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In-Schools Suspension (ISS) and Out of School Suspension (OSS): The Effects and Inequities on Special Education Students

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In-Schools Suspension (ISS) and Out of School Suspension (OSS):

The Effects and Inequities on Special Education Students

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BIS 437: Senior Capstone

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Abstract

The effects of ISS (In school suspension) and OSS (out-of-school suspension) on special education students is a long-debated issue. Using a high school in a rural, suburban area as a foundation, the history of special education in schools, the disproportionate handing out of punishment between general education and special education students, the effects of segregation versus having special education students in general education classes, as well as how to better support special education students in the educational setting will be explored.

In this disquisition, the history of special education in schools and the effects of suspensions on special education students will be discussed. It will also be explored how these types of punishments segregate them even more and are not helpful in changing the desired behavior. In most instances, it amps them up and can cause students to give up and drop out, among other things. The reasons behind some of these behaviors and how educators can use the resources available to support them in the classroom better will also be explored. Some points will be made about how punishments are disproportionate between special education students and general education students for the same actions, as well as some of the restorative practices used in the education setting. Segregating special education students in self-contained classrooms is not beneficial to helping them to achieve their social skill goals will be another part of the discussion.

Table of Contents

I.	A History of Special Education in Schools.....	4
II.	Segregation of Special Education Students.....	8
III.	Disproportionate Exclusion of Students with Disabilities.....	12
IV.	Self-Contained vs General Population with Special Education.....	20
V.	Discipline of Special Education in Schools.....	24
VI.	Disparities of Discipline Between Special Education Students vs General Education Students.....	26
VII.	Challenges of Punishment for Special Education Students.....	29
VIII.	Restorative Practices.....	35
IX.	Suspension and the Effects on Adulthood.....	41
X.	Better Support in Classrooms.....	48
XI.	Conclusion.....	52
XII.	References.....	53

A History of Special Education in Schools

The first special education programs were delinquency prevention programs for “at-risk” children who lived in urban slums. Urban school districts designed manual training classes to supplement their general education programs. By 1890, hundreds of thousands of children were learning carpentry, metalwork, sewing, cooking, and drawing in manual classes. (“The History of Special Education Law in the United States - Wrightslaw”) Students were also taught social values in these classes. Special schools and special classes for children with disabilities, especially deafness, blindness, and mental retardation, existed in 19th-century America and gradually increased during the 20th century. Programs for children with specific learning disabilities (called “brain injury,” “minimal brain dysfunction,” and other terms) became more common in the 1940s. However, many early special education programs were private and/or residential. The quality and availability of programs varied between and within states. Good special education programs were rare and difficult to access. For most children with disabilities, special education programs were simply not available. (Wright, 2007)

To go back to the beginning of special education in schools, start with a court case that had more to do with racial segregation than disabilities as they are now known. In 1954, there was a landmark court case, *Brown vs Board of Education*, in which the U.S. Supreme Court decided that segregated public schools were inherently unequal and deprived them of equal protection of the laws. The Supreme Court found that African American children had the right to equal educational opportunities and that segregated schools “have no place in the field of public education.” (Brown

vs Education, 1954) The main argument of this case was that segregation in which separate but equal educational facilities for racial minorities is inherently unequal, violating the Equal Protection Clause of the Fourteenth Amendment. Upon hearing about this case, parents, and guardians of students with disabilities began to bring lawsuits against their school boards for excluding and segregating children with disabilities. The parents argued that, by excluding these children, schools were discriminating against the children because of their disabilities. (Wright, 2007)

To combat this inequality, Congress enacted the Elementary and Secondary Education Act (ESEA) in 1965 to address the inequality of educational opportunity for underprivileged children. The ESEA emphasizes equal access to education, establishes exacting standards and accountability, and requires the inclusion of all students with disabilities in the student achievement system. The law authorizes federally funded education programs that are administered by the states. In 1970, this program was replaced by the Education of the Handicapped. Just like the ESEA, it began a grant program to develop educational programs and resources in the States to encourage them to develop programs for individuals with disabilities. The downside to both programs is that neither one told the states how the funds provided by the grants were required to be used, and neither could be shown to significantly improve the education of children with disabilities.

During the early 1970's, there are two cases that were the motivation toward change for students with disabilities. PARC vs Commonwealth of Pennsylvania case in 1972, the court ruled that the state could not deny an individual's right to equal access to education based on an intellectual or developmental disability status. This was brought to the court on behalf of fourteen families with intellectually disabled children who were unable to access public schools base on

their child's disability. It was argued that there was no such thing as "uneducable," which was the term used by Pennsylvania schools to deny these students education. It was shown by psychologist Lester Mann that the label or diagnosis made by the school of "mental retardation" was wrong in up to twenty-five percent of cases. The court finally ordered schools to give the opportunity for a hearing before a school is allowed to classify a student as "mentally retarded." This case was one of the first to deal with issues of intellectual and developmental disabilities and education. It helped establish wordings such as "free and appropriate public education" (FAPE) and "least restrictive environment" (LRE) that allow access to education regardless of ability or disability. (Ross, Pennsylvania Association for Retarded Citizens (PARC) v. Commonwealth of Pennsylvania (1972), 2022) Children who receive special education services in school do so under the Individuals with Disabilities Education Act (IDEA). This federal law provides for the free and appropriate public education (FAPE) of children with disabilities and spells out each child's special education plan within their individualized education program (IEP).

The other case that was a catalyst was Mills vs Board of Education of District of Columbia. This suit held that "students with disabilities are entitled to an education, and that education cannot be denied based on the accommodations' additional costs to the school." (Ross, Mills v Board of education of District of Columbia (1972), 2022) US District Court Judge Joseph Cornelius Waddy ruled in favor of the students, finding that they were not given due process prior to expulsion from the school. The NLADA (National Legal Aid & Defender Association) brought the case on behalf of seven children aged eight to sixteen with various disabilities, including epilepsy and degrees of "mental retardation." These phrases are no longer used with professionals opting for "developmental disability." While all the students were black, they represented a group of people from many racial backgrounds. The Judge found that "the inadequacies of the District of Columbia

Public school system whether occasioned by insufficient funding or administrative inefficiency, could not be permitted to bear more heavily on the “exceptional” child than on the normal child.” (Ross, Mills v Board of education of District of Columbia (1972), 2022)

In 2001, there came the No Child Left Behind Act, which was meant to ensure that all children have the fair and equal opportunity to receive a high-quality education and reach, at minimum, proficiency on state academic achievement standards and academic assessments. The Elementary and Secondary Education Act (ESEA) emphasizes equal access to education, establishes exacting standards and accountability, and requires the inclusion of all students with disabilities in the student achievement system. The law authorizes federally funded education programs that are administered by the states. Special Education laws have been amended or renamed several times since 1975. In 2002, Congress amended ESEA and reauthorized it as the No Child Left Behind Act. (AUCD: Policy Issues, 2011) In December 2004, the IDEA (Individuals with Disabilities Act) was amended yet again. It is now known as IDEA 2004. In reauthorizing this, congress increased the focus on accountability and improved outcomes by emphasizing reading, early intervention, and research-based instruction by requiring that special education teachers be highly qualified. This act has two primary purposes. The first, provide an education that meets the child’s unique needs and prepares the child for further education, employment, and independent living. The second being to protect the rights of both children with disabilities and their parents. (AUCD: Policy Issues, 2011)

In 2015, congress reauthorized the ESEA, formally known as the No Child Left Behind Act. The reason behind this was because of complaints from states and school districts. So many portions of the law about accountability, including requirements for highly qualified teachers, were removed by congress. (The Hunt Institute, 2016) Some of the provisions made were that Title I

funds be portable so that they would follow students to the schools of their choice and eliminate the requirement to test 95 percent of the students annually. This bill known as Every Student Succeeds Act (ESSA) was signed into law by President Obama on December 10, 2015. This was the sixth reauthorization of ESEA. (The Hunt Institute, 2016)

There have been many variations of these bills and quite possibly there will be many more as it is studied how to best help the special education students and others succeed in school and after. Now to turn to how these students are treated when disciplinary matters arise and how they are treated as well as the effects these punishments have on them.

Segregation of Special Education Students

Placement disparities for students with emotional and behavioral disorders (EBD) have been a persistent and ongoing concern in schools across the country. Despite court rulings and legislation, as evidenced by the U.S. Department of Education data (Education., 2015), many schools are still serving students with disabilities, in particular students with EBD, in restrictive settings that are not always the most appropriate for their educational success. Examples of placement disparity are evident in the statistics previously discussed. When students with EBD are served within their home school, they are often, and at higher rates than their peers with other disabilities, served in self-contained classrooms, with little to no access to their typical peers (Justice, 2015). Similarly, students are placed in separate schools where only students with disabilities are served and where curriculum, electives, and extracurricular activities are limited or unavailable. For example, there are seven states where more than 20% of students with EBD are served in alternative educational settings (i.e., separate schools, residential facilities, homebound/hospitals, or correctional facilities; U.S. Department of Education, 2015).

