Addendum 10

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together

Connecticut State Department of Education

Reframing and Reopening: School Discipline Amidst COVID-19 Guidance

August 27, 2020

This is a working document, which may be updated frequently due to the rapidly changing response to this pandemic emergency and ongoing Federal guidance updates.

The Connecticut Department of Education (CSDE) published its reopening document, Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together to provide local and regional boards of education and other similarly situated school operators (referred to herein as "school districts") with a framework for school reopening during the 2020-2021 school year in the context of the COVID-19 pandemic. That framework included guidance on school discipline policies.

This document outlines additional guidance that school districts may rely on regarding discipline. Communication will continue to be a key component as school leaders, educators, and families move forward during the 2020–2021 school year. School districts should develop approaches to discipline that consider educator input and avoid setting unreasonable expectations for staff or students/families.

Reframing School Discipline Amidst COVID-19

These are unprecedented times, and it hard to gauge the psychological and physical impact on students, especially when it comes to societal disparities. The term discipline is from the Latin word "*disciplina,*" which means teaching and learning. Students learn best through relationships that make them feel safe and nurtured and support positive psycho-social behavioral outcomes. Prioritizing supports for students' social-emotional, behavioral, and mental health needs is vital for the return to school amidst COVID-19. Some students will have experienced grief and loss, sickness, amplified challenging or traumatic experiences in the home, inequities with access to learning and resources, and the uncertainty of these times. Schools should emphasize the need for positivity, empathy, reassurance, routines, flexibility, supports, and a referral process for the return back to school. These considerations will vary depending on learning conditions: in-person, hybrid, or remote learning.

Schools should meet the needs of students by examining the factors that impact behavior as well as the relationship between environment and behavior. This includes effective strategies to teach and support students and respond to behavioral concerns in a similar manner to academic concerns (i.e., increasing instruction and support when the issues occur). Exclusionary practices may sometimes be necessary for protecting students against imminent safety risks or when such action is required by state or federal law, such as Connecticut General Statutes (C.G.S.) Sections 10-233c and 233d, but these practices should be balanced with the other proportionate consequences that may better serve the social-emotional development of students and also result in a positive outcome or resolution. Districts and schools can incorporate a range of strategies to promote a positive school climate, address misconduct, and foster student safety in lieu of ineffective and potentially discriminatory exclusionary practices.

Source: State Board of Education Position Statement on Reducing Disproportionality in Suspensions and Expulsions (Exclusionary Discipline), 2018

The Upsurge of Behavioral Health Issues

Behavioral health experts are predicting an increase in anxiety, stress, and behavioral issues. Many students, families, and staff will need additional support mechanisms in the school, for development of positive coping strategies. Students may return with inconsistent behaviors, and expectations should be revisited and retaught in the context of this historic disruption of the educational system. Stressors may be intensified among our vulnerable and marginalized student populations. Below are some important considerations for the upcoming school year.

Relationship Building and Recognizing Behaviors

Developing a trusting relationship between families, students, and educators is vital to improving student emotional wellness. Always check in with every student, when students are not in the school building consistently (i.e., hybrid and remote learning situations). Continue with regular and expected routines, and remind students of general classroom expectations as well as new requirements due to COVID-19 in a way that is developmentally appropriate and accessible. Ensure that students are physically and emotionally safe and explain the expectations and the consequences for not following the rules to students and families regarding new policies (e.g., masks and social distancing). Communicate with families to get information about how the student has been doing academically and emotionally. Be alert to students who are not regularly communicating with teachers and staff, are withdrawn, or otherwise not engaging with school.

Work with the school support team and community to try to make and maintain continuous contact. Recognize significant changes in mood, behavior, weight, tiredness, engagement, attendance, and academic performance. Look at the behavior from a trauma-informed and restorative lens to avoid punitive discipline such as suspension or expulsion that excludes students from the learning environment, except for severe cases. Be alert to bullying, racism, and mean spirited or other inappropriate behavior toward students. Consider that this may include prejudices toward students who are Asian about the perceived origin of the virus. Communicate a plan to address any such behavior swiftly. Be aware of the institutionalized structures that impact a student's experience and opportunities in society. Utilize a universal screener to assess a student's emotional wellness when they return.

