THE EFFECTIVENESS OF THE LEARNING ENHANCEMENT CLASSROOM: A DISCIPLINE ALTERNATIVE

by

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(Under the Direction of C. Thomas Holmes)

ABSTRACT

Discipline in today’s public school is under continuous scrutiny. Educators continually search for techniques and programs that will help reduce discipline problems while helping the disruptive child continue the educational process. In-school suspension is one way to help the disruptive child as well as the students left in the classroom whose education is often hindered by the distractions caused by unruly students.

In this study each child that could be tracked from their first referral to The Learning Enhancement Classroom, in kindergarten or first grade, until completion of fifth grade was identified. Once these students were identified, data were collected. Upon retrieval of all data each child’s discipline history was charted and graphed so that the researcher was able to determine if a pattern existed. When this had been established the researcher was able to describe each child’s discipline history. The researcher was also able to make observations about the group of students as well.

Nine students from the 1996-97 school year and four students from the 1997-98 school year were tracked. In addition to these 13 students were nine students who are currently in the fifth grade and were only tracked through fourth grade. A z score was
calculated to determine if the change in proportions of number of students referred to LEC was significant. There was no significant difference in the change in proportions of number of students referred in kindergarten through fourth grade in the 13 students that were tracked through the fifth grade. However, there was a significant increase in the change in proportions of number of students referred in fifth grade. When the other nine students were added there was a significant decrease in the change in proportions from kindergarten to first, kindergarten to second, kindergarten to third, and kindergarten to fourth. The mean number of students’ referrals by grade was also calculated. A dependent t-test was calculated to test the difference in the means. There was no significant difference in the mean number of student’s referrals.

INDEX WORDS: In-school suspension, Discipline
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A Dissertation Submitted to the Graduate Faculty of The University of Georgia in Partial 
Fulfillment of the Requirements for the Degree

DOCTOR OF EDUCATION

ATHENS, GEORGIA

2004
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May 2004
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CHAPTER I
INTRODUCTION

The Annual Gallop Poll of Public’s Attitudes Toward the Public Schools, during most of its 22 years existence, identified lack of discipline as the most serious problem facing the nation’s educational system (Cotton, 2001). The 34th Annual Gallop Poll (Rose & Gallop, 2002) cited that 17% of those polled stated that lack of discipline was the biggest problem that the public schools in their community had. This is up 2% from the 2000 and the 2001 poll. Historically, disciplinary procedures in American schools remained largely unchanged up to the 20th century. Those procedures ranged from mild criticism or rebukes, punitive assignments such as custodial tasks or written compositions, detention, and corporal punishment to suspension or expulsion (Harris, 1981). The current literature showed a positive progression from these types of discipline procedures toward programs that redirect students while keeping them in the school setting. Court rulings as well as community and social pressure were the major factors in the evolution of in-school suspension. The in-school suspension idea was designed to show that students can be disciplined and still be provided an opportunity to be in an environment conducive to learning (Waters, 1994).

There is a growing group of high-risk students who must be in school and educated if they are to satisfactorily fill appropriate work, social, and leadership roles as
adults. These students would benefit from the types of programs that are emerging as alternatives to out-of-school suspension (Uchitelle, Bartz, & Hillman 1989).

The issue of discipline presents a constant challenge to parents, teachers, and administrators (Mayers, 1995). Administrators genuinely face a daunting task of keeping disruptive students in school and off the streets. Implementing alternative programs such as in-school suspension is time consuming and expensive. However, unless communities and school districts are willing to tackle the breakdown of order, the school climate will worsen and the effect on learning will continue to show up in international comparisons of achievement scores and other assessments of student progress (Gorman, 1993).

According to Sheets (1996) the most important goal of any discipline program should be to change unwanted student behavior. He believes that in-school suspension programs can achieve this goal. In-school suspension should not be merely a means to remove the disruptive or disobedient student from the classroom. However, measures should be taken to insure a quality education as well as providing services that will redirect the student. Doyle (1989) agreed that in-school suspension can improve student behavior if the program includes guidance, support, planning for change, and opportunities to build new skills.

Statement of the Problem

Discipline in today’s public school is under continuous scrutiny. Educators continually search for techniques and programs that will help reduce discipline problems while helping the disruptive child continue the educational process. In-school suspension
is one way to help the disruptive child as well as the students left in the classroom whose education is often hindered by the distractions caused by unruly students.

The Learning Enhancement Classroom (LEC) or programs similar in nature are expensive and are often cut when school budgets are tight and sacrifices have to be made. Therefore it is important to determine the effectiveness of such programs. Investigating the effects of LEC on student behavior should confirm that LEC and similar type programs will help students curtail repeat offences while being able to continue the learning process and suffer consequences for misdeeds.

Definition of Terms

This section includes definitions of the terms important to the study. The specific terminology used in this paper has been employed according to the following operational definitions.

**Student Out-of-School Suspension** - Out-of-school suspension is understood as an involuntary yet temporary withdrawal of the student from the educational environment and process of an institution. The out-of-school suspension must comply with the substantive and procedural mandates of the law and is usually the result of a serious violation of rule. Although the student does not receive credit while on suspension, the right to an education within the institution is not denied.

**Student In-School Suspension** - In-school suspension is understood as an involuntary removal of the student from the immediate classroom environment, yet not a withdrawal from the educational process. The student is removed to an area of quasi-solitary confinement in which the student is expected to adhere to a severe though fair
environment for learning. The student receives credit for the satisfactory completion of assignments and is reinstated in the regular classroom environment following a pre-designated period of confinement. The student is considered in attendance and included in the school’s average daily attendance report. In-school suspension must comply with the substantive and procedural mandates of the law.

**Learning Enhancement Classroom** - The Learning Enhancement Classroom, often referred to as LEC, is designed to be redirective and not punitive. Student assignment to LEC may be for misconduct and/or academic difficulties. The purpose of LEC is to provide an isolated environment where students may continue working on assignments being done in the regular classroom. A certified teacher does counseling and teaching in the LEC classroom.

**Research Question**

There was one research question that provided the direction for this study:

Does LEC improve student’s classroom behavior by reducing the number of office referrals for students that can be tracked from Kindergarten through the fifth grade?

**Significance of the Study**

The current study was undertaken to determine if The Learning Enhancement Classroom, the in-school suspension program at Beaverbrook Elementary, helps to reduce office referrals and if it has helped individual students improve their behavior and curtail repeat assignments to LEC. A close examination of this program and its results may influence decision makers regarding participation in similar programs.
Limitations

1. The population of this study was limited to Beaverbrook students that can be tracked from Kindergarten through fifth grade.

2. The findings of this study can be generalized only to the populations being studied.

3. Due to the transient population of the school all students who were referred could not be tracked.

Background Information

The Learning Enhancement Classroom (LEC) was established at Beaverbrook Elementary School in Griffin, Georgia at the beginning of the 1996-97 school term. It is designed to be redirective and not punitive. Most students are referred for misconduct; however, some students may be referred for academics, work habits or a combination of both.

The principal or assistant principal makes referrals to the LEC. The nature of the infraction determines the length of time that a student is assigned to LEC. Students are usually assigned for one day on the first referral and repeated offenses may result in additional days.

Parents are notified by way of note or phone call when their child is assigned to LEC. After the third referral, a mandatory parent conference must be held before the child is allowed to return to their regular classes (see Appendix A).

The LEC teacher is a certified teacher who works closely with the homeroom teacher. The homeroom teacher completes a lesson plan sheet for his/her student. These
plans reflect the lessons that will take place in the regular classroom (see Appendix A). In addition to the class work students also spend time discussing with the LEC teacher the reasons they were assigned to LEC. During this discussion the students also talk about making choices, things they can do to change their behavior, and accepting responsibility for their actions. Various guidance activities are used to assist the students in their decision making process. In addition to the counseling the student receives in LEC the school guidance counselor makes a follow-up visit.

Students assigned to LEC report directly to the classroom and do not leave without the supervision of the teacher. Students are instructed to bring everything they need for the day with them when they report to LEC. Lunch is brought in for the students. The teachers or administrators, if necessary, handle any contact with the regular classroom. The LEC teacher dismisses the students from school. She then turns in all work to the regular classroom teacher at the end of the day. If the child fails to finish work or refuses to cooperate with the LEC teacher he/she may return the following day.

Since the implementation of LEC at Beaverbrook seven other elementary schools in the Griffin/Spalding County school system have implemented LEC classrooms that follow the same policies and procedures.

**Organization of the Study**

Chapter I presents an overview of the study. Sections included are the statement of the problem, definition of terms, research question, significance of the study, limitations of the study, background information, and organization of the study. Chapter II presents a review of literature relating to discipline in relation to elementary school
children. The literature begins with a history of discipline practices, and continues with a progression of types of discipline concluding with in-school suspension. Chapter III describes in detail the methods and procedures for conducting the study. Sections include the restatement of the problem, research hypotheses, the setting and sample of the study, dependent and independent variables, instrumentation, data collection, and analyze of data. Chapter IV is a report of the results and findings from the data analyses. The results are presented in table format and then summarized. Chapter V contains a summary of the study, the conclusions drawn from the analyzed data, and recommendations.
CHAPTER II

REVIEW OF RELATED LITERATURE

According to Schneider and Verdugo (1999), school-related violence and crimes have emerged as two of the more troubling social problems in America. The public is concerned because they find it difficult to understand young people committing acts of violence and crime and because when such incidents occur in the school setting, they adversely affect the teaching and learning environment, place other students and employees at risk and raise concern among parents regarding the safety of their children.

A Brief Summary of Discipline in American Schools

Colonial Period of American Education 1600-1776

Corporal punishment and other harsh or severe forms of discipline were exercised in early American schools (Harris, 1981). Physical discipline such as corporal punishment was deemed acceptable, and even desirable in colonial America due to the prevailing Judaeo-Christian assumption that people are, by nature, corruptible and in need of correction. Humiliation, degradation, and other forms of severe physical or emotional punishment were regarded as neither unusual nor inhumane. Harris cited accounts of whipping posts and lashings for student misbehavior during this period.

Early National Period of American Education 1776-1840

Wilson (1999) stated that, around 1800 a small but increasingly vocal portion of American educational theorists began to insist that the traditional method of beating
knowledge into a child was both debasing and self-defeating. In 1818, Wilson reported, a

certain headmaster, resolved to abolish corporal punishment and replace it with a fine to
be assessed against the parents of unruly children. His action met with resistance in the
community because the prevailing opinion was that the “rod of correction” was consistent
with the dignity of a gentleman and a fine was not. Nevertheless, the spirit of democracy
and the Romantic ideals that sent men searching for a better life was seeded in the Early
National Period of American education; it began to bear fruit in the later Common School
Period (Wilson).

