RESEARCH REPORT 37: BEHAVIOUR MANAGEMENT OF STUDENTS WITH DISABILITIES

John McCollow

Introduction

Recent reporting of the use by a Queensland school of a time-out room – described in one television program as a "jail cell … [where children] are locked away like animals"[1] – has drawn attention once again to the fact that debates about the education of students with disabilities persist and are typically highly charged (and can provide ample fodder for sensationalised reporting). This is particularly the case for those students who exhibit extremely challenging and disruptive behaviours.

Earlier in the year the use of a two-by-two metre cage made of blue pool fencing as a withdrawal space in a Canberra school led to the establishment by the ACT Government of an independent 'expert' review into the schooling of "students with complex needs and challenging behaviours". The review panel produced a 278 page report in mid-November.[2]

The issues surrounding the approaches and practices of teachers and schools are complex and deserve a more measured analysis than that afforded by the mass media.

Inclusion of Students with Disabilities

It is now generally, if not universally, accepted that schools have an obligation to meet the diverse needs of all students. It is my experience as a teacher union officer that the overwhelming majority of school teachers subscribe to this belief. However, there are significant factors that render the delivery in practice of this principle complex. People's views of what 'inclusion" for students with disabilities entails vary widely and are often deeply held. The concepts of "inclusion" and "inclusive practices" are problematic, fluid and contested. Practices that for some are rational and appropriate are for others always and in every case inappropriate and for others can be appropriate in some circumstances but not in others. Under what circumstances if any, for example, is the withdrawal of a student from a classroom for 'time out' or for specialist instruction appropriate? It is unsurprising that

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[1] A Current Affair (2015) Boy in a Box, Broadcast Thursday, November 5, http://aca.ninemsn.com.au/article/9049647/boy-in-a-box, (accessed 17 November 2015). The ABC and Courier-Mail also reported on the school's use of a time-out room. Not being in possession of all the facts (though my rudimentary inquiries indicate some significant flaws/omissions in the reports), I do not propose to deal further with the specifics of this particular case.

[2] Shaddock, A; Packer, S and Roy, A (2015) Schools For All Children & Young People, Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour (Shaddock Report), ACT Department of Education and Training, http://www.det.act.gov.au/__data/assets/pdf_file/0009/795186/62074-Expert-Panel-Report-Web.pdf (accessed 20 November 2015).

differences between parents and schools arise and, given the stakes, unsurprising that these differences may become acrimonious.

Elsewhere[3] I have argued that the adoption of categorical/essentialist notions of inclusion acts as a barrier to progressing the inclusion agenda in that it promotes an adversarial 'winner take all' approach rather than a basis for discussion and negotiation. Others, particularly disability advocacy groups, and drawing on the history of other social justice movements such as those for racial and gender equality, are unapologetic for pushing a no-compromise agenda.[4]

As Slee[5] notes, other factors that militate against inclusive practices in schools include: the fact that social exclusion "is everywhere and it has been there for a long time" rendering it invisible, resilient and "normal",[6] the "competitive individualism" fostered by neo-liberal educational policies,[7] the pathologisation of disability[8] combined with an ever expanding list of "disorders and syndromes available to children"[9] that provide a putative basis for their differential treatment and exclusion, and a tendency of (some) proponents of inclusion to construct it as a project entailing mainly attitudinal change, without engaging with the specific "contexts" and "features of schooling".[10]

To this list could be added the pressures that schools and teachers face of implementing inclusion in an atmosphere of educational budget restraint or even cuts. As Rizvi and Lingard point out:

> … When this strategy [i.e. integration of students of disabilities into 'mainstream' classes] is invoked to suggest that the needs of everyone could be catered for through the same generalised services, it simply becomes an instrument of the drive for efficiency …[11]

The OECD observes that in integrated settings:

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[3] McCollow, J (2002) Inclusion of Students with Disabilities: Journey or Destination? QTU Professional Magazine, May, pp. 2-6.