It is always the goal of special education services that placement be provided in the least restrictive environment. Because of the nature of students with EBD, some students may engage in behaviors that necessitate education being provided in a more restrictive setting. However, the intent of their education programming should always be to support their behavior so that later transition to a more integrated setting is possible. Integrated settings are more reflective of society, the environment that students will inhabit as they pursue postsecondary endeavors. One way that schools can facilitate this is to develop transition plans upon entering a more restrictive setting. (Ennis, 2018) This transition plan should include goals that guide students' services and activities. Skills like the development of effective social skills, requirements of the school day in a less restrictive setting, and rigorous academic progress are essential to successful transition and must be in place for the duration of more restrictive placements, not as an afterthought or near the end of more restrictive placements. (Griller Clark, 2015)

Students with EBD may possess strengths in one or more academic areas that will allow them to be served in a general education setting with support (i.e., a behavioral intervention plan, paraprofessional support, co-teacher). Regardless of the setting in which students receive academic instruction, it is vital that students receive standards-based, grade-level instruction to the extent appropriate. Similarly, it is important to help all students bond with school through engagement in electives and extracurricular activities. (Griller Clark, 2015) Similarly, it is important to help all students bond with school through engagement in electives and extracurricular activities. School engagement is important to their development and success in school. Students with EBD are no exception; in fact, because they often have a history of school failure, positive experiences through electives and extracurricular activities are even more essential. (Griller Clark, 2015)

The segregation of special needs students from the general population is not new. It was previously thought that having special needs students integrated in with the general education students would cause issues with the learning environment. Studies have shown that this is not the case. Wayne Sailor, professor of special education and director of the Schoolwide Integrated Framework for Transformation Center and Amy McCart, associate research professor in KU's Life Span Institute and co-director of the SWIFT Center, authored an article in the journal *Research and Practice for Persons with Severe Disabilities* arguing the "stars are coming into alignment" for full inclusion in schools. (Krings, 2015)

Having students secluded versus having them integrated into the general population can sometimes depend on the staff and administrators' abilities and resources. Families report that some school representatives do not understand how to provide specialized instruction in a regular classroom or how to teach positive, pro-social behavior for students with and without disabilities. Some parents felt that students are grouped according to disability labels or type of support needed, which often leads to lowered or limited expectations. (National Council on Disability, 2018)

There have been discussions where researchers believe that there are six critical issues facing public schools, especially chronically low-performing schools, which must be addressed to bring about school reform:

- Fragmented support "silos" and lack of family partnership with schools
- The achievement gap that exists between subgroups of students based on social, language and/or disability characteristics.
- Student engagement and behavior that impedes learning.

- Lack of implementation of both systems-level and student-level, evidence-based interventions with fidelity
- Lack of knowledge sharing and resource availability
- Lack of sustainability and replication of successful schoolwide models of inclusive education

(Krings, 2015)

The segregation of special education students is an ongoing discussion. While there are pros and cons to both, it is widely noted that secluding students totally does not fulfill the social needs that are necessary to interact with the general population. While self-contained is a self-explanatory idea, the inclusion, or combined class needs more definition. These classes can be co-taught, where you have a general education teacher teaching the general curriculum and a special education teacher there to assist the teacher and assist the special education students in the room. Most of these students have an IEP so the teachers know what they may need help with during class. There is also the resource classroom setting. In these rooms, all students need assistance, and it is taught solely by a special education teacher. This classroom teaches the same curriculum as classes on the same grade level, but at a different pace as needed. (Krings, 2015)

If a student is deaf and uses sign language, for example, the inclusive class may not have the ability to allow the student to “communicate with their peers in their language or mode of communication.” However, opportunities for people with disabilities to be educated with their non-disabled peers to the greatest extent “appropriate” for the student with the disability is an essential part of the IDEA law. There is the expectation that the student with disabilities is a general education student first. Therefore, removal from the general education environment should only

occur when it is determined that even with appropriate aids and services the student will not benefit. (PAVE, 2022)

The question becomes then, which is better for the student. Not just academically, but behaviorally as well. With behavior, we are talking not only about anger issues, but social skills as well. Social skills are an area that has long been challenging for some people with disabilities. If they have not had the opportunity to learn social cues, they are at a disadvantage that can cause difficulties in learning. (PAVE, 2022) Some have the opinion that social cues and social skills need to be a part of the learning environment, not just for students with disabilities, but for all the students. This is where, when not regarded as an essential part of learning early on, students with disabilities can run into issues with punishment, and administrators must find the best way to deal without these student losing out on instructional minutes and potentially going against their IEP. So, the reasons behind the behavior and the pros and cons of the punishments must be looked at as well. (PAVE, 2022)

Disproportionate Exclusion of Students with Disabilities

Research on early and reliable prediction of school outcomes is critical for the prevention of poor outcomes and enhancement of good outcomes for students who are most at risk for developing learning, emotional, and behavioral problems. These at-risk students comprise a heterogeneous group. Many will manifest learning and behavioral problems serious enough to warrant alternative school programs or special education services. Other at-risk students whose academic and behavioral problems are considered marginal may not receive needed prevention/intervention programs. Thus, they continue to be at risk for poor school outcomes. Understanding the variables that predict poor and good academic, social, and behavioral outcomes

is essential to providing optimal services for students who are most at risk for poor outcomes. (Montague, 2005)

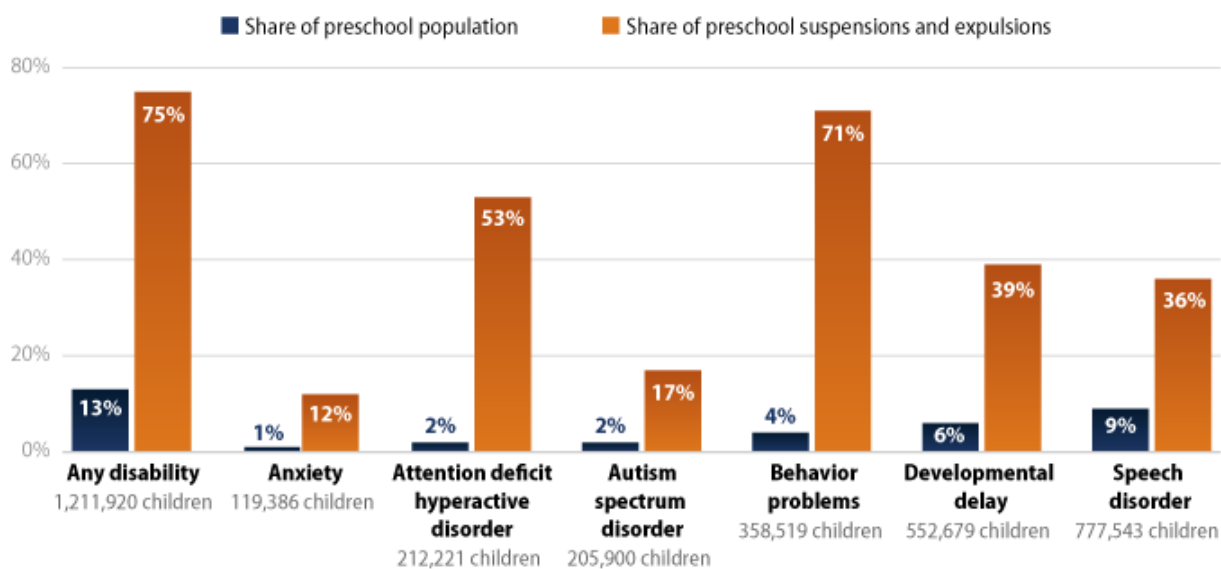
In describing what students learn in schools, Dreeben (Dreeben, 1968) notes, 'If the child at home wonders whether he is loved, the pupil wonders whether he is a worthwhile person. In both settings he can find some kind of answer by observing how others treat him.' (Pyne, 2019) This tells us so much about how students perceive their environments. While punishment for special education students is largely left up to the individual school districts, ISS and OSS may not always be the best option, especially when these students tend to struggle academically anyway. The quality of instruction during this suspension time is important as well. There are some schools that offer tutoring to those who are serving some sort of suspension, and there are others who simply give a homework packet and send it with the students. Another issue with ISS is the staffing as well. A study found that several ISS rooms were not staffed with qualified teachers. (Miller, 2006) As these students are returned to the school setting, there are not usually protocols in place that re-orientate the students back to daily classroom routines, therefore throwing them back into the settings that may have set them off in the first place with no ability to readjust. However, a district feels about ISS, there is an agreement that there are a few items that must be implemented to have a successful program. First, you need to involve all staff, have a clear, concise guide to the program, and preferably a staff member who is experience teaching special education. (Malik, 2018)

Regression analyses show that compared with their typically developing peers, and after controlling for several child and family characteristics, the odds of being suspended or expelled were still more than 14.5 times larger for children diagnosed with any disability or social-emotional challenge. In addition, compared with their typically developing peers:

- The odds of being suspended or expelled were more than 43 times higher for children with behavioral problems.
- The odds of being suspended or expelled were 33 times higher for children with ADHD.
- The odds of being suspended or expelled were more than 14 times higher for children with anxiety.
- The odds of being suspended or expelled were 10 times higher for children with autism/ASD.
- The odds of being suspended or expelled were more than 7.5 times higher for children with developmental delays.
- The odds of being suspended or expelled were more than 4 times higher for children with speech disorders.

