

Student Behavior Management Frequently Asked Questions

Compiled By: David Jones, February 2007

Schroon Lake Central School

Q: Can Teachers detain students after school as a penalty, or even prohibit them from participating in activities like lunch, recess, interscholastic athletics, and field trips?

A: Yes. (*Matter of Kubinski*, 26 Educ. Dep't Rep. 348 (1987))

Q: Can teachers remove disruptive students from their classroom, like a suspension?

A: Yes – up to five days at a time. See New York State Education Law §3214(3-a). Students need to have the same due process rights as would be provided in case of suspension from school (e.g., chance to give his/her side of events, right of appeal – *Appeal of Trombly*, 26 Educ. Dep't rep 214 (1986)).

When teachers suspend students from their class, the following procedure takes place:

1. Teacher informs student and principal of reasons for removal.
2. Within 24 hours, student has opportunity to present his/her side of the story and parents are informed of the removal. They may appeal the removal at a hearing held no later than 48 hours after the removal (even if the 48 hour period does not expire on a school day) and the principal must make his ruling at the end of the day on the day of the hearing. The principal may only set aside the teacher's action if the charges are unsupported, if the removal constitutes a violation of law, or if the conduct would better warrant suspension from school and that OSS will be imposed.

Students removed from class need to have their educational programming continued in some "substantially equivalent" way. This could be as simple as sending the assignments to the suspension room for the day(s) suspended. A study hall does *not* fulfill this obligation. (*Turner v Kowalski*, 49 AD 2d 943 (1975); *Appeal of McMahon*, 38 Educ Dep't Rep. 22 (1998); *Appeal of Bridges*, 34 Educ. Dep't Rep. 232 (1994); (*Appeal of Klug*, 20 Educ. Dep't Rep 134 (1980)).

Q: "If a student is in ISS, he must have a "substantially equivalent" educational program during suspension. What are the required qualifications of the staff member to deliver this service? Does the teacher have to be certified in each subject? Can a Teacher's Aide tutor the student? Does the student need to be visited by teachers certified in each of his classes?"

A: "The minimum standard for providing substantially equivalent instruction would be to provide seat work in which the student would work independently but get instructional help as it was needed. The credentials of those who supervise ISS is a local determination. Many schools use Civil Service workers in this capacity. The main concern is who is available to provide instructional assistance when the student needs it. Schools can provide instructional programs in areas other than core subjects, e.g. social skill development."

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Q: "...an area on which I would request clarification:

Commissioner's Decision No. 12,984 "Matter of Auch" (Aug 1993), states: "Pursuant to Education Law '1709(2), a board of education is authorized to establish rules concerning the order and discipline of the schools as it may deem necessary. Such rules are not subject to the consent of a parent." In this situation, a parent had

refused to have his son serve a detention for skipping school because the parent had approved that absence. Commissioner ruled in favor of the school.

Now in my School Law book, it states that, based on a 1994 Memorandum on Detentions, students may be kept after school with transportation and parental consent is necessary.

My question is: Can a school enforce disciplinary detention on a student against parents' wishes? If not, then what course of action is recommended in the event that a students' parents refuse? Can parents effectively nullify school discipline procedures?"

A: "Neither the Law or Commissioners Regulation directly address the practice of detaining students after school as a method of discipline. As you indicate the authority is there. So school district can establish reasonable means to maintain discipline including detention. Where detention is consistently applied to students and a parent objects because to the imposition of detention in a specific situation the district **should impose another means of discipline** (emphasis mine). Where the detention is contested by the parent because of the reason it was assigned, they have recourse via an appeal. In this case I believe she would loose the appeal because the school has the legal authority to establish unexcused absences that are linked to the code of conduct. The parent also has a legal responsibility to ensure that the student comes to school ready to learn when it is open. <http://emsc33.nysed.gov/sss/Attendance/Matrix-AttLawsRegs.htm>"

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Q: may a district suspend or exclude a student from extra-curricular activities for disciplinary reasons?

A: Yes. (§1709(3); *Matter of Clark*, 21 Educ. Dep't Rep. 542 (1982)). A school district is **not** acting in a discriminatory way if its penalties for athletes are more severe than for non-athletes (*Appeal of Wright*).

Q: What kind of research supports In School Suspension?

A: A Review of Research Abstracts on In-School Suspension I conducted in January 2006 in response to a discussion at a meeting revealed strong support for this type of intervention and the conditions under which it can be successful.