[4] Farrell, on the other hand, argues that the emphasis on student rights has been at the expense of a focus on students' educational needs. Farrell, M (2010) Debating Special Education, New York: Routledge.

[5] Slee, R (2011) The Irregular School: Exclusion, Schooling and Inclusive Education, London: Routledge.

[6] Slee, R, p.48.

[7] "Competitive individualism saturates education policy discourse and it drives the desires and hopes of individuals and families as they are pitted against each other to claim places at better schools, secure private tuition to leverage test performances, and dissuade schools from enrolling those who are perceived to compromise this drive to achieve rapidly multiplying government targets." (Slee, 2011, pp.38-39)

[8] "… the repeated construction of the disabled child as the problem and the object of others' attitudes – they remain the disruption to social equilibrium." (Slee, 2011, p. 49)

[9] Slee, R, p.40.

[10] Slee, R, p.50.

[11] Rizvi, F and Lingard, B. (1996) 'Disability Education and the Discourses of Social Justice', in C Christensen and F Rizvi (Eds) Disability and the Dilemmas of Education and Justice, Buckingham: Open University Press, pp. 21-22.

> For the lessons to be effective, class teachers generally had to spend a significant amount of time planning them, in addition to time spent planning the lesson for the rest of the class. For a child with a severe learning difficulty, for example, this could take as much as a quarter of the time needed to plan for the rest of the class.[12]

Parents of students with disabilities perceive that the needs of their child are "worth less than [those of] the regular children whose education is disturbed",[13] while other parents may perceive that the needs of one student with a disability outweighs the needs of 20 or more other students in the class.

As Slee acknowledges, the logistics of inclusion can be formidable.[14] That these might be of such a magnitude as to render inclusion impracticable is recognised in law in the 'unjustifiable hardship' provisions of the Disability Discrimination Act.[15]

A full consideration of the myriad of issues and factors associated with the inclusion of students with disabilities is considerably beyond the scope of this paper. Hopefully this brief overview is sufficient to demonstrate that dealing with the issues surrounding behaviour management for students with disabilities presents as more than a matter of fostering a positive attitudes in teachers towards students with disabilities and implementing appropriate strategies and interventions. Further, it should indicate that assessing whether a school or teacher is 'doing the right thing' for a student with a disability is seldom a straightforward and unambiguous task.

Behaviour Management and Students with Disabilities

Perhaps nowhere are the complexities of inclusion more evident and the stakes higher than in relation to the arrangements made by schools and teachers for students with disabilities who manifest extremely challenging and disruptive behaviours. Prominent examples of practices around which controversies arise include suspension and exclusion for serious misbehaviour, the use of physical restraint and, as in the case mentioned at the beginning of this article, the use of a 'time-out room'. In this section my comments relate to the state schooling system in Queensland.

Teachers are often under the apprehension that they are powerless to deal with the challenging and disruptive behaviours of a student with disabilities – that *any* intervention will see them subject to disciplinary proceedings, judicial proceedings or vilification in the mass media. This has unfortunate effects on the relationship between the teacher and the student and on the capacity of the teacher to maintain effective classroom discipline. In fact, the current Departmental position is that: "students with a disability may still receive consequences, including suspension and exclusion, if the decision to do so would apply

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[12] OECD (1999) Inclusive Education at Work: Students with Disabilities in Mainstream Schools, Paris: Centre for Educational Research and Innovation, p. 45.

[13] Slee R, p.43.

[14] Slee R, p.40 – though it should be noted that he argues that this is not an excuse for the abandonment of inclusion.