FIGURE 1

Children with disabilities as share of preschool population and share of preschool suspensions and expulsions



Source: Authors' calculations based on data from United States Census Bureau, National Survey of Children's Health (U.S. Department of Commerce, 2016), available at <https://www.census.gov/programs-surveys/nsch/data/nsch2016.html> INSCH.



(Malik, 2018)

Suspensions and expulsions communicate that adults have low expectations for children, which children internalize and translate into disengagement from school. Over the long term, this disengagement can lead to truancy, dropping out of school, and incarceration. Beyond their immediate and long-term impact on individual children, suspensions and expulsions may violate federal civil rights laws if administered in a discriminatory manner. Administrative law requires that programs ensure children with disabilities are not suspended or expelled for behaviors related to their disability. (Malik, 2018) If a child's behavior disrupts others' learning, early childhood programs must consider implementing reasonable policy and practice modifications that reduce the need for discipline. Findings suggest that disciplinary practices in early childhood settings must do better to protect the civil rights of children with disabilities. Finally, removing children with

disabilities and children of color—many of whom come from low-income families—removes children who are likely to make the greatest gains. Expelling children who are most in need of high-quality, supportive learning undermines the mission of preparing children for life. These children are also likely to provide the biggest return on investment in services; by expelling children who most need services, programs undercut the economic model of education. (Malik, 2018)

Scholars have documented the higher risk of suspension among students with disabilities relative to their nondisabled peers, but few studies have considered potential within-group disparities in suspension among students with disabilities (i.e., differences between disability groups). One exception is Achilles and colleagues (Achilles, 2007) who examined predictors of suspension in a sample of participants from the Special Education Elementary Longitudinal Study (SEELS) who had ED, other health impairments (OHIs), or specific learning disabilities (SLDs). Risk of disciplinary exclusion was highest among students who had ED or OHI, were Black, older, male, had low SES, or attended urban schools. Children who experienced multiple school changes or had parents who expressed low satisfaction with their schools also had higher risk of suspension or expulsion. More recently, Bowman-Perrott and colleagues (Bowman-Perrott, 2013) analyzed the longitudinal SEELS data to show that disciplinary exclusion was highest among students with ED who were also likely to be excluded multiple times throughout elementary school. Males, Black students, and students with low social skills were also more likely to be suspended over time. (Bowman-Perrott, 2013)

Despite the value of this previous research, scholars have generally relied on methods that were unable to capture the complex relationships among multiple predictors or the nested nature of students' educational experiences. For instance, studies that examined student-level predictors

within a single district (Fantuzzo, 2007) or school-level characteristics within a district but not both in tandem, failed to account for the clustering of students in classrooms and schools. Even in studies where both levels of data were available, researchers may not have utilized analyses that accounted for clustering of students in schools because of their reliance on non-parametric tests, correlation, and linear regression. (Skiba, 2002)

In the history of wrestling with the discipline of students with disabilities, two important principles have emerged. First, students who have disabilities must, to some extent be held accountable for their behavior; special education is not intended to make students immune from school suspension. Yet the desire to rule out arbitrary exclusion led to what might be regarded as the central tenet of IDEA: the guarantee of a free and appropriate public education for students with disabilities. Beyond a certain point, long-term suspension and expulsion may threaten the student's right to a free and appropriate public education. In *Honig v. Doe* (1988), the Supreme Court set a standard of 10 days as the dividing line between typical short-term discipline and long-term change that triggers the FAPE guarantee for students with disabilities. Beyond 10 days, a disciplinary removal is considered a change of placement triggering the special education protections against arbitrary removal. It is a crucial point, sometimes misunderstood, that prior to the criterion of change in placement being met, there are no specific requirements governing the discipline of special education students. For removals of less than 10 days that do not constitute a change in placement, special education students are treated no differently than other students; administrators are free to use any consequence that would be applied to all other students. (Skiba, 2002)

Research on rates of school suspension has also found disproportionate rates of school exclusion for students with disabilities. Studies of suspension in Kansas, Kentucky, Delaware,

and Minnesota, as well as national surveys, have consistently found that students with disabilities represent around 20% of all students suspended, a disproportionately high percentage given that special education students represent around 11% of the population. This data also indicates that many behaviors for which students with disabilities are suspended are generally nonviolent in nature and may not differ substantively from the behavior of students without disabilities. (Skiba, 2002)

It is difficult to know what to make of these data with respect to the argument that regulations prevent the discipline of students in special education. On the one hand, overrepresentation of students with disabilities in school discipline creates some doubt concerning how much administrators are being limited in the suspension of those students. It might be argued, however, that the disciplinary disproportionality of at least some students (e.g., students with emotional or behavioral disorders) may be warranted by behavior that tends to be more extreme. Students with disabilities may be overexposed to exclusionary discipline despite the intended protections of the IDEA. Suspension risk varies by disability and other sociodemographic characteristics, highlighting the need for research to examine how discipline policies and practices may contribute to observed disparities. The high rate of suspension among students with disabilities, especially those with ED and OHI, also underscores the need for more proactive behavioral supports for students with disabilities to prevent further marginalization and exacerbation of educational difficulties through forced exclusion.

School suspension is among the most widely used disciplinary tactics in schools today, used for moderate offenses such as fighting, as well as for minor offenses such as tardiness and disrespect. Yet there is currently no evidence that suspension or expulsion changes the behavior of difficult students. Rather, for troublesome or at-risk students, the most well-documented

outcome of suspension appears to be further suspension and eventually school dropout. Nor is there evidence that the use of suspension and expulsion contributes to safer schools, and some evidence suggests that suspension is more widely used at schools with a poor climate and less sound instruction. In an era almost defined by accountability, an instructional procedure that was used inconsistently, disproportionately targeted students from culturally and linguistically diverse backgrounds, and was associated with increased school dropout might well be the target of a Senate investigation. (Skiba, 2002)

A third of suspended students experienced suspension the year prior, and 70 percent were given at least one ODR (Office discipline referrals) the year prior. Consistent with previous research, suspended students were much more likely than their peers to be eligible for free or reduced-price lunch and special education programs, were more likely to be male, and were disproportionately African American. Suspended students had lower levels of school trust and social belonging at the beginning of the school year and notably higher prior levels of external locus of control than non-suspended students. Being suspended during the school year is associated with an average decrease in school trust of 47 percent of a standard deviation and a decrease in identification with school by 54 percent of a standard deviation, all else equal. Attitudes are important early indicators of school engagement in adolescence; they serve as precursors to more stable mindsets students will eventually develop about schooling that influence behavior and learning. (Pyne, 2019)

This is especially true of students in the special education setting. Those with behavior disabilities seem to be at a higher rate from observations from a local Midwest rural high school. These students, unlike some in Special Ed., have more of a cognitive ability to understand the reasons they are being, or seeming to be targeted. This was observed in inclusive classrooms where

the staff clearly were more alert or tuned into to the special ed students behavior than the rest of the class. It was observed on a few occasions that the general ed students' behavior was more intense than the special ed students but was disciplined far less.

Students with disabilities may be overexposed to exclusionary discipline despite the intended protections of the IDEA. Suspension risk varies by disability and other sociodemographic characteristics, highlighting the need for research to examine how discipline policies and practices may contribute to observed disparities. The high rate of suspension among students with disabilities, especially those with ED and OHI, also underscores the need for more proactive behavioral supports for students with disabilities to prevent further marginalization and exacerbation of educational difficulties through forced exclusion. (Skiba, 2002) Adolescents' emotional engagement, measured by their academic attitudes, might decline due to suspension from school. Students' behaviors can contribute to suspension rates, but institutional policies and the perceptions of school decision makers also contribute to which students experience suspension. Regardless of the causes, suspensions are likely to have unintended psychological consequences for adolescents. Rather than acting as corrective sanctions, suspensions might harm students' trust in school authorities and their academic identities. This harm likely extends beyond the school itself, adding to the overall effects of disadvantage in their adult lives. (Pyne, 2019) To keep these disparities and confusion from happening with special education students, it is important that all involved, from classroom aides up to administrators, have the tools and knowledge to better support the special education students that come through their classrooms.

Self-Contained vs General Population with Special Education

The term *inclusion* is used to mean a service-delivery model whereby students with and without disabilities are taught the same content and in the same setting, with modifications and

accommodations, as necessary. A *resource room* is where students with disabilities spend part of each school day to get academic or other assistance from special educators, therapists and other professionals as needed. The rest of the time they are in the same setting as their peers without disabilities. A *self-contained room* is where students with disabilities spend all or most of their time in school and work with special educators, therapists, and other professionals as needed. They may join their peers without disabilities for some school activities.

