

# Discipline Recovery

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Suspension is a temporary removal of a child from school for a violation of school policies or rules. Generally, suspensions can last anywhere from half a day to ten days. An “expulsion” is a longer, more permanent removal of a child from school usually as a result of a more serious violation of school rules or policies. Although state and local policies vary on length, expulsion is typically one semester to one calendar year in length depending on circumstances. “Discipline recovery” is the effort to provide continuing educational services to students who have been suspended long term or expelled from school.

Historically, suspension and expulsion were thought to be powerful disincentives to inappropriate behavior, since education was valued and access to education viewed as crucial to later economic success. When students were excluded, a parent was presumed to be home to supervise that child, and often the student received punishment from the parents as well. However, both of these presumptions may have changed. The traditional and common understanding of these terms means that the schools would provide no services at all to these students.

Nevertheless, federal law requires that educational services as prescribed in a disabled student’s Individual Educational Program (IEP) must continue for students with disabilities. This is the case for any suspension over ten days, or expulsion. While all states have policies related to this requirement, the methods for the delivery of these services appears to vary widely (Shaul, 2003).

### Why have the Use of Suspension and Expulsion Grown?

The use of exclusionary discipline consequences has grown in response to “zero tolerance” policies, resulting from reactions to reports of school violence (Bowman-Perrott, Benz, Hsu, Kwok, Eisterhold & Zhang, 2013). Additionally, their use may have grown as a result of perceived needs for behavioral conformity in response to the stress of high stakes academic testing. These exclusionary consequences have also been negatively reinforcing to educators as removing the “problem student” from the school makes circumstances easier for educators. Finally, many schools have had few alternative consequences other than exclusionary ones built into their disciplinary codes.

### Why are Suspension and Expulsion Problematic?

Today, regardless of the reasons, these exclusionary discipline policies have become problematic for schools and communities (American Academy of Pediatrics, 2013). While society

continues to highly value education, many students may not see that value for themselves. Family members may not be closely connected to school personnel, and may not understand the value of the education being provided. Typically, parents are working, and there is no way to supervise students who have been excluded from school. This results in unstructured time when students are out of school, with heightened opportunities for delinquency and criminal behavior. Moreover, these exclusionary disciplinary consequences may compound the plight of already struggling youth by decreasing instructional time which students receive at school (Carroll, 2008; Arcia, 2006), resulting in diminished potential for later income and increased reliance on social services. Students who are suspended and expelled are alienated from the school culture and become further disconnected from positive peers and adults, often dropping out of school as soon as possible (American Academy of Pediatrics, 2013). Glaze (2001) indicates that “increased demand for social services, increased crime, reduced political participation, and poorer levels of health” are just some of the many societal consequences of chronically expelling



students (p. 1). Minority youth, youth living in poverty, and students with special needs have been found to be more likely to be the subject of exclusionary disciplinary practices at disproportionate rates (Brown, 2007; Carroll, 2008; Losen & Gillespie, 2012). Edmonds-Cady and Hock (2008) reported that of 91 expulsion cases collected by a statewide child advocacy center, only 25.6% of expelled students re-enrolled in their home school following expulsion.

As a result, schools and communities have struggled to find ways to mitigate these negative effects of exclusionary discipline. Although many schools may be attempting to broaden their options for non-exclusionary discipline consequences, one other way to do so is to require schools to continue to provide educational services and supervision to students even after they have been suspended long-term or expelled. In this report we identify these efforts “Discipline Recovery”.

### **What is Discipline Recovery?**

As used here, “discipline recovery” is the effort to find ways of continuing education for students who have been excluded from school as a result of disciplinary actions. Often these are programs or initiatives for expelled students to complete academic work, earn credits, and remain engaged with the school. Although not as widely used, “exclusionary discipline recovery” is parallel to “dropout recovery” which finds ways to continue education for students who have dropped out from traditional schools. Many of the same strategies developed for dropout recovery may also work for discipline recovery.

As of 2008, only thirteen states require that students who have been expelled receive or be offered alternative educational programming (Carroll, 2008). Some states which do not require such programming for expelled students may indirectly support such services through grants to schools or community agencies (Colorado is one example), but the nature of services varies from district to district (Wraight,

2010). Some states require parents to seek out educational services or provide home-bound instruction (Wraight, 2009). Other states provide no direction on this topic. It is unknown whether individual school districts may also be offering some of these types of programs. Where programs are in place they may entail alternative schools, distance education, correspondence courses or a variety of other options or combinations. In these programs, students may make up work from their missed classes, earn credit towards graduation, and receive assistance to do so. Although there is little data, these programs are not likely to be combined with those for students with disabilities due to the requirements for special education staff services for students with disabilities.

