

January Pre-Reading

Topic: Behavior and Discipline

Guiding Question: What statewide policies, practices, and supports should MSDE establish and provide to prevent exclusionary discipline and strengthen the development of students' lagging skills and coping skills to minimize concerning behavior?

Introduction: Context and Data

Challenging behavior among K-12 students has been a longstanding concern in schools. In the wake of the pandemic, many educators report not only that more students are exhibiting challenging behaviors, but also that the intensity of those behaviors is becoming more severe. Moreover, these challenges are emerging at younger ages, with kindergarten and first-grade classrooms seeing a significant rise in disruptive and challenging behaviors. Many teachers do not feel equipped to manage the frequency and severity of behavioral challenges they see in the classroom, which may include bullying, tantrums, defiant behavior, elopement (leaving the instructional area), self-injury, aggression, unresponsiveness, and emotional outbursts.

These behaviors may have a myriad of causes: frustration rooted in academic difficulties, social-emotional developmental delays, mental health challenges, trauma, lack of support or belonging, and others. Further, the negative impacts for students can be profound, including lost instructional time¹ and lowered academic achievement, lowered sense of belonging at school, decreased motivation and engagement. Unfortunately, ineffective responses to student behavior may redouble these consequences and intensify their underlying causes, leading to additional trauma, mental health crises, and falling further behind academically.²

Undoubtedly, a significant contributing factor is the negative impact of the COVID-19 pandemic on students. According to the National Center for Education Statistics, in May 2024, 80% of public-school leaders agreed that “The COVID-19 pandemic and its lingering effects continue to negatively impact the behavioral development of students at my school.” The same survey identified the need for more support for student and/or staff mental health (76%), more training on supporting students' socioemotional development (71%), and more training in classroom management strategies (61%).³

¹ A 2019 survey of 1,400 teachers found that disruptive behaviors accounted for 2.4 hours of lost instruction each week. Over the course of a year, this translates to almost three weeks of lost instructional time. Education Advisory Board, (2019). *Breaking bad behavior: The rise of classroom disruptions in early grades and how districts are responding*. District Leadership Forums. <https://pages.eab.com/Breaking-Bad-Behavior-White-Paper.html>

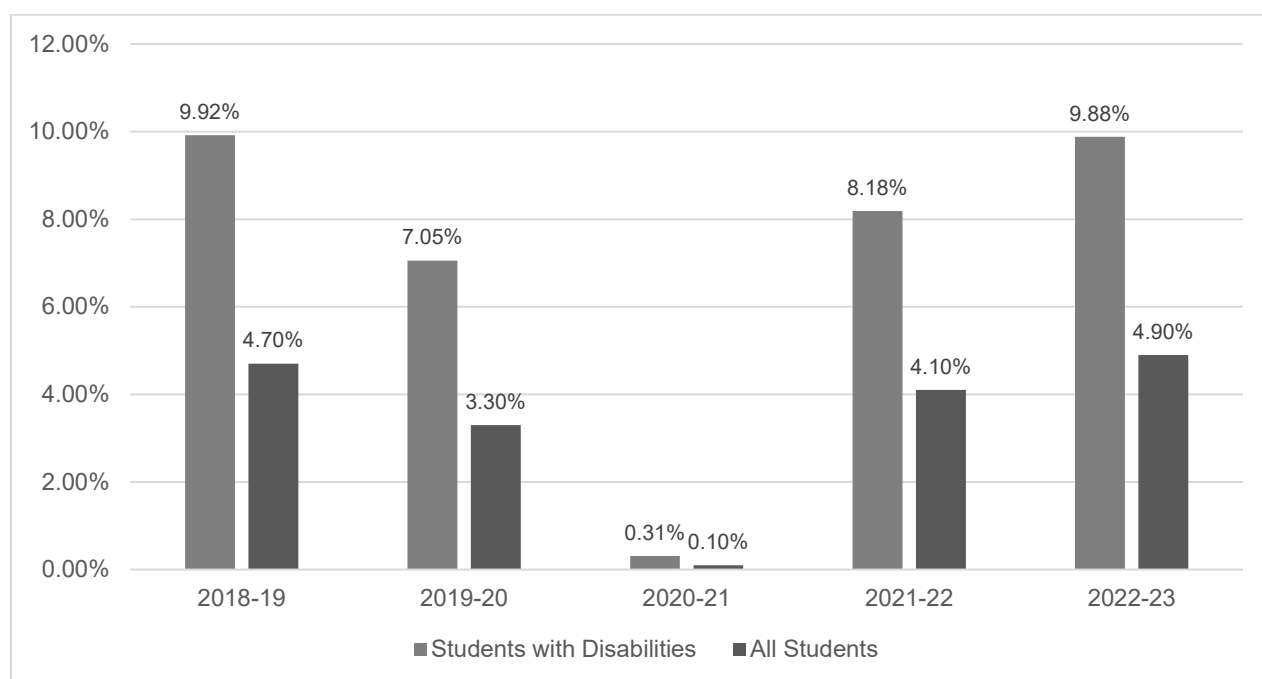
² IRIS Center. *What should educators understand about challenging behavior?*
<https://iris.peabody.vanderbilt.edu/module/bi1-elem/cresource/q1/p01/>