Common School Period of American Education 1840-1880

During the Common School Period in America, authoritarian educators could no
longer oppress without protest, nor were the edicts of religious leaders accepted without
question. Some men thought that the technical process should be used to improve the
lives of all men; others believed that a better life could be achieved through the
development of the natural goodness that had so often been repressed or perverted in man
(Wilson, 1999). According to Wilson, many educational leaders increasingly came to
believe that, in order to achieve a changed society, man’s whole character would have to
be changed. To achieve this, reforms in the aims and methods of education would be
necessary. In the 1800s, the changing attitudes toward the treatment of offenders
generally were reflected in educational theory. While Rousseau was revolutionary in his
belief that the only punishments for children should be the natural consequences of their
own acts, other educational philosophers such as Pestalozzi, Herbart and Froebel
advocated the replacement of physical punishment with more subtle measures (Wilson,
Wilson’s beliefs were that motivation should be achieved through a loving relationship between teacher and child, and pupils should be inspired to succeed through interest in, and love for, learning.

Wilson (1999) discussed theories of punishment that opposed what was being perceived as cruelty and injustice to offenders. These theories grew in popularity in the 1800s, so too did public opinion and actual practices shift toward more humane treatment of offenders, with emphasis on rehabilitation rather than retribution. While the 19\textsuperscript{th} century and the Industrial Revolution offered abundant examples of man’s inhumanity to man, they spawned heroes of social reform who, as will be seen, advocated caring attitudes regarding the treatment of the weak, the poor, and the downtrodden (Wilson).

\textit{Progressive Period of American Education 1880-1920}

Wilson (1999) described the changes in American education that took place toward the end of the 19\textsuperscript{th} century as being part of the general improvements that were occurring in the conditions and attitudes of society. Schools became more physically pleasant places, and equipment became more varied and stimulating. Along with reduction in class sizes, these changes meant that the need to control bored, tired or hostile children was reduced. As people’s attitudes changed, they found a greater need for education in their daily lives, and greater respect was given to education and its representatives.

Patton (1990) found that, with the growing influence of educational pioneers such as Freud, Montessori, and Dewey, school discipline slowly evolved toward more progressive, humanistic approaches. The progressive movement, which advocated
freedom of student expression and movement in the classroom, sought to replace strict, inflexible rules in the learning environment with positive approaches to motivate students toward learning without resorting to punitive measures to control their behavior.

However, the progressive movement was not fully accepted in public schools: many educators still preferred the prevailing notion of using physical and other strong forms of discipline as a means of controlling student behavior. Nevertheless, the collective influence of Freud, Montessori, and Dewey in American schools resulted in a reduction in the severity of punitive discipline options (Patton).

According to the article, *School: The Story of American Public Education* (2001), each new period of education brought change and reform; however, corporal punishment was still used as a means of discipline far into the 20th century. Canes, straps, and switches were replaced in the 1890’s with paddles. Although paddling was widely used, its proponents contended that the mere threat of the paddle helped control the behavior of students. Paddles were usually placed within the student’s sight when not in use.

*Modern Period of American Education 1920-present*

This same article stated that today’s schools no longer use wooden canes, leather straps, or hickory switches to encourage good behavior. Further stated was the fact that corporal punishment is not permitted in most states and is rarely used where it is permitted. Educators currently use a variety of disciplinary techniques ranging from revoking recess privileges to suspending or expelling the student from school.

The 20th Century has brought closer to fulfillment the promise of the 19th Century. Today’s teachers have introduced into classrooms many new and positive teaching
methods that promote motivation and avoid harsh types of disciplinary methods. While experimental psychology has not yet clearly shown the effects of punishment on all concerned, it has contributed much in the examination of deeper motives of both punisher and victim (Wilson, 1999).

Corporal Punishment

According to a position paper of the Society for Adolescent Medicine (2003) entitled *Corporal Punishment in Schools* corporal punishment refers to the intentional application of physical pain as a method to change behavior. A wide variety of methods such as hitting, slapping, spanking, punching, kicking, pinching, shaking, shoving, and choking are included. Objects used may include paddles, belts, sticks, and pins. Corporal punishment in schools does not refer to the occasional need to restrain a dangerous student or the use of physical force as a means of protecting other students who may be in imminent danger.

The use of corporal punishment has decreased with each educational era. However, in August 2000, The American Academy of Pediatrics estimated that corporal punishment was administered between 1 and 2 million times a year in the United States (see Appendix A). Although some states still allow school officials to use this form of discipline, the number of states abolishing corporal punishment as a means of discipline is increasing (Taras, Cimino, & McGrath, 2000). In this same publication on corporal punishment, it was noted that corporal punishment might affect adversely a student’s self-image and school achievement, and thereby contribute to disruptive and violent student behavior.
In a 1998 article entitled *Paddling: Discipline or Abuse*, The National Coalition to Abolish Corporal Punishment in Schools said that hitting children is a barbaric form of punishment. This group points out that the United States is one of only four industrialized countries that have not banned corporal punishment in schools. Italy and France banned it more than 100 years ago. The American Medical Association, the American Psychological Association, and the National Education Association are just a few of the many organizations opposed to paddling. They argue that hitting children only teaches them to use violence to solve problems. They also point to studies that show that children who are hit achieve less in school and are also more likely to skip school.

Alternative methods of behavioral management are more effective than corporal punishment (Taras et al., 2000). Patton (1990) noted that, as the use of corporal punishment decreases, expulsions and out-of-school suspensions tend to become accepted methods of gaining immediate control over students.

**Out-of-School Suspension (OSS)**

Prior to the implementation of in-school suspension programs, out-of-school suspension (hereafter referred to as OSS) was the most predominantly used measure of discipline (Florida Center For Children and Youth [FCCY], 1980). In some cases, Patton (1990) found, schools used out-of-school suspensions as the sole penalty for most disciplinary problems. The prevailing argument in such cases was that the majority of students who are interested in learning should not have to suffer the constant disruption of a few unruly students. It was also anticipated that suspending disruptive students from school would force parental involvement and thereby eliminate, or at least alleviate such
conditions. Although somewhat simplistic in its approach to student discipline and regardless of the problems resulting from suspensions, this practice was often used indiscriminately for problem solving (Patton).

Hadd (1980) defined out-of-school suspension as an involuntary yet temporary withdrawal of the student from the educational environment and process of an institution. OSS must comply with the substantive and procedural mandates of the law, and is usually the result of a serious violation of school rules. Although the student does not receive credit while on suspension, the right to an education within the institution is not denied (see Appendix A).

In 1974, the Children’s Defense Fund of the Washington Research Project, Inc. published *Children Out of School in America*. Through an analysis of Census Bureau data regarding non-enrolled youths, this publication revealed the startling fact that one million children between the ages of 7 and 15 were not in school. Discussing such topics as barriers to school attendance, exclusion of children with special needs, and school discipline and its exclusionary impact on students, this work was aimed at building public awareness of the concept of social stratification through the use or misuse of school discipline.

*Goss v. Lopez* (1975) concerned the alleged flagrant use of suspension and expulsion as disciplinary procedures. The nine appellees had been suspended from a public high school in Columbus, Ohio for up to 10 days without a hearing. They filed complaints against the Columbus Board of Education and various administrators of the Columbus Public School System. The complaint sought a declaration that it was
unconstitutional for public school administrators to deprive plaintiffs of their rights to an education without a hearing of any kind, thus violating the procedural due process component of the Fourteenth Amendment. This case also sought to enjoin the public school officials from issuing future suspensions without a hearing and to require the administrators to remove references to the past suspensions from the records of the nine students who filed suit. The three-judge court ruled that the plaintiffs were denied due process of law because they were suspended without a hearing prior to suspension or within a reasonable time thereafter. It was also ordered that all references to plaintiffs’ suspensions be removed from school files. The ruling in *Goss v. Lopez* encouraged administrators to reevaluate policies and practices that involve suspension from school, and to consider educational alternatives that might help treat underlying problems (see Appendix B).

This decision as well as others by state and federal courts favoring students’ rights has helped to change the direction of modern educational policy in the area of discipline. School administrators, whose disciplinary decisions previously had been final, were now restrained from arbitrarily suspending and expelling students who were difficult to manage (Waters, 1994).

Although OSS offers teachers and administrators temporary relief from the frustration and aggravation of behavior problems, it has its drawbacks as a disciplinary tool. OSS may be an expedient method for removing discipline problems from the school setting, but it is by no means universally accepted or perceived as the best way to correct disciplinary problems (FCCY, 1980).
Drawbacks of OSS as a Disciplinary Tool

DeRidder (1991) argued that little data exist to support the contention that OSS modifies negative behavior. He found evidence to support the fact that such suspensions are correlated with a number of negative outcomes. For some students, misbehavior was one way to get a vacation from school; for others, it produced a desire for revenge against other students, teachers or administrators, which sometimes manifested itself in future conflicts (FCCY, 1980).

Collins (1985) stated that students who most often were affected by OSS were in the greatest need of a socio-educational setting that would help them overcome their deficits or compensate for their low socioeconomic status. Short & Noblit (1985) found that suspending students from school had “an overall negative impact” on the educational progress.

Academic failure has been a serious by-product of OSS. OSS can result in student’s missing up to 10 days of school, and even more if they are suspended repeatedly. Work missed during OSS often cannot be made up. In many districts, attendance policies have caused students to fail in all of their classes for their grading period because OSS days count as unexcused absences (FCCY, 1980). Students who are repeatedly suspended from school suffer academically and are more likely to be retained, to drop out of school, or both (Dupper & Bosch, 1996). Grice (1986) added that OSS often creates a learning regression in suspended students. He contended that not only does OSS hinder the continuation of current instruction, but it also affects prior education.
Bayh (1977) pointed out that academic achievement is hindered when students are not in school, and that achievement is affected by the amount of time a student spends in class. If a child is out of class, he will not learn what was taught at that time and therefore is likely to fail in those areas. The possibility of failing subsequent concepts also exists, Bayh added.

DeRidder (1991) contended that students who are repeatedly suspended from school suffer academically and are more likely to be retained, or to drop out of school. Students with multiple out-of-school suspensions, DeRidder found, also tend to participate less in extracurricular activities, and they are more likely to be placed in special education programs, receive poorer grades and attend school less often than do one-time suspendees or students who have never been suspended. Oppenheimer and Ziegler (as cited in Nichols, Ludwin, & Iadicola, 1999) stated that a growing consensus among educational researchers maintains OSS is strongly linked to school failure, nonpromotion, continued disciplinary problems, and eventual school dropout.

