You Will Learn:

- School Discipline in General
- Exclusionary School Discipline
- New School Code Regulations in Illinois
- Discipline Provisions: Special Education and 504
- Non-Exclusionary Discipline
Our job is to teach the students we have.
Not the ones we would like to have.
Not the ones we used to have.
Those we have right now.
All of them.

Dr. Kevin Maxwell
Part 1

Discipline in General
The Illinois School Code gives schools the authority to discipline students in order to:

- Protect the safety of students and property
- Provide self-defense or the defense of property
- Address disruptive behavior

School districts must have written policies that state which acts of conduct will result in disciplinary measures.
Suspensions – General Provisions

Out-of-school Suspensions (OSS)
- When a student is removed from school for all or part of an instructional day

In-school Suspensions (ISS)
- When a student remains in school, but is removed from instruction for all or part of a day

Bus Suspensions
- May be suspended from access to school bus for more than 10 days for safety reasons
- If bus suspension results in the student’s inability to attend school, it is considered a suspension from school and subject to 10-day provision.
Expulsion – General Provisions

- Specific duration not to exceed 2 calendar years
- May be issued only by School Board
- May take effect only after parents are requested by certified mail to appear at the expulsion hearing
- Student has the right to be represented by legal counsel, present evidence and cross-examine witnesses at expulsion hearing
- Students may be administratively transferred to an alternative school in lieu of suspension or expulsion (Safe Schools Act)
Part 2

Exclusionary School Discipline
Zero-Tolerance Impact

- A strict, disciplinary response to undesirable behaviors or possession of items that often leads to suspension, expulsion, and potential criminal charges
- Became prominent after Gun-Free Schools Act 1994 and increased dramatically
- Secondary school students with highest suspension rates; one out of every nine was suspended at least once In 2009-2010,

![Figure 1: Secondary School Suspension Rates (by race): Then and Now](image-url)
Higher suspension rates result in lower academic achievement and students falling behind in school

Students are less likely to graduate on time

Higher risk of dropping out of school

Increases likelihood of coming into contact with the juvenile justice system

Students of color, with disabilities, and LGBT disproportionately disciplined
During the 2014-15 school year there were over 340,000 expulsions and suspensions (in-school and out-of-school and transfers to alternative schools in lieu of discipline)

Students impacted by discipline practices: 45% African American, 21% Hispanic, and 29% white

60% of discipline involved high school students
The Call to Change

*A spotlight was put on the millions of students being excluded from school for minor offenses*

- American Academy of Pediatrics and the American Psychological Association Zero Tolerance Taskforce called for change to reduce exclusionary discipline
- US Department of Justice and Education Department’s Office of Civil Rights 2014 Guidance and Resources on School Discipline
- Illinois Public Act 99-0456 (SB100) effective 9-15-16
Part 3

New School Code Regulations in Illinois
Creates new discipline and training requirements that apply to all publicly funded schools in Illinois, including charter schools

- Ends zero tolerance policies that mandate suspension and expulsions for particular offenses except those required by state or federal law
- Limits number and duration of OSS and expulsions to the greatest extent practicable
- Recommends non-exclusionary discipline to be considered first and suspensions to be used for legitimate educational purposes
Eliminates fines and fees as disciplinary consequences

Creates policies to help students reengage when returning from suspension, expulsion or placement in an alternative school

Increases school’s reporting requirements when students are suspended

Requires district to provide ongoing professional development to teachers, staff and school board members on school exclusion and classroom management strategies

Encourages MOU between school district and local law enforcement that defines their role in schools
Out-of-School Suspensions & Expulsions

3 Days or Less OSS
Only if student’s continued presence poses a threat to school safety or a disruption to others students’ learning opportunity

More than 3 days OSS & Expulsions*
Only allowed if “other appropriate and available behavioral and disciplinary intervention” have been exhausted

The student’s continuing presence in school would pose a threat to the safety of students, staff or members of the school community

OR

“substantially disrupt, impede, or interfere with the operation of the school”

* Also includes Disciplinary Removals to Alternate Schools
Students who are suspended shall be provided the opportunity to make up work for equivalent academic credit.

Students must be provided appropriate and available support services during a suspension longer than 4 days.

Suspensions must comply with procedural protections for students with disabilities.

Written expulsion decision must detail specific reasons the student’s expulsion is “in the best interest of the school”. Decisions must also include the rationale for the specific duration of the expulsion.

Parent is notified of the decision and given the opportunity to obtain a copy of the written expulsion decision.

The School District may consult the Department of Human Services when mental illness is a factor in behavior.
Discipline Provisions: Special Education and 504
Discipline – Special Education Provisions

Special education students may be disciplined in the same manner as regular education students, with the following exceptions:

- School districts must have policies and procedures for students with disabilities that require behavioral intervention
- Special provisions exist for suspensions and expulsions
- An individualized Behavior Intervention Plan (BIP) is required in certain situations that may dictate consequences for targeted behaviors (FBA).
Suspensions for Special Education Students

Except under special circumstances, suspensions for students with IEPs must not result in a change of placement, which means:

- The removal is for more than 10 consecutive days
- There is a series of removals that constitute a pattern
- The series of removals total more than 10 school days in the same school year
Removals that Cause a Change in Placement

Within 10 school days of the decision to change placement because of a violation of conduct, the IEP team must convene a Manifestation Determination Review (MDR) to ascertain the following:

- Was the conduct caused by or related to the disability?
- Was the conduct caused by the school’s failure to implement the IEP?
Manifestation Determination Review

