

Discipline and the Special Education Student

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If special education students are subject to a different disciplinary standard, they are not fully participating in the mainstream curriculum. An effective disciplinary code that applies to all students can help create a more productive learning environment.

John is a special education student who attends only one resource class each day. Otherwise, he participates in regular education classes. During English class, the teacher corrects him for disruptive behavior, but he continues to make inappropriate comments. The teacher asks him to step into the hallway so that she can address his behavior privately. As she begins speaking to him, he walks away, then turns to her and says, “Shut up, you bitch.” The teacher submits a referral to the assistant principal, who consults the district handbook and recommends that John spend three days in the supervised suspension center.

Because of John’s status as a special education student, however, personnel at the district level—without conducting a hearing or a meeting with John’s individualized education program (IEP) team—allow John to spend the three days at home. The district’s concern is with John’s protections under the Individuals with Disabilities Education Act. But is the district’s action in compliance with federal law?

The general belief among teachers and administrators is that the Individuals with Disabilities Education Act insu-

lates special education students from experiencing consequences for their disciplinary infractions and sets them apart from the school’s regular disciplinary procedures. Horror stories abound about students whose behavior, like John’s, threatens the safety of staff and students, disrupting learning for themselves and other students.

The misperception that educators are supposed to tolerate such behavior is largely the result of the unclear administrative procedures outlined under the Education for All Handicapped Children Act of 1975 (Public Law 94-142) and the Supreme Court decision in *Honig v. Doe* (1988). Aware of these unclear procedures and educators’ common misunderstanding of the law, the U.S. Congress took care, when reauthorizing the Education for All Handicapped Children Act as the Individuals with Disabilities Education Act in 1990 (Public Law 101-476) and 1997 (Public Law 105-17), to address the issue of appropriate disciplinary procedures for special education students. Educators need to know the provisions of the current law as they develop schoolwide discipline plans and the individualized education programs required for special education students.

The 1997 Individuals with Disabilities Education Act amendments clarify that the only disciplinary procedure that applies exclusively to special education students is the determination of a long-term change of placement—that is, a long-term suspension or removal to an alternative school setting. If the disciplinary measure for behavior infractions lasts for 10 or fewer days, and 45 or fewer days for weapon or drug infractions, the special education student receives the same treatment that students without disabilities receive. If, however, the special education student’s suspensions are recurrent and add up to more than 10 days in a school year or more than 45 days for a serious infraction,

the local education agency must conduct an assessment of the student's behavior and implement an intervention plan to address the student's behavior problems.

After conducting classroom observations and closely examining the evaluation of the student's disability and the implementation of the student's individualized education program, a committee designated by the local education agency must decide whether or not the student's behavior is a manifestation of the student's disability. If the committee determines that it is, the student's IEP team must immediately rewrite the student's program to correct the behavior. If the committee determines that the behavior is not a manifestation of the disability, the child must be disciplined "in the same manner...applied to children without disabilities" (Individuals with Disabilities Education Act, 20 U.S.C. § 1415 [k][5]).

In the case of John, the district should have applied the same disciplinary measures that it applies to students without disabilities. If the district plans to treat John differently, or if the behavior is recurrent and disciplinary measures have exceeded 10 days, the district must hold a meeting with the IEP team to determine whether this behavior is a manifestation of John's disability. If the team decides that it is not a result of the disability, the district must assign the same disciplinary consequences to John that it assigns to students without disabilities.

A DISCIPLINE POLICY FOR ALL STUDENTS

To meet the federal standard, schools need a humane and just administration of discipline that respects and protects all students' rights to a free and public education. Comprehensive discipline guidelines must cover the treatment of students with and without disabilities. Moreover, the discipline plan must do more than take corrective action for offenses; it must also prevent discipline problems and support positive behavior (Charles, 1999).

As administrators and IEP teams develop behavioral intervention plans for students with disabilities, they should keep in mind the overall goal of implementing a schoolwide discipline system that is more than merely corrective. Special education students must understand that they are subject to the same disciplinary measures as other students. Such practices as before-school and after-school detentions, weekend detentions, additional written work, or required community service, commonly found in school discipline plans, do not create a change in special education placement and may serve as corrective measures for disciplinary infractions that are not directly related to the safety of fellow students or disturbance of the learning environ-

ment. Integrating these alternatives into behavioral intervention plans for special education students reminds them of the consequences of their choices. The discipline plan for all students should also incorporate preventive and supportive discipline measures.

