

Reforming School Codes of Conduct

- Reece L. Peterson, University of Nebraska-Lincoln
- Student Engagement Project

- Establish the purposes of school discipline
- Establish the need for basic frameworks other than punishment
- Suggest reasons to take action
- Propose alternatives to suspension
- Describe materials to assess alternatives



What are the “Purposes” of School Discipline?

1. To change the student’s behavior
2. To deter or prevent other students from engaging in the behavior (make an “example” of the offending student)
3. To maintain a “safe” school environment
4. To maintain the “decorum” of the school (propriety of language, dress & conduct according to community standards)

Traditional Discipline Consequences

Traditional Discipline Consequences	Problem:	Problem:	Problem:
Not Recommended- Restrict Use or Avoid	Exclusionary	Negative Outcomes	Lack of Effectiveness
Corporal Punishment – Not in Nebraska		X	X
Expulsion	X	X	X
Grade Retention & Demotion		X	X
Involuntary Transfer	X	X	X
Lowering Course Grades		X	X
Suspension	X	X	X
Zero Tolerance Policies		X	X
Use with Caution – Requires careful programming to avoid negative outcomes or increase effectiveness			
Detention			X?
In-school Suspension	X		X?
Saturday School			X?

If you agree with these purposes, is the current system of school discipline accomplishing these purposes for your schools?

If our data shows that discipline actions are disproportionately affecting minorities and students with disabilities, is that ok as long as we are following our policies and procedures?

Results Driven Accountability-
Change in OCR and US
Department of Education-

From:
Procedural
Accountability

To:
Outcome
Accountability



Deliberate Indifference...

- The dissenting judge penned a vigorous opinion departing from the majority and district court's analysis of the Title VI and § 1983 claims. The dissent argued that because Title VI, Title IX, the Rehabilitation Act (RA) and the American with Disabilities Act (ADA) **are interrelated federal anti-discrimination statutes,** **deliberate indifference** is the intentional **discrimination standard not only for Title IX,** as established by Davis v. Monroe County Board of Education, 526 U.S. 629 (1999) and Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998), **but also for Title VI, RA and ADA.**
- The dissent also argued: **"The rationale for allowing deliberate indifference to establish intentional discrimination under Title VI is further illustrated by limitations and obligations arising from the S[p]ending Clause authority that each of the analogous statutes is based upon."** In addition, the dissent contended that **the district court's analysis of intentional discrimination under Title VI was at odds with every other federal circuit that had decided the issue.**

Take Specific Actions...

OCR Reaches Agreement ...(continued)

- The [AP](#) (9/26) reports that OCR's investigation found that "black students, who made up nearly half of the student enrollment, had been disproportionately subjected to discipline at every stage in the discipline process," and that **"black students received harsher discipline than white students for similar offenses"****"the district commits to take specific actions** to ensure that it implements fair and equitable discipline policies and practices that lead to less frequent exclusionary discipline and increased educational opportunities for all students."

From NASSP Principal's Update 9-26-1

If a school district cannot prove that using suspensions is an effective strategy for improving student conduct, why do school officials use it so frequently?

Sautner, B. (2001). Rethinking the effectiveness of suspensions. *Reclaiming children and youth*. P. 210.