A large number of students with disabilities in public schools in America spent either all or most of each school day in the same classrooms as their peers without disabilities. About 50% were being taught outside general education classrooms, for example in self-contained or resource rooms where only students with disabilities were taught. It was found that inclusive classrooms followed various models to maximize success for all students. Some had co-teachers, where certified special and general education teachers worked with the students. Some had one teacher certified in special and general education, with one or more aides to assist as needed. Others had one teacher certified in general education or in a content area who stayed with the students and a special educator who went from classroom to classroom. (Dev, 2015)

Least restrictive environment (LRE) means kids who get special education should be in the same classrooms as other kids as much as possible. Determining which was the least restrictive environment largely depends on the strengths and challenges of the students with disabilities. One teacher stated "...some of them you can't even tell if they have a disability when they're in the classroom and others really stand out and it's actually detrimental for them to be in the classroom setting that they're in." According to studies, teachers have found that sometimes it's hard if you have 28 students and it's an integrated setting and you have some behaviors. (Kauffman, 2002)

Time to work closely with other teachers and therapists (or clinicians), with the support of school administrators, seemed to be highly desired. All teachers are not given time to plan during the school day and that seems to be a source of frustration for them. The ones who had regular training sessions focused on co-teaching and who were given time during the school day to plan with co-teachers, seemed most enthusiastic about the benefits of two teachers in inclusive classrooms problems that you must deal with. (Kauffman, 2002) Although self-contained classrooms are meant to provide more opportunities for academic and social development, research has shown that these deficits persist for most students even after placement into more restrictive settings.

Given the structural benefits of self-contained environments, the lack of progress experienced by students with behavioral problems raises questions about the effectiveness of the educational programming used in these classrooms. Students with emotional and behavioral disorders (EBD) are the most likely of all children with disabilities to be segregated from the general population. In addition to structural considerations, exemplary self-contained programs modify instructional and behavioral curricula to meet the specific needs of students using evidence-based instruction and management techniques (Kauffman, 2002). It is through these and other modifications to the general education classroom that teachers of self-contained settings promote student progress. The question remains unanswered as to whether the approaches to instruction used in self-contained classrooms (a) reflect best practices or (b) represent an improvement over general education for students with EBD. Ideally, teachers instructing students with the greatest academic and behavioral needs would be more likely to employ strategies grounded in research and evidence. Using a combination of observational and self-report measures, the aim was to compare the use of effective strategies and practices by self-contained

and general education teachers working with students with behavioral difficulties and determine the degree to which they are used. (Maggin, 2011)

Results from classroom-based research have shown that low-achieving students are often given fewer OTR (opportunities to respond) than their higher achieving peers. The consequence is that students with the greatest learning needs are provided less practice and feedback, ultimately impacting their learning chances as well as their ability to remain engaged during instructional activities. (Haydon, 2010) For instance, increased rates of OTR have been associated with enhanced learning outcomes such as improved accuracy, and maintenance. In addition, higher OTR rates have been associated with increased student engagement during instruction. These findings also hold true for students with serious behavioral problems.

Active instruction refers to the presentation of academic material via lecture, demonstration, discussion, or elaboration on student ideas. Although the impact of active instruction on student behavior is not well understood, there is evidence to suggest that the amount of active instruction teachers provide is related to student academic progress. That is, an increase in OTR should establish a context for teacher praise of correct student responses, which, in turn, reinforces desirable student behavior and occasions additional instruction. The consequence is that student behavior is successfully managed while more learning opportunities are provided. (Dev, 2015)

Participants seemed to have struggled more with making accommodations related to academics than to social skills. All stated that behavior management could be challenging in any classroom and was not made more so by students with disabilities, but by any student who frequently exhibited poor social skills. Discipline becomes an issue whether or not it's a regular classroom, integrated classroom, it doesn't matter. Self-contained has some very challenging

issues, very challenging which is why they were in self-contained. The greatest disparity between students with behavioral problems enrolled in general and special education classrooms seems to be academic achievement. (Dev, 2015) Practitioners should focus on methods for facilitating increased use of evidence-based strategies and practices by teachers to ensure individualized, special instruction for students with behavioral difficulties. (Gage, 2018)

Discipline of Special Education Students in Schools

In recent years, there has been an increasing concern about the impact of in-school suspension (ISS) and out of school suspension (OSS) on special education students. Suspension is a usual form of punishment in schools, but their effects on students with disabilities have not been well understood by educators. The general belief among teachers and administrators is that the Individuals with Disabilities Education Act (IDEA) insulates special education students from experiencing consequences for their disciplinary infractions and sets them apart from the school's regular disciplinary procedures.

The 1997 IDEA amendments, however, state that except for disciplinary procedures involving a change in placement, special education students should be subject to the same disciplinary measures that other students are. (Baker Jr., 2001) Disciplining a special education student is different from a non-special education student. The intention is to make sure that children who have learning or behavioral issues are not being punished for their disability rather than receiving the support they need. (Logsdon, 2021) Special education students have more protection when facing discipline at school. The purpose of those protections is to make sure that a child is not missing days of the service. The protections also make sure that students with disabilities are not being disciplined due to their disability. (Kids Legal, 2021) According to the U.S. Department of Education's IDEA website, "the primary vehicle for providing a FAPE is through an

appropriately developed individualized education program that is based on the individual needs of the child." Within the IEP for students with behavioral issues are provisions for the implementation of positive support measures and interventions to address any behavior that interferes with their own learning or that of other students. However, if a student's behavior violates the school's code of conduct, Part B of IDEA states that they may be removed to an alternative educational setting, which may include on- or off-campus suspension or expulsion. Because exclusionary discipline may infringe on students' rights to a free and appropriate public education, it is imperative that researchers and practitioners examine whether such practices are discriminatory. To this end, scholars often first look for descriptive evidence of group-based differences, known as disparate impact, in outcomes, such as out-of-school suspension. Such evidence serves as a precursor for theories about and investigations into disparate treatment (i.e., discriminatory practices) underlying observed outcomes. (A.L. Sullivan, 2014)

Special education students are more likely to be suspended than their non-disabled peers, and the consequences of suspensions for these students can be significant. While it is rare for a child to be suspended for more than 10 cumulative days in the school year, when it happens these children may face social stigmas and self-esteem issues, not to mention losing critical learning time within the classroom. A 2018 article by the center for American Progress outlines how much more often 3–5-year-old disabled children are disciplined compared to their able-bodied peers. While the number of disabled children made up only 12% of the early childhood programs studied, they compromised 75% of the suspensions and expulsions. Research has shown that suspensions can lead to a range of negative outcomes, including lower academic achievement, higher rates of absenteeism, and increased risk of dropping out of school. In addition, students who are suspended are more likely to engage in future disciplinary incidents, and suspensions can exacerbate

behavioral problems. The data trends are longstanding and clear: children with disabilities are disciplined at far greater rates than their peers without disabilities and these trends start as early as preschool and extend throughout high school. For example:

- Preschool students served under IDEA accounted for [22.7 percent of total preschool enrollment but 56.9 percent of preschool students who were expelled](#).
- School-age students with disabilities served under IDEA represented [13.2 percent of total student enrollment but received 20.5 percent of one or more in-school suspensions and 24.5 percent of one or more out-of-school suspensions](#). (Williams, 2022)

This inequality among students with disabilities is not only unfortunate but could also have long lasting effects on their emotional, behavioral, and academic progress. Until an in-school suspension can be carried out in a way that is positive for the student, it is likely the suspension will foster negative feelings about school and lead to isolating behavior and even refusal to attend school.

Disparities of Disciplines between Special Education Students vs General Education Students

Research suggests a gap between prevalence estimates of students with emotional or behavioral problems and the actual number of students identified under the federal category of emotional disturbance (ED). To better understand issues related to the identification gap, an investigation of the academic and behavioral functioning, school-based services, frequency of discipline incidents, and predictors of labels among 626 secondary age students referred for participation in a larger study due to emotional and behavioral difficulties. Students with special

education labels (i.e., ED, specific learning disability [SLD], other health impairment [OHI]) were compared to those who did not have a school label. Analyses indicated that there were no significant differences between groups on standardized measures of emotional and behavioral functioning. (Hetrick, 2021) Academic performance was the only distinction, with students with learning disabilities scoring significantly lower in reading and math than students with other disability types or without disabilities. Students without an ED label received significantly fewer services whereas students with an ED label received significantly higher rates of disciplinary actions. (Hetrick, 2021) Looking at the research, we see that there are many discrepancies in discipline when it comes to students who are labeled special education and those who are not.