Collins (1985) brought to light another drawback of OSS, i.e., that the presence of an unsupervised, troubled child at home alone or on the streets increases that student’s chances of contact with a delinquent subculture. At any rate, administrators face a daunting task in maintaining order in a legal climate that favors keeping disruptive students in school and off the streets (Gorman, 1993).

Collins (1985) found that problems often arise when parents are unable to leave their jobs to supervise students who have been suspended, thereby compounding the problem and creating a social threat to the community. Downing and Keaster (1998)
agreed that, when students are suspended, their problems are moved to the streets. He found that when disruptive students were removed from the school and left to pursue activities of their choice they were frequently unsupervised and often became just another number in the increasing statistics in juvenile crime. In that regard, Brewer, a senior research and evaluation consultant for the North Carolina Department of Public Instruction, cited an increase in juvenile crime and foresaw an increasing likelihood that juveniles will become involved in illegal or undesirable activities when they are sent home (Hodges, 2000).

Uchitelle et al. (1989) expressed their belief that suspension programs being used disproportionately among minority students cause delinquent behavior in the community. A comprehensive study done by the Children’s Defense Fund (1975) found that school administrators were more likely to suspend children who are in secondary school, black, and poor. Radin (1988) found that minority and culturally different students and students from low-income families are more likely to be suspended at a rate significantly disproportionate to the percentage of their enrollment among all the students.

Perhaps the strongest argument in favor of alternatives to OSS, however, has been evidenced in the arbitrary manner in which such suspensions have been administered in some cases. For example, it has been asserted by The Florida Center for Children and Youth (1980) that disproportionate numbers of African-American students have been suspended from school in Florida: during the 1979-80 school year, 39% of the students suspended statewide were blacks, although this ethnic group comprised only 23% of the student population.
Hodges (2000) cited a more recent example of disproportionate numbers of minorities being suspended from school. He reported that, at Salisbury High in Rowan County, North Carolina, the ratio of African-American students to white students was nearly 50:50 (with 6% of the student body made up of other minorities), 74% of all students suspended were African-American while only 20% were white. On the national level Hodges pointed out, in the 1997-1998 school year African-American children comprised 17% of the students and 32% of those suspended.

Dupuis (2000) cited two examples of African-American students being suspended or expelled from school at a rate disproportionate to their enrollment. In Denver, African-American students comprised 21% of the student population but accounted for 42% of suspensions and expulsions; and in San Francisco, African-Americans comprised 16% of the student population in the same year yet received 52% of the suspensions and expulsions.

Although disciplinary consequences may affect all students with less than positive results, the impact on minority students may result in even more severe negative outcomes. Historically, minority students have tended to exhibit lower achievement in schools than majority students for a number of arguable reasons (Dupuis, 2000). Ogbu (1988,1991) suggested that African American students have adapted to discriminatory educational policy by disengaging themselves from the schooling process. Ogbu also stated that African American students tend to characterize striving for academic success as culturally “subtractive.” Tatum (1994) found that racist attitudes historically noted among the general population in the United States are just as common within its teacher
population. Villegas (1991) contended that problems of misbehavior with regard to student achievement and learning opportunities result from the “cultural mismatches” between teachers and students.

Grice (1986) noted a financial drawback when OSS is used. He found in cases where financial aid to school districts is based on attendance, OSS penalizes the school district as well as the students involved. Suspended students are not counted in the school’s average daily attendance (ADA), and thus funds are lost to the system.

Due to its link to negative outcomes including academic failure, grade retention, negative school attitudes, and increased dropout rates, the practice of out-of-school suspension has also come under specific scrutiny according to Oppenheimer and Ziegler (as cited in Nichols et al., 1999). Patton (1990) stated that factors such as court rulings in favor of students’ due process rights: public concern over increasing rates of out-of-school suspensions; rising juvenile daytime crime and student dropout rates; and a public perception of disciplinary laxity in the schools—all of these factors have brought focus to bear on the need for assessing disciplinary practices and the need for reform.

Patton (1990) noted that, as school administrators began to search for alternative disciplinary procedures that would be more effective in managing student behavior, less controversial, less likely to be challenged by the courts, and that would work within the parameters of the students’ due process rights, many alternative forms of discipline emerged such as class detentions, extended after-school detentions, alternative-educational programs, after-school clinics for maladjusted children, intensive counseling programs, assertive discipline programs, and in-school suspension programs (see
Appendix A). As early as the 1970s, educational literature reflected the perceived need to develop better ways of dealing with the growing number of disciplinary problems in the nation’s schools. Specifically, that need reflected many educators’ desire to shift emphasis from retribution to rehabilitation (Patton).

The change from retribution to rehabilitation is attributable directly to the laws governing student rights through a mandated, constitutionally based due process system (Waters, 1994). Due process as applied to student’s rights began as a result of the U.S. Supreme Court decision in the case of *Wood v. Strickland* (1975). This case concerned charges brought by a student against a school district for interfering with his due process rights. The U.S. Supreme Court held that the facts showed a violation of substantive due process and that school board members, as individuals, are not immune from liability for compensating damages under the Civil Rights Act of 1971.

The federal court, in *Lee v. Macon County Board Of Education* (1974) summed up the shortcomings of OSS. Although upholding the decision to remove the students from school, they contended that, without some form of educational opportunity, the students would be destined to a life of second-rate citizenship. The court stated,

> We do not minimize the children’s misbehavior. They are undisciplined, defiant, and abusive. Nor are we insensitive to the difficulties faced by school officials in attempting to curb disorderly interferences with the primary task of the school, which is education. But a sentence of banishment from the educational system is, insofar as the institution has the power to act, the extreme penalty, the ultimate punishment. In our increasingly technological society getting at least a high school education is almost necessary for survival. Stripping a child of access to educational opportunity is a life sentence to second-rate citizenship unless the child has the financial ability to migrate to another school system or enter private school. (p. 460)
Grice (1986) stated that school administrators should be aware that OSS is an ineffective and irrational response to offenses such as truancy, cutting class, and excessive tardiness. In addition to these offenses, Grice continued, OSS also may not be the most effective or productive response to a range of non-violent, non-overt, disruptive offenses such as smoking, disrespect, use of abusive language, and insubordination.

Alternative schools and programs probably arose in response to the charge that out-of-school suspensions are ineffective or inappropriate or as an endeavor to deal intelligently with the problem of disruptive behavior (Waters, 1994). Clearly, there is a need for alternatives to OSS (Dupper, 1994). Johnson (1979) stated that it became evident after court rulings, dissatisfaction with some aspects of the normal suspension program, community and social pressures and annual national reports of the OSS numbers that better solutions had to be found. For many school districts the new solution was in-school suspension, commonly referred to as ISS.

In-School Suspension (ISS)

In-school suspension is not a new way of dealing with student’s inappropriate behavior. Basic components and formats have been in place quite some time. Typically, in-school suspension precedes out-of-school suspension or expulsion. Generally, students are isolated in a room, work on regular assignments, and must adhere to a strict behavior code (Sheets, 1996). In-school suspension became a popular alternative to out-of-school suspension during the 1970s. By 1979, approximately 1,000 school districts nationwide had initiated or were planning ISS programs (Brodinsky, 1980). According to Patton
(1990), ISS is emerging as a viable alternative technique and is gaining widespread use for addressing discipline problems.

Earliest reports of in-school alternative programs date to the late 1960s and early 1970s. Since then, a variety of ISS programs have been designed and implemented in schools across the nation. The concept is now firmly established that ISS offers alternatives of potential benefit to the students for whom the programs were designed (Patton, 1990). Among the explanations cited by Patton for the success, acceptance, and popularity of these programs are: they are flexible; they keep children in school; they help decrease the dropout rate; they account for a student’s presence and actions because the student is in school; they involve the family; and they add an overall sense of optimism for improvement.

Collins (1985) stated that the rationale for, and benefits of, ISS have been demonstrated in many programs: protecting the community from vandalism inflicted by students expelled to the streets; helping employed parents who cannot supervise their children during the day; enhancing school finances through increased average daily attendance compensation; educating students who would otherwise be deprived of academic instruction; saving energy that might otherwise be devoted to court procedures involving lengthy out-of-school suspensions; ensuring other students an environment that is conducive to learning by isolating disruptive students; and undermining the attempts of students who seek home suspensions as holidays from school. Collins continued, other benefits might accrue from ISS programs that require completion of academic assignments and encourage students to complete their high school education. If the
programs increase the number of high school graduates, advantages to the public and to
the students will include tax savings via less welfare assistance and more income taxes.

Meares and Kittle (1976) also highlighted components of ISS that make it a more
favorable form of discipline than OSS. While students are in the ISS room they do their
usual assignments as provided by their regular teacher under the supervision and
guidance of the ISS instructor. This keeps students in the school building for the entire
school day, rather than permitting them to roam the community on their own. Being
suspended loses much of its appeal when students realize they will be supervised and
required to do their work instead of being “set free.” The ISS teacher may act as a liaison
to help the student make the best possible transition to the regular classroom. Students
can be returned to the classes from which they have been suspended without the need for
formal reinstatement. Students are present rather than absent, so the school can use its
supportive services to help the student solve the problems, which resulted in his
suspension. The school does not perpetuate the student’s feelings of alienation by
excluding him physically. Finally, Meares and Kittle concluded, the school
continues to receive state aid for the student through ADA (Average Daily Attendance).

Components of Successful ISS Programs

According to Brodinsky (1980), the main goal in implementing an ISS program is
that of excluding the problem student from the regular classroom while continuing to
provide him with some type of educational program. However, Waters (1994) pointed
out such alternative programs should provide an effective framework within which
school and home can more meaningfully address the circumstances and conditions that accompany disruptive behavior.

Presbie and Brown (1976) described the primary purpose of an ISS program as behavior modification, after which students return to their regular classroom with a better understanding of the educational process and their roles within it. However, each school district has its own procedures with varying policies and forms of implementation. ISS can be primarily punitive, controlling, or educative and re-directive. Frequently, Brodinsky (1980) noted, plans contain a mixture of all three philosophies.

The ultimate goal of school disciplinary policies should be, Howard (1982) asserted, to help students reach a level where they are self-directed in a constructive and healthy way. This in turn implies education from conformity to self-direction, from irresponsibility to responsible behavior, from alienation to a sense of belonging, and from poor self-image to increased feelings of self-worth. Crews (1984) found that the best ISS programs are democratic and rehabilitative rather than punitive, and they meet academic and disciplinary objectives where OSS falls short. Kohut and Range (1979) stated that the potential for self-discipline increases when educators provide students with experiences in dealing with their specific values, attitudes, emotions, and behaviors.