[15] A useful summary of the challenges faced by schools in complying with the requirements of anti-discrimination legislation as it applies to students with disabilities, including of the "unjustifiable hardship" provisions and consideration of several specific cases, is included in Stewart, DJ and Knott, AE (2002) Schools, Courts and the Law: Managing Student Welfare, Frenchs Forest, NSW: Prentice Hall, pp. 107-122. Unfortunately, appeals of decisions of one important case cited, 'the Purvis Case', were still ongoing at the time of the publication of Stewart and Knott's book. Their summary is of the Human Rights and Equal Opportunity Commission case, not of the subsequent Federal and High Court appeals with overturned significant aspects of the HREOC decision.

equally to the same conduct engaged in by a student without disabilities and reasonable adjustments have been applied".[16]

Teachers are subject to a *Code of Conduct* that requires employees commit to "a workplace that is inclusive" and to ensure "the safety, health and welfare" of all people in a workplace.[17]Teachers may be disciplined for breaching the code.

Each school is required to develop a responsible behaviour plan. This plan should be developed in consultation with school's staff, parents and students, and should outline acceptable standards of behaviour, methods to encourage and recognise positive behaviour and the consequences of unacceptable behaviour. A school's responsible behaviour plan should be in writing and be available to all members of the school community. Schools also maintain a register of disciplinary incidents, describing the behaviours of the student and the actions taken by the teacher/school. These are made available to parents.

The current practice in Queensland state schools for students with disabilities (in line with the requirements of the Disability Discrimination Act) is that schools must make 'reasonable adjustments' for these students (including for behaviours arising from the disability). There is an onus on the school to demonstrate that these adjustments have been made and this requirement is widely known amongst school leaders and teachers. Reasonable adjustments for a student with potential behaviour support needs should include a functional behaviour assessment (FBA) and an individual plan for the management of student behaviour. Parents are involved in the development of these and sign off on them.

For students who need more intensive support due to highly challenging behaviours, Departmental guidelines state that schools should: implement evidence-based approaches to promoting positive behaviour, regularly monitor and review their procedures and programs, provide professional development for all relevant members of the school community, and adopt practices that are non-violent, non-coercive and non-discriminatory.[18]

It is a standard and well-understood expectation that, in a Queensland state school, parents should be made aware of the behaviour management processes that might apply, and that where they disagree with these processes, they should be given a chance to raise their concerns.

Time Out

Given that time-out practices were the specific focus of the recent reports in the Queensland media and the impetus for the just-published review of policy and practice in ACT schools, it is perhaps worth considering this practice in particular.

In a Queensland state school, a practice such as 'time out' would need to be incorporated into an individual behaviour management plan and agreed to by the parent(s). Views on the appropriateness of the use of time-out rooms vary. They are widely used (here and internationally) and widely criticised. Some categorically reject the use of such a room.

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16 Quoted in Queensland Teachers' Union (QTU) (2014) The Education of Students with Disabilities and Other Special Needs, QTU Information Brochure, http://www.qtu.asn.au/files//7614/4781/9216/ Education_of_Students_with_Disabilites_Other_Spec_Needs_Nov2015.pdf (accessed 20 November 2015).

17 Queensland Government (2014) Code of Conduct for the Queensland Public Service, p. 7, http:// www.psc.qld.gov.au/includes/assets/qps-code-conduct.pdf (accessed 20 November 2015).

18 Education Queensland (undated) Guidelines for Developing a Responsible Behaviour Plan for Students Based on the Code of School Behaviour, http://education.qld.gov.au/behaviour/responsible-behaviour.html (accessed 20 November 2015).

Others feel that though time out may provide an appropriate intervention in some instances, it is often misused.

Arguments in favour of time-out as an intervention include that, for students with autism, it provides a break from sensory overload and a chance to 'calm down' (in some cases, a time-out space is made available as a voluntary option for the student to choose). It separates a violent or potentially violent student from her or his peers and also allows the teacher, who may well be at a point of some distress in response to a 'melt down', to recover his or her composure. Finally, time out is seen as an opportunity to defuse a situation that might well escalate into one that incurs a more serious outcome such as the suspension or exclusion of the student.