The results from a study done by Leen Abochale, suggest there are certain demographics that are at a higher risk of school suspension than others. This correlates with the research that suggests the underlying truth behind a close connection between the criminal justice system and America's urban education system is the result of a system that targets specific demographics: the country's poor, uneducated, and minority groups. Based on the findings, identifying the variables that influence higher rates of ISS and OSS like race, gender, socioeconomic status, language, and county, profile intervention strategies for school settings, that excessive punishment sets students up for failure, can help educators better. Thus, identifying these variables can help educators and administrators alike understand the development of interventions to model better classroom settings and develop successful outcomes for all students. (Abochale, 2022)

Ethnic disproportionality in disciplinary rates is often called discipline disparities or a school discipline gap. According to the National Clearinghouse on Supportive School Discipline, "discipline disparities refer to instances in which students who belong to specific demographic groups (e.g., race/ethnicity, sex, disability status) are subjected to particular disciplinary actions

disproportionately — at a greater rate than students who belong to other demographic groups (e.g., black males are more likely to be suspended or expelled from school than white and Asian males).” (Cai, 2019) In a case of a school district in Iowa, the state Department of Education told the district leaders to work with a national expert to deal with a disproportionate number of students of color identified for special education services, as well as a disproportionate number of African American special education students subjected to disciplinary actions. (Cai, 2019)

The 2018-19 data continuously show that African American students, 19.9 percent of the district’s population, account for 42.2 percent of suspensions, and 21 percent have received at least one suspension. It is apparent that the percentage of disciplined African American students with disabilities is large in comparison with the total number of African American students served in special education in the district. It should be noted that the discipline gap in Davenport mirrored a national trend. Recent data published by the U.S. Department of Education show that among students ages 3 through 21 served in special education, less than one-fifth are African American (17.7 percent), but African American students account for more than one third (36.6 percent) of individuals who experienced disciplinary removal. (Cai, 2019)

Nationwide, the proportion of African American students who experienced 10 days or fewer in-school suspensions/expulsions is twice as large as that of their white peers, and three times as much as that of their Hispanic peers. In eight states, over 60 percent of students with disabilities disciplined in the 2016-17 school year were black. In states such as Mississippi and Louisiana, African American students make up approximately 40 percent to 50 percent of the total served in special education, but over 70 percent of students subjected to disciplinary removals totaling more than 10 days are African American. (Cai, 2019)

Researchers and school psychologists found that when education is disrupted by long absences (such as expulsion), students with special needs are more likely to drop out from school and never complete a diploma, and more likely to remain unemployed and economically dependent. Data show time and again that the discipline gap exists, but “fewer people seem to have a solid answer as to why,” reported the National Public Radio. As a complex issue in special education, the reason for discipline disparities is multidimensional and inconclusive. (Cai, 2019)

Among all IDEA label categories, "Emotional Disturbance" (hereafter referred to as Emotional and Behavioral Disorders [EBDs]) has been fraught with the most significant problems related to identification, resulting in significant under identification. One variable implicated in under identification is the vague and ambiguous definition. For example, the characteristics required for eligibility are not supported by research pertaining to empirical or clinical subtypes of children with emotional or behavioral disorders. Furthermore, EBD qualification stipulates a student's educational performance must be adversely affected. Regulations, however, fail to clearly delineate the term "educational performance." A narrow interpretation could limit eligibility to poor academic achievement, whereas a wider interpretation would include other major areas, such as social or behavioral performance. Indeed, recent litigation indicates that courts view educational performance more broadly than academic performance alone and consider nonacademic areas such as behavior and socialization key factors in determining eligibility. (Hetrick, 2021) Studies have shown that many of the special education students who receive discipline are more often than not diagnosed with EBD.

Challenges of Punishment for Special Education Students

One of the main challenges for special education students is that suspension often interrupts their education and removes them from their supportive learning environments. This can result in

a loss of instructional time, difficulty catching up on missed work, and a disconnection from peers and teachers. Additionally, suspensions may send the message that the student is not valued or respected, which can damage their self-esteem and lead to further behavioral problems. The procedures for disciplining students with and without disabilities can lead to the perception of a double standard. In a report of the American Federation of Teachers (Bader, 1997), Bader indicates that the IDEA and courts have influenced school districts, who "...think twice before they start on the road to resolving a problem created by a student with a disability who presents a behavior problem." Researchers and school psychologists found that when education is disrupted by long absences (such as expulsion), students with special needs are more likely to drop out from school and never complete a diploma, and more likely to remain unemployed and economically dependent. Data show time and again that the discipline gap exists, but "fewer people seem to have a solid answer as to why," reported the National Public Radio. As a complex issue in special education, the reason for discipline disparities is multidimensional and inconclusive.

Students with disabilities receive a disproportionate share of suspensions and expulsions. Students with Attention Deficit Hyperactivity Disorder (ADHD), for instance, are 3.5 to 7 times more likely to be suspended or expelled, even when controlling for gender, race, and health insurance status. Reviewing results from several studies, it has been reported that students with disabilities comprise about 11 percent of all school-age children in the US but make up almost 20 percent of those who are suspended. Again, the suspension data from Maryland mirrors this national data: in the 2006-2007 school year, students with disabilities comprised 12.5 percent of the total student enrollment but made-up 20 percent of all students suspended. In Baltimore, students with disabilities comprised 16.9 percent of the BCPSS student population, while 25.7 percent of students suspended. Higher rates of disciplinary exclusion for students with disabilities

continue despite the protections provided by the Individuals with Disabilities in Education Act (IDEA). The 1997 amendments to IDEA, and its reauthorization as the Individuals with Disabilities in Education Improvement Act (IDEIA) in 2004, mandate detailed procedures that schools must follow to determine whether a student with disabilities may be suspended. While these procedures do not prohibit disciplinary exclusion, they are intended to protect students with disabilities from being punished for behaviors that are the result of their disability. In practice, however, schools seldom classify the misbehavior of students as manifestations of disability and grant them IDEA/IDEIA protections. (Sundius, 2008)

Disciplining special education students can be a double-edged sword. The effectiveness of in-school suspension with students protected under IDEA is debated knowing that services must be given to these students and yet the peace of the school and classrooms be maintained. The issues start to come when the student must be removed for more than 10 days. There are arguments that the discipline for special education students is unfair because it appears that they have more freedom to “act out” than other students. (Miller, 2006) While that is not always the case, it is a perception that most educators and administration have. These students have a disability, often a disconnect from what is right and wrong socially. While some are fully aware of how they are acting and know what can and can’t happen to them discipline wise, most have not had the support or guidance, therefore they “act out” and are dealt with more swiftly and harshly than their peers. The following flowchart shows how special education discipline is supposed to be followed:

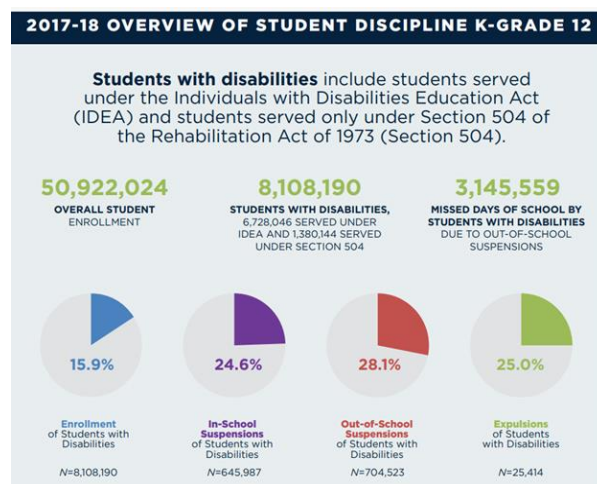


An example of this is a situation where a student without a documented disability was arguing with another student. A teacher stepped in and told this student to stop and walk away. The student refused and tried to push the teacher out of the way to get to the other student. Their discipline was one day of morning detention before school. On the other hand, we have a student who has EBD and is in a program where they can check in and get reassurance or a quiet space when stressed, as well as a class in social skills to use in life. This student is provided the option of using a break when they are overwhelmed. The student asked for this and was refused. When they said they were using it anyways and going to their program teacher, they were suspended for an entire day. It is important for administrators and educators to consider alternative forms of discipline for special education students, such as PBIS (positive behavior interventions and supports), counseling services, or restorative justice practices. Restorative justice is a theory of justice that focuses on mediation and agreement rather than punishment. Offenders must accept responsibility for harm and make restitution with victims. These approaches have been shown to be more effective in reducing disciplinary incidents and improving student behavior, while also supporting the needs of special education students.

Despite their wide-spread use, disciplinary exclusions are ineffective in reducing problem behaviors. Research shows that the rate of students who have been suspended on multiple occasions ranges between 35 and 42 percent of all students. This suggests that suspension does not serve as a deterrent for misbehavior. In fact, suspensions may reinforce the use of problem behaviors for students who wish to escape or avoid school (Sundius, 2008). Many school administrators use exclusionary disciplinary measures not because they wish to remove students from the opportunities to learn, but because they need to do something, and they do not know what else to do.

Proponents of out-of-school suspension suggest that it reduces the recurrence of misbehavior and improves parent involvement. It is also argued that classmates should not have to suffer from the disruptive and potentially harmful behavior of a few students within the classroom environment. However, out-of-school suspension has been criticized for reasons such as overrepresentation of students who are achieving below grade level. There is evidence that students who are suspended repeatedly are prone to be suspended for less serious behavioral incidents than their peers (Peterson, 1997). In addition, there is evidence that students who are suspended repeatedly are more likely to drop out of school. Thus, in-school suspension programs have been developed in response to criticisms of out-of-school suspension. (Stage, 1997) There has been little research into the effectiveness of different in-school suspension programs. An exception is a study that compared the effectiveness of two in school suspension programs (with and without academic work) to out-of-school suspension. (Kerr, 1987) Both in-school suspension programs resulted in fewer repeat disciplinary referrals and less truancy compared to out-of-school suspension. ISS is less disruptive to the educational process than OSS, but they can still have negative impact on students' academic performance and behavior.