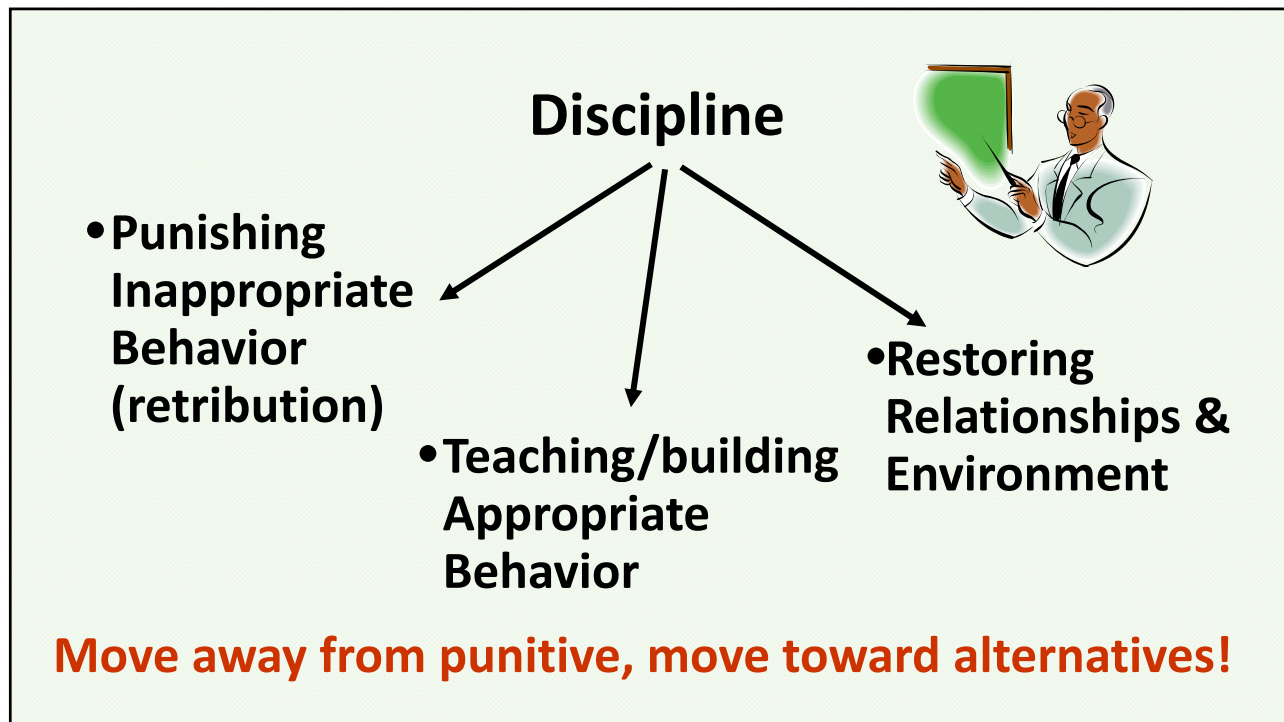
What can we do about Exclusionary Discipline?

Just stop suspending or expelling?

No!

Just continue or tweak what we have been doing?

We must “take specific actions” to combat “deliberate indifference”!



A Comparison of Punishment, Teaching & Restorative Process

• Punishment Process

- Reactive intervention after problem occurs
- Adult imposes arbitrary consequences
- Obedience to authority figures taught
- Control by external rule enforcement
- Psychological and physical punishment employed

• Teaching Process

- Proactive focus on preventing problems
- Natural consequences discussed with youth
- Respect for social responsibilities taught
- Control by inner values expected/ developed
- Psychological and physical “punishment” not employed.

• Restorative Process

- Includes individuals affected
- Resolving conflict
- Healing both victim and offender
- Hold offender accountable for harm
- Strengthen community to prevent further harm.

Adapted from *Intervention Techniques for Child/Youth Care Workers* by Mark Krueger. Wash, DC: The Child Welfare League of America, 1988.

Prerequisites!!

The worlds best discipline consequences won't work without a foundation in place!!

Two Frameworks for Action: (Aside from punitive responses)

- Positive Behavior Interventions and Supports (PBIS)
- Restorative Justice Practices

Then, building specific strategies and practices onto these frameworks...



Construct a sound foundation & framework...

For both behavior & academics:

- **Develop and employ data systems for decisions**
- **Three tiered system of supports**
- **Early identification/Screening & intervention**
- **Teaching & reinforcing positive behavior**
- **Then add:**
 - **Strategies to reduce implicit bias!**
 - **Strategies to add more effective consequences!**



Alternatives to Suspension & Expulsion

**If we are developing a sound foundation,
are there disciplinary options which might
work better, and which might avoid
exclusion and the problems it brings?**

**Can we develop a more
sophisticated system of responding
to different types of inappropriate
behavior with an expanded array of
disciplinary alternatives?**

Ten examples of alternative consequences which could be included in disciplinary codes as alternatives

- Use you school staff, students and parents to brainstorm options- creating awareness and support!
- Understand the relative degree of evidence of the effectiveness of these alternatives.
- Formalize these!

(The items which follow listed as examples are not in any particular priority)

Project Strategy
Brief Available



Increased Parent Supervision & Involvement

Parents should be invited to brainstorm with the school on how to address the behavior. Require a daily report to parents and regular consultation with parents

One example might be to “suspend” the parent in to school by having the parent follow and supervise the student all day in school.

Alternatives
to Suspension

Counseling Related to Behavior



Students might be required to participate in or receive some amount of counseling which focuses on behavioral needs.