³ NCES, (July 18, 2024). About One-Quarter of Public Schools Reported That Lack of Focus or Inattention From Students Had a Severe Negative Impact on Learning in 2023-24,
https://nces.ed.gov/whatsnew/press_releases/7_18_2024.asp

School staff, including teachers, principals, and support personnel, also experience significant strain from challenging student behavior, which may contribute to frustration, burnout, and teacher turnover.

While not all students with challenging behaviors have an IEP, many do. Outside of school years affected by the Covid-19 pandemic, the percentage of students with disabilities in Maryland who have received “exclusionary disciplinary” (i.e., in-school suspensions, out-of-school suspensions, and expulsions) has consistently approached 10%. In addition, students with disabilities are disciplined at approximately twice the rate of Maryland’s overall student population.

Figure 2. Percentage of Students with Disabilities who Received In-School Suspensions, Out-of-School Suspensions, and Expulsions



Source: Maryland Public School Enrollment by Race/Ethnicity and Gender and Number of Schools; Maryland Public School Suspensions, Expulsions, and Health-Related Expulsions

Over the past three years, complaints filed with the Maryland State Department of Education (MSDE) on behalf of students with disabilities related to disciplinary concerns have increased from six (6) in the 2021-2022 school year to twenty-four (24) in the 2023-2024 school year.

In response to teacher frustration and schools’ inability to reduce or effectively address challenging behavior, some states, districts, and schools have adopted a “get tough” or “consequence” approach that relies on detention, suspension, expulsion, out-of-district placements and other exclusionary practices. In Louisiana, for example, the state recently implemented the [“Let Teachers Teach” initiative](#), which was aimed at “eliminating classroom distractions for teachers.” The plan embraces exclusionary disciplinary measures, decouples

such measures from school accountability, and will likely increase exclusionary discipline for students with disabilities (SWD)—and the spiraling of negative impacts of such measures.

"Exclusionary discipline" includes practices that remove students from general education classrooms, transfer them out of their home schools, or exclude them from school altogether. These measures disproportionately affect students with disabilities, students of color, and students from low-income backgrounds, further perpetuating inequities in education.⁴ Because of the documented impact of restraint and seclusion on students, Maryland has clear [laws](#) in place that forbid or severely limit this practice; MSDE has developed concurrent [guidance documents, training, and technical assistance](#). Data on the usage of restraint and seclusion is provided annually to the Maryland general assembly; data from 2018-2023 can be found [here](#).

In addition, Maryland law prohibits the suspension or expulsion of students in preK–2nd grade (Education Article [§7-305.1](#), [COMAR 13A.08.01.11](#)); the only exceptions are requirements in federal law and “imminent threat of serious harm” (i.e., “likely and immediate danger of significant physical injury”).⁵ There are concerns that the implementation of this law, which mandates the use of non-punitive behavioral interventions instead of suspension and expulsion has led to increased use of *informal removals* (i.e. the undocumented removal of a student from school by asking parents to “pick up” a student, offering undocumented homebound or virtual instruction outside of the IEP process, or shortening of school days) which also violate the law.⁶

