

CONSIDERATIONS IN PLANNING AN IN-SCHOOL  
SUSPENSION PROGRAM

by

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Legal Considerations

The Supreme Court rule in Wood V. Strickland (1975) that students do not have a constitutional right, per se, to education. Education was interpreted, however, as qualifying as property and liberty rights. Therefore, a student can not be deprived of education without due process of law. In Goss V. Lopez (1975), the Supreme Court set forth due process principles that apply to all students. The Court said that the student was entitled to:

1. Some kind of notice;
2. Some kind of hearing;
3. Know what he/she is accused of and the basis for the accusation;
4. An opportunity to tell his/her side.

While the above applies to all students, it must be asked if the requirements are any different for handicapped students. The answer given in Board of Education of the City of Peoria V. Illinois State Board of Education (1982) is clearly no with one qualification. The qualification is that the behavior resulting in the suspension is not caused by the handicapping condition. If there is a link between the misbehavior and the handicap, it must be direct and not indirect. The U. S. Court of Appeals, Fifth Circuit, has ruled that the student need not be classified as emotionally disturbed in order to establish a direct link. Rather, the Court ruled that this determination must be made by a group of trained and knowledgeable persons.

The rulings of the federal courts indicate that as long as a handicapped student's misbehavior is not directly related to his or her handicapping condition, suspension is legally acceptable for

purposes of discipline and as a learning tool. Goss V. Lopez limits the suspension to no more than 10 days. Presumably, after that point, the action may be considered as an expulsion, which is another issue altogether since it represents a cessation rather than a suspension of services. Of course, suspension remains as an option even for the student who's misbehavior is directly linked to his/her handicap. Suspension could be used as a learning tool provided all parties, including parents or guardians, are in agreement. In-school suspension has not been addressed by the courts. However, since it is less complete than suspension from school, there is no reason to doubt that the rulings discussed above would apply. If anything, in-school suspension is less severe than suspension from school, and especially if educational services are continued. More extensive discussion of the legal issues associated with suspension and expulsion can be found in Data Research, Inc. (1985), Slenkovich (1984), and Turnbull and Fiedler (1984).

The Mississippi State Department of Education's policy on removal of a handicapped child from a special education class reads as follows:

The child's behavior represents an immediate physical danger to him/herself or others or constitutes a clear emergency within the school such that removal from school is essential. Such removal shall be for no more than three days and shall trigger a formal comprehensive review of the child's IEP. If there is disagreement as to the appropriate placement of the child, the child's parents shall be notified in writing of their right to a special education impartial due process hearing. Serial three day removals from special education are prohibited (Holladay, 1982; p. 32, Part II).

From the reading of this policy, it is clear that it was intended to apply to suspensions from

schools. In-school suspension, as such, is not addressed in the policy manual, nor was it addressed in Mattie T. V. Holladay (1975). In response to an inquiry, the Mississippi State Department of Education indicated that in-school suspension is permissible for handicapped students, and that it is handled under the same school district policies that apply to normal students. Therefore, in-school suspension, it would appear, represents one disciplinary option for both normal and handicapped students.

### Considerations of Purpose

In planning an in-school suspension program, the purpose of the program must be determined before any program planning can be done. In general, there are two purposes that an in-school suspension program could serve. First, the purpose could be to simply segregate the student from the general school population and program. This approach is often viewed as punitive because of the social isolation and stricter discipline possible in a more restrictive setting than the general instructional environment. Programs following this approach seldom have any specific educational objectives other than maintenance. Second, the purpose could be similar to that just discussed but with specific educational objectives that are designed to give the students in the program a meaningful learning experience. This paper will assume the second approach and tailor suggestions to that approach.

### Policy Considerations

In order to have a successful program, there must be a set of operating policies which are consistent with the purpose of the program. The following general policies are suggested.

1. There should be no more than a three grade or three year age range among students in the program. There could be a single program which operates on a

split session, half day basis, or separate, whole-day programs at different grade levels.

2. There should be a maximum enrollment in the program(s). The suggested level is 15 students.
3. There should be specific criteria set for assigning a student to the program. These criteria should relate to seriousness of the offense, e.g., Level One or Level Two offense. The duration of the placement should be tied to the level of the offense.
4. There should be fixed periods for placement in the program, e.g., three days or five days.
5. Placement in the program should have a consistent beginning point, e.g., Monday or Wednesday.
6. Return to the regular program should be contingent upon successful participation in the program with specific criteria for what constitutes successful participation.
7. Failure to successfully meet the participation criteria should result in at least a hearing to consider other options such as suspension from school and/or a change in placement to a more restrictive environment for a handicapped student, or suspension from school or expulsion for a normal student.
8. For any student who has been placed in the in-school suspension program, successful participation should be a criterion for acceptance in any other school program, e.g., alternative program, athletic program, etc.

#### Curriculum Considerations

A brief duration placement with a heterogeneous group of students relative to age, grade, and ability will have logistic and

coordination problems. Obtaining academic assignments and materials from a large number of different teachers with different schedules and possibly in different locations can represent a major program obstacle. Further, it is very difficult to find a teacher for the in-school suspension program who can adequately address all of the instructional needs which will be represented in the program. For these reasons, the program should have a stand alone curriculum that will allow uniformity in programming.

Two possible curricula that could be considered would be either a generic learning skills program or a functional academic program. The learning skills program is one that attempts to teach the student generic learning strategies which will facilitate learning in any subject area and are therefore not content bound (Alley & Deshler, 1979; Keimig, 1983). The functional academic program is one that attempts to teach important applications of basic academic skills to functional problems in daily life both relative to one's personal and employment needs (Wircenski, 1982). Examples of components that might be included in either of these curricula are available on request (Center, 1986).

Either of these curricula should be paired with a set of objectives related to appropriate classroom deportment. The classroom deportment program should emphasize those behaviors that represent the kinds of classroom behavior necessary for good classroom functioning and facilitate positive attitudes in teachers toward students who exhibit them (Adelman, 1982). A list of possible behaviors for inclusion in the deportment program is available on request (Center, 1985).

### Management Considerations

This component must provide a systematic and objective approach to monitoring and providing students feedback on their performance relative to the deportment program and the instructional program. This can be done using a management

system based on points. Points should be awarded to students on a schedule and allocated between the department and instructional programs. Each student should have an individual record sheet on which points would be recorded at the end of each class period. Accumulation of points should be directly tied to various privileges available in the program and to a criterion for successful participation in the program. An example of a management plan is available upon request (Center, 1986). The management plan should provide the objective data upon which decisions can be made about the students' return to their regular placement or need for other options.

The points covered in this article do not address every possible consideration in planning an in-school suspension program. What has been attempted is a discussion of five major considerations with related suggestions. Obviously, an article such as this can not address the specific needs of an individual school system. However, it is hoped that the points covered will serve as a useful guide to anyone considering the development of an in-school suspension program.

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