This could be from 2-20 hours conducted by a person with training and counseling skills.

Alternatives
to Suspension

2



Service Learning or Community Service

Programs which permit the student to perform a required amount of time in community service in the school system or in the community.

Examples- Volunteer hours at another school, a soup kitchen, park or other organization where this could be arranged. Can be a part of a structured service learning program.

Alternatives
to Suspension

3

Assignment of a Mentor

Programs which permit the student to perform a required amount of time in community service in the school system or in the community.

Examples- Volunteer hours at another school, a soup kitchen, park or other organization where this could be arranged.

Can be a part of a structured service learning program.



Alternatives
to Suspension

4

Behavior Contracting/ Problem Solving



Alternatives
to Suspension

Use negotiation and problem solving approaches to assist student to identify alternative behaviors. Then develop a contract with the student, which includes reinforcers for success, and consequences for continuing problems.

5

Restitution

One of several “restorative practices”

Personal, financial or in-kind environment. Permits the student to restore or improve the school environment. This can be done either to address problems caused by the student’s behavior – including repair of relationships, and the environment.

Alternatives
to Suspension



6



Mini-courses on topics related to the problem behavior

Short courses or modules which students can complete on topics related to their behavior as a disciplinary consequence. Can include workbooks, test, oral reports, etc. Examples:

- alcohol; drugs
- conflict resolution
- anger control
- social skills topics
- appropriate communication skills

Alternatives
to Suspension

7

Intensive Behavior Monitoring



Alternatives
to Suspension

A variety of strategies to monitor behavior and academic progress might include cards checked after each class regarding behavior, self charting of behaviors, strategies to provide feedback to the student, etc.

Check in/Check out is one example

8

Coordinated Behavior Plans & Functional Assessment



Alternatives
to Suspension

Creation of a structured, coordinated behavior plan specific to the student and based on an assessment of the functions of the student's behavior.

Should focus on increasing desirable behavior, and replacing inappropriate behaviors.

9

Appropriate In-school Suspension

In school suspension which includes academic tutoring, instruction related to the student behavior problem such as social skills instruction, and a clearly defined procedure to return to class as soon as the student is ready-not an arbitrary time.

Should not be “fun” or “escape” but should also not be “punitive”. Skilled supervision is critical...



Alternatives
to Suspension

Frank Sinatra
"My Way"

10

Expanding the Array of Disciplinary Alternatives. You can:

- Generate a list of non-exclusionary alternatives to responding to school or classroom disruption.
- Get as many as possible!!!
- Match clusters of consequences with levels of inappropriate behavior.
- Permit individual tailoring of consequences within the levels
- Use data to determine the effectiveness of consequences

Other Discipline Consequences

Alternative Discipline Consequences	Brief Available	Problem:	Problem:	Problem:
		Exclusionary?	Negative Outcomes?	Lack of Effectiveness?
Increase parent supervision	X			
Counseling related to behavior	soon			
Service learning/community service	X			
Assignment of a mentor	X			
Behavior contracting/problem solving	X			
Restitution	X			
Mini courses on behavior	soon			
Intensive behavior monitoring	X			
Coordinated behavior plans and FBA	X			
Appropriate in-school suspension	X			
[Add your school's alternatives here.]				

A "Tiered" Code of Conduct--

Offense or Infraction	An Array of Consequences
Minor - Tardiness; Lack of homework; etc.	Mini-course; detention; Parent Supervision
Moderate - Insubordination; etc.	Counseling; Mini-course; Community service; Restitution
Serious - Drugs; weapons; assault, etc.	Alternative programming; suspension;expulsion
Are supportive measures in place?	What are supportive measures for this student?

These alternatives need to be incorporated in the school code of conduct!

Codes of conduct should stress tailoring to the individual circumstances – not the old “zero tolerance,” one size fits all philosophy.

Tools!

Where are there further resources?

The Student Engagement Project!