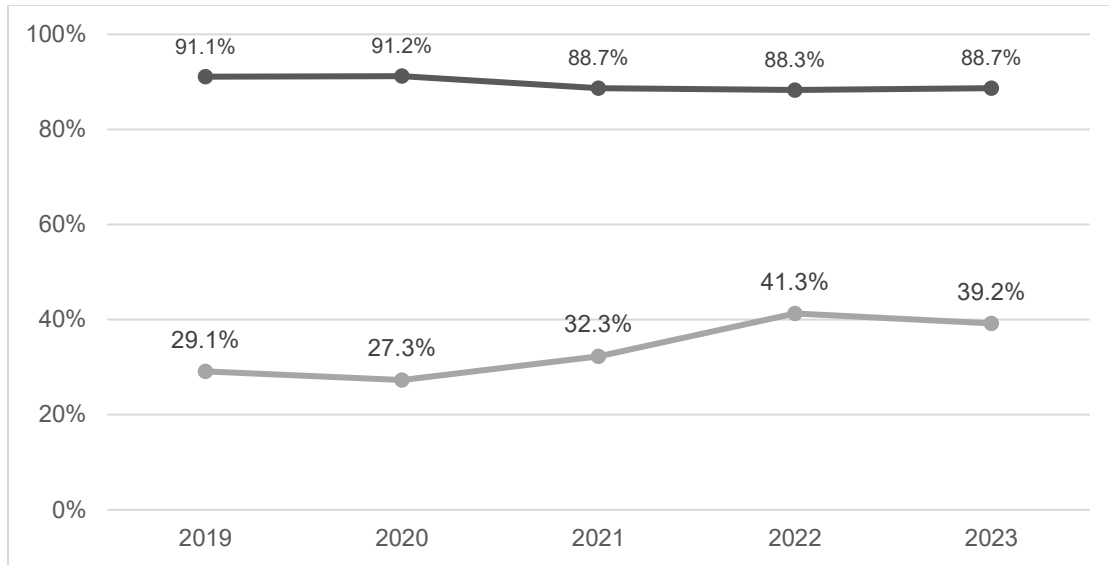
Attendance rates for students with disabilities have dropped 2.4 percentage points since 2019, and chronic absenteeism increased by over 10 percentage points. (Chronic absenteeism is defined as missing at least 10 percent of school days, or approximately 18 days in a year, for any reason, excused or unexcused.) Attendance and chronic absenteeism rates are similar for elementary and middle schools.

Figure 3. Attendance and chronic absenteeism rates for students with disabilities, 2019-2023

⁴ <https://www.pbs.org/newshour/show/states-push-for-harsher-school-discipline-practices-to-address-student-misbehavior>

⁵ MSDE, [Prohibition of Suspension or Expulsion for Students in Grades PreK to 2](#), September 22, 2018.

⁶ <https://www.ndrn.org/wp-content/uploads/2022/01/Out-from-The-Shadows-1.pdf>



Source: Maryland Report Card

In SY2023, the rate of chronic absence for students with disabilities is 9 points higher than among all students (39% vs. 30%) and is similar to rates among other special service groups (Title 1: 41%, FARMS: 40%, multilingual learners: 36%). Chronic absenteeism is also higher for Black/African American students (36%) and Hispanic/Latino students (37%) than white students (22%).

In response to school attendance data, MSDE collaborated with Attendance Works to provide professional learning opportunities to LEAs and PAs to review attendance reports. The Attendance Works framework highlights the importance of addressing chronic absences through a comprehensive, data-driven approach. During the annual Student Support Services Conference held in August 2024, LEA and PA teams were encouraged to participate with a diverse cohort of student services team leaders, including teachers, directors of special education services, student support liaisons, pupil personnel, guidance counselors, mental health service providers, school psychologist, attendance monitors, community resource liaisons, and school-based administrators. The 23-24 annual conference focused on the following topics:

- Research-based practices to strengthen student attendance
- Considerations for supporting students with disabilities
- Reviewing trends for school avoidance
- Strategies for health and safety needs
- Best practices to promote student wellness, belonging, and connectedness

The Attendance Works framework emphasizes creating a positive school climate, engaging children, youth and their families, and providing necessary support to ensure students are present and engaged in learning. During summer learning, which occurs annually, LEAs and

PAs were invited to discuss and develop action plans with evidence-based solutions to address the following areas specific to their area of need:

- Bullying Prevention
- Disproportionate Discipline
- Restorative Approaches
- School Mental Health
- Suicide Prevention
- Emergency Planning and School Safety
- Homelessness
- School Climate
- Transportation
- Mobility Supports/Services
- Accessibility/Resource Management
- Truancy
- Health/Medical
- Safety
- Mental Health Services
- Staff Training/Recruitment of Staff

