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TITLE: Suspension and Expulsion: Effective Management for Students?

SOURCE: Intervention in School and Clinic v34 no1 p50-2 S '98

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This article has two purposes. First we provide a brief review of legal procedures that schools have available under federal disability laws, specifically P.L. 105-17, the IDEA Amendments of 1997. This law is complex in its requirements and thus poses a challenge for understanding and compliance. Nevertheless, it does prescribe specific disciplinary procedures for students with disabilities. Our interpretation of the laws is cursory and does not substitute for careful analysis of the law and its implementation of the regulations. Our second purpose is to provide a brief review of common disciplinary procedures, specifically suspension and expulsion. Do these procedures produce positive behavior changes? If not, what type of change do they produce?

A LEGAL EXPEDITION

Traditionally, school administrators have enjoyed a great deal of discretion in dealing with behavior problems in schools (Bartlett, 1989). Punishment used by school officials ranges from writing a paragraph about a rule infraction or conferring with the principal to suspension or expulsion, with the latter two being the most punitive forms. A student with disabilities can also receive punishment in the forms of suspension and expulsion; however, laws protect students with disabilities from certain types of punishment. *Goss v. Lopez* (1975) provided that for short-term suspension of 10 days or less, students with or without disabilities are entitled to written notice of charges and an opportunity to dismiss the charges. Likewise, *Honig v. Doe* (1988), the first case dealing with punishment practices to reach the Supreme Court, further defined the use of suspension and expulsion (Bartlett, 1989). In that case, the courts ruled that schools may use normal disciplinary procedures and temporarily suspend special education students for up to 10 days; longer removal can be accomplished if the district and parents can agree on an interim placement pending a review of the situation and of the student's educational needs, or the school can ask a court to extend the suspension of children who are experiencing disciplinary problems.

Goss v. Lopez and *Honig v. Doe* both dealt with securing the education of students exhibiting behavioral disruptions. In 1997, amendments were made to the Individuals with Disabilities Education Act of 1990 (IDEA)—the IDEA Amendments of 1997 (P.L. 105-17)—that address the issue of discipline with students with disabilities. The IDEA amendments now also offer protection for general education students who may be exhibiting patterns of behavior that could result in eligibility. In order for these students to receive protection, it must be proved that the local education agency (LEA) had knowledge of the disability before the behavior occurred. Knowledge of a disability can be inferred (a) if a parent has expressed concern in written form, (b) if a parent has requested an evaluation, (c) if the behavior demonstrated by the student is pervasive and severe enough to be considered for special education services, and (d) if the teacher or other personnel has expressed concern about the child's behavior and/or performance (Yell, 1998).

Removal from the educational setting for 1 to 10 days without a formal staffing is considered a short-term suspension. A hearing determining manifestation, the relationship between the student's disability and misconduct, is not required for suspension of 10 days or less. Extended-term suspension removes the student from his or her educational placement for more than 10 cumulative days in the school year

and requires a formal manifestation determination hearing. In order for a manifestation to be determined, the Individualized Education Program (IEP) team must meet to discuss the relationship between the student's disability and his or her misconduct. Parents must be notified of procedural rights and the hearing must be conducted within 10 days of the action that led to the suspension. If manifestation is determined, the student's placement can be changed only if deemed more appropriate. If no manifestation is determined, a student with a disability can be disciplined in the same manner as a non-disabled student (Yell, 1998). School officials can seek the aid of a hearing officer to assist with identifying an alternative placement if they can show that keeping a student in the present placement is dangerous for that student or other members of the classroom.

DO SCHOOL-ENFORCED ABSENCES WORK?

Suspension and expulsion, as well as other punishment methods, can label students as troublemakers, be used as tools to force students from schools, and leave students unsupervised in the community (Adams, 1992). On the surface, suspension or expulsion might seem like a reasonable form of punishment; however, problems range from recidivism (Commission for Positive Change in Oakland Public Schools [CPCOPS], 1992) and having a detrimental effect on academics (Safer, Heaton, & Parker, 1981) to increasing the number of dropouts (DeRidder, 1990; Wehlage & Rutter, 1986), cultural bias (Bacon, 1990), and indiscriminant use (Council for Exceptional Children, 1994; Rose, 1988).

Little is known about the use of exclusionary discipline practices and even less is known about the outcomes of using these procedures with students with disabilities (Rose, 1988). Research in this area has primarily focused on students without disabilities; however, it can be hypothesized that students with disabilities may experience the same detrimental effects, but possibly to a higher degree.

1. Suspensions. Suspension and expulsion seem to be ineffective methods of dealing with misbehavior (Bacon, 1990) because they do not appear to be a deterrent for future misconduct. Safer et al. (1981) found that students with multiple suspensions in junior high or middle school faced a rate of suspension of over 50% and a 29% rate of future expulsion. Similarly, CPCOPS (1992) found at one elementary school that 43% of suspended students were suspended again that year and 24% were suspended multiple times.

2. Failing grades. Students removed by suspension and expulsion are inevitably those who need to be kept in school (National Association of Secondary School Principals, 1981). Removal reduces instruction time and disrupts the learning process (CPCOPS, 1992), resulting in students falling behind (Adams, 1992). There is also a clear relationship between suspension and expulsion and failing grades. Safer et al. (1981) found that 52% of suspended or expelled students had failing grades associated with these punishments.

3. Increased dropout rate. There appears to be a correlation between disciplinary problems and school dropout (Wehlage & Rutter, 1986). Similarly, DeRidder (1990) found suspension and expulsion listed in the top three school-related reasons given for dropping out. Cottle (1975; cited in DeRidder, 1990) observed that the more frequently students were suspended, the higher the likelihood that they would drop out, stating that "suspensions often bring a pattern that leads to the termination of formal education" (p. 154).