### Examples of State-Level Discipline Recovery

Two examples of states that do require such recovery programs for students who are not disabled are Nebraska and Massachusetts. In these states, state laws require school districts to offer educational programming to students who have been suspended long-term or expelled.

**Legislation in Nebraska.** As of 1997, the state of Nebraska passed legislation that called for each school district to provide discipline recovery (Neb. Rev. Stat. § 79-266(1)).

*001.01 Statutory Authority. This Chapter is adopted pursuant to Section 79-266 of the Revised Statutes of Nebraska that requires that:*

*(1) Beginning July 1, 1997, each school district shall have an alternative school, class, or educational program or the procedures of subsection (2) of this section available or in operation for all expelled students. Any two or more school boards may join together in providing alternative schools, classes, or educational programs. Any district may by agreement with another district send its suspended or expelled students to any alternative school, class, or educational program already in operation by such other district. An educational program may include, but shall not be limited to, individually*

*prescribed educational and counseling programs or a community-centered classroom with experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, or as a participant in specialized tutorial experiences. Such programs shall include an individualized learning program to enable the student to continue academic work for credit toward graduation. The State Department of Education shall adopt and promulgate rules and regulations relating to alternative schools, classes, and educational programs (Neb. Rev. Stat. § 79-266(1)).*

Most provisions of this law went into effect on July 1, 1997. The regulations related to the law explained the options for schools to deliver these services:

*003.01A The alternative school, class, or program for expelled students may be provided by the district, through a cooperative arrangement of two or more districts, or through an arrangement with an educational service unit.*

*003.01B Alternative schools, classes, or programs for expelled students may include community-based programs, home-based programs, specialized tutorial experiences, distance-learning, or other programs approved by the local board of education.*



*003.01C The school, class, or program for expelled students shall enable the student to continue academic work for credit, and shall also include the standard of student behavior and cooperation required of the student to complete the alternative learning program.*

*003.01D If the student fails to meet any of the conditions of the learning program, the district may, without further obligation, terminate the program after a due process hearing, as required in statutory provisions for suspension and expulsion of students, unless waived by the parent or legal guardian. (Title 92, Nebraska Administrative Code, Chapter 17; Nebraska Department of Education, 1997).*

Nebraska school districts are required to have a written policy or plan describing how credit would be awarded to students who participate in these programs, and are required to make known to expelled students what alternative programs are available. Then, if the parent or guardian should refuse to participate, the district has no further obligation under this law. Schools are required to report the number of expelled students and the types of programs to which students have been assigned:



*(2) If a district does not provide an alternative school, class or educational program for expelled students, the district shall follow the procedures in this subsection prior to expelling a student unless the expulsion was required by subsection (4) of section 79-283: A conference shall be called by a school administrator and held to assist the district in the development of a plan with the participation of a parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative*

*of an agency involved with juvenile justice. The plan shall be in writing and adopted by a school administrator and presented to the student and the parent or legal guardian. The plan shall (a) specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided, (b) identify educational objectives that must be achieved in order to receive credits toward graduation, (c) specify the financial resources and community programs available to meet both the educational and behavioral objectives identified, and (d) require the student to attend monthly reviews in order to assess the student's progress toward meeting the specified goals and objectives. (Neb. Rev. Stat. § 79-266(2)).*

Not only is credit accumulation emphasized as important, but the document also emphasizes that student behavior and cooperation are necessary in order to complete educational programming. This is a critical environmental element in order to establish student success and discipline recovery, since behavioral problems are often the catalyst for expulsion. Lastly, if a district in Nebraska does not provide discipline recovery options, a plan must be generated and accepted by the school administrator, student, and guardian(s) describing the educational goals of the student, community programs available to meet those goals, and that scheduled time for the student to attend monthly review meetings to assess progress towards meeting educational goals.

**Legislation in Massachusetts.** A law in Massachusetts enacted in 2012 and going into effect in July of 2014 provides guidelines to ensure educational rights and progress for students who have been expelled. The law requires educational programming for expelled students. Importantly, the law in Massachusetts also maintains that schools should not automatically default to expulsion. For example, the statute reads,

*(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exer-*

*cise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed. (Mass. Gen. Laws, ch. 71, § 37H.75(b)).*

This stipulation ensures that students have access to more individualized educational plans that fit their needs before they are expelled. In other words, students are still given a chance to succeed in a more traditional educational environment rather than only providing intervention after severe instances of misbehavior and rule breaking. Massachusetts has also put limits on the amount of time a student can be expelled. The statute reads “no student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.” (Mass. Gen. Laws, ch. 71, § 37H.75(f)). Regarding access to education for students who have been expelled, the Massachusetts law states:

*Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan under section 21 of chapter 76. (Mass. Gen. Laws Ch. 71, § 37H(e))*

Both elementary and middle schools in Massachusetts’ school districts must report the reasons for expulsion to the State Department of Education. Any expulsions or suspensions lasting longer than ten days are investigated by a district commissioner. Finally, for expulsions or suspensions lasting longer than ten days, the student “shall have an opportunity to make academic progress during the period of suspension, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed” and “Education service plans may include, but are not limited to, tutoring, alternative placement, Sat-



urday school, and online or distance learning” (Mass. Gen. Laws Ch. 76, § 21). Principals are to consider tutoring, online education, Saturday School, and alternative school placements as a means of discipline recovery for expelled students. When making placement decisions for these students, principals should consult with health and human service providers, as well as other relevant external parties.