Participant evaluations indicated the following:

- 36% of LEAs and PAs indicated a need for additional support with staff mental health
- 42% of LEAs and PAs indicated a need for a diverse recruitment of staff that accurately reflect their student population
- 58% of LEAs and PAs indicated a need for more professional training to support developing quantitative data systems to crosswalk alignment of resources to make adjustments to programming that ensures access, equity, and progress for advanced academic opportunities, instructional and behavioral interventions to mitigate referral to child find, and aligns appropriate discipline responses
- Based on qualitative data through participant interviews, there is a greater need to ensure school leaders are equipped to provide a myriad of supports across the educational community that aligns with the diverse needs of the constituents

In addition to summer offerings, The Division of Student Support and Federal Programs (DOSSFP)'s Student Services and Strategic Planning Branch (SSSP), through collaboration with other agencies, community organizations, and constituent groups, provides ongoing leadership and technical assistance with implementing programs and initiatives to facilitate the emotional, mental, social, and physical health of all students. DOSSFP meets monthly with many district leadership groups, including Bullying Prevention, Restorative Practices, School Psychologist, and School Counselors Directors of Student Services.

The SSSP monitors and provides guidance to LEAs in areas of school safety, student services, mental health, culture and climate. This branch works collaboratively around initiatives for dropout prevention and alternative programs, home instruction, school counseling, and career development. SSPP and DOSSFP both focus their guidance on using a tiered approach that starts with foundational support for the whole school. These foundational supports are then layered in with prevention-oriented supports for attendance, more personalized outreach or early intervention strategies, and then intensive intervention and support. Professional learnings currently offered by DOSSFP includes:

- Positive Conditions for Learning that Support Student Attendance: This session explores the connection between student attendance and belonging, connectedness, and support within the context of educational equity.
- Academic Challenge and Engagement: This session examines the relationship between attendance and academic challenge/engagement, including academic rigor, high-quality instructional materials, and culturally responsive practices.
- Bullying Prevention and School Climate: This session aims to increase awareness of the bullying dynamic, including definitions, types, Maryland laws and data, intervention strategies, and the importance of leadership in responding to bullying.
- Interventions that Support Student Attendance: This session focuses on the connection between staff well-being and student attendance and provide strategies to improve staff well-being.
- All-in: Community Schools and Student Support Services: This session discusses how community school coordinators and district leaders can collaborate to support student attendance.
- Tiered Supports for Attendance: This session introduces and reviews a tiered approach to supporting student attendance and explore strategies at each tier.

A comprehensive list of SSPP’s technical assistance, professional learnings, and guidance documents can be found [here](#).

Students with Disabilities and Behavior/Discipline

IDEA provides safeguards to reduce expulsion or long-term suspension for students with disabilities. A Manifestation Determination is required by the Individuals with Disabilities Education Act (IDEA) “within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct,” and includes the local education agency (LEA), parent, and relevant members of the IEP team. For many students, this means that manifestation determination meetings are held when there is a concern that the disciplinary consequences from a student’s actions would result in a disciplinary removal (either in or out of school) greater than 10 days, either consecutively or cumulatively.

During the meeting, parents and school staff review relevant information and answer two questions:

- Was the behavior caused by, or directly related to, the student's disability?
- Was the behavior a direct result of the school's failure to implement the student's IEP?

If the answer to either question is "yes", the behavior is considered a manifestation of the student's disability, and the student cannot be removed from school. If the answer to both questions is "no," the school may proceed with the recommendation for suspension or

expulsion, however the student must receive services, as determined by the IEP team, that permit progress on goals and advancement in the curriculum.⁷

The IEP team reviews the following information: the student's file, the student's IEP, teacher observations, information provided by the parents, outside evaluations or reports from the student's counselor, and any other information deemed relevant by the IEP team.

[The Maryland Guidelines for a State Code of Discipline](#), last updated in 2014, notes the importance of following IDEA. Unfortunately, these safeguards have not prevented a great many students with disabilities from receiving exclusionary discipline.