4. Cultural biases. Each school sets the limit and defines the behaviors that could result in suspension or expulsion. These definitions, often culturally biased, increase the possible overrepresentation of minorities receiving suspension or expulsion as

punishment. According to the CPCOPS (1992), the use of suspension hurts all students, but disproportionately impacts African American males, who make up 28% of all students but account for 53% of all suspensions. Similarly, Sabatino, Sabatino, and Mann (1983; cited in Bacon, 1990) found that the suspension rates for African Americans was double that of Caucasian, Native American, and Hispanic-American students. In a study of school restructuring in five school counties, Townsend, Thomas, Witty, and Lee (1996) reported that "minority students in the five school counties were more likely to receive out of school suspension or to be expelled than White students.... In comparison to White students, they were three times more likely to be suspended out of school" (p. 11).

5. Indiscriminate suspension and expulsion. Even with court cases such as *Honig v. Doe* and *Goss v. Lopez*, relatively few schools have rules governing the use of suspension and expulsion (Katsiyannis & Prillaman, 1989; Rose, 1988). The lack of rules or policy for students with disabilities inherently causes inequity and confusion.

6. In-school suspension. Suspensions cannot be used to keep a student with disabilities out of school or to discontinue the student's education; therefore, alternatives to expulsion must be explored (Kansas State Board of Education, Division of Learning Services, 1994). Using in-school suspension as an alternative to traditional out-of-school suspension and/or expulsion appears to be more effective (Rose, 1988). If the student can stay in school, he or she will receive instruction and will also be provided with an opportunity to receive related services. Schools need to review the manner in which they discipline students with exceptionalities, striving to provide more appropriate alternatives.

Although proactive measures for behavior problems are desirable, administrators have traditionally assumed a reactive role when executing disciplinary consequences for inappropriate behaviors. Those reactive measures appear to have been applied more to provide relief for school personnel rather than to deal with the needs of the student involved. The primary reason for application of disciplinary procedures should be to aid students; that is, applying discipline should be done in an appropriate manner so as to assist students' functioning and learning. As Yell (1989) stated, "The purpose of discipline is to teach. If students, handicapped and non-handicapped alike, are to learn their roles and responsibilities in school and society, they must understand the purposes of the rules and the consequences of not adhering to the rules. To shelter handicapped students from disciplinary sanction would be to shelter them from the realities of life" (p. 69).

ADDED MATERIAL

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REFERENCES

- Adams, A. T. (1992). Public high schools: The uses of rehabilitative and punitive forms of discipline: A final report. (ERIC Document Reproduction Service No. ED 354 633)
- Bacon, E. H. (1990). Disciplining handicapped students: Legal issues in light of Honig v. Doe. *Academic Therapy*, 25, 599-611.
- Bartlett, L. (1989). Disciplining handicapped students: Legal issues in light of Honig v. Doe. *Exceptional Children*, 55, 357-366.
- Commission for Positive Change in the Oakland Public Schools. (1992). Keeping children in schools: Sounding the alarm on suspensions. (ERIC Document Reproduction Service No. 350 680)
- Council for Exceptional Children. (1994). Legal aspects of procedures [Kansas Guidelines for Program-Behavior Disorders memorandum of clarification]. Reston, VA: Author.
- DeRidder, L. M. (1990). The impact of school suspensions and expulsions on dropping out. *Educational Horizons*, 68, 153-157.
- Goss v. Lopez, 419 U.S. 565 955 Ct. 729 (1975).
- Honig v. Doe, U.S., 108 S. Ct. 592 (1988).
- Individuals with Disabilities Education Act of 1990, 20 U.S.C. § 1400 et seq.
- Individual with Disabilities Education Act Amendments of 1997 (IDEA) (P.L. 105-17). Proposed rules. *Federal Register*, 62(204).
- Kansas State Board of Education, Division of Learning Services (1994). Memorandum of clarification 94-2. Spotlight on Kansas-Special Education Outcomes Team, 1(1).
- Katsiyannis, A., & Prillaman, D. (1989). Suspension and expulsion of handicapped students: National trends and the case of Virginia. *Behavioral Disorders*, 15, 35-40.
- National Association of Secondary School Principals (NASSP). (1981). Some alternatives to school discipline: Parental liability and restitution. A legal memorandum (Available from NASSP, 1904 Association Dr., Reston, VA 11091) (ERIC Document Reproduction Service No. 207 155)
- Rose, T. (1988). Current disciplinary practices with handicapped students: Suspensions and expulsions. *Exceptional Children*, 55, 230-239.
- Safer, D., Heaton, R., & Parker, F. (1981). A behavioral program for disruptive junior high students: Results and follow-up. *Journal of Abnormal Child Psychology*, 9, 483-494.
- Townsend, B., Thomas, D., Witty, J., & Lee, R. (1996). Diversity and school restructuring: Creating partnerships in a world of difference. *Teacher Education and Special Education*, 19(2), 102-118.
- Wehlage, G. G., & Rutter, R. A. (1986). Dropping out: How much do schools contribute to the problem? *Teachers College Record*, 87, 374-392.
- Yell, M. (1989). Honig v. Doe: The suspension and expulsion of handicapped students. *Exceptional Children*, 56, 60-69.
- Yell, M. (1998, February). Disciplining students with disabilities. Paper presented at the Midwest Symposium for Leadership in Behavior Disorders, Kansas City, MO.