Implementation Tips for Limiting School Discipline Measures

Code of Conduct

Revisit the Code of Conduct and include non-exclusionary options for discipline (e.g., Positive Behavioral Interventions, restorative approaches, school, and community-based referral process for behavioral and mental health services). Consider whether revisions to the Code of Conduct may be necessary to address the challenges of remote learning, such as behavioral expectations during synchronous lessons, or how certain rules apply in the remote setting, such as the rules around cheating/plagiarism. Advise staff, families and students that students must follow all the Code of Conduct guidelines regardless of the learning environment. Implement an approach that is consistent with the CSDE Position Statement on Reducing Disproportionality in Suspensions and Expulsions (Exclusionary Discipline).

Multi-disciplinary Team, Staff Development and Supports

Before the reopening of school, assess current capacity and supports for behavioral health services to prioritize needs and services, including professional development for staff. One size does not fit all - students will vary with their experiences, coping strategies and developmental understanding of rules and requirements. Be objective and provide formal and informal opportunities for their voices to be heard. Build a multi-disciplinary team and connect to community resources to build whole-school supports. Use the school multi-disciplinary team to support students within a multi-tier system of supports (MTSS) framework and include tele-counseling to support students. Ensure your crisis response plan is updated and addressing suicidality protocols. Work with staff to be reflective, and pause before responding to inappropriate behaviors. Be aware of and train staff on the potential for mask-wearing to influence their ability to gauge behavioral intent due to the partial covering of facial cues. Make an effort to welcome and engage families during this time as they may be experiencing trauma, anxiety, and

grief. Getting students caught up academically is important during this time, pacing is important, and encouraging brain breaks is vital to their success. Maintain positive and affirming views of all students from all backgrounds and encourage continued positive views of school and learning.

Weigh the Evidence on Mitigating Factors

Decisions regarding the appropriate use of discipline are multifaceted and must take into account both the context in which the challenging behavior occurs and the many individual, cultural, social, developmental and environmental factors that may play a part when determining a course of action. School administrators should be mindful regarding decision rules on school discipline and the loss of instructional time. Some other factors to consider:

- Understanding cross-cultural and communication factors;
- Age, grade level and developmental stage of the student;
- Student's intent and understanding the full picture for engaging in the challenging behavior;
- Addressing possible learning and behavioral and/or emotional needs of the student and whether these needs have been addressed through a referral process and a multi-disciplinary or planning and placement teams;
- Student's prior response to disciplinary interventions and monitoring student's progress including positive behavioral tiered system of supports, restorative practices, and social-emotional learning;
- Student's academic progress and chronic absences due to disengagement;
- Engaging families as a support mechanism for improving the student's behavior;
- Understanding the long term impact of sanctions on the student's academic performance and considering alternative avenues that can be used as teachable moments without exclusionary discipline; and
- Severity of the infraction or disruption, the safety of other students and staff, and the student's disciplinary history and any patterns.

Frequently Asked Questions

1. **Is it reasonable to "reset" and not pursue pending discipline or reduce existing discipline?**

   The Connecticut State Department of Education's (CSDE) position is that school districts should consider, on an individualized student basis, whether it may be best to modify or discontinue pursuing discipline, to acknowledge the social-emotional and mental health impact of the pandemic as well as the educational disruption as result of the cancellation of classes. Of course, school districts will need to assess where specific disciplinary action is mandated under the law (e.g., mandatory expulsion for firearm possession or drug distribution).

   While ultimately a local decision, school districts would not be prohibited from reducing or reconsidering prior or pending discipline given the pandemic.

2. **If a pending expulsion hearing was postponed as a result of the pandemic, what impact does this have on a disciplinary action?**

   Hearing officers should consider any disciplinary period to be inclusive of the period of time during which the hearing was postponed.