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Home	Using this Website	Graduation & Dropout	Behavior & Discipline	Using Data	Policy Issues
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Tiered Intervention

Tier 1
1 - For All

Tier 2
2 - For At-risk students

Tier 3
3 - For students in severe/chronic difficulty

- Alphabetical list of all strategy briefs
- Strategies to reduce school dropout
- Strategies to reduce exclusionary discipline

News & Reports

- On Behavior and Discipline
- U.S. "Dear Colleague Letter" on Non-Discriminatory Discipline
- On Graduation and Dropout
- On Student Behavior and Engagement
- On Physical Restraint and Seclusion
- Twenty Years of Nebraska Graduation Data

<http://k12engagement.unl.edu>

Website for free access:
<http://k12engagement.unl.edu>

Resources - Social Skills
 Curricula & Programs

Tiers 1, 2 & 3

Target Bullying
 Intervention Program

Program Description, October, 2013.
 Jenna Strawnen, Scott Fluke & Reece L. Peterson, University of Nebraska-Lincoln.

The Target Bullying Intervention Program (T-BIP; Swearer & Gidycz, 2008) is an individualized program for students who have already engaged in bullying perpetration. This program provides individualized instruction and counseling to students who have been identified as bullying others on more than one occasion. The program is designed to supplement school-wide bullying prevention and early intervention efforts by providing an intervention for students who engage in the most severe bullying behaviors (see Previous and Bullying Intervention Strategies for more information on strategies to address bullying at the classroom level). That is, the T-BIP is an intervention to those students who have been identified as bullies in a past term of bullying.



Restorative Practices

Strategy Brief, October, 2013.
 Emily Moss, Ann O'Connor, & Reece L. Peterson, University of Nebraska-Lincoln.

Schools that employ zero tolerance policies tend to utilize discipline measures such as suspension and expulsion, which exclude students from school and are related to numerous detrimental outcomes (McMorris et al., 2013). "Restorative practices" are an alternative to disciplinary measures that keeps students in school and involves them in an educational restorative process that is "not interested in blame, shame, fault, apologies, or excuses, [and] being" (Gossett, 1998, pp. 186-187). Restorative practices focus on relationships, community, self-discipline, and reparation, and have been shown to benefit students in a number of ways. Schools in fourteen states currently are using restorative practices and some data about its use in these schools has begun to be analyzed (Office of Juvenile Justice and Delinquency Prevention, 2013).

Restorative practices are a method of school discipline and conflict resolution that include all individuals "who have been affected by a transgression" (students, families, schools, and community members) together to "define, heal, and restore communities" (Von der Embse, Von der Embse, & McMorris, 2009, p. 18). Misbehavior in schools is regarded as an act that is "inconsistent to talk about their behavior and their circumstances with respect to the school" (Baker, 2008), and create a plan to fix the harm caused (Gossett, 1998). Restorative practices focus on relationships, community, self-discipline, and reparation, and have been shown to benefit students in a number of ways. Schools in fourteen states currently are using restorative practices and some data about its use in these schools has begun to be analyzed (Office of Juvenile Justice and Delinquency Prevention, 2013).

Restorative practices originated in Maori, Aboriginal, and Native American communities (Cohen, Hutton, Jewell, & Myers, 2008) and is commonly seen today in the area of Criminology (Chenailynski, 2005). Restorative practice is known by many other terms, including restorative justice, restorative justice, transformative justice, peacemaking criminology, relational justice, (McQuibby, 2008a), restorative restructuring (Gossett, 1998), and restorative measures (Shaw, 2007). Participation in restorative practice is voluntary (Lattimer, Dowdell, & Maise, 2005) and often includes models such as victim-offender mediation, restorative confer-

Resource Brief, March, 2014.
 Ann O'Connor, Jenna Strawnen, Natalie Hoff & Reece L. Peterson, University of Nebraska-Lincoln.

A variety of social skills interventions, strategies, and programs are available in the field of teaching children and adolescents social and interpersonal skills. Interventions that incorporate social and emotional learning (SEL) to be particularly effective in improving students' attitudes toward school, connected to school, having more positive attitudes towards themselves, and significantly improving academic achievement measures (Durlak, Domitrovich, & Griesel, 2010). Nevertheless, there has been some concern about the ability of this type of instruction to generalize to the real life situations where these skills are employed. This resource brief provides a general description of social skills instruction generally for purposes, nature, and research use the Strategy Brief on Social Skills Instruction.

Considerations for Choosing and Implementing a Social Skills Program

When considering a social skills curriculum or teaching strategies, in addition to age or readiness, consider whether these issues are addressed (Olsen and Tuttle, 2011):

- Are the social skills programs aligned with the state or national standards for social skills and individual social skills instruction. Does the program or curriculum provide this alignment?
- Are the social skills programs always include direct instruction, modeling, role-play, practicing the skill in different settings, and performance feedback. Are there types of delivery methods provided or possible?
- Are the social skills programs designed to be differentiated and provide strategies to meet the needs of all students? Are there any minimal cues and prompts in the eventual goal of social skills instruction. Does the program lead to effective self-management?