The Annotated Code of Maryland Education Article § 7-306 requires the Maryland State Department of Education (MSDE) to collect data on alternative school discipline practices in public schools for each local education agency (LEA), including: (i) the type of alternative school discipline practices that are used in an LEA; and (ii) the type of misconduct for which an alternative discipline practice is used. [This report](#), overseen by the DOSSFP, is updated annually and provided to the state legislature. The report itself the findings of an annual survey on alternative school discipline practices across all 24 local education agencies. The survey assesses the frequency of various disciplinary approaches, including communication, skill development, restorative practices, and referrals, categorized by type of student misconduct. The report analyzes the data, identifies high and low-frequency practices, and offers recommendations for improving school discipline, focusing on proactive strategies, teacher training, and strengthened student support systems to reduce suspensions and expulsions. Data is disaggregated by various demographic factors as mandated by state law.

Best Practice Approaches for Addressing Challenging Behavior

The frequency of challenging student behaviors in schools and the reliance on exclusionary practices highlights the need for more proactive and more constructive approaches to addressing challenging behavior. A number of schools across the country have proven that most problematic behavior can be dramatically reduced primarily through non-exclusionary means.

Best practices for addressing problematic student behavior call for a multifaceted approach that focuses on prevention, skill development and adult support rather than primarily on exclusion and punitive discipline. This approach focuses on managing and preventing behavioral issues by identifying situations that trigger challenging behaviors and teaching missing skills such as coping skills, emotional regulation, effective communication skills, etc.

⁷ IDEA Section 1415 (k) (1) (E) (i), <https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1415/k/1>; COMAR Sec. 13a.08.03.08. Manifestation Determination <http://mdrules.elaws.us/comar/13a.08.03.08>

This approach has been researched and refined for use in school settings by experts like Ross Greene⁸ and Jessica Minahan.⁹ They have been implemented in schools across the country with impressive results, though many schools and districts have struggled to implement them. Some schools have seen 90% reductions in the number of disruptive behaviors and some students on the verge of transferring to nonpublic settings given the severity of their behaviors have, in the course of three to six weeks, been able to be permanently reintegrated into the general education setting for years to follow.¹⁰

Identifying Situations and Actions that Trigger Problematic Behaviors

Central to these best practices is the belief that many challenging behaviors are triggered by external actions, often by others, and that the students lack key skills that allow them to remain in control once triggered. In short, they act out not because they want to or because they don't care, but because they can't stop themselves. Thus, the approach prioritizes identifying the triggers and teaching the missing skills.

Highly skilled and specially trained behavior experts can, through observation and a few hours of conversation, identify what triggers a particular student's challenging behavior. Surprisingly, teacher actions are more often the trigger than other students and more surprisingly is that the teacher is typically unaware that their actions are in fact triggering for some students.

Teaching Missing (“Lagging”) Skills

Most students with challenging behaviors are not disruptive for disruption's sake. Instead, they lack essential skills such as emotional regulation, considering how actions affect outcomes, considering how actions affect others, using appropriate language to express wants and needs, and executive functioning, which often contribute to their behavior challenges. By explicitly teaching students how to manage emotions, interact positively with peers, and de-escalate when triggered can forestall outbursts.

Very Effective, but Hard to Implement Well

Schools have struggled greatly to implement these best practices, and many schools have rejected them outright.

There are 4 reasons for the difficulty of embracing and implementing behavior prevention best practices based on the experience of New Solutions K12, an education consulting firm that has partnered with nearly 300 school districts across 30 states.:

1. Mindsets that view the best practices as soft and consequence free
2. Adding more work to an already overwhelmed teacher's plate
3. Approaching behavior management with a one size fits all approach
4. Lack of trained experts

Mindsets

⁸ Lives in the Balance: <https://livesinthebalance.org/>

⁹ <https://jessicaminahan.com/>

¹⁰ *Six Shifts to Improve Special Education and Other Interventions*, Harvard Education Press 2022

Unfortunately, many educators believe that challenging behavior is intentional and willful on the part of the student and that it is thus important to “teach” students that there are consequences to their actions.¹¹ Adherents of this approach believe that clear and increasingly severe consequences will act as a deterrent to future problematic behaviors.

Self-regulation is a skill that can be taught, and this is a shift in mindset that takes time to shape. Students may need help fostering the self-awareness that their own maladaptive behaviors are not functional for them. Students need better problem-solving and emotional regulation skills to reduce frustration and other potential triggers for problematic behaviors.