Criticisms of the use of time out include that it is often used as a punishment rather than as a genuine break from sensory overload, that the temptation for teachers is to increasingly use time out as a substitute for more effective but more difficult to implement interventions, that time-out rooms are often make-shift and inappropriate, that students are sometime left unsupervised for extended periods and that students can injure themselves in time-out rooms (for example by banging their heads against a wall). A study commissioned in the UK by the children's charity, Barnardo's concluded that "isolation rooms", as it called them, "usually neither addressed the issues leading to discipline problems, nor provided any guidance that would help the young person learn to control themselves or resolve conflict in the long term".[19]

Arising from the recent media reports, the Queensland Department of Education has "reaffirmed to all schools that under no circumstances must a student be placed in time out without strict supervision and that students in time out must be given an opportunity to rejoin class after each 10 minute interval".[20]

In the ACT, as noted above, an extensive review of policy and practice in regard to students with complex needs and challenging behaviours has recently been released. The report makes 50 recommendations on a broad range of matters, including: legal responsibilities, school culture, engagement and consultation with parents and students, support personnel, resourcing and professional development. A virtue of the report is that it includes extensive quotations from school leaders, teachers, parents, carers, students and the wider community. Unsurprisingly, the review found that "stakeholder perceptions were diverse and sometimes competing":

> … For example, while expressing support for the right of every child to attend a mainstream school, some parents/carers feared that their own child's learning was being disrupted and their safety threatened by students with complex needs and challenging behaviour. Teachers said they wanted to make a positive difference for students with complex needs and challenging behaviour; but some expressed uncertainty and real concern about lacking necessary skills and resources to do this, while others expressed enthusiasm for the challenge. Generally, however, there was strong, 'in principle' support from students, parents/carers, teachers, school leaders and the community for inclusive practice in ACT schools.[21]

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[19] Evans, J (2010) Not present and not correct: Understanding and preventing school exclusions, Barnardo's, http://www.barnardos.org.uk/not_present_and_not_correct.pdf (accessed 20 November 2015).

[20] Vonow, B (2015) School puts autistic boy in 'cell-like' room, Courier-Mail, 28 October, http://www.couriermail.com.au/news/queensland/school-puts-autistic-boy-in-cell-like-room/story-fnihsrf2-1227584707583 (accessed 20 November 2015).

[21] Shaddock Report, p.12.

Interestingly, the report supports the maintenance of specialist units in mainstream schools, of alternative education programs and of specialist schools. The report does not recommend the banning of time-out practices and facilities. In fact it recommends that all schools should have "safe, calming/sensory [withdrawal] spaces that are appropriate to meet the needs of students with complex needs and challenging behaviour".[22] It notes that "the use of restrictive practices such as … seclusion may be necessary to protect the safety of students and staff". However, "seclusion" should "only be used where it is the least restrictive option, respects the dignity of the student, is proportionate to the risk presented, used for the shortest time possible, with the least force, and recorded, monitored and subject to appropriate oversight".[23]

Time out will continue to be used in schools (and, along with other practices relating to the education of students with disabilities, continue to be debated).

Further Reading:

The International Journal of Inclusive Education contains many interesting scholarly articles exploring the complexities of inclusion.

Roger Slee's The Irregular School: Exclusion, Schooling and Inclusive Education (2011) is a lucid, well-argued challenge to current modes of educating students with disabilities.

Though now somewhat dated, Stewart and Knott's Schools, Courts and the Law: Managing Student Welfare (2002) is a useful guide to legal issues arising from the inclusion of students with disabilities (and other legal issues confronting schools and teachers).

Michael Farrell's Debating Special Education (2010) is a defence of special education as traditionally conceived.

The Shaddock Report – Schools for All Children & Young People, Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour (2015) – was commissioned by the ACT Government in response to the use of time-out "cage" at a Canberra school. At nearly 280 pages it is a thorough consideration of the issues pertaining to the schooling of students with challenging behaviours.

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[22] Shaddock Report, p.24.

[23] Shaddock Report, p.17.