3. **Could mask-wearing policies result in additional disproportionality related to discipline? How should that be addressed?**

   It is imperative that school districts ensure that mask-wearing rules and other COVID-19 related health and safety protocols do not result in disproportional impact on students (e.g students of color and students with disabilities). Mask-wearing makes it difficult to read facial cues, which requires educators to be trained and consider other ways to assess behaviors, for example, posing open-ended questions to gain an understanding of the student's intent.

4. **How should educators approach addressing behavioral concerns in the remote learning context?**

   Remote education may introduce unique behavioral issues that require schools to set clear expectations how existing rules apply in the remote environment. Consider how existing policies (for example plagiarism, cheating, cyber bullying, etc.) will be addressed in the environment of remote learning. Often it is appropriate to consider non-disciplinary interventions and redirecting, de-escalation techniques, student support options and/or engaging families, prior to pursuing discipline.

   If a student engages in behavior that may warrant discipline during a remote learning session, the school district should engage in the same process it would in-person to address the behavior. Districts should work with their legal counsel to ensure that students are given due process protections, recognizing that it may be necessary to convene a hearing or other meeting via virtual means.

5. **Is a student removing their face mask during the day (not during a break) or refusing to wear a mask a disciplinary issue?**

   School districts should be making every effort to continually reinforce the importance of mask wearing and other protocols associated with COVID-19 mitigation (e.g., social distancing, refraining from shaking hands, not sharing food or school items, etc.) and the reasoning for these requirements, to avoid non-compliance. Schools should adopt official board policies on these important public health and safety activities, which are in place specifically to prevent the spread of COVID-19 and ultimately to save lives.

   Recognizing the stress and trauma caused by the pandemic that may influence a student's decision to test certain rules enacted for purposes of COVID-19 mitigation, the CSDE strongly recommends schools prioritize measures to provide information about the importance of mitigation protocols, such as mask wearing, for students' protection before considering disciplinary measures. The mask-wearing requirement in particular is a new and unfamiliar expectation for students, and schools must prepare a broad spectrum of non-exclusionary options to support students, prior to pursuing discipline.

   Ultimately, schools may have to use the disciplinary process if it is necessary.

6. **Will there be mask dress code?**

   CSDE has recommended that school districts develop board approved policies related to mask wearing. Schools are encouraged to approach what they perceives as an inappropriate mask consistent with the approach to similar imagery on other articles of clothing.

7. **How do masks fit in with restraint and seclusion?**

   Consult the Adapt, Advance, Achieve document both related to special education and students with high needs, which suggests that staff serving high need populations are likely to have closer physical contact with students and should be provided access to heightened personal protective equipment.

8. **If a student claims a medical condition to avoid wearing a mask, will that claim be verified?**

   Students should be expected to provide written documentation from a health care provider to confirm they qualify for an exemption, consistent with any applicable law and/or relevant state guidance or order.

9. **If a student claims that wearing a mask is against their First Amendment rights, how does the school address this?**

   We do not believe that there is a credible legal argument or compelling claim that requiring the wearing of masks to prevent the spread of COVID-19 violates the state or federal Constitution. Schools should prepare for this issue by consulting with their board counsel to receive advice to respond to this type of claim.

10. **Currently, schools have isolation rooms. Will there be rooms for kids who refuse to wear masks?**
    As noted above, prior to the imposition of disciplinary measures, school districts are encouraged to remind students of the significant health implications of this decision and work with the student to correct and encourage cooperation. Schools should not place students who are refusing masks into COVID-19 isolation rooms.

11. **How should issues surrounding mask wearing being handled with children in the early childhood period of development?**
    As noted in this document, a child's developmental level should be considered regarding the reasons why mask wearing may be challenging. Consider supportive/preventive strategies to encourage mask wearing (e.g., social stories, child involvement in developing specific classroom rules, posting a visual daily schedule that includes when mask breaks will occur). Specific consideration should be given to sensory issues and additional mask breaks should be planned accordingly. Young children do best when the classroom rules and routines are clear and predictable.