There are many examples of well-known ready available, and widely used social skills instruction. They are intended to illustrate the types of curricula and programs available. These have been identified as being effective, although the level of research support for any varies. The programs also vary in terms of the targeted skills and intended grade level in each curriculum. These programs are representative examples of the variety available. No endorsement of specific programs should be implied.

Other documents...

School-wide Behavior Screening

Tier 1 Procedure

Topic Brief, April, 2015
 Natalie Hoff, Reece L. Peterson, Jenna Strawnen & Scott Fluke, University of Nebraska-Lincoln.

Both an ethical and a scientific argument exist for improving access for all children, irrespective of their income, to high quality mental health services. (Fazel, Hoagwood, et al., 2014, p. 1). Both mental health and education professionals have begun to recognize the potential positive impact schools can have on addressing mental health needs of students across the globe, both in high income countries such as the United States, and in low or moderate income countries. They are recommending global effort to screen and deliver behavior and mental health services through schools (Fazel, Patel, Thomas, & Tol, 2014). To do so they recommend using a tiered prevention model. This would include universal positive and preventative interventions for all students delivered in school, as well as screening for students with mental health and behavior problems in order to implement a variety of targeted academic and mental health services:



Identifying At-Risk Students for Tier 2 & 3 Intervention

Mental health services embedded within school systems can create a continuum of integrative care that improves both mental health and educational attainment for children. To strengthen this continuum, and for optimum child development, a reconfiguration of education and mental health systems to aid implementation of evidence-based practice might be needed. Integrative strategies that combine classroom-level and student-level interventions have much potential. Both ethical and scientific justifications exist for integration of mental health and education: integration democratizes access to services and, if coupled with use of evidence-based practices, can promote the healthy development of children. (Fazel, Hoagwood, et al., 2014,

Dropout Screening Early Warning

Topic Brief, March, 2015
 Natalie Hoff, Amber Olson & Reece L. Peterson, Univer



Identifying At-Risk Students for Tier 2 & 3 Intervention

School dropout is an individual who makes this decision, and society as a whole. There is an overwhelming reality of how school dropout affects the rest of their life. For most levels of unemployment, later in life (Christie et al do not stop there. Cases are high school dropout which in turn impacts on rates, and political participants in mind, it is clear w

While it is clear that a goal, the solution is not as obvious, because dropout is a process of gradual disconnection that can begin as early as the 1st grade (Sparks, 2013), researchers conclude that no single factor can be held responsible for a student dropping out of school (Christie, Jolivet, & Nelson, 2007). Nevertheless, a wide variety of variables have been found to correlate with school dropout, and identifying students as high risk has become a crucial topic in efforts to reduce the dropout rate. The first section of this report will discuss the variables which are associated with dropout. The second section will discuss the creation of dropout screening procedures and tools. The third section will briefly examine several examples of these screening procedures, which are often called early warning systems.

What Variables Are Associated with Dropout?