In-school suspension is the temporary removal of a student from his or her regular classroom or classrooms for disciplinary purposes. The student remains under the direct supervision of school personnel (the suspended student is in the same location as school personnel assigned to the student's supervision). This method of reducing student misbehavior has been in use since the 1960's. Although there are many negative factors linked to the use of exclusionary discipline it has still been reported to be one of the most used disciplinary consequences for student behavior. ISS is a disciplinary measure that costs time, money, and student seat-time. Time away from the classroom can be attributed to many distinct factors connected to at-risk youth. Graduation rates, Special Education population, and incarceration rates all have ties to student attendance. Lack of classroom instruction not only leads to lower achievement but in some cases contributes to a cycle of negative behaviors due to disengagement and more instances of ISS and OSS. There are extensive amounts of literature that address the question of whether In School Suspensions (ISS) is effective in reducing student behavioral problems. As other studies demonstrate, most suspensions are for minor infractions of school rules, such as disrupting class, tardiness, and dress code violations, rather than for serious violent criminal behavior. Some studies found that the percentage of students receiving exclusionary discipline was higher for male students than for female students; higher for Black, American Indian, Hispanic, and multiracial students and lower for Asian students than for White students; and higher for students in special education than for students not in special education. The way people learn also makes them more likely to receive exclusionary discipline. This usually includes but is not limited to students with learning disabilities, emotional disabilities, and language barriers. Students with disabilities are more likely to be suspended than their non-disabled peers. (Rahynes, 2015)



Source: [Suspensions and Expulsions of Students with Disabilities in Public Schools \(PDF\) \(ed.gov\)](#)

Restorative Practices

Schools across the US have taken steps to support the behavioral needs of students and foster a positive school climate. These efforts range from multitiered systems of support (MTSS), with specific strategies focused on behavior, to implementation of a variety of social-emotional learning (SEL) curricula (Gregory, 2017). MTSS refers to schoolwide frameworks that utilize evidence-based practices to meet the needs of all students (Sailor, 2014). One example of a widely adopted MTSS framework is schoolwide positive behavioral intervention and supports (SWPBIS), which focuses on explicitly teaching expected behaviors across school settings. SWPBIS relies on reinforcement of expected behaviors, consistent application of deterring consequences when misbehavior occurs, and utilization of data to make individual and system-level decisions (Sugai, 2002). Recent efforts to address behavioral needs of students include implementation of school-based restorative justice through a similar multitiered framework utilized in SWPBIS. Within

school settings, two commonly used terms to describe schoolwide implementation of restorative justice are restorative approaches and restorative practices. RP encompasses a variety of relational processes that create intentional opportunities for building trust, connections, and understanding within a community. In a classroom, this can look like whole-class community building circles, the use of affective statements, small group conferencing when an issue arises, and formal restorative conferences to address and repair harm. (Kervick, 2019)

Despite efforts within the IDEA for states to closely monitor racial disproportionality and address the behavioral needs of students with disabilities through implementation of appropriate programming and services, students with disabilities, and particularly those with racialized identities, are still more likely to receive out-of-school suspensions than their general education peers, resulting in de facto exclusion from public education. The intent of the 1997 IDEA reauthorization to establish procedural safeguards and prevent disproportionate use of exclusionary discipline against students with disabilities has not met its target. Specifically, the focus on preventing instances that require disciplinary action has not been effective in reducing the use of exclusionary approaches. This is particularly important because exclusionary discipline is not merely used for dangerous behaviors. As Skiba (2002) describes, suspensions can be used for minor behavioral infractions such as disrespect (Peterson, 1997), disruption, or their attendance. Research has found that exclusionary discipline has harmful effects and is a predictor for negative school outcomes, such as dropping out, and negative school climate (Winkler, 2017).

Scholars have noted the need to address issues of equity and school discipline for students with disabilities, including youth of color. McNeill, Friedman, and Chavez (McNeill, 2016) compared alternative approaches to punitive discipline models to determine whether SWPBIS, peer mediation, and/or restorative approaches yielded better outcomes for students. Their review

of the literature found that alternatives to the punitive model, such as SWPBIS and RP, more effectively reduce the use of exclusionary discipline and office referrals and improve school climate (p. 173). Examples include specific prevention strategies, such as establishing supportive relationships, increasing implicit bias awareness, elevating academic expectations, and utilizing culturally responsive practices to approach behavior through the lens of learning and growth. In terms of interventions, they identify the use of data, problem-solving approaches, inclusion of family and student voices, reentry strategies, and multitiered systems of support as key components for creating a more equitable school discipline approach. (Kervick, 2019)

SWPBIS is premised on a three-tiered model (Sugai, 2002). At the universal level, schoolwide expectations are taught to all students across all learning contexts, and common rewards are given for meeting those expectations. At the targeted level, more focused support and teaching are provided to students needing additional instruction and feedback. At the intensive level, highly individualized approaches and plans are developed, often using an FBA to identify how best to support a student's social/emotional and behavioral needs (Sugai, 2002). This third tier typically encompasses students with the most significant behavioral challenges. In a randomized controlled trial of thirty-seven elementary schools implementing this framework with fidelity, children at these sites were 33 percent less likely to receive an office discipline referral, compared with children at non-implementing schools. (Kervick, 2019)

Under the IDEA, schools are encouraged to use evidenced-based practices. To address the behavioral needs of students, some schools have adopted specific SEL curricula, which may be integrated as part of a school's SWPBIS practices or, more globally, may be a component of a MTSS. Within MTSS, Tier 1 and 2 schools utilize SEL curriculum to help develop social emotional competencies in all students. There is an assumption within these frameworks that all

students have empathy and other social emotional skills necessary for participation and success. But equitable participation in SWPBIS and RP requires explicit instruction and skill building to cultivate social-emotional capacities and skills in some students. Schools should consider implementation of SEL curricula in tandem with RP to ensure the prerequisite social-emotional skills are explicitly taught to students to empower them to access RP effectively. (Kervick, 2019)

Building on these MTSS frameworks, educators and school leaders are seeking ways to better respond to student behavioral needs and challenges in equitable ways. President Obama's Rethink Discipline initiative provided specific resources to schools focused on reducing disproportionality in discipline practices, including encouraging school districts to establish benchmarks to reduce disproportionate outcomes and to closely examine reforms by early adopters of new policies and practices (Education., 2015). The roots of restorative approaches as a way to address harm done to a community are universally deep, with examples of restorative elements present in Māori justice, Navajo peacemaker courts, and Shalish dispute resolution processes, to name just a few of the numerous community examples. (Kervick, 2019) Restorative conferences and circles promote supportive relationships and increase authentic connection between adults and students and between students and their peers. Tier 1 circles promote a sense of belonging and inclusion within the learning environment and provide opportunities for youth to reflect on their and others' behaviors with the end goal of learning and growth. In terms of intervention, restorative conferences engage students in problem-solving as they seek to identify where harm has been done and how to repair it. Students and families are often included in both restorative conferences and reentry circles, and practitioners and scholars are beginning to conceptualize RP within a multitiered framework thus allowing schools that utilize other MTSS approaches to align RP with those efforts. It is important that schools intend to utilize RP center equity issues when it comes to

implementation. (Kervick, 2019) Burnett and Thorsborne (Burnett, 2015) caution that RP must be implemented in a way that is accessible to students with disabilities. During circle processes, students are expected to be able to express their perspective and ideas verbally, listen to and understand the perspective of others, attend to peers and adults for a period, and remember agreements or resolutions that were made as part of the process. When considering the needs of students with disabilities, this raises important questions about access and the efficacy of RP, particularly for students with language-based learning disabilities, processing disorders, social-emotional disabilities, and attentional difficulties. On the surface, the structure of Tier 1 RP circles promotes inclusion and the idea that all students belong, but the spoken language structure of the circle process may diminish the opportunity for some students with disabilities to participate in equitable ways. (Kervick, 2019)

For example, students with language challenges due to disability or English learning needs may benefit from the circle facilitator providing the prompts ahead of time to allow for processing and response formulation. Depending on the severity of the language or communication challenge, students may need nonverbal response options. Students may also need to utilize visual supports or have access to preprogrammed communication devices in advance of the circle time to be ready to participate in the moment. Additionally, the structure of sitting in a circle for an extended period and attending to others through talking can be challenging for students with attention difficulties. Accommodations that enhance participation, including the use of fidgets, the ability to take a break and rejoin, or sitting at a perimeter of the circle may be necessary. (Kervick, 2019) Students who have deficits in social thinking may struggle to be able to participate in the restorative process and/or stick to agreements due to the need to develop these skills over time. Rehearsal, social

stories, and scripting may be necessary tools to modify expectations to facilitate their participation and for the processes themselves to be effective. (Kervick, 2019)

In the rural suburban school that was observed for this paper, a program called PASS (Positive Approach to Student Success). In this environment, students are given explicit instruction in Social Emotional Learning (SEL). This class is not offered to all students, it is for those who have EBD tendencies and it is written into their IEP as resource minutes. When used correctly, this program can help students learn about why they feel the way they do, how to learn to control their breathing when emotions start to get out of hand, and how to properly use the resources that are there for them. The goal of the program is for them to eventually be able to be out in general education settings and have the tools to integrate with others without the labels that they can or do have.

