be taught at a different time. This experience, and many other experiences during my career in education, have prompted me to research discipline procedures that will change the unwanted behavior and reduce the amount of time spent out of class due to suspensions and expulsions.

Designing the Research Question

When I began the Master's program at Hamline, I went into the program knowing that this was one step toward pursuing my license in administration. I watched students in my school and our cooperating schools bring illegal substances, knives, and other objects that were not permitted on school grounds, I also watched the administration reluctantly suspend students. I began to count the number of suspensions for each student and began to ask questions about our discipline policies and how effective they are in reducing the unwanted behavior. I also began to think about if we are staying in compliance with State and Federal laws in regards to due process. As mentioned in chapter two students receiving special education services can only be suspended 10 times within a school year. If the suspension exceed 10 times the team would need to look at the students programing and create supports to keep the student at school. These experiences are what brought up my capstone question: *How are schools currently using meaningful consequences that are effective and compliant with state laws, federal laws and district discipline policies for students receiving special education services?* I asked this question because as important as it is to provide our students with academics, it is also important to protect their rights. I decided to focus my research question on this, and to collect data from multiple schools to determine which schools were designing programs to successfully discipline students but still keeping them in school. I decided to focus my question on high school students receiving special education services because those are the students who I felt view suspension as more of a reinforcement than a punishment. It appears that when they are asked not to come to school they tend to recieve wanted items and unsupervised time in the community. By creating this question I wanted to prepare and educate myself on

discipline procedures that are successful in changing students unwanted behaviors for when I become the administrator of school in the future of my career.

Literature Collection

The literature review of my capstone was one of the most challenging parts of the capstone process for me. I enjoyed finding all of the information. However, I have never had to take multiple sources and summarize their similarities compare their data and cite all of sources at the same time. This was an extremely challenging task for me. At times I felt that the research was providing recommendations that seemed would take a lot of time, energy and collaboration among school teams to implement the programs that they were suggesting, not to mention costly. It was clear that if I wanted to take the recommendations that I was finding and implement it in my classroom and school, it was not going to be something that just occurred over night. I would need to get colleagues and administration on board and it would have to be something that the whole team buys into.

I was able to find several examples of different techniques that talked about the success of implementation of programs that worked for schools. The literature was predominantly referring to positive behavior support programs and programs that created some sense of community. One of the most popular programs that many schools have had success with that is outlined in chapter two was Restorative Practices/Justice. The literature on that painted a picture of school staff, students, parents and community members coming together and implementing programming that includes the individual who harmed someone and what they need to do to make things right. The programming that the schools interviewed in this research project were implementing for discipline showed many of the same characteristics that the literature described.

Challenges

This capstone has been one of the most challenging tasks that I have ever completed. The processes of this project is a task that I thought I would never be able to complete. There were multiple

challenges along this journey, but there were two challenges that will always stick with me as challenges that made me grow.

One of the most difficult parts of this processes was turning the project in thinking that I had really done a great job and then receiving it back with several suggestions to make it better. I struggle with perfection and failure as an individual. When I have an assignment I like to be able to turn it in and receive a flawless grade, a one or two step processes. This assignment seemed like it would never be completed with the amount of times I had to submit the project, receive it back and make corrections yet to submit it again and receive it back. This felt like I was failing, and I had done so much research and work, giving up my mornings, nights and weekends to work on this project thinking I had finally fixed it all. Only to receive it back with more feedback. It was not until recently that I finally understood that this is part of learning experience that Hamline was trying to instill in their students. The failure that I was feeling was only making me reflect on my project, and to create a stronger document. I think this is what educators mean by creating lifelong learners. I now think that failure I was feeling is okay and that it only allowed me to grow and learn.

The second challenge that I stumbled upon was to obtain my information for my collaborating school districts. I understand that administrators have several duties going on at once and that they are extremely busy, however I never imagined it would be as difficult as it was to have school districts participate in my capstone project. Initially I was planning on all seven districts that are part of our special education coop to participate in the project. When I sent out the permission form for the districts to participate, only four schools responded back. When I sent out my survey and my interview questions three of the districts completed the survey and interview questions. One of the districts never responded back after two attempts of contacting and asking to fill out the survey and interview questions. Rather than taking this as a negative I took it as a learning experience. I reflected on my journey and thought about the people I was interviewing. One of the things that came to my mind is that they all started out

where I am at one point in their career. Wouldn't they or shouldn't they understand how important it is to help a grad student collect data for their graduate project, they must have had to do something similar to get where they are. As I have mentioned before I hope to obtain my license in administration and become an administrator of a school district. Because of my experience throughout this process I will understand the amount of work that a master's degree is and hopefully have the chance to participate in future research projects of teachers that work in the school I am a principal or part of the learning community.

Implications

Through the research I also realized how student behavior and discipline policies affect administrators and how it affect me and my experience in the classroom. From the research I think we will see a shift in the way that student discipline policy is written and how educators and administration implement it. I believe we will see a change in the zero-tolerance practices that many school implement. I think that this will change the programing for all student not only student who have a disability. I also believe that this will continue to challenge educators, administration and the community to act as one and continue to create a program where all students are encouraged to become lifelong learners.