**Provisions provided by other states.** Like Massachusetts and Nebraska, California ensures that expelled students receive alternative educational programming. The student must also receive a rehabilitation plan that outlines the steps necessary to return to the mainstream educational environment:

*Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.*

*The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board (California Education Code § 48926 Legislative Counsel of California).*

Unlike these three states, Louisiana provides discipline recovery for expelled students, but only under special circumstances. Louisiana does not provide education for expelled students who were expelled on the basis of bringing a weapon to school or drug possession. Students who were expelled due to weapon or drug possession must complete required counseling, while students expelled for other reasons are able to receive access to alternative educational programming (Carroll, 2008). Furthermore, if a student is expelled from a discipline recovery program or alternative school, the student must be approved by the school board to re-enter a mainstream school. Similar to Louisiana's more restrictive policies, Tennessee also has more limited programming for students who are expelled from school. For instance, Tennessee does not require that schools provide alternative education for expelled students in grades 1 through 6; however each school district in the state must establish at least one alternative school for expelled students in grade 7 through 12. Admittance to alternative programming is still a matter of district discretion (Carroll, 2008).

### **Example of a Local Discipline Recovery Program**

Although the type of alternative programming for students who have been expelled from school has been in existence in Nebraska for some time, there are few examples in the literature describing the type of programming which has been attempted, and even fewer studies evaluating the impact of these alternative programs (see the "What do we know" section below). One of the few descriptions of the content of such a program was from York, Ontario, Canada and was described by Glaze (2001).

**The Alternative Classroom and Counseling for Suspended and Expelled Students Program.** This program (ACCESS; York Region School District, Ontario) is an exemplary program being implemented for students who have already experienced expulsion from school. The program emphasizes a comprehensive approach for

student success, including accumulating credits, anger management counseling, assessment, special education support and modifications, and transition to work and job related avenues for expelled students and students who have received long-term suspensions. The program is administered in a building near the continuing education services for the district in order to provide students access to additional programming. The program specifically aims to not only aid students in accumulating credits and entering the job market, but it also strives for its students to re-enter school with self-confidence, a motivation to learn, and pro-social skills (Glaze, 2001). (For a somewhat similar dropout recovery program see the program brief on Project RENEW)

Although only preliminary research has been conducted on this program, early data collection suggests that students preferred the ACCESS program over more traditional forms of education that they had received in the past. Students cited one-on-one teaching, flexible schedules, smaller class sizes, and commitment by teachers as reasons for favoring the ACCESS program and for improved academic performance (Glaze, 2001).

### **What do we know about Discipline Recovery?**

Brown (2007) interviewed 37 students who were expelled from a high school and were attending an alternative high school at the time of the interview analysis. She found that expelled students expressed three main themes: a) suspensions and expulsions were given out too liberally and harshly, b) students were expelled without sufficient evidence, and c) students felt that permanent expulsion was an unreasonable punishment. The researcher asserted that these students with multiple suspensions and expulsions can be characterized as transient, that is, consistently mobile and without a stable and secure academic setting. Similarly, expulsion has also been linked to criminal activity, higher dropout rates, and poor emotional and social outcomes (Edmonds-Cady & Hock, 2008), and

has widely been characterized as the “school to prison pipeline” (Kim, Losen, & Hewitt, 2010). However it is unclear how many of these variables may have been leading to negative outcomes even prior to expulsion.

Legal provisions, such as those in Massachusetts and Nebraska, may help secure education and attachment to school for students who have been expelled and provide them opportunities to succeed while outside of their traditional school placement. However, there has been virtually no research to provide evidence of that, nor evidence about the effectiveness of these discipline recovery programs. Research on these programs simply has not been conducted. Research on these programs would also be difficult both due to the widely varying nature of these programs, as well as the varying backgrounds and circumstances of the participants. Moreover, differences between alternative schools and discipline recovery for expelled students are rarely delineated in the literature. This lack of clarity makes it difficult to distinguish preventative programs for struggling students from more reactive programs for expelled students. As a result, further research regarding specific policies for expelled students, and related outcomes of the discipline recovery programs for this population are still needed.