RP implementation with attention to access and equity offers great promise for shifting schools away from punitive discipline models that continue to marginalize students with disabilities and students of color. However, school professionals must be mindful that implementation of RP should be paired with an intentional focus on issues related to access and equity. (Kervick, 2019) Implementing schoolwide restorative practices without explicit acknowledgment and redress of the ways in which current school discipline practices reinforce systemic inequalities—further oppressing students with disabilities and students of color—may unintentionally reify a school-based social structure of power and privilege. Future research on the experience of RP for students with disabilities and students of color should consider the critical consciousness of the educators implementing these practices, as this has the potential to influence both a teacher's implementation of RP and a student's experience of restorative processes. More research is also needed about teachers' experiences and perspectives on adopting restorative

approaches and the factors that may lead to resistance to shifting disciplinary practices toward a more restorative model. (Kervick, 2019)

Suspension and the Effects into Adulthood

Over the past three decades, schools in the U.S. have increasingly relied on suspensions, expulsions, and criminal justice-oriented security practices. Despite steadily declining rates of student misbehavior and crime that mirror declines in juvenile delinquency, more broadly schools have increasingly turned to harsh punishments and zero tolerance policies. These disciplinary policies have been coupled with heightened security measures, including the use of security cameras and school resource officers, and full-time police officers who are stationed in schools. Some contend that these efforts to maintain school safety have resulted in the “criminalization” of American students, as their behavior has been increasingly controlled through means that are reminiscent of the criminal justice system.

Since the mid-1990s, as schools have increasingly turned to exclusionary school discipline practices, they have also exposed more and more students to the potential harms of school exclusion. These harms, which include school failure, increased misconduct, dropout, and future juvenile justice system contact, have now been well documented. Prominent civil rights advocacy groups, including the Advancement Project, the NAACP, and the ACLU, have devoted a great deal of attention to these potential harms and strategies for reducing exclusionary school punishments. There are several reasons to hypothesize that the harms of school exclusion might be even broader than considered by existing research. Specifically, exclusionary discipline can interrupt students’ educational progress, lead to disengagement from their school communities, and label them as deviants. Therefore, prior research leads expectations that these students’ prospects in adulthood will be negatively affected. (Wolf & Kupchik, 2017)

Results from binomial regression models show that delinquency scores are higher among suspended children and children receiving both suspension and ADHD treatment, compared to young people who experience neither. (Freelin, 2023) Exclusionary school discipline includes an array of punitive responses to student misbehavior, all of which have the effect of removing students from their classrooms. These responses include expulsion, arrest, out-of-school suspensions, and in-school-suspensions. It also includes informal disciplinary responses, such as sending a student home early from school or isolating a student in an office or other non-classroom setting during the school day. While exclusionary school discipline has long been a feature of American public education, the use of exclusionary school discipline became more systematic and commonplace in the last two decades. Further, exclusionary discipline, and particularly suspension, is most commonly handed out in response to relatively minor forms of misbehavior such as defiance of authority, as opposed to serious acts of violence. Some have found a correlation between being suspended and eventually being involved in the justice system. Likewise, several researchers have demonstrated a link between educational failure and criminal involvement in adulthood. For example, a study analyzed three national data sets that all suggested that the more education a person attains, the less likely they are to be involved in crime as an adult. As other researchers contend, existing research “present[s] a strong case that, above and beyond individual, family, and community risk factors, exclusionary school discipline makes a significant contribution in and of itself to a range of negative developmental outcomes”. (Wolf & Kupchik, 2017)

Prior research shows that schools with inclusive social climates, where students feel respected, listened to, and part of a school community, have less student misbehavior than other schools. Thus, in a manner that is consistent with procedural justice theory and related work

showing that citizens are more likely to abide by laws and follow legal authorities they perceive to be just, this body of research suggests that the overuse of exclusionary punishments might actually result in a less inclusive social climate, and hence there is more student misconduct.

Importantly, exclusionary school punishments are distributed very unevenly across the population of school-aged youth. Youth of color, particularly Black youth, are considerably more likely to be punished in school than are White youth. Approximately one in seven Black students is suspended each year, compared to one in twenty of their White counterparts. This disproportionality in punishment begins in pre-school, and rates of misbehavior (i.e., differential involvement across racial groups) do not account for these racial discrepancies. Additionally, schools with large populations of racial/ethnic minorities are more likely to rely on exclusionary, criminal justice-oriented security and punishment, rather than restorative or inclusionary practices. Thus, exclusionary school discipline practices are likely exacerbating existing racial inequality.

Many parents and policymakers will be surprised to learn that, across the nation, students with disabilities are suspended about twice as often as their non-disabled peers. The rates for all racial groups combined are 13% for students with disabilities and 7% for those without disabilities. Federal and state laws provide students with disabilities the right to supports and services to address behavioral issues related to their disability, and procedural protections to safeguard against the unjust exclusion of children because of their disability make it harder to suspend them for longer than 10 days (Kim, 2010). Nevertheless, the data on suspensions of one day or more clearly show that students with special needs face double the risk for getting suspended out-of-school as their non-disabled peers. (Losen, 2012)

Most alarming of all is that one out of every four Black K-12 students with disabilities was suspended out of school at least once in 2009-2010. This high risk for suspension is a full 16

percentage points higher than for white students with disabilities. These are sobering disparities, given that federal law expressly requires schools to provide a behavioral assessment and behavioral improvement plan for students with disabilities who exhibit behavioral problems to ensure that they receive the supports and services they need. Within every racial group, students with disabilities had a much higher risk of being suspended two or more times in the 2009-2010 school year. Consistent with all the other findings, Black students with disabilities had a significantly higher risk for being suspended repeatedly from school, but Black students also had the greatest difference between the observed risk for repeat suspensions for students with disabilities and for those without. (Losen, 2012)

The wide range in the risk for suspension depending on the state and racial group was perhaps the most surprising finding of the state-level analysis. Blacks did not have the highest risk for suspension in every state; in Montana, for example, Whites were suspended at a slightly higher rate (3.8%) than Blacks (3.4%). Also worth noting is that Native Americans had the highest risk for suspension in eight states: North Carolina, Vermont, South Dakota, North Dakota, Utah, New Mexico, Montana, and Idaho. Latinos had the highest risk of all groups in Massachusetts, and while the risk for Whites rarely exceeded that of Blacks, it did exceed the risk for Latinos in eight states: Mississippi, Alabama, West Virginia, Kentucky, Louisiana, Maryland, Maine, and Wyoming. The risk for Asian American students was the lowest in each of the 47 states examined. (Losen, 2012)

The large differences in the risk for suspension suggest that what drives the use of out-of-school suspension is not a constant or predictable level of student misbehavior. This large variance indicates that differences in policy, practice, and leadership contribute to the frequency with which students are suspended from school. These findings should help educators in the higher suspending

states, districts, and schools reject the belief that the status quo of frequent suspensions and large racial disparities is unchangeable. It should also be noted that states and districts that have suspension rates below the national or state estimates should not regard these averages as a reasonable benchmark. Some who read about the frequent use of suspension coupled with large racial and disability disparities may jump to the conclusion that the data proves that the subgroups suspended most often are seriously misbehaving far more often than their peers. Others may take issue with the suggestion that these tremendous disparities reflect injustice. Even those who acknowledge that there is a problem may find themselves doubting whether schools really have any alternatives to suspending students out of school. All these reactions reflect some degree of acceptance of the status quo. The history of the use of out-of-school suspension, however, shows that its use has increased since the 1970s and that the racial gap between Blacks and Whites has grown dramatically, from fewer than three percentage points to more than ten.

There are several reasons to hypothesize that experiences with exclusionary school discipline relate to a host of negative long-term outcomes that have not been fully assessed by this prior body of research. First, exclusionary school discipline often disrupts students' learning because it removes them from their regular classrooms. One study estimated that suspensions caused students to lose approximately 18 million days of instruction during the 2011–2012 school year. Students often receive no formal instruction during those periods and fall behind their classmates. While some schools provide suspended and expelled students with educational materials to be completed while they are out of class, their ability to learn alongside their classmates with their teachers' direct tutelage is nevertheless compromised. Also, special education students do not get the extra help or modifications they are required to receive by law. When disciplined students return to the classroom, they face the challenge of catching up to their

peers without the benefit of the educational opportunities their peers experienced while they were removed from class. Even students who are committed to succeeding in school may be unable to recover academically following a period of exclusion.

