*Special Education Behavior Supports, Policies and Practices in Tennessee Schools: Issues and Solutions*

**Executive Summary**

Since the passage of the Individuals with Disabilities Education Act (IDEA) in 1990, students with disabilities have experienced a dramatic increase in the quality of their educational experience in public schools. IDEA’s expansion of school-based supports and services has facilitated enormous leaps and bounds in educational achievement and attainment for students with disabilities, and improved long-term life outcomes stemming from better educational opportunities. However, a stubborn, persistent gap remains, in part due to the unrealized promise of IDEA for students with behavioral health needs. In Tennessee, this disparity for students with behavior needs, and its underlying causes, is often misunderstood or entirely unacknowledged.

As schools increasingly move toward inclusive models of education, the needs of students who demonstrate unwanted classroom behavior (diagnosed disability or not) are not being proactively or effectively addressed. This is acutely perceived by general education and special education teachers alike, but also by Tennessee state legislators. In response, state legislators have attempted and succeeded in passing a suite of regressive and punitive discipline policies that disproportionately affect students with disabilities, particularly those with behavior needs, thereby severely restricting their educational opportunities. These policies not only sweep students with behavior needs into more restrictive settings, alternative school placements and the juvenile justice system, they cast a net over other marginalized communities, including students of color and students in poverty.

The research on the benefits of inclusion for students with disabilities is clear and positive, but a meta-analysis by Reid et al (2004) found that students with disabilities who manifest unwanted classroom behaviors are less likely than their peers with different disabilities to be included in a general education setting, and less likely to benefit when they are included.

The likely cause of this disparity is that the needs of students who demonstrate unwanted behavior in school settings are not well-understood in Tennessee, which directly leads to the development and implementation of policies poorly suited to address them. This white paper is intended to identify root causes of this educational disparity for students with disabilities, describe those root causes in terms of their school-level manifestations, and to identify policy options that could improve the educational opportunities and outcomes for students with behavior needs.

Root Causes:

* Shortages and turnover of Special Education Teachers
	+ 85% of Tennessee school districts say that they have a shortage of special education teachers, and too few high-quality applicants to fill those vacant positions (Edwards et al 2023)
	+ 21% of Tennessee special education teachers leave their previous school every year (TDOE 2020)
	+ Teachers shortages and turnover lead to larger class sizes, fewer course offerings and higher rates of inexperienced teachers (Sutcher, Darling-Hammond and Carver 2019) (Kini and Podalski 2016)
	+ Teachers are less likely to collaborate in schools with high rates of teacher turnover (Guin 2004)
* General and special education teachers are under-prepared and under-resourced to work with students with behavior needs
	+ Studies show that general education teachers are less likely to be accepting of inclusion of special education students, particularly those with behavior needs, in the general education setting (Gilmore 2018) (Rosenzweig 2009) (Ablin 2021)
	+ In studies of general education teachers’ attitudes toward inclusive practices, those educators say that they feel less prepared to work with students with disabilities, and feel that they do not have the resources necessary to meet their needs (Chhabra et al 2009)
	+ Teachers who feel inadequately prepared or resourced for working with students with disabilities provide fewer and lower quality supports and interventions for students with disabilities (Hernandez et al 2016).
	+ In Tennessee, 42% of general education teachers said they found it difficult to differentiate instruction, 30% were unsure how to modify curriculum, 34% lacked training in instructional strategies for students with disabilities (TDOE 2024)
	+ Only 41% of general education teachers said they knew how to support students’ behavioral success and 62% said that disruptions from students with disabilities was a major problem. (TDOE 2021)
	+ Only 2 of the top 7 educator preparation programs in the state offer a course about working with students with behavior needs to elementary school teaching candidates (survey of websites 2024)
	+ In Tennessee, 41% of special education teachers stated that they did not have adequate time to provide individualized instruction and intervention, and only 32% said they had the necessary tools to assess students with behavior needs and design corresponding interventions (TDOE 2021)
	+ Tennessee ranks 43rd in the country in per-pupil spending for the 2023-2024 school year (US Census Bureau)
* Students with behavior needs face a lack of access to effective school-based supports and therapies
	+ In Tennessee, the ratio of school psychologists is 1233:1, which is far above the national best-practice recommendation of 500:1 (National Association of School Psychologists 2021)
	+ In Tennessee, 64% of school directors are concerned or extremely concerned about their district’s capacity to meet the speech-language pathology needs of their students in the coming 5 years (TDOE 2022)
	+ Tennessee has the 8th highest school counselor to student ratio in the country in 2023 (Bureau of Labor Statistics, the American School Counselor Association and National Center for Education Statistics by Charlie Heath 2023)
	+ Tennessee would need to increase its pool of Board-Certified Behavior Analysts (BCBA’s) in the state’s schools by 365% to meet its estimated need (BACB 2023) (Yingling et al 2022) (Syed 2023)
* State level and school level policy trends are punitive and exclusionary rather than supportive to students with behavior needs
	+ In recent years, the state has proposed legislation that would have permitted handcuffing kids with disabilities, increased the types of school-based behaviors that must be reported to law enforcement, increased zero tolerance offenses and created a mechanism to permanently remove “disruptive” students (TN General Assembly)
	+ A meta-analysis of school-based behavior interventions found that “punishment” was one of the least effective means to improve school behavior (Sugai et al 2002)