Ladd (1977) discussed two distinct and dramatically opposed rationales that are commonly used in developing disciplinary policies, the “restrictive punitive” rationale and the “needs meeting” rationale. Few studies have emphasized the difference between discipline and punishment. Ladd stated these terms are not synonymous and should not be considered as such. Most disciplinary policies have elements that are designed to be
punitive. With certain individuals and certain situations it is necessary and at times even
desirable to use a punitive technique. However, the punitive elements in any disciplinary
policy should be regarded as the means and not ends and, therefore, they should serve a
function that is rehabilitative. A humanistic approach that emphasizes individual worth
must be explicit throughout the disciplinary process if it is to be truly effective in helping
students to grow and to learn (Ladd).

According to Sheets (1996), ISS programs must be appropriately designed if they
are to be a productive means of discipline. In order to determine whether or not a
program is working, the administrator must assess its foundation, operation, and
evaluation components. Most ISS programs share four common purposes: (1) to provide
a disciplinary alternative to OSS; (2) to provide administrators with a disciplinary option
that is not as serious as OSS; (3) to provide students with uninterrupted educational
opportunities; and (4) to improve student behaviors.

According to Waters (1994) the objectives of an ISS program should encompass
more than merely reducing the number of out-of-school suspensions. The essential
components of a successful in-school suspension program are: a clear statement of the
purpose of the program; written procedures that detail how students are referred to the
program and who has the responsibility for determining if in-school suspension is the
appropriate course of action; a clear set of expectations for students who are assigned to
the program; an academic component that enables students to keep up with their class
work; a requirement that teachers provide daily assignments to students who are in the
program; a strong counseling component; provisions for engaging parents in the process;
and provisions for monitoring student progress after the student returns to the regular classroom (Sanders, 2001).

Waters (1994) reported that ISS programs could provide a framework for addressing disciplinary problems. He stated, however, that an ISS program must rest on a solid philosophical foundation. If this does not happen, he explained, the good intentions that motivated the creation of the program are likely to erode as the program is planned and implemented. Mizell (1975) agreed that, in order to work effectively, the ISS program must assume that student misbehavior is a symptom of an underlying problem, which must be identified and worked on. Treating student behavior as though it is the problem itself will not be effective: Mizell advised that ISS should not be narrowly conceived as a mere alternative to out-of-school suspension, nor should it be used primarily as a device to remove students from the regular classroom or modify student behavior to meet the teacher’s or school’s goals.

In a 1976 survey of 26 Texas school districts that enrolled at least 1,000 students and operated ISS programs, according to Patton (1990), researcher Stapleton found that, the major weakness of those programs was that, in too many cases, they ended up as catch-alls and were not used as programs of last resort as originally intended. Jones (1985) recommended that ISS not become a dumping ground for teachers. He contended that an ISS program should make a strong commitment to both emotional and educational rehabilitation. Wheelock (as sighted in Nichols, Ludwin, and Iadicola, 1999) agreed that ISS programs could become dumping grounds for students who are referred by teachers unskilled in classroom management techniques.
Mendez and Sanders (1981) found that ISS programs could be viable, beneficial tools in the educational process if they give equal attention to rehabilitation, order and control. If they are considered as merely administrative conveniences and strictly disciplinary innovations, they will probably provide no educational benefits and may possibly have a negative effect in the areas they were designed to enhance.

Short and Noblit (1985) contended that the key to a successful ISS program lies in its ability to provide students with positive educational experiences on a continuing basis, and adding counseling to improve behavioral insights. In studying ten ISS programs in North Carolina, they found that nine of them failed to provide counseling for their students. These programs became successful after counseling was added. Sullivan (1989) also stressed the importance of counseling in the development of a productive ISS program. Failure is inherent, Sullivan declared, in any ISS program that lacks a counseling component that attempts to meet the needs of the individual students that are assigned to ISS.

Safer (1982) also noted the importance of counseling opportunities in his book *School Programs for Disruptive Adolescents*. He stated that the counseling component is vital for the success of any ISS-type program. Rather than dealing only with the symptoms, he wrote, it is crucial to get to the root of problems. Emotional issues are just as relevant as behavioral issues and should be addressed accordingly by either the ISS teacher or the school counselor. Preferably, both of these individuals will work closely with the student and use individualized techniques in helping the student reach his academic and behavioral goals (see Appendix A).
It is important that students feel more confident when they return to their regular classrooms. With confidence comes the willingness to participate in the learning process. When students feel better about themselves, they are less inclined to act out in unacceptable ways (Sanders, 2001). Sullivan (1989) noted that the best way to assure such a state is to include a counseling component within the ISS program.

Waters (1994) stressed the importance of staffing any type of ISS program. He continued that the quality, commitment, personality, and temperament of ISS staff are fundamental to its success. Personnel selection for ISS programs should result from a careful interview process conducted by a special panel that includes persons experienced in working with troubled youth. Sullivan (as cited in Sheets, 1996) agreed that the key operational component is the person assigned to monitor the program. No matter which ISS model is used, Sullivan declared, the choice of instructor is crucial and will make or break the program. Counseling skills are a must, she continued, as well as experience in social work and/or special education. Other desirable skills cited by Sullivan included strong classroom management skills, an interest in (and desire to work with) academically and behaviorally troubled students, and instructional skills in general academic areas. Also important were competence in communicating findings to parents, teachers, and counselors, and willingness to seek out a variety of appropriate resources and act as a referral agent when necessary. The individual in charge must also be proficient in providing a positive atmosphere that is conducive to learning and able to relate to pupils in an empathetic, respectful, and consistent manner.
Martin (1980) concluded that, while ISS does not offer the last word in discipline, it does: (1) offer a moderate disciplinary alternative; (2) punish offenders (and not the entire student body) for rules infractions; (3) offer immediate punishment and a fair system of justice that students respect; (4) provide a rehabilitative program to meet a wide variety of student needs; (5) afford an occasional retreat for troubled youngsters; (6) prevent dropouts; and (7) create a perception among faculty and parents of being a logical disciplinary measure.

Conclusion

Traditional concepts of disciplinary techniques as strict, harsh punitive measures to discourage inappropriate behavior by students have gradually given way to the concept that discipline of children in school should be rehabilitative. The call of child advocacy groups for more humane treatment of children; high out-of-school suspension and expulsion rates in our schools; increased daytime crime among teenagers; protests of working parents unable to supervise suspended students; court decisions in favor of students’ rights and due process for students; and increased student drop-out rates—all have contributed to the search for alternative techniques for controlling student behavior in our schools. Alternatives that have evolved since the general demise of OSS programs include class detentions, alternative education programs, after-school clinics for maladjusted children, intensive counseling programs, and in-school suspension.

Teachers and school administrators have, in many cases, experienced great difficulty in changing their attitudes regarding discipline as a punitive measure toward the modern concept of rehabilitation rather than retribution. However, educational literature
and research clearly shows that, ISS programs while not the panacea originally promised by some ISS supporters, have great possibilities. In-school suspension is gaining widespread use because it appears to be based on sound educational philosophy. Alternative programming opens doors to new options that may benefit everyone involved.

As with any other new idea or innovative program, the success of ISS programs depends upon the willingness of educators to accept change and increase their commitment to meeting the needs of disruptive and unmotivated students. Much more research will be necessary to determine the effectiveness and long-range productiveness of in-school suspension as a disciplinary tool.
CHAPTER III

RESEARCH DESIGN AND PROCEDURES

This study was undertaken to determine if there were differences in students’ behavior after being referred to the Learning Enhancement Classroom. Data were collected and analyzed to determine if a pattern existed that reflected a decrease in discipline incidents when students were tracked from kindergarten or first grade through fifth grade.

This chapter presents the specific steps that were taken to collect and analyze the hypothesis data. These include the following: a restatement of the problem, the research hypotheses, a description of the sample of the study, a discussion of the independent and dependent variables, an explanation of the instrumentation, and an explanation of the data collection procedures.

Restatement of the Problem

Discipline in today’s public school is under continuous scrutiny. Educators continually search for techniques and programs that will help reduce discipline problems while helping the disruptive child continue the educational process. In-school suspension is one way to help the disruptive child as well as the students left in the classroom whose education is often hindered by the distractions caused by unruly students.

The Learning Enhancement Classroom (LEC) or programs similar in nature are expensive and are often cut when school budgets are tight and sacrifices have to be made. Therefore it is important to determine the effectiveness of such programs. Investigating
the effects of LEC on student behavior might confirm that LEC and similar type programs help students curtail repeat offences while being able to continue the learning process and suffering consequences for misdeeds.

Research Hypotheses

The following two hypotheses were developed to address the question raised in the statement of the problem concerning the placement of students in LEC.

H1: There will be a statistically significant decrease in the proportion of students being referred to LEC from kindergarten or first grade to fifth grade during the 1996—1997 and 1997—1998 school year.

H2: There will be a statistically significant decrease in the average number of referrals to LEC per referred student from kindergarten or first grade to fifth grade during the 1996—1997 and 1997—1998 school year.

Setting for the Study

The setting of the study is Beaverbrook Elementary School in Griffin, Georgia. Beaverbrook is the first of eight elementary schools in the Griffin/Spalding County School System that has implemented LEC.

Sample for the Study

The sample for the study consisted of students who were referred to LEC, the in-school suspension program at Beaverbrook Elementary School in Griffin, Georgia. The students are those students that can be tracked from their first LEC referral, in kindergarten or first grade, until they complete the fifth grade during the 1996—1997 and 1997—1998 school year.
The student population at Beaverbrook was 621 in 2002-2003. Caucasian students comprised 85% of the population; African-American students constituted 11% of the population, and other races accounted for the remaining 4%. There were 289 female students and 332 male students that comprised 47% and 53% of the student population, respectively. Many services were available for students with special needs. Forty-six students, or 7.41% of the school population, receive gifted services; 26 students—4.19% of the school population—were serviced for Learning Disabilities (LD); 13 students—2.09% of the school population received services for Emotional Behavior Disorders (EBD); 12 students—1.93% of the school population—received Other Health Impaired (OHI) services; 8 students—1.28% of the school population—attended the Mildly Intellectually Disabled class, and 36 students—5.80% of the school population—attended speech resource classes. Thirty-seven percent of the student population received free school meals, 9.94% pay reduced price for school meals, and 52.88% pay full price for school meals. The student population was a mixed blend of family compositions. Less than half of the students lived in two-parent households, the rest had a single parent, grandparent(s), or foster parents as their primary care provider.

