Disciplinary sanctioning of students with intellectual disabilities: revisiting the status liability hypothesis

J. Thomas Kellow · Lyman Dukes III

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Abstract We examined the impact of disability status on disciplinary sanctioning of a student committing a minor versus severe behavioral infraction. We used the status liability hypothesis as a framework. This hypothesis suggests that individuals with a higher personal status receive sanctioning differentially based on the severity of offense. Specifically, individuals of high status are predicted to be sanctioned less severely than persons with lower status given a minor offense. The hypothesis also predicts that individuals accorded high status will receive more punitive sanctioning when the act of deviance from social norms is perceived as severe. Pre-service teachers were randomly assigned to judge the behavior of a student with or without an intellectual disability committing a behavioral offense. A student with an intellectual disability was seen as influenced by dispositional factors, regardless of the offense, while a student without a disability who committed a minor offense was seen as influenced by situational factors. The behavior of a student with an intellectual disability was judged as less severe, and the student was 50% less likely to incur an in-school suspension. When a student with an intellectual disability was sanctioned, the length of suspension was equal to that of a student without a disability.

Keywords Student discipline · Status liability · Students with intellectual disabilities · IDEA

J. T. Kellow
Mercer University, 1408 Westchester Ridge NE, Atlanta, GA 30329, USA
e-mail: tkellow@pdq.net

L. Dukes III
University of South Florida, St. Petersburg, FL, USA
1 Introduction

The inclusion of students with intellectual disabilities into general educational settings is broadly considered to be desirable policy (Andrews et al. 2000; Walther–Thomas et al. 2000; Will 1986). Being included with their non-disabled peers should ideally allow students with intellectual disabilities (and students with other disabilities) an opportunity to shed the label of being “special.” Unfortunately, research has amply demonstrated that simply being in the classroom is not tantamount to being part of the classroom (Gresham and MacMillan 1997).

1.1 Inclusion research

Numerous studies suggest that students with disabilities are: (a) perceived as different by students without disabilities and teachers, (b) elicit different affective responses from students without disabilities and teachers, and (c) are consequently treated differently by students without disabilities and teachers.

To date, researchers have primarily been concerned with social interactions between students with disabilities and their teachers and peers (e.g., Babad 1995; Gresham and MacMillan 1997). With one exception (Rea et al. 2002) no research, to our knowledge, exists on the treatment of students with disabilities when addressing infractions of disciplinary codes of student conduct. Rea et al. (2002) examined academic and behavioral outcomes of students with learning disabilities in inclusive ($N = 36$) as opposed to pull-out ($N = 22$) programs at two schools. Unfortunately, the study included no comparison group of students without disabilities. The authors reported no statistically significant differences between groups, although an analysis of the power of the study suggested that statistically significant differences between groups with regard to both in-school suspensions (ISS) and out-of-school suspensions (OSS) would likely have been obtained with a slightly larger sample size.

This omission in the literature regarding disciplinary sanctions is important, particularly because of the emphasis of articles within the Individuals with Disabilities Education Act (IDEA) that address the ramifications of misconduct for students with disabilities. Current regulations require that students may be suspended from school for up to 10 days, given that other educational supports are provided. If it cannot be shown that the misconduct was a function of the student’s disability and if the infraction meets specific criteria (e.g., allowing the student to remain in the present school setting poses a potential for harm to others), the student may be referred to an alternative educational setting for up to 45 days.

1.2 Social relevance of the present study

The attention given to the requirements of IDEA regarding disciplinary policy are indicative of the importance legislators and the public place on “fair and equal” treatment of all students, regardless of their disability status.

Concerns regarding the treatment of students with disabilities who violate student codes of conduct are reflective of the general interest in how students with