Coming soon:
 Identifying Evidence-Based Practices

List of all available briefs... new ones

	A	B	C	D	E	F	G	H	I	J	K
		Date of pdf	Publshd	Discipline	Dropout	Program	Tier 1	Tier 2	Tier 3	Nt/Recm	Pgs
1	Strategy Brief Availability, 11-4-2014										
2	Academic Supports & Tutoring	Sept, 2014	1	1	1			1	1		9
3	Alternative Schooling	Sept, 2014	1	1	1			1	1		9
4	Anger Management	Oct, 2013	1	1				1	1		7
5	Behavior Contracting	Dec, 2013	1	1				1	1		7
6	Behavior Monitoring	Dec, 2013	1	1	1			1	1		7
7	Bullying Intervention for Bullying Behavior	Oct, 2013	1	1				1	1		6
8	Bullying Prevention & Intevention	Dec, 2013	1	1	1		1	1	1		7
9	Character Education	Feb, 2014	1	1	1		1				7
0	Conflict De-escalation	Mar, 2014	1	1	1		1	1	1		6
1	Corporal Punishment (Not recommended)	Jan, 2014	1	1					1	1	6
2	Counseling Intervention	*		1	1			1	1		
3	Detention	Feb, 2014	1	1				1			4
4	Discipline Recovery	Jan, 2014	1	1					1		8
5	Dropout Recovery	Oct, 2013	1		1				1		9
6	Expulsion (Not recommended)			1					1	1	
7	Family Group Conferencing	Feb, 2014	1	1					1		7
8	Grade Retention & Demotion (Not recommended)	Sept, 2014	1	1				1	1	1	8
9	Individual Behavior Plans & FBA	*		1	1				1	1	
0	In-School Suspension	*		1				1			
1	Involuntary Transfer (Not recommended)	Mar, 2014	1	1				1	1	1	4
2	Lowering Course Grades (Not recommended)	Feb, 2014	1	1				1	1	1	3
3	Mediation			1	1		1	1			
4	Mentoring	*		1	1			1			
5	Middle to HS Transition Planning	Oct, 2013	1	1	1		1	1	1		6
6	Mini Courses on Discipline Topics			1				1	1		
7	Motivation			1	1		1	1	1		
8	Out-of-School Time Programs	Nov, 2014	1	1	1		1	1	1		9
9	Parent & Family Involvement	Nov, 2014	1	1	1		1	1	1		
0	Positive Behavior Interventions & Supports	Oct, 2013	1	1	1		1	1	1		7



Strategies to reduce school dropout

Purpose

The purpose of this website is to provide school based teams with strategies and materials to:

Strategy Briefs

- Alphabetical list of all strategy briefs
- Strategies to reduce school dropout
- Strategies to reduce school disciplinary discipline

News & Reports

- On Behavior and Discipline
- U.S. "Dear Colleague Letter" on Non-Discriminatory Discipline
- On Graduation and Dropout
- On Student Behavior and Engagement
- On Physical Restraint and Seclusion
- Twenty Years of Nebraska Graduation Data

National and NDE Links

- Nebraska Department of Education
- NDPC-SD Dropout Prevention and Intervention Framework
- NDE Dropout Re-entry Reengagement Project
- National Dropout Prevention Center for Students with Disabilities
- National Dropout Prevention Center

Video Links

- Ted Talk on Grit by Angela Duckworth
- Lecture on Dropout by Dr. Matt Klare, 4-8-2013

Website: <http://k12engagement.unl.edu>

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Building & Sustaining Student Engagement

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UNL > Student Engagement Project > Policy Issues > Bullying Policies

Home Using this Website Graduation & Dropout Behavior & Discipline Using Data Policy Issues

Bullying Policies

Summary

Bullying policies are common across the United States. Here are some questions and comments about bullying law.

List of Questions - Click any Question to Jump Straight to the Answer

- Is there a federal law which addresses bullying?
- Does Nebraska have a bullying law?
- How is bullying defined in Nebraska Law?
- How is bullying different from harassment under the law?
- Why did Nebraska pass a bullying law?
- What should be in a school's code of conduct as a result of the Bullying law?
- Do schools have to address bullying that is conducted off campus?
- Would sending bullying text messages while at school constitute bullying?
- If a student is caught bullying, what are the penalties under Nebraska law?
- Is one incident enough to constitute bullying?
- Where is more information available?

Is there a federal law which addresses bullying?

No. There is no federal law which specifically addresses bullying (stopbullying.org). However, if bullying overlaps with harassment, then there are Civil Rights laws that could apply to the situation. If the school does not adequately address the harassment situation, a federal law might be violated.

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Does Nebraska have a bullying law?

Yes, such a law was passed in 2008. It requires each school district to have a policy on bullying. Many other states have also passed bullying legislation over the past several years.

Consequences of an Expanded Array of Alternatives?

- What are the costs of the current practice?
- What would it take to implement these alternatives?
 - Time ; Materials; Costs?
- What would be the potential benefits?
- What would be lost if fewer students were suspended, and for less time?
- What would be gained?
 - Time ; Materials; Costs?

Contact:

Reece L. Peterson, Professor of Special Education, University of Nebraska-Lincoln
202A Barkley Center, Lincoln, NE 68583 rpeterson1@unl.edu 402-472-5480

Resources:



The Student Engagement Project materials can be found at:

<http://k12engagement.unl.edu>

Find conference materials and resources mentioned earlier:

<http://k12engagement.unl.edu/resources-conference-exclusionary-discipline>

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