Variables

The following variables were selected for this study. There is one dependent variable (student behavior) and one independent variable (Learning Enhancement Classroom).

Dependent Variable

The dependent variable in this study was student behavior. Student behavior is documented by office referrals and records maintained by the LEC teacher. Office referrals are entered and stored on a computer. The only access to this information, at the school site, is through the
principal or the assistant principal. The principal and the assistant principal are also the only individuals who are able to put information in regarding discipline of a student. Information entered includes date, time, place, infraction, referring individual, the administrator who handled the incident, and the type of correction action. In addition to this information is a section that may be used to record any other pertinent information.

Independent Variable

The independent variable in this study was LEC. Discipline records will be collected and analyzed on each student to determine if the Learning Enhancement Classroom had a positive influence on the students who have been assigned to LEC.

LEC is the in-school suspension program at Beaverbrook Elementary School. Students are assigned to LEC by the principal or assistant principal for behavior and sometimes academic problems. A certified individual teaches LEC. The LEC teacher and the assigned students’ regular classroom teacher collaborate so that the same lesson plan is taught in LEC as well as in the classroom. The purpose of LEC is to provide an isolated environment where students are allowed to remain in school and continue the academic process while suffering consequences for misdeeds. LEC is designed to be redirective and not punitive. Therefore, the LEC teacher counsels with the students and discusses choices and alternate behaviors that are acceptable in the school setting. This program allows the students assigned to LEC to work in a setting with a much lower pupil/teacher ratio while the classroom teacher is able to continue instruction without distraction.
Instrumentation

Two sets of data were analyzed to answer the research question. The first piece of data was a copy of the identified students discipline records. These records were generated from the computerized discipline tracking system. These records reflect all office referrals. The second piece of data used was files and anecdotal records maintained on each student by the Learning Enhancement Classroom teacher.

Data Collection Procedures

Children that could be tracked from their first referral to LEC, in kindergarten or first grade, until completion of fifth grade were identified. Once these students were identified, the two sets of data discussed previously in the instrumentation section were collected. When this was completed each child’s discipline history was charted and graphed so that the researcher was able to determine if a pattern existed. When this was established the researcher was able to describe each child’s discipline history. The researcher was also able to make observations about the group of students as well.

Data Analyses

The first hypothesis was tested using a proportions test. A $z$ score was calculated. The second hypothesis was addressed with a dependent $t$-test.

Summary

Chapter III has included a description of the research design and procedures for this study. This chapter included a restatement of the problem, research hypotheses, setting and sample of the study, dependent and independent variables, instrumentation, data collection procedures, and data analysis. Results obtained from the data were analyzed in Chapter IV with a summary,
conclusions, applications of the findings, and recommendations for further study given in Chapter V.
CHAPTER IV
DATA ANALYSES

Students were identified that could be tracked from their first referral to LEC in either kindergarten or first grade to fifth grade. There were nine students from the 1996-97 school year that had been referred to LEC in either kindergarten or first grade that could be tracked through fifth grade. There were four children from the 1997-98 school year that had been referred to LEC in either kindergarten or first grade that could be tracked until fifth grade. There are nine students who have been identified that were referred in either kindergarten or first grade during the 1998-1999 school year. These students were currently in the fifth grade class so they could only be tracked through the fourth grade.

Table 1 represents each student and their referrals for each grade. Each child was assigned a four-character identifier for confidentiality. Each identifier begins with the letter A followed by the year they were first referred followed by the chronological number of children that year.

In Tables 2 and 3 the 13 represents the 9 students from the 1996-97 school year and the 4 students from the 1997-98 school year. The 22 represents these 13 plus the 9 students who are currently in the fifth grade and were only tracked through fourth grade. Table 2 indicates the change in proportions of number of students referred to LEC. On completion of these data a $z$ score was calculated to determine if the change was significant. This information is located in Table 3. Any $z$ score that is larger than the critical value (1.96) is significant at .05. As the
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Referrals by Grade Level

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Table 3
Significance of the Change in Proportions of Number of Students Referred (z scores)

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*p<.05
table indicates there is no significant difference in the change in proportions of number of students referred in kindergarten through fourth grade in the 13 students that were tracked through the fifth grade. However, there is a significant increase in the change in proportions of number of students referred in fifth grade. When the other nine students were added there was a significant decrease in the change in proportions from kindergarten to first, kindergarten to second, kindergarten to third, and kindergarten to fourth.

The mean number of students’ referrals by grade was calculated (see Table 4). A dependent t-test was calculated to test the difference in the means. Table 5 indicates that there was no significant difference in the mean number of student’s referrals.
Table 4
Mean Number of Student’s Referrals by Grade

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<th>2&lt;sup&gt;nd&lt;/sup&gt;</th>
<th>3&lt;sup&gt;rd&lt;/sup&gt;</th>
<th>4&lt;sup&gt;th&lt;/sup&gt;</th>
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<td>3rd</td>
<td>4th</td>
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<tr>
<td>K</td>
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*p<.05
CHAPTER V
SUMMARY OF THE STUDY

The research detailed in the previous chapter was begun in August of the 2003-2004 school year and completed in December of the same school year. The data used began with the 1996-1997 school year and concluded with the 2003-2004 school year. This study gave a history of discipline practices evolving into what the current literature shows as a popular choice for dealing with disruptive students, in-school suspension.

This research was designed to track students from their first referral to LEC (the in-school suspension program at Beaverbrook Elementary) in either kindergarten or first grade through fifth grade. The data were analyzed to determine if there was a statistically significant decrease in the proportion of students being referred to LEC and if there was a statistically significant decrease in the average number of referrals to LEC per referred student.

Some variables that were not considered when the data were analyzed were the transient population of the school, the difference in teacher classroom management skills, changes in staffing, and discrepancy when administrator makes referrals.

There were a limited number of student records to be analyzed due to the transient nature of the population. During the 1996-97 school year there were 18 referrals of students in kindergarten and 13 referrals of students in first grade. However, of those 31 students only 9 students were tracked because the others did not remain at Beaverbrook through fifth grade. Out of 22 in kindergarten and 16 referrals in first grade during the 1997-98 school year only 4 of
those 38 students remained at Beaverbrook through the fifth grade. To gather more information data were collected on the students that are currently in the fifth grade. Of the original 28 referrals in kindergarten and 11 referrals in first grade only 9 of those 39 students could be tracked from their first referral to fourth grade. Many of the students were at Beaverbrook four out of the five or six years but this failed to meet the criteria of the hypothesis. Several of the students left and returned to Beaverbrook, however, due to the fact that they were not enrolled through the fifth grade the data were unusable.

Another variable not considered was the variation among teachers’ skills with classroom management as well as tolerance level for certain behaviors. Teachers that have very good classroom management skills will not have as many referrals as a teacher who may be weaker in that area. Also teacher’s tolerance level varies among a staff. While one teacher may tolerate or handle many situations within the classroom the teacher next door or down the hall may refer the same or similar situations to the office.

Changes in the staff may have contributed to some discrepancies in data. However, over the past decade there has been very little turnover at Beaverbrook. During the three year period that data were gathered only 5 teaching positions out of approximately 50 positions changed. There were no staff changes for the 1996-1997. All five changes took place during the 1997-98 school year. A fifth grade class lost a teacher that was replaced. A kindergarten class was added. A Pre-K class was added and a third grade teacher moved down to teach that class and her third grade position was filled. The teacher of the behavior disorders class also changed in 1997-1998. An administration change, which could cause a difference in data, took place in 1998-99.
The half-time assistant principal was replaced with a full time assistant principal. The full time assistant was not the same individual who had served as the part time assistant.

Every effort was made to be fair and consistent when making referrals to the Learning Enhancement Classroom. However, the administrators look at every situation individually and take into account a child’s discipline record. Therefore the data may reflect that, depending on the situation, the same punishment may not be given every time the same infraction occurs.

Discussion

The in-school suspension program at Beaverbrook (LEC) appears to have all of the major components that, according to the literature, help to create a successful program. LEC was voted on and made possible by the staff giving up a position and working together to make the ISS program a reality. The counselor plays a vital role in LEC as well. Also, careful consideration was given to the type of individual who would fill the role of the teacher in the Learning Enhancement Classroom.

Hadd (1980) stated that for any in-school suspension program to be effective, it must have the support and understanding of all school personnel. Prior to the implementation of LEC at Beaverbrook, the staff voted to increase class sizes allowing one of the existing classroom teachers in LEC.

Staffing of any in-school suspension program is vital. The quality, commitment, personality, and temperament of the ISS instructor according to Waters (1994) will make or break the program. The LEC teacher at Beaverbrook has the qualifications described in the literature to be effective. She has strong classroom management skills, a desire to work with academically and behaviorally troubled students, and she has instructional skills in general
academic areas at the elementary level. She provides a positive atmosphere that is conducive to learning and relates to students in an empathetic, respectful, and consistent manner. According to Sullivan (as cited in Sheets, 1996) these characteristics are important for the instructor to exhibit in order for any in-school suspension program to be successful.

Safer (1982) believed that the counseling component is vital for the success of any ISS type program. Each time a student is assigned to LEC a follow-up visit is made by the counselor. If found to be necessary by the counselor, classroom teacher, LEC teacher, student, parent, or administrator further counseling may take place.

Based on the literature, LEC should have proven to be effective overall. However, the amount of success was minimal and found only in certain isolated places. It may prove beneficial and advantageous for the success of the LEC program at Beaverbrook to disaggregate the data to determine the exact areas of strengths and weaknesses. Conclusions drawn from this may lead to customizing the program to better meet the needs of the students.

Recommendations for Future Study

A future study of LEC, an elementary in-school suspension program in the Griffin/Spalding County school system, should include all eight elementary schools in Spalding County that have implemented the program. This would broaden the sample of students who could be tracked. Another consideration that may be beneficial for future studies would be to identify teachers that make the office referrals to see if a pattern exists. Also, for future studies the types of infractions should be considered. For example, a child may have continued to be referred to LEC but the reasons for being referred may have lessened in severity.
Recommendations for Practice

Even though extensive records are maintained on each student that is referred to LEC, it would be beneficial to produce some type of record sheet that would allow a child’s record to be viewed at a glance. This could be a vital part of a child’s records as he/she moves around within the school system. This would help as information is gathered when decisions are being made about the continuation, benefits, and needs of the program.

Conclusion

The complex causes of disruptive behavior imply a need to recognize and encourage a variety of approaches. One particular approach may be attractive in theory but should not be expected to meet all needs for disciplinary problems. Each ISS program should be customized to the school setting in which it is to be implemented. Successful ISS programs share some common principals such as clear and precise guidelines of the policies and procedures, “buy in” from all stakeholders, on going evaluation of the program, a counseling component, and qualified and effective staffing. Due to the vulnerability of ISS programs, they are often short-lived unless they are valued as part of the effort to assist students.