In addition to physically removing students from school, exclusionary school discipline may lead to student disengagement and alienation. Exclusion via suspension, arrest, or expulsion may cause a student to feel a lack of support from the learning community, causing a natural reaction of disengagement. For special education students, this is exasperated by already feeling like they are outsiders. The educational disruption described above can cause students to withdraw from their education, particularly if they struggle with material that was taught when they were not in class and are not offered supports or services to enable them to catch up with their peers. Additionally, to the extent they feel they were mistreated when being disciplined, they may not want to work towards a positive relationship with their teachers and school administrators. Notably, various studies suggest such a connection between exclusionary school discipline practices, lost educational opportunities, and student disengagement. (Wolf & Kupchik, 2017)

Because of education's impact on many life outcomes, the implications of disciplinary practices reach beyond the school and into later adult political and civic life. Others argue that schooling shapes, rewards, and punishes students' personality traits differently along class and economic lines, contributing to the social and economic reproduction of society. Exclusionary school events might serve as negative turning points in adolescence, knifing off an individual's past as a "student" from the current circumstance as a "delinquent." Suspension can also introduce students to networks outside of school that might encourage future negative behavior. Perhaps most importantly, exclusion from school alters routine activities by removing students from a key informal social control during adolescence: school attachment. Finally, if suspensions

change students' academic attitudes, this suggests such events can provide opportunities for identity transformation. Thus, suspension from school might redirect adolescents' paths toward changes in identity and delinquency. (Pyne, 2019)

Exclusionary school discipline might also have a labeling effect on disciplined students. Labeling theory holds that once a person is publicly labeled as deviant, he or she often has difficulty shedding that label and may come to embrace that label as part of his or her self-identity, engaging in what has been termed "secondary deviance". The sociological framing of stigma gives further insight into how turning points like exclusionary school events might alter individuals' thoughts and feelings about themselves and others. (Pyne, 2019) Being labeled as deviant through formal punishment creates a number of challenges that lead to further deviance and/or sanctions by authority, including heightened monitoring by authority figures, presumptions of involvement in future misbehavior, increased interactions with deviant peers, and blocked pro-social opportunities. (Wolf & Kupchik, 2017)

Following exclusion, stigmatized individuals experience status loss and discrimination. Status loss itself can serve as the basis for continued discrimination by characterizing stigmatized individuals as undesirable companions, peers, or fellow community members. Consequences of stigmatization range from the psychological to the structural. Individuals simply need to believe others have labeled them negatively for social-psychological consequences, like changes in attitudes, to occur. (Pyne, 2019)

Labeling theory likely applies to excluded students because they are often aware of the labels that have been affixed to themselves and their peers in school. Teachers and administrators are notified when their students are subject to exclusionary discipline and disciplined students' peers become aware because disciplined students are conspicuously missing from class. Students

then return to their class or school environment as known troublemakers and they receive heightened scrutiny, quick blame, and additional discipline when classroom disruption subsequently occurs. Labeling may also lead students to believe that they should behave in such a way that fulfills their label. Similarly, labeled students may be more likely to disengage from the classroom and develop antagonistic relationships with their teachers and school administrators, particularly if they struggle to catch up with their schoolwork or if they feel they were unfairly treated. (Wolf & Kupchik, 2017) Thus, exclusion serves as a turning point that stigmatizes students in part by changing their attitudes about school.

Better Support in Classrooms

One schoolwide approach to reduce the likelihood of disciplinary exclusion is SWPBIS, a multi-tiered framework for building efficient and effective positive behavior systems in schools. At the universal level, or Tier 1, SWPBIS is designed to prevent school-based behavior problems by establishing universal practices to establish, teach, and reinforce positive behavioral expectations. Furthermore, schools must integrate team-based implementation, universal screening, and data-based decision-making, and build professional capacity for sustained implementation. Students who do not respond to the universal prevention (i.e., maintain elevated levels of school-based behavioral problems as evidenced by, for example, ODR) are referred for targeted interventions, which may include evidence-based mentoring programs, such as Check-In Check-Out, or small group social skills lessons. (Gage, 2018) Due to the broad use and increasing rates of disciplinary exclusions, and the negative short and long-term consequences of those exclusions, evidence-based interventions and systems are needed to reduce disciplinary exclusion.

The implementation of more effective alternatives for promoting school safety also requires improved training of school personnel in effective approaches to violence prevention.

School personnel tend to rely on suspension and expulsion to discipline students. It is not their aim to exclude these students from learning and participating in activities with other students. Rather, in many schools, there are simply few disciplinary tools available other than suspension and expulsion. In most cases, general education and special education teachers feel unprepared for discipline situations in their classrooms, even when given training programs in classroom management. To combat this, it is imperative that schools implement the training of teachers and administrators in dealing with student behavior, and especially in effective strategies that can contribute to comprehensive planning for school safety. (Skiba, 2002)

Section 504 of the Rehabilitation Act of 1973 (Section 504), is a Federal civil rights law that prohibits discrimination based on disability, applies to the use of student discipline. This section is used in many ways. Section 504 prohibits schools from unnecessarily treating a student differently based on their disability. Consider, for example, a school that generally provides all students who receive an out-of-school suspension with a packet of instructional materials to review while they are suspended so that students do not fall behind during the period of suspension. While the school may wish to avoid inconveniencing the teachers of a student with a disability who learns in a separate special education classroom during that student's suspension because the teachers would be required to print out a considerable amount of additional material for the student beyond that provided to students without disabilities, the school may not avoid providing the materials to the student with a disability solely for administrative convenience. Students with disabilities may be provided different or separate aid, benefits, or services only when doing so is necessary for the aid, benefits, or services to be as effective as those provided to students without disabilities. Therefore, a school violates Section 504 if it unnecessarily treats a student differently based on their disability when administering discipline. (Lhamon, 2022)

The same educational benefits do not always have the same results for students with special needs. Several programs have been designed to assist special education students in making the transition from high school to adult life easier (Sitlington, 2007). A successful transition would include the student's activities following the program, such as entering a college program or the work force. These programs are greatly influenced by the prior learning and social experiences of the student (Sitlington, 2007). Currently, many special education students are assigned to a single teacher for the school day; however, for special education students to reach their academic goals, the expertise of content area specialists is required. In addition, social experiences with peers are broadened when students are involved in a co-teaching environment. (Brownell, 2010)

Programs related to career exploration, learning about barriers to employment, and the process of looking for a job are designed for special education or disabled students to help them make the transition from school to work or school to secondary education (McEachern, 2007). Educators and other transition personnel may use a variety of transition models; however, models that include psychoeducational groups seem to benefit students more because they include positive social experiences as a critical aspect of transitioning program development. For the high-risk population of students, completion of high school and successful transitioning to adult life and the work force are essential. For this reason, these students must be able to address behavioral and social needs of the new environments of which they will become involved after high school. (Berger, 2014)

Finding ways to help and better support students with different educational needs, whether that be physical, educational, or disciplinary, is no new challenge. When educators can use the resources, they have at hand to give better support, there can be fewer issues with discipline and low performance. (Jones, 2012) Posting, modeling, reviewing, and following the classroom rules

and sticking to the consequences set forth in the beginning, are key to helping special education students become successful. The following ideas have been used to create a supportive classroom as well:

- Provide a calm environment.
- Minimize distractions.
- Emphasize routine.
- Behavioral expectations should reflect behavioral abilities.
- Focus on assisting students rather than disciplining.
- Provide a time out/study area away from the group.
- Make sure the students feel safe.

"An understanding of one's strengths and limitations, together with the belief of oneself as capable and effective are essential to self-determination. When acting on the basis of these skills and attitudes, individuals have greater ability to take control of their lives and assume the role of successful adults in our society." (Jones, 2012)

One of the primary contributors to an individual's self-determination is the extent to which the environment allows an individual to make choices and exert control over his or her life. Therefore, both the classroom environment and support from others, such as classmates and teachers, are likely to influence a student's engagement in self-determined behaviors. Unfortunately, the majority of the literature regarding classmate and teacher relationships for adolescents with special needs is predominantly from the perspective of the other. In other words, the informant in previous research has usually been a typically developing peer or teacher and

often the focus was on the relationship between the student with a disability and a typically developing peer. While more inclusive environments are becoming a reality for students with special needs, many adolescents continue to spend a portion of their school day in "self-contained" special education classrooms. Given the findings of lower self-determination scores and higher teacher-report of student dependence for these students, interaction with typically developing peers significantly influences the development of self-determination. Teaching self-determination directly and systematically involves offering learners choices and soliciting their preferences within social and educational contexts, helping them develop self-advocacy skills, promoting self-esteem, providing attribution training, and providing access to positive role models who exhibit self-determined behavior themselves. (Jones, 2012)

Conclusion

The effects of ISS and OSS on special education students is a long-debated issue. They can have negative effects on special education students, and it is crucial to consider alternate forms of discipline that can support their academic and behavioral needs. In this paper, some of the reasons behind the behavioral issues, how special education punishments are sometimes handled differently, and how these punishments and disparities can affect students into adulthood, have been explored. The history of how special education students are dealt with in the school system regarding punishments has evolved over the last few decades since IDEA was introduced, but it has a long way to go. The education systems and individual educators must find better ways to support special education students, remove the stigma, and decrease the inequity in the educational setting so that all of our students, special education or not, can have the education experience they deserve.

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