Preventive Discipline

Preventive discipline promotes behaviors that are beneficial to the learning environment. By affirming and practicing them and reflecting on their meaning, everyone can practice showing concern, modeling courtesy, and supporting one another. Translating classroom rules and procedures into affirmative "we" statements to which the students and teachers commit themselves helps to identify good behaviors and strengthens the sense of belonging that both learners and adults need.

For example, Mr. Boudreaux has taught 7th graders for several years and knows that they will enter the classroom in an energetic, boisterous manner. Without a preventive discipline plan, the students will take a long time to settle down and focus on the lesson. Mr. Boudreaux, however, meets the students at the door and requires them to enter according to a specific procedure. First, he says, we enter in silence, then go to the materials shelf, read the assignments on the board, and assemble our materials. Instruction begins within three minutes of classroom entry, with all students having materials in place. In this way, Mr. Boudreaux meets all students' need for structure, limits, and routine.

Learning experiences that are worthwhile and enjoyable provide the foundation of a quality preventive discipline plan. Three elements—fun, focus, and energy—are essential components of a preventive discipline plan (Taylor & Baker, 2001), particularly for students with disabilities, whose classes and activities are often unchallenging and devoid of opportunities for creative expression.

Supportive Discipline

Supportive discipline helps students channel their own behaviors productively. As a weight lifter needs a spotter to provide support during a challenging lift, students need positive intervention. The teacher and students need a set of common signals so that either can ask for or offer assistance without judgment or confrontation. Such agreed-upon techniques as "eye drive" (a deliberate look that signals affirmation or correction), physical proximity, silent signals, and head movement can communicate the need for a refocus to productive behavior.

The teacher's goal is not to control the students but rather to support students as they learn to control themselves. A supportive disciplinary action is an offer to help,

not a judgment or imposition of will. To minimize the need for corrective discipline, educators need to explain the supportive elements of this approach to students with disabilities and to their parents.

Several supportive techniques have been developed by Mr. Boulanger, an 8th grade teacher. His signals remind students that they are responsible for controlling themselves. When he stands in front of the room and looks intently from student to student, they understand and respond to his signal by focusing on the task at hand. Through routine and consistent reinforcement, each student learns that the purpose of these signals is to help them achieve the level of excellence they desire.

Corrective Discipline

Even the best preventive and supportive approaches sometimes fail, at which point corrective action becomes necessary. Educators must administer corrective discipline expeditiously, invoking well-known guidelines about consequences for certain kinds of behavior. The purpose of corrective discipline is not to intimidate or punish but to provide natural consequences for disciplinary infractions that disrupt the learning environment.

The person in authority must never ignore disruptive behavior. One helpful technique for remaining calm is to administer corrective action in a matter-of-fact manner, adopting the demeanor of a state trooper. "May I see your driver's license, insurance card, and automobile registration? You were traveling 50 miles per hour in a 35 miles per hour zone."

Invoke the insubordination rule when necessary. Use a predetermined plan to command assistance if it is necessary to correct the situation. The behavior intervention plan that the Individuals with Disabilities Education Act regulations now require must include clear corrective procedures.

For example, Mrs. Thibodaux has developed a set of consequences for the most common infractions. Each student knows that being late to class will mean a period of after-school detention for a certain number of school days. Each knows that repeated failure to complete assignments will result in a telephone conference with a parent during work hours. Educators must work out these corrective measures ahead of time. Although the measures are not harsh or excessively punitive, they should be consistently inconvenient for the students and parents.

The U.S. Congress has now made it clear that schools should not allow children with disabilities to disrupt learning environments. All students need guidance to become respectful, responsible citizens who enjoy and effectively exercise their rights. If educators make excuses for special education students' behaviors, they deny them the benefits contained in the laws. All students deserve well-disciplined learning environments that are fun, focused, and full of creative energy. Developing discipline systems that combine preventive, supportive, and corrective measures for all students will move our schools toward that ideal.

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