Students at Beaverbrook Elementary were tracked from their first referral in either kindergarten or first grade until fifth grade. This study did not indicate that LEC was effective for those students.
REFERENCES


Lee v. Macon County Board of Education, 490 F 2d. 458  (5th Circuit, 1974).


Wood v. Strickland. 420 U.S. 308
APPENDIX A

GEORGIA DISCIPLINE AND DUE PROCESS STATUTES

20-2-735.

(a) No later than July 1, 2000, each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct containing standards of behavior, a student support process, a progressive discipline process, and a parental involvement process. The State Board of Education shall establish minimum standards for such local board policies. The Department of Education shall make available for utilization by each local board of education model student codes of conduct, a model student support process, a model progressive discipline process, and a model parental involvement process.

(b) Student standards of behavior developed pursuant to this subpart shall be designed to create the expectation that students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students, respect each other and school district employees, obey student behavior policies adopted by the local board of education, and obey student behavior rules established by individual schools.

(c) Student support processes developed pursuant to this subpart shall be designed to create the expectation that the process of disciplining students will include due consideration, as appropriate in light of the severity of the behavioral problem, of student support services that may help the student address behavioral problems and that may be
available through the school, the school system, other public entities, or community organizations.

(d) Progressive discipline processes developed pursuant to this subpart shall be designed to create the expectation that the degree of discipline will be in proportion to the severity of the behavior leading to the discipline, that the previous discipline history of the student being disciplined and other relevant factors will be taken into account, and that all due process procedures required by federal and state law will be followed.

(e) Parental involvement processes developed pursuant to this subpart shall be designed to create the expectation that parents and guardians, teachers, and school administrators will work together to improve and enhance student behavior and academic performance and will communicate freely their concerns about and actions in response to student behavior that detracts from the learning environment.

(f) It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school. 20-2-736.

(a) Local boards of education shall provide for the distribution of student codes of conduct developed pursuant to Code Section 20-2-735 to each student upon enrollment. Local boards of education shall provide for the distribution of such student codes of conduct to the parents or guardians of each student through such means as may best accomplish such distribution at the local level and are appropriate in light of the grade level of the student, including distribution of student codes of conduct to students and parents or guardians jointly. Local boards of education may solicit the signatures of students and parents or guardians in acknowledgment of the receipt
of such student codes of conduct, as may be suitable to the grade level of the student. In addition, student codes of conduct shall be available in each school and classroom.

(b) Local boards of education shall provide for disciplinary action against students who violate student codes of conduct.

(c) Local boards of education shall provide opportunities for parental involvement in developing and updating student codes of conduct.

20-2-737.

(a) Local board policies adopted pursuant to Code Section 20-2-735 shall require the filing of a report by a teacher who has knowledge that a student has exhibited behavior that repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn, where such behavior is in violation of the student code of conduct. Such report shall be filed with the principal or the principal's designee within one school day of the most recent occurrence of such behavior, shall not exceed one page, and shall describe the behavior. The principal or the principal's designee shall, within one school day after receiving such a report from a teacher, send to the student's parents or guardian a copy of the report and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

(b) If student support services are utilized or if disciplinary action is taken in response to such a report by the principal or the principal's designee, the principal or the principal's designee shall send written notification to the teacher and the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day after such utilization or action and shall make a reasonable attempt to confirm that such written
notification has been received by the student's parents or guardians. Such written notification shall include information regarding how the student's parents or guardians may contact the principal or the principal's designee.

20-2-738.

(a) A teacher shall have the authority, consistent with local board policy, to manage his or her classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. The principal or the principal's designee shall respond when a student is referred by a teacher by employing appropriate discipline management techniques that are consistent with local board policy.

(b) On and after July 1, 2000, a teacher shall have the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. The teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one page or less, by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information
regarding how the student's parents or guardians may contact the principal or the principal's
designee.

(c) If a teacher removes a student from class pursuant to subsection (b) of this Code
section, the principal or the principal's designee shall discuss the matter with the teacher
and the student by the end of the school day on which such removal occurs or at the
beginning of the next school day. The principal or the principal's designee shall give the
student oral or written notice of the grounds for his or her removal from class and, if the
student denies engaging in such conduct, the principal or the principal's designee shall
explain the evidence which supports his or her removal from class and give the student an
opportunity to present his or her explanation of the situation. If, after such discussions, the
principal or the principal's designee seeks to return the student to the teacher's class and the
teacher gives his or her consent, the student shall be returned to the class, and the
principal or the principal's designee may take action to discipline the student, as may be
warranted, pursuant to paragraph (1) of subsection (e) of this Code section. If, after such
discussions, the principal or the principal's designee seeks to return the student to the
teacher's class and the teacher withholds his or her consent to the student's return to his or
her class, the principal or the principal's designee shall determine an appropriate temporary
placement for the student by the end of the first school day following such removal and shall also
take steps to convene a meeting of a placement review committee. The placement review
committee shall convene by the end of the second school day following such removal by the
teacher and shall issue a decision by the end of the third school day following such removal by
the teacher. An appropriate temporary placement for the student shall be a placement that, in the
judgment of the principal or the principal's designee, provides the least interruption to the
student's education and reflects other relevant factors, including, but not limited to, the severity
of the behavior that was the basis for the removal, the student's behavioral history, the student's
need for support services, and the available education settings; provided, however, that the
student shall not be returned to the class of the teacher who removed him or her, as an
appropriate temporary placement, unless the teacher gives his or her consent. The temporary
placement shall be in effect from the time of removal until the decision of the placement review
committee is issued or, if applicable, a placement determination is made pursuant to paragraph
(2) of subsection (e) of this Code section.

(d) Local board policies adopted pursuant to Code Section 20-2-735 shall provide for the
establishment at each school of one or more placement review committees, each of which
is to be composed of three members, to determine the placement of a student when a
teacher withholds his or her consent to the return of a student to the teacher's class. For
each committee established, the faculty shall choose two teachers to serve as members and one
teacher to serve as an alternate member, and the principal shall choose one member of the
professional staff of the school to serve as a member. The teacher withholding consent to readmit
the student may not serve on the committee. The placement review committee shall have the
authority to:

(1) Return the student to the teacher's class upon determining that such placement is the
best alternative or the only available alternative; or

(2) Refer the student to the principal or the principal's designee for appropriate action
consistent with paragraph (2) of subsection (e) of this Code section.
The decision of the placement review committee shall be in writing and shall be made within three school days after the teacher withholds consent to the return of a student. Local boards of education shall provide training for members of placement review committees regarding the provisions of this subpart, including procedural requirements; local board policies relating to student discipline; and the student code of conduct that is applicable to the school.

(e)(1) If a placement review committee decides to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee may, consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, take any of the following actions which are authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

(A) Place the student in an alternative education program;

(B) Impose out-of-school suspension for not more than ten school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class pursuant to subsection (b) of this Code section; or

(C) Make another disciplinary decision or recommendation consistent with local board policy.

(2) If a placement review committee decides not to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such
decision of the placement review committee. In addition, the principal or the principal's
designee shall determine an appropriate placement for the student and may take action
to discipline the student, in a manner consistent with any applicable procedural
requirements of the Constitutions of the United States and this state and after considering
the use of any appropriate student support services, as follows, provided that the
placement or disciplinary action is authorized as a response to the alleged violation of the
student code of conduct by local board policies adopted pursuant to Code Section
20-2-735:

(A) Place the student into another appropriate classroom or an alternative education
program;

(B) Impose out-of-school suspension for not more than ten school days, including any
time during which the student was subject to out-of-school suspension after his or her
removal from class pursuant to subsection (b) of this Code section;

(C) Make another placement or disciplinary decision or recommendation consistent
with local board policy; or

(D) Implement or recommend any appropriate combination of the above and return the
student to the class from which he or she was removed upon the completion of any
disciplinary or placement action taken pursuant to this paragraph.

(f) Within one school day of taking action pursuant to subsection (e) of this Code section,
the principal or the principal's designee shall send written notification of such action to the
teacher and the parents or guardians of the student and shall make a reasonable attempt to
confirm that such written notification has been received by the student's parents or guardians.
(g) Parents or guardians of a student who has been removed from class pursuant to subsection (b) of this Code section may be required to participate in conferences that may be requested by the principal or the principal's designee; provided, however, that a student may not be penalized for the failure of his or her parent or guardian to attend such a conference.

(h) The procedures contained in this Code section relating to student conferences and notification of parents or guardians are minimum requirements. Nothing in this Code section shall be construed to limit the authority of a local board of education to establish additional requirements relating to student conferences, notification of parents or guardians, conferences with parents or guardians, or other procedures required by the Constitutions of the United States or this state.

20-2-750.
This subpart shall be known and may be cited as the 'Public School Disciplinary Tribunal Act.'

20-2-751.
As used in this subpart, the term:

(1) 'Expulsion' means expulsion of a student from a public school beyond the current school quarter or semester.

(2) 'Long-term suspension' means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.

(3) 'Short-term suspension' means the suspension of a student from a public school for not more than ten school days.
(4) 'Weapon' means a firearm as such term is defined in Section 921 of Title 18 of the United States Code.

20-2-751.1.

(a) Each local board of education shall establish a policy requiring the expulsion from school for a period of not less than one calendar year of any student who is determined, pursuant to this subpart, to have brought a weapon to school.

(b) The local board of education shall have the authority to modify such expulsion requirement as provided in subsection (a) of this Code section on a case-by-case basis.

(c) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a weapon to school in an alternative educational setting.

(d) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

20-2-751.2.

(a) As used in this Code section, the term 'disciplinary order' means any order of a local school system which imposes short-term suspension, long-term suspension, or expulsion upon a student in such system.

(b) A local board of education which has a student who attempts to enroll or who is enrolled in any school in its school system during the time in which that student is subject
to a disciplinary order of any other school system is authorized to refuse to enroll or subject that student to short-term suspension, long-term suspension, or expulsion for any time remaining in that other school system's disciplinary order upon receiving a certified copy of such order if the offense which led to such suspension or expulsion in the other school was an offense for which suspension or expulsion could be imposed in the enrolling school.

(c) A local school system may request of another school system whether any disciplinary order has been imposed by the other system upon a student who is seeking to enroll or is enrolled in the requesting system. If such an order has been imposed and is still in effect for such student, the requested system shall so inform the requesting system and shall provide a certified copy of the order to the requesting system.