Areas for Future Research

While this topic is just the tip of ways that we can continue to reflect and grow as an educational system. I do believe it would be worthwhile to continue research and data collection in the area of student discipline. I think it is important for both legislature and schools to work together to provide a program that fits all of our students. I think more research to look at how to strengthen our positive support programs and effectively implementing them to motivate student progress. By providing this type of research schools could use the data to decrease student behaviors meaning we would lower our discipline practices and negative consequences. Schools and the government could also use the data and information to develop new legislature that would all for effective meaningful consequence that will teach students replacement skills. Overall this project has continued to force myself to reflect and continue to research

practices that are scientifically proven, backed by research and the collection of data that help our students succeed.

Conclusion

Since I have started the master's program at Hamline I have been focussing on what it would mean to take on a leadership role at a school. What types of responsibilities that would bring both ethically and described as job duties presented by the district. How will the district want their school run, and what types of positive supports could I implement to encourage not only my students, but also my colleagues to achieve their greatest potential.

After reading several articles, statutes and academic journals one thing stood out in almost all of the successful practices. The one thing that I realized that made school's successful was creating some type of community with all parties involved, parents, students, teachers, administration and community members. It became evident that schools that had instilled a sense of community had fewer disciplinary actions that resulted in suspension or expulsion.

I realize that there will still be times that it is necessary to remove a student from their educational environment given the severity of the behavior. However, I also think that given the research provided in chapter two and my own research, If the school offers a program that teaches students skills to use to change the behavior that resulted in a suspension the school will see a decrease in the amount of suspensions/expulsions.

Appendix A: Survey Questions

Using SurveyMonkey.com administrators from seven different school districts were asked to rate their schools discipline policies and their practices on a scale of one to ten, one being that they strongly disagree, ten being that they strongly agree.

1. When providing a student with a consequence the district's first reaction is to suspend the student.

Strongly Disagree Disagree Agree Strongly Agree

2. When providing a student with a disability a consequence you provide the same consequence that would be given to a non-disabled student.

Strongly Disagree Disagree Agree Strongly Agree

3. When providing a consequence to a student with a disability, my district implements zero-tolerance practices.

Strongly Disagree Disagree Agree Strongly Agree

4. I believe that the the best practice and most meaningful consequence is to remove students from the school when they break school policy.

Strongly Disagree Disagree Agree Strongly Agree

5. I believe that my district first tries to implement meaningful consequences that students can use to develop new skills that will help them be successful.

Strongly Disagree Disagree Agree Strongly Agree

E-mail Interview/Questionnaire Appendix B

Administration from seven school districts were selected to answer the following interview questions.

1. How many of your district's students are receiving special education services are placed in a Level IV setting?
2. What type of discipline practices are unique to your district? How are they implemented?
3. Does your district feel that suspension is an effective consequence that will help students gain new skills to be successful in your district? If so, how? If not, why?
4. Does your district believe that expulsion is an effective consequence? If so, how? If not, why?
5. Given the following two scenario's what types of consequences would your district want you to implement?

Scenario 1: A student labeled with the disability of Emotional Behavioral Disorder, and receiving special education services brings a knife on accident. The student tells you that he had no intent in using it to harm others, he just forgot about it in his pocket.

Scenario 2: A student labeled as Other Health Disabilities with a clinical diagnosis of Attention Deficit Hyperactivity Disorder who is receiving special education services finished their assignment at the end of the day and decides to get up and leave for the day. As the student is walking to the door a staff redirects them to stay in the classroom, the student then swears at the staff and calls the staff a derogatory term and walks out.

Consent Form Appendix C

Dear Administrator(s),

I am conducting a research project on student discipline and district's student discipline policies and how they are implemented. Through my research, which is a requirement for a Masters of Arts degree I am working toward at Hamline University, I am hoping to improve district discipline policies by reducing the amount of suspension/expulsions by using meaningful consequences to help teach students replacement behaviors. The research project will look at suspension/expulsion rates for students receiving special education services at the secondary level.

I will be comparing several districts (who remain anonymous) to each other to determine the amount of suspensions/expulsions for each district. I will also be asking for districts to provide strategies that they are currently using to reduce the amount of suspension/expulsions for students receiving special education services.

Along with all of this data collection I would ask what percent of your student are currently enrolled in a federal level IV separate site setting for intense behaviors.

This research is completely anonymous, no names will be used or district titles, and will not impact how your district implements discipline procedures. It is strictly a research project designed to find alternative discipline practices that will help districts reduce the amount of suspension/expulsions and reduce the amount of challenging behaviors some of our students exhibit. The research is public scholarship which will be printed and shelved in Hamline's Bush Library. It may also be published or used in other scholarly ways.

The research will not take away from any student instruction or involve student cooperation. Your district's confidentiality and anonymity will be respected in the gathering and reporting of data. If you have any questions or would like more information before deciding whether or not to allow your district's participation, please feel free to contact me at (763) 552-6808 or Michelle Benegas of Hamline University at (651) 523-2301 or Matthew Olson of Hamline University at (651) 523-2430

Thank you,

Jesse LaValla

_____ I give my permission for _____ to participate in this research.
District's name

_____ I do not give my permission for _____ to participate in this research.
District's name

I understand that I may withdraw my district from this research at any time, and that whether or not my district participates in this study my district's, information would not be displayed in the research.

Administrator Signature _____ Date _____

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