If conduct **related** to the disability or IEP services weren’t implemented as written, the school must:

- Conduct an FBA and develop a BIP or modify BIP if already in place
- Return the child to the previous placement, unless parent and school agree otherwise

If conduct **not related** to disability, LEA may suspend for more than 10 days in a school year, but:

- The school must provide IEP services necessary to enable progress in regular curriculum and meet IEP goals
- Subsequent removals must not cause a change in placement
Expulsions for Special Education Students

- If a district is considering expulsion for a student with an IEP a Manifestation Determination Review must be held to determine if behavior is part of child’s disability.
- No child should be expelled for behavior that results from the child’s disability.
- Special education students can be expelled for behavior that is not related to their disability, but IEP services must never cease.
Interim Alternative Educational Setting

- The school may order an immediate change in placement, up to 45 days, if student displays the following conduct at school or at school functions:
  - Possesses, uses or sells illegal drugs
  - Carries to, or possesses a weapon at school
  - Has inflicted serious bodily injury upon another person

- Alternative setting is determined by IEP team

- If you seek an appeal, the child remains in the alternative setting pending the due process hearing.
If the school district had knowledge that the student had a disability prior to the incident, the student may assert any of the protections under IDEA.

With no prior knowledge of disability students are:

- Subject to district-wide disciplinary measures,
- If requested, an evaluation must be conducted in an expedited manner and,
- If eligible, relevant IDEA protections should be ensured.
Suspension and Students with 504 Plans

- A student with a disability and 10 consecutive or cumulative OSS days
- Request MDR to determine if the student’s behavior that caused the suspensions is related to his disabilities
- Was the 504 Plan followed and did it include a BIP?
- If the behavior is related to disabilities, student remains in school and 504 Plan revised as needed
- If the behavior is not related to disabilities, then OSS is valid
Part 5

Non-Exclusionary School Discipline
“We try to work with students so that instead of pushing them out of school, or kicking them out of school, or instead of them being the next dropout, it’s more, ‘What kind of plan are we going to create for you, knowing what you’ve been through, so that you are successful?’”

Claudia Rojas, Principal CHAS High School
Non-Exclusionary Discipline

*Focus on prevention and interventions rather than on punishment:*

- With a change in focus, we see the student **not being** the problem but the student **having a** problem.
- We are now ready to problem solve in order to work with the student and address the behaviors.
- We employ evidence based strategies that do not exclude students from the school environment.
Positive Behavioral Interventions

Functional Behavioral Assessment (FBA)

- Problem solving process for addressing student problem behavior
- Identifies purpose of specific behavior and associated environmental factors
- Helps IEP teams select appropriate interventions to address behavior

Behavior Intervention Plan (BIP)

- A plan used to support the student in changing his or her behavior
- Based on information gathered from the FBA
- Used to help student acquire new skills and coping strategies, reduce problem behavior, and improve student’s overall quality of life
A three-tiered prevention approach adopted by more than 13,000 schools nationwide:

- Involves 1% - 5% of students
  - Intense intervention that may involve family or community support
- Involves 5% - 10% of students
  - Targeted interventions for at-risk students consistent with schoolwide behavioral expectations
- All students
  - Targeted interventions for at-risk students consistent with schoolwide behavioral expectations
Restorative Justice

Restorative justice is an example of school wide positive support system. It includes:

- Peace Circles - structured group discussions where people share from the heart
- Peer Juries - students hold each other accountable and decide how to make things better
- Community Service - range of volunteer service activities for students to give back to the community and make restitution for harm caused
Character Education and Social-Emotional Learning Programs

- Instill values that help students avoid negative behaviors
- Help students develop the knowledge and skills to:
  - Recognize and manage their emotions
  - Set and achieve positive goals
  - Demonstrate caring and concern for others
  - Establish and maintain positive relationships
  - Make responsible decisions
  - Effectively handle interpersonal situations

- Effective programs involve *interactive teaching strategies* such as mentoring, role-playing exercises, and group discussion
Targeted Behavioral Support Programs

- Interactive daily or weekly social skills building exercises that help students develop:
  - Conflict resolution
  - Anger management
  - Listening skills
  - Other social skills that minimize instances of negative behavior

- Small-group or one-on-one training sessions
- Individualized anger management plans
- Involvement and education of family members
Restrictive Behavioral Interventions

Restrictive interventions should only be used in emergency situations.
SOLUTIONS
NOT
SUSPENSIONS
Resources

- Education advisors:
  http://ccwe.niu.edu/ccwe/eap/advisors

- Legal services:
  http://www.lafchicago.org/

- Prairie State Legal, Inc. (Northern and West Central Illinois)
  http://pslegal.org/psls-locations.asp

- Land of Lincoln Legal Assistance Foundation
  (Central and Southern Illinois)
  http://lollaf.org
Resources Cont.

- Illinois State Board of Education
  [www.isbe.state.il.us](http://www.isbe.state.il.us)
- Comprehensive System of Learning Supports
  [http://www.isbe.net/learningsupports/](http://www.isbe.net/learningsupports/)
- Parent Rights
  [http://www.isbe.state.il.us/speced/html/parent_rights.htm](http://www.isbe.state.il.us/speced/html/parent_rights.htm)
- Legal Center for Foster Care and Education
- NIU Center for Child Welfare and Education
  [http://www.cedu.niu.edu/ccwe/](http://www.cedu.niu.edu/ccwe/)
References