The most effective models include some guidance, support, monitoring by professional staff, planning for change in behavior, and generally are built on a "rehabilitative model".
"[...] 27. Make use of in-school suspension programs, which include guidance, support, planning for change, and skill building."

"A Positive Approach to Discipline (PAD). PAD is based on Glasser's Reality Therapy and is grounded in teachers' respect for students and instilling in them a sense of responsibility. Program components include developing and sharing clear rules, providing daily opportunities for success, and in-school suspension for noncompliant students. Research (e.g., Allen, 1981) is generally supportive of the PAD program."

"In-school suspension. In-school suspension programs which include guidance, support, planning for change, and opportunities to build new skills have been demonstrated to be effective in

improving individual student behavior and thus increasing school order (Allen 1981; Cotton and Savard 1982; Doyle 1989; Miller 1986)."

Cotton, Kathleen. "IClose-Up #9: Schoolwide and Classroom Discipline". Northwest Regional Educational Laboratory. 13 Jan 2006. <http://www.nwrel.org/scpd/sirs/5/cu9.html>

1) Detailed study of small school (enrollment = 364) with camera to monitor students. Principal & secretaries watched closed circuit. Study concludes limited success, mostly in perception. Teachers perceived it was successful in a survey, students had mixed reviews, but there was negligible overall effect on school discipline: no change in OSS's, no change in lost instructional days.

(Turpin and Hardin 1997)

2) Large study in Houston public schools ("Student Referral Centers" = separate buildings from regular school)

- Positive impact on teacher attitudes
- High percentages of non-repeat referrals (85% for one center, 55% for lowest center) "A high percentage of non-repeaters in an ISS program suggests that some action the program takes corrects the student misbehavior so that they do not have further serious behavior problems."

(Opuni 1991)

3) Leapley studies effect on violent acts (considered important b/c examined modification of behavior rather than just drop in OSS rates). He concludes that intervention offered by a trained teacher in ISS helped reduce the number of violent acts when compared to control group. All experimental schools showed "significant change for the better". Supports power of "rehabilitative model" of ISS.

Larry Lapley (1997)

4) "The review of programs and research seems to at least tentatively suggest that an ISS program is an important component of school discipline that schools need." (He also notes that there is not research yet describing what, precisely, the "magic ingredients" are for successful ISS programs).

(Blomberg)

5) Reviews British, Australian, New Zealand, and American research on the use of in-school suspension, out-of-school suspension, and suspension to off-site centers. Finds these approaches ineffective and calls for organizational improvements in schools so that disruptive students might be retained.

(Slee 1986)

6) Reports the results of a study in which a therapeutic discipline program was compared with traditional, nontherapeutic discipline in terms of their effects on secondary students experiencing in-school suspension for truancy. Treatment students had better attendance and greater insight, but controls had better attitudes toward school attendance.

(Miller 1986)

An effective ISS program includes (1) the administration and ISSP director played a stronger leadership role; (2) the entire faculty increased their support of the ISSP and were more involved in the program's operation; and (3) communication between the ISSP director and faculty improved regarding students' assignments, behavior, progress, and return to the classroom.

(Whitfield & Bulach, 1996)

This practicum report describes a 15-day in-room suspension strategy designed to reduce the increasing number of principal-initiated student suspensions resulting from inappropriate conduct. The program's distinguishing features entailed a central figure who predetermined the candidates by means of a pre-suspension interview, parental-student involvement and choice, and the student's motivation for avoiding an impending principal's suspension. A contingency contract delineated the conditions that necessitated pupil isolation, while promoting structure and a guidance curriculum that featured communication skills. It also introduced, through a point system, a behavioral modification strategy that conceivably reduced the duration of the in-room suspense from an unprecedented 15 school days to 10 days. The program was rehabilitative rather than punitive in design. Analysis of the program data revealed an impressive improvement among those in need of academic structure and a minimal effectiveness among reluctant participants. An accomplished teacher-in-charge, parental involvement, and continual intercommunication contributed to the program's success

(Novell, 1994)

An in-depth examination of in-school suspension programs (ISS) is presented, including problems with ISS programs, some effective models of ISS, and specific ideas for program improvement. ISS programs have great potential for success; however, given the way they are currently implemented, they need to be improved. If properly designed and administered, with an evaluation phase, professional intervention by the counselor and administrator, and assignment requirements, ISS programs can go beyond mere eviction to accomplish something positive on behalf of students. ISS programs accomplish everything that OSS programs do--they remove the troublemaker from the class, but do not reward the student for bad behavior with a vacation from school.

(Vanderslice, 1999)