These programs operate based on the belief by policy makers that they are having at least some impact on student achievement and behavior, but there is only anecdotal evidence to support that belief at present.

Even though research on discipline recovery programs is virtually non-existent, it is clear that these programs represent better placement than no school placement at all, which would leave students more likely to engage in illegal activities and risky behaviors.

## Conclusion

Clearly, further research on discipline recovery and education programs for students that have been expelled is warranted. Several states and programs appear to be making strides in providing students opportunities to accumulate credits and/or prepare for the workforce while expelled from public school, and clearly this is better than no such programs. However, there is little formal evidence to support or guide specific implementation or programming details for these types programs.



## Resources

- Nebraska Department of Education, *Rule 17*. <http://www.education.ne.gov/legal/webrulespdf/RULE-17CLN.pdf>
- Educating Expelled Students after No Child Left Behind, *UCLA Law Review* (2008). [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1261364](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1261364)
- Wright, S. (2010). *Services for expelled students: Overview of research and policy*. Naperville, IL: Regional Educational Laboratory Midwest at Learning Point Associates.

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## References on Discipline Recovery

- American Academy of Pediatrics, Council on School Health. (2013, February 25). Out-of-school suspension and expulsion. *Pediatrics*, 131, e1000. Doi:10.1542/peds.2012-3932. <http://www.nsl.org/documents/fsl/aap-out-of-school-suspension-and-expulsion.pdf>.
- Bowmann-Perrott, L., Benz, M., Hsu, H., Kwok, O., Eisterhold, L., & Zhong, D. (2013, June). Patterns and predictors of disciplinary exclusion over time: An analysis of the SEELS National Data Set. *Journal of emotional and behavioral disorders*, 21(2), 83-96.
- Brown, T.M. (2007). Lost and turned out: Academic, social, and emotional experiences of students excluded from school. *Urban Education*, 42, 432-455.
- California Education Code § 48926 Legislative Counsel of California. Retrieved September 9, 2013. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=4800149000&file=48900-48927>
- Carroll, M. (2008, August 30). Educating expelled students after No Child Left Behind: Mending an incentive structure that discourages alternative education and reinstatement. *UCLA Law Review*, 55(6), 1909-1969. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1261364](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1261364)
- Edmonds-Cady, C. & Hock, R. (2008). Children in crisis: Special education status and other stressors in the lives of children removed from school by expulsion. *School Social Work Journal*, 32, 72-86.
- Glaze, A.E. (2001). *ACCESS: One school district's response to expelled students*. Toronto, ON: Canadian Education Association.
- Kim, C., Losen, D. & Hewitte, D. (2010). *The school-to-prison pipeline, structuring legal reform*. New York: New York University Press.
- Losen, D. & Gillespie, J. (2012, August). Opportunities suspended: The disparate impact of disciplinary exclusion from school. Los Angeles, CA: Center for Civil Rights Remedies, The Civil Rights Project, UCLA.
- Mass. Gen. Laws, Ch. 71, § 37H.75(b-f).
- Mass. Gen. Laws Ch. 76, § 21
- Mass. Gen. Laws Ch. 222, § 1-12 (2012).
- Neb. Rev. Stat. § 79-266(1-2).
- Nebraska Department of Education (1997). Rule 17: Regulations governing the approval of alternative schools, classes, or programs for expelled students. *Title 92, Nebraska Administrative Code, Chapter 17*. Retrieved from <http://www.education.ne.gov/legal/webrulespdf/RULE17CLN.pdf>
- Shaul, M.D. (2003). Special education: Clearer guidance would enhance implementation of federal disciplinary provisions. Washington, DC: General Accounting Office. <http://www.gao.gov/assets/240/238299.pdf>
- Wraight, S. (2010, March). Services for expelled students: Overview of research and policy. Naperville, IL: REL Midwest at Learning Point Associates. [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCkQFjAA&url=http%3A%2F%2Fgraduation.dpi.wi.gov%2Ffiles%2Fssp%2Fdoc%2Fservices4expelled.doc&ei=5gHvUq66IYHCyw\\_g\\_pYDgDQ&usq=AFQjCNHYBHgzUV1I8v7Vfy6vkP9Xkm9HpQ&sig2=OO08\\_nOvGM6QBEN\\_GaSCqQ&bvm=bv.60444564,d.aWc](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCkQFjAA&url=http%3A%2F%2Fgraduation.dpi.wi.gov%2Ffiles%2Fssp%2Fdoc%2Fservices4expelled.doc&ei=5gHvUq66IYHCyw_g_pYDgDQ&usq=AFQjCNHYBHgzUV1I8v7Vfy6vkP9Xkm9HpQ&sig2=OO08_nOvGM6QBEN_GaSCqQ&bvm=bv.60444564,d.aWc)