(d) If any school administrator determines from the information obtained pursuant to this Code section or from Code Section 15-11-28 or 15-11-80 that a student has been convicted of or has been adjudicated to have committed an offense which is a designated felony act under Code Section 15-11-63, such administrator shall so inform all teachers to whom the student is assigned. Such teachers and other certificated professional personnel as the administrator deems appropriate may review the information in the student's file provided pursuant to this Code section that has been received from other schools or from the juvenile courts or superior courts. Such information shall be kept confidential.

20-2-751.4.

(a) As used in this Code section, the term 'bullying' means:

(1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; or
(2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.

(b) Each local board of education shall adopt policies, applicable to students in grades six through 12, that prohibit bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for middle and high schools in that school system. Local board policies shall require that, upon a finding that a student has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school. Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each middle and high school and by including such information in student and parent handbooks.

(c) Any school system which is not in compliance with the requirements of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

20-2-751.5.

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours and at school related functions, in a manner that is appropriate to the age of the student:

(1) Verbal assault of teachers, administrators, and other school personnel;

(2) Physical assault or battery of teachers, administrators, and other school personnel;

(3) Disrespectful conduct toward teachers, administrators, and other school personnel;

(4) Verbal assault of other students;
(5) Physical assault or battery of other students;

(6) Disrespectful conduct toward other students; and

(7) Verbal assault of, physical assault or battery of, and disrespectful conduct toward persons attending school related functions..

(3) No later than August 15, 2002, each local board of education shall send to the State Board of Education a copy of the provisions of its student code of conduct that address the items identified in paragraphs (1) and (2) of this subsection. The state board shall review such provisions to ensure that each of the items identified in paragraphs (1) and (2) of this subsection is addressed and shall notify a local board of education, no later than October 15, 2002, of any items which are not addressed in its submission to the state board. Nothing in this subsection shall be construed as authorizing or requiring the state board to review or approve the substance of the student code of conduct.

(c) Any student handbook which is prepared by a local board or school shall include a copy or summary of the student code of conduct for that school or be accompanied by a copy of the student code of conduct for that school. If a student handbook contains a summary of the student code of conduct, then a full copy of the student code of conduct shall be made available for review at the school. When distributing a student code of conduct, a local school shall include a form on which the student's parent or guardian may acknowledge his or her receipt of the code, and the local school shall request that the form be signed and returned to the school.

20-2-751.6.

(a) As used in this Code section, the term 'physical violence' means:
(1) Intentionally making physical contact of an insulting or provoking nature with the person of another; or

(2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.

(b) Local board of education policies and student codes of conduct shall provide for the penalties to be assessed against a student found by a tribunal to have committed any act of physical violence against a teacher, school bus driver, or other school official or employee. The local board shall appoint a tribunal to hold a disciplinary hearing pursuant to Code Section 20-2-754 regarding the alleged act of physical violence and penalty. Any student alleged to have committed an act of physical violence shall be suspended pending the hearing by the tribunal. The tribunal shall be composed of three teachers or certificated education personnel, appointed by the local school board. The tribunal shall determine all issues of fact and intent and shall submit its findings and recommendations to the local school board for imposition of punishment in accordance with this Code section. If appropriate under paragraph (1) of subsection (c) of this Code section, the tribunal's recommendations shall include a recommendation as to whether a student may return to public school and, if return is recommended, a recommended time for the student's return to public school. The local school board may follow the recommendations of the tribunal or impose penalties not recommended by the tribunal.

(c)(1) A student found by a tribunal to have committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section against a teacher, school
bus driver, school official, or school employee shall be expelled from the public school system. The expulsion shall be for the remainder of the student's eligibility to attend public school pursuant to Code Section 20-2-150. The local school board at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the tribunal may permit such a student to reenroll in the regular public school program for grades nine through 12. If the local school board does not operate an alternative education program for students in kindergarten through grade six, the local school board at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system;

(2) Any student who is found by a tribunal to have committed an act of physical violence against a teacher, school bus driver, school official, or school employee as defined in paragraph (2) of subsection (a) of this Code section shall be referred to juvenile court with a request for a petition alleging delinquent behavior; and

(3) Any student who is found by a tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.

(d) The provisions of this Code section shall apply with respect to any local school system which receives state funding pursuant to Code Sections 20-2-161 and 20-2-260.
(e) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the Federal Americans with Disabilities Act of 1990.

20-2-752.

Local boards of education may establish by policy, rule, or regulation disciplinary hearing officers, panels, or tribunals of school officials to impose suspension or expulsion. If such hearing officers, panels, or tribunals are established, such rules and regulations must include the following:

(1) Provisions governing the manner of selecting the hearing officers or members of the panels or tribunals and the number of members thereof;
(2) Provisions governing procedures to be followed by such hearing officers, panels, or tribunals in fact-finding, hearings, and reporting recommendations to the local board;
(3) Provisions granting a right to appeal to the local board when the punishment imposed by hearing officers, panels, or tribunals is long-term suspension or expulsion; and
(4) Provisions whereby the local school superintendent may suspend enforcement of the suspension or expulsion ordered by the hearing officers, panels, or tribunals pending the outcome of any appeal to the local board.

20-2-753.

(a) In addition to any proceedings which are authorized in Code Section 20-2-752, local boards of education shall appoint a disciplinary hearing officer, panel, or tribunal of school officials to hold a disciplinary hearing following any instance of:
(1) An alleged assault or battery by a student upon any teacher, other school official, or employee;

(2) An alleged assault or battery by a student upon another student, if, in the discretion of the school principal, the alleged assault or battery could justify the expulsion or long-term suspension of the student; or

(3) Substantial damage alleged to be intentionally caused by a student on school premises to personal property belonging to a teacher, other school official, employee, or student, if, in the discretion of the school principal, the alleged damage could justify the expulsion or long-term suspension of the student.

(b) The board of education shall by appropriate rule, regulation, or resolution require that when any instance specified in subsection (a) of this Code section occurs, the teacher, other school official, employee, or student who is subjected to the assault, battery, or damage shall file a complaint with the school administration and with the local board of education.

20-2-754.

(a) The provisions of Code Section 20-2-1160 shall apply to disciplinary proceedings under this subpart.

(b) A disciplinary officer, panel, or tribunal of school officials appointed as required by Code Section 20-2-753 shall, in addition to any other requirements imposed by rules and regulations which may have been promulgated pursuant to Code Section 20-2-752, ensure that:

(1) All parties are afforded an opportunity for a hearing after reasonable notice served personally or by mail. This notice shall be given to all parties and to the parent or guardian of the student or students involved and shall include a statement of the time,
place, and nature of the hearing; a short and plain statement of the matters asserted; and a statement as to the right of all parties to present evidence and to be represented by legal counsel;

(2) All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved; and

(3) A verbatim electronic or written record of the hearing shall be made and shall be available to all parties.

(c) If appointed to review an instance specified in Code Section 20-2-753, the disciplinary officer, panel, or tribunal shall conduct the hearing and, after receiving all evidence, render its decision, which decision shall be based solely on the evidence received at the hearing. The decision shall be in writing and shall be given to all parties within ten days of the close of the record. Any decision by such disciplinary officer, panel, or tribunal may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date the decision is rendered. Any disciplinary action imposed by such officer, panel, or tribunal may be suspended by the school superintendent pending the outcome of the appeal.

(d) The local board of education shall review the record and shall render a decision in writing. The decision shall be based solely on the record and shall be given to all parties within ten days, excluding weekends and public and legal holidays provided for in Code Section 1-4-1, from the date the local board of education receives the notice of appeal. The board may take any action it determines appropriate, and any decision of the board shall be final. All parties shall have the right to be represented by legal counsel at any such appeal and during all subsequent proceedings.
(e) Either or both parents or guardians or legal counsel of the student involved may obtain a copy of any documents relating to a disciplinary proceeding conducted pursuant to this Code section.

20-2-755.

The disciplinary officer, panel, or tribunal of school officials, when appointed as required in Code Section 20-2-753, shall determine what, if any, disciplinary action shall be taken. Such action may include, but is not limited to, expulsion, long-term suspension, or short-term suspension. Any action taken by such officer, panel, or tribunal shall be subject to modification by the local school board on appeal.

20-2-756.

(a) The school administration, disciplinary hearing officer, panel, tribunal of school officials, or the local board of education may, when any alleged criminal action by a student occurs, report the incident to the appropriate law enforcement agency or officer for investigation to determine if criminal charges or delinquent proceedings should be initiated.

(b) No individual reporting any incident under this subpart to a law enforcement agency or officer shall be subject to any action for malicious prosecution, malicious abuse of process, or malicious use of process.

20-2-757.

(a) All proceedings and hearings conducted under this subpart shall be confidential and shall not be subject to the open meetings requirement of Code Section 50-14-1 or other open meetings laws.

(b) All electronic or other written records of all hearings conducted under this subpart; all statements of charges; all notices of hearings; and all written decisions rendered by a
hearing officer, tribunal, the local board of education, or the State Board of Education shall not be subject to public inspection or other disclosure under Article 4 of Chapter 18 of Title 50 or other public disclosure laws; provided, however, the board of education shall prepare a written summary of any proceeding conducted under this subpart, which summary shall include a description of the incident and the disposition thereof but shall not contain the names of any party to the incident. The summary shall be a public record.

20-2-758.

Nothing in this subpart shall be construed to prohibit, restrict, or limit in any manner any cause of action otherwise provided by law and available to any teacher, school official, employee, or student. The provisions of subsections (b) through (f) of Code Section 20-2-1160 shall apply to all proceedings under this subpart.

20-2-759.

(a) Except as otherwise expressly provided in this subpart, this subpart shall not apply to children in kindergarten through elementary grade five.

(b) The local school superintendent shall determine the disciplinary actions or proceedings for children exempt from this subpart under subsection (a) of this Code section.

20-2-764.

As used in this subpart, the term:

(1) 'Chronic disciplinary problem student' means a student who exhibits a pattern of behavioral characteristics which interfere with the learning process of students around him or her and which are likely to recur.
(2) 'Expulsion' means expulsion of a student from a public school beyond the current school quarter or semester.

(3) 'Suspension' means the short-term suspension of a student from a public school for not more than ten days or long-term suspension for more than ten days pursuant to Code Section 20-2-751.

Any time a teacher or principal identifies a student as a chronic disciplinary problem student, the principal shall notify by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail the student's parent or guardian of the disciplinary problem, invite such parent or guardian to observe the student in a classroom situation, and request at least one parent or guardian to attend a conference with the principal or the teacher or both to devise a disciplinary and behavioral correction plan.