Discipline and behavior management systems must be able to distinguish between students who have the skills to manage their behavior and those who do not yet have these skills. Staff must learn how to manage classroom behaviors instead of focusing on how to “control” students. This is a key distinction that helps determine the strategies that staff will employ. Low intensity interventions that are proactive and likely to prevent behaviors should be in place as part of typical classroom routines. Examples of this are behavior-specific praise, active supervision, opportunities to respond, and choice making.

While it is important to teach behavioral skills to children, it is also vital to evaluate the need for change in the environment, behavior, instruction, and structures established by the adults, particularly if those structures are frequently triggering to students. This approach helps to create schools and classrooms that welcome, include, and accommodate all students by breaking down the barriers that prevent access to the classroom environment. Some examples of this approach may include designing a sensory-inclusive classroom, establishing consistent routines and expectations, and having a clear and predictable de-escalation plan for more challenging student behavior.

MSDE fully supports the use of positive proactive behavioral interventions and strategies to address challenging student behavior with a focus on keeping students in classroom environments and available for learning. In November 2023, MSDE’s DOSSFP and DEI/SES divisions began planning with subject matter experts to develop a student behavioral intervention professional development service for LEAs. During Spring 2024, MSDE introduced the “Integrated Behavioral Intervention Training Series” to provide professional learning to school-based instructional and related service providers in practices for the improvement of student outcomes. The six-session series is designed to assist school staff in strengthening their knowledge of behavioral principles, developing action plans to support the implementation of proactive behavioral interventions, and implementing strategies to address challenging behaviors. Sessions focus on the role of adults in supporting student behaviors; understanding developmental stages of students; developing skills for behavioral planning, prevention, and intervention; and engaging in action planning to strengthen daily practice. Two series of the Integrated Behavioral Intervention Training have been held so far (one in Spring 2024 and one in Fall 2024); The number of attendees has remained at about 450 participants per session. Continuing Professional Development (CPD) credit is offered to participants who complete

¹¹ <https://fordhaminstitute.org/national/commentary/soft-consequences-discipline-terrible-teachers>

course post-work; so far over 600 participants have received CPD credit. The series will continue to be offered on a rolling basis and is open to district staff, school-staff, and non-public school staff.

More Work, Not More Relief

Most classroom teachers lack the training and time to take on the responsibility of conducting the detailed interviews of students to identify triggers of challenging behavior and managing the behavior prevention process alone. Effective implementation requires a team-based approach.

Only about a third of teachers are effectively trained to manage challenging behaviors (National Council on Teacher Quality, 2020). Teacher shortages, the number of conditionally licensed teachers with limited training, and the lack of on-going professional development to meet the needs of students compound these challenges.

While professional development can have immense benefits for educators, often, it is not targeted toward practical applications, such as classroom management. High quality professional development can be the key to keeping educators and has been shown to affect their decision to stay in education or at their school (Hagaman & Casey, 2018). In addition to building classroom management skills, it is important to help educators learn to handle their own stress and improve their mental well-being. Teaching them skills in emotional wellness and mental health, in conjunction with improving behavior management skills, can improve job satisfaction and create a safer and more positive classroom environment (Whalen, 2021).

One Size Fits All

The implementation of best practices for managing challenging behaviors is further complicated by the fact that it addresses only one piece of the school's efforts to meet the social and emotional needs of students. These best practices are effective and appropriate for tier 3 challenging behaviors, but they are not a complete solution to meet all social emotional learning (SEL) student needs.

For most school systems, SEL supports include four critical areas:¹²

1. Behavior
2. Student-teacher relationships
3. Mental health counseling
4. Routine discipline

Too often, schools have selected one element or approach and applied it across all four areas. For example, restorative practices are an effective strategy for routine discipline and counseling can help address stress or trauma, but neither are effective at removing behavioral triggers or

¹² *Six Shifts to Improve Special Education and Other Interventions*, Harvard Education Press (2022)

teaching coping skills. Yet many schools have assumed that the adoption of restorative practices or increases in mental health counseling will reduce challenging behaviors. Schools will need thoughtful, evidence-based best practices across all four areas.

A Multi-Tiered System of Supports (MTSS) includes universal interventions where intentional positive reinforcement is primary, and all students are provided explicit instruction regarding behavioral expectations, so students and staff understand expectations and limits. While supporting behavior, social and emotional well-being, it also supports academic growth and achievement. MTSS utilizes tiers of multiple supports that have the flexibility to increase and decrease in intensity as needed for success. There is not an expectation or requirement that targeted strategies are utilized solely because interventions at a lower level have been ineffective. On the contrary, a tiered system of support allows teams to identify strategies across tiers to specifically target individual behaviors.

Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which children, youth, and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions. MSDE supports LEAs and PAs to align policies, resources, and practices to support systemic implementation of SEL learning approaches to create equitable learning conditions that actively include all students in social, emotional, and academic competencies. LEAs and PAs that effectively implement a foundation for SEL work to address the five interrelated areas of competences:

- Self-awareness
- Self-management
- Social awareness
- Relationship skills
- Responsible decision making

This systemic approach ensures that SEL is woven into all educational experiences across all settings (classroom, school, home, and community). This promotes more than a single lesson or activity, reduces isolation to learn and practice skills, and encourages transference of skills. Currently there are Technical Assistance Centers that support school teams to address Social Emotional Behavioral Health (SEBH) supports through a multi-tiered system of support. These centers help schools to incorporate positive behavioral intervention and support frameworks leveraging the approaches of Collaborative for Academic, Social, and Emotional Learning (CASEL).

The Need for Specially Trained Staff

The final significant challenge to implementing the behavior best practices well is the need for specialized expertise. While some behavioral interventions (like tier 1 supports) can be executed successfully by general educators with some training, others like identifying triggers demand a higher level of knowledge and skill.

Managing problematic behaviors is a science, one that people train and study to master for years. Too often schools assign staff to address challenging behaviors who lack the detailed and specific training needed. For example, not all school counselors, social workers, and school psychologists have training, interest, or skills in addressing behavioral issues. *Some* of these folks have extensive behavior management training, while others have different skills. Their title or certification is often not a good indicator of their specific training and skills, yet such work is often assigned only based on a staff member's title or assigned to the classroom teacher.

The best practices for managing challenging behaviors are well-researched and highly effective, yet they remain widely underutilized in schools across the country. This is due to limited awareness of these strategies among educators and school staff, a mindset that values punitive consequences for misbehavior, and a significant shortage of behavior experts, making them difficult to implement well.

Discussion questions:

1. What policies, procedures, and technical assistance can MSDE implement to reduce exclusionary practices for students with disabilities?
2. What steps can MSDE take to ensure that educators have the appropriate training to proactively support student's behavioral and social emotional needs?
3. What supports do teachers and administrators need to ensure that all students with disabilities in their schools have access to appropriate behavioral interventions?
4. What additional recommendation do you have for policies and practices that may reduce exclusionary practices, help increase student regulation and coping skills, and proactively limit concerning behavior for students with disabilities?

Additional Resources:

Gaines, L. V. (2022, April 20). *Students with disabilities have a right to qualified teachers — but there's a shortage*. NPR. <https://www.npr.org/2022/04/20/1092337446/special-education-teacher-shortage>

Hagaman, J. L., & Casey, K. J. (2017). Teacher attrition in special education: Perspectives from the field. *Teacher Education and Special Education: The Journal of the Teacher Education Division of the Council for Exceptional Children*, 41(4), 277–291. <https://doi.org/10.1177/0888406417725797>

National Center for Education Statistics (NCES). (2022). *More than 80 percent of U.S. public schools report pandemic has negatively impacted student behavior and socio-emotional development*. Institute for Educational Sciences (IES).

Whalen, C. (2021). *Professional development in RethinkEd's social emotional learning relates to less educator stress and burnout and better perceptions of well-being and school connectedness.*

MTSS Center. (n.d.). *SEL MTSS Toolkit for state and district leaders: Integrating SEL within MTSS.* <https://mtss4success.org>

The Maryland Guidelines for a Safe and Supportive School Climate. (2024).

Advancing Student Success by Reducing Chronic Absence. (n.d.). *Addressing chronic absence: 3 tiers of intervention.* Attendance Works. <https://attendanceworks.org/chronic-absence/addressing-chronic-absence/3-tiers-of-intervention/>

Student Services and Strategic Planning Branch (SSSP). (n.d.). *Maryland guidelines for a state code of discipline.*

Specialized Intervention Reports. (n.d.). Maryland Public Schools. https://marylandpublicschools.org/about/Pages/DSFSS/SSSP/SIR_Reports.aspx