Before any chronic disciplinary problem student is permitted to return from an expulsion or suspension, the school to which the student is to be readmitted shall request by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail at least one parent or guardian to schedule and attend a conference with the principal or his or her designee to devise a disciplinary and behavioral correction plan. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school. At the discretion of the principal, a teacher, counselor, or other person may attend the conference. The principal shall ensure that a notation of the conference is placed in the student's permanent file.
20-2-766.1.
The local board of education may, by petition to the juvenile court, proceed against a parent or
guardian as provided in this Code section. If the court finds that the parent or guardian has
willfully and unreasonably failed to attend a conference requested by a principal pursuant to
Code Section 20-2-765 or 20-2-766, the court may order the parent or guardian to attend such a
conference, order the parent or guardian to participate in such programs or such treatment as the
court deems appropriate to improve the student's behavior, or both.
After notice and opportunity for hearing, the court may impose a fine, not to exceed
$500.00, on a parent or guardian who willfully disobeys an order of the court entered under this
Code section. The court may use its contempt and other powers specified in Code Section 15-11-5
to enforce any order entered under this Code section.

20-2-767.
As used in this subpart, the term:
(1) 'Expulsion' means expulsion of a student from a public school beyond the current
school quarter or semester.
(2) 'Suspension' means the short-term suspension of a student from a public school for
not more than ten days or long-term suspension for more than ten days pursuant to Code
Section 20-2-751.

20-2-768.
(a) Each local board of education is authorized to refuse to readmit or enroll any student
who has been suspended or expelled for being convicted of, being adjudicated to have
committed, being indicted for, or having information filed for the commission of any felony or any delinquent act under Code Section 15-11-28 which would be a felony if committed by an adult. If refused readmission or enrollment, the student or the student's parent or legal guardian has the right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student denied enrollment in a local school system under subsection (a) of this Code section in an alternative educational system as appropriate and in the best interest of the student and the education of other students within the school system.

(c) It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

20-2-154.1.

(a) It is the policy of this state that the alternative education program shall provide a learning environment that includes the objectives of the quality core curriculum and that the instruction in an alternative education program shall enable students to return to a general or career education program as quickly as possible. Course credit shall be earned in an alternative education program in the same manner as in other education programs. It is the policy of this state that it is preferable to reassign disruptive students to an alternative education program rather than suspending or expelling such students from school.

(b) Alternative education programs are intended to meet the education needs of a student who is suspended from his or her regular classroom and also of a student who is eligible
to remain in his or her regular classroom but is more likely to succeed in a nontraditional setting such as that provided in an alternative education program.

(c) As part of the process of assigning a student to an alternative education program for academic or nondisciplinary reasons, the school shall assess, through policies and procedures promulgated by the local board of education, the needs of the student and consider options for addressing those needs.

(d) Each local school system shall provide an alternative education program that:

1. Is provided in a setting other than a student's regular classroom;
2. Is located on or off of a regular school campus and may include in-school suspension that provides continued progress on regular classroom assignments;
3. Provides for disruptive students who are assigned to the alternative education program to be separated from nondisruptive students who are assigned to the program;
4. Focuses on English language arts, mathematics, science, social studies, and self-discipline;
5. Provides for students' educational and behavioral needs; and
6. Provides supervision and counseling.

(e) An alternative education program may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school.

(f) A local school system may provide an alternative education program jointly with one or more other systems.

(g) Each local school system shall cooperate with government agencies and community
organizations that provide services in the school district to students placed in an alternative education program.

(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education programs shall be based upon a full-time equivalent program count that equals 2.5 percent of the sum of the full-time equivalent program count of the middle grades program, the middle school program as defined in Code Section 20-2-290, the high school general education program (grades nine through 12), and the vocational laboratory program (grades nine through 12). For the 2002-2003 school year and thereafter, the amount of state funds appropriated and allocated for the alternative education program provided for in this Code section shall be based on the actual count of students served during the preceding year, except that the count of students served shall not exceed 2.5 percent of the sum of the full-time equivalent program count of the middle grades program, the middle school program as defined in Code Section 20-2-290, the high school general education program (grades nine through 12), and the vocational laboratory program (grades nine through 12). Funds earned may be expended in kindergarten and in grades one through 12.

(i) A local school system shall allocate to an alternative education program the same expenditure for each student attending the alternative education program, including federal, state, and local funds, that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program, except as otherwise provided in this Code section.

(j) Upon the request of a local school system, a regional educational service agency may provide to the system information on developing an alternative education program that
takes into consideration the system's size, wealth, and existing facilities in determining the
program best suited to the system.

(k) If a student placed in an alternative education program enrolls in another local school
system before the expiration of the period of placement, the local board of education
requiring the placement shall provide to the local school system in which the student
enrolls, at the same time other records of the student are provided, a copy of the placement order.
The local school system in which the student enrolls may continue the alternative education
program placement under the terms of the order or may allow the student to attend regular
classes without completing the period of placement.

(l) The State Board of Education shall adopt rules necessary to administer the provisions
of this Code section. Academically, the mission of alternative education programs shall be to
enable students to perform at grade level. Annually, the Office of Education
Accountability shall define for alternative education programs acceptable performance and
performance indicating a need for peer review, based principally on standards defined by the
Office of Education Accountability that measure the academic progress of students toward
performing at grade level while attending an alternative education program.

20-2-730.

All area, county, and independent boards of education shall be authorized to determine and adopt
policies and regulations relating to the use of corporal punishment by school
principals and teachers employed by such boards.

20-2-731.

An area, county, or independent board of education may, upon the adoption of written
policies, authorize any principal or teacher employed by the board to administer, in the exercise of his sound discretion, corporal punishment on any pupil or pupils placed under his supervision in order to maintain proper control and discipline. Any such authorization shall be subject to the following requirements:

(1) The corporal punishment shall not be excessive or unduly severe;

(2) Corporal punishment shall never be used as a first line of punishment for misbehavior unless the pupil was informed beforehand that specific misbehavior could occasion its use; provided, however, that corporal punishment may be employed as a first line of punishment for those acts of misconduct which are so antisocial or disruptive in nature as to shock the conscience;

(3) Corporal punishment must be administered in the presence of a principal or assistant principal, or the designee of the principal or assistant principal, employed by the board of education authorizing such punishment, and the other principal or assistant principal, or the designee of the principal or assistant principal, must be informed beforehand and in the presence of the pupil of the reason for the punishment;

(4) The principal or teacher who administered corporal punishment must provide the child's parent, upon request, a written explanation of the reasons for the punishment and the name of the principal or assistant principal, or designee of the principal or assistant principal, who was present; provided, however, that such an explanation shall not be used as evidence in any subsequent civil action brought as a result of the corporal punishment; and

(5) Corporal punishment shall not be administered to a child whose parents or legal
guardian has upon the day of enrollment of the pupil filed with the principal of the school a statement from a medical doctor licensed in Georgia stating that it is detrimental to the child's mental or emotional stability.

20-2-732.
No principal or teacher who shall administer corporal punishment to a pupil or pupils under his care and supervision in conformity with the policies and regulations of the area, county, or independent board of education employing him and in accordance also with this subpart shall be held accountable or liable in any criminal or civil action based upon the administering of corporal punishment where the corporal punishment is administered in good faith and is not excessive or unduly severe.
APPENDIX B

IDEA STATUTES

SEC. 615. PROCEDURAL SAFEGUARDS.

(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT- Except as provided in subsection (k)(7), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING-

(1) AUTHORITY OF SCHOOL PERSONNEL-

(A) School personnel under this section may order a change in the placement of a child with a disability --

(i) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and

(ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if --

(I) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

(II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

(B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A) --
(i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior; or

(ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

(2) AUTHORITY OF HEARING OFFICER- A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer --

(A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

(B) considers the appropriateness of the child's current placement;

(C) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(D) determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

(3) DETERMINATION OF SETTING-

(A) IN GENERAL- The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

(B) ADDITIONAL REQUIREMENTS- Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall --

(i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

(ii) include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.
(4) MANIFESTATION DETERMINATION REVIEW-

(A) IN GENERAL- If a disciplinary action is contemplated as described in paragraph (1) or paragraph (2) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies to all children --

(i) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and

(ii) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

(B) INDIVIDUALS TO CARRY OUT REVIEW- A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.

(C) CONDUCT OF REVIEW- In carrying out a review described in subparagraph (A), the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team --

(i) first considers, in terms of the behavior subject to disciplinary action, all relevant information, including --

(I) evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child;

(II) observations of the child; and

(III) the child's IEP and placement; and

(ii) then determines that --

(I) in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior
intervention strategies were provided consistent with the child's IEP and placement;

(II) the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

(III) the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

(5) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY-

(A) IN GENERAL- If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in section 612(a)(1).

(B) ADDITIONAL REQUIREMENT- If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

(6) PARENT APPEAL-

(A) IN GENERAL-

(i) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.

(ii) The State or local educational agency shall arrange for an expedited hearing in any case described in this subsection when requested by a parent.

(B) REVIEW OF DECISION-

(i) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has
demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).

(ii) In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).

(7) PLACEMENT DURING APPEALS-

(A) IN GENERAL- When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the State or local educational agency agree otherwise.

(B) CURRENT PLACEMENT- If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).

(C) EXPEDITED HEARING-

(i) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.

(ii) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards set out in paragraph (2).

(8) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES-
(A) IN GENERAL- A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(B) BASIS OF KNOWLEDGE- A local educational agency shall be deemed to have knowledge that a child is a child with a disability if --

(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

(ii) the behavior or performance of the child demonstrates the need for such services;

(iii) the parent of the child has requested an evaluation of the child pursuant to section 614; or

(iv) the teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.

(C) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE-

(i) IN GENERAL- If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B)) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

(ii) LIMITATIONS- If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the
agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

(9) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES-

(A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(10) DEFINITIONS- For purposes of this subsection, the following definitions apply:

(A) CONTROLLED SUBSTANCE- The term 'controlled substance' means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(B) ILLEGAL DRUG- The term 'illegal drug' --

(i) means a controlled substance; but

(ii) does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(C) SUBSTANTIAL EVIDENCE- The term 'substantial evidence' means beyond a preponderance of the evidence.

(D) WEAPON- The term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.
(l) RULE OF CONSTRUCTION- Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (f) and (g) shall be exhausted to the same extent as would be required had the action been brought under this part.

(m) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY-

(1) IN GENERAL- A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law) --

(A) the public agency shall provide any notice required by this section to both the individual and the parents;

(B) all other rights accorded to parents under this part transfer to the child;

(C) the agency shall notify the individual and the parents of the transfer of rights; and

(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

(2) SPECIAL RULE- If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.