How this manifests at the school-level:

* Formal and informal exclusionary discipline policies
	+ Research shows that exclusionary discipline is linked to higher dropout rates and lower academic achievement, higher rates of engagement with the criminal justice system and the exacerbation of delinquent behaviors (Noltmeyer, Ward and Mcloughlin 2015) (Gerlinger, et al 2021)
	+ Research also shows that high rates of exclusionary discipline did not positively impact perceptions of climate for teachers or students (LiCalsi, Osher and Bailey 2021)
	+ Tennessee schools used formal methods of exclusionary discipline, such as suspension and expulsion, for kids with disabilities at disproportionate rates (TDOE 2021)
	+ The use of informal exclusionary discipline, such as informal removal, inappropriate homebound placement and excessive use of shortened school days has allowed schools to avoid putting real plans to address behavior in place and prevented students from accessing quality education
* Inadequate construction, implementation and enforcement of Behavior Intervention Plans and Functional Behavior Assessments
	+ The literature demonstrates the profound effectiveness of Behavior Intervention Plans (BIPs), informed by a properly administered Functional Behavior Assessment (FBA), in addressing unwanted student behaviors (Hurl et al 2016) (Lewis and Stichter 2017) (Walker, Chung and Bonnet 2017).
	+ Studies show that a large percentage of BIP’s are not informed by an FBA, which dramatically limits their effectiveness (Blood and Neal 2007)
	+ Studies also show low-quality BIP implementation fidelity, which severely limits the impact of a BIP (Charlton et al 2021) (Cook et al 2010)
	+ The Tennessee Department of Education does not appear to monitor, audit or evaluate the quality of BIP’s, FBA’s or their implementation
	+ Tennessee State Board of Education has a limited rule outlining what professionals are qualified to perform FBAs but is not gathering data to hold schools accountable (TN SBOE 2024)
* Excessive and inappropriate use of [restraint and seclusion](https://casetext.com/regulation/tennessee-administrative-code/title-0250-childrens-services/subtitle-0250-04-standards-for-regulated-institutions/chapter-0250-04-08-minimum-standards-for-juvenile-detention-centers-and-temporary-holding-resources/section-0250-04-08-11-seclusion-and-restraint)
	+ Research demonstrates the negative impacts for students with disabilities, particularly those with behavior needs, of the use of restraint and seclusion (Cheize et al 2019) (Mohr, Petty and Mohr 2003) (Johnston et al 2022)
	+ Restraint and seclusion are disproportionately used against students with disabilities (Katsyannis et al 2021)
	+ Tennessee has failed to consistently solicit and publish reporting on the use of restraint and seclusion against students with disabilities, as required by law.
	+ Tennessee students were subjected to restraint or seclusion 10,394 times, resulting in 274 student injuries and 917 staff injuries. (TDOE 2024)
	+ The use of restraint and seclusion is notoriously undercounted, with the Government Accountability Office estimating that 70% of districts nationwide erroneously reported zero usages, skewing the data as a whole (GAO 2020)
* Poor outcomes
	+ While educator praxis is difficult to qualify or quantify, the combination of under-preparation, under-resourcing and the use of formal and informal institutional mechanisms of discipline results in poor outcomes for students with disabilities
	+ In 2021-2022 (last year TN data was published), Tennessee students graduated at a rate of 91.5%, while students with “emotional disturbance” IEP’s graduated at a rate of 38.5%. Only 47.3% of students with autism graduated with a regular diploma (TDOE 2022)
	+ Students without disabilities dropped out at a rate of 6.1%, while students with “emotional disturbance” IEP’s dropped out at a rate of 12.2% (2021-22) (TDOE 2022)
	+ The school environment suffers – research shows that increases in the rate of out-of-school suspension did not improve perceptions of school climate for students or teachers (LiCalsi, Osher and Bailey 2021)

Problem Statements and Policy Options

* Problem #1: General Education and Special Education teachers, support staff and administration are inadequately prepared to work with students with behavior needs, leading to the use of ineffective, dangerous, counter-productive and rights-violating behavior practices
	+ Develop and institute an academic and behavioral specialist license for special education teachers who work primarily with students with behavior disabilities
	+ Require teacher preparatory programs to offer or require a course on behavior data collection practices and evidence-based interventions to all aspiring teachers
	+ Create and require professional development for implementing school- and classroom-wide evidence-based intervention and acute behavior de-escalation
	+ Provide capacity for schools to train support staff to collect behavior data and support behavioral interventions, including implementation of IEPs and BIPs/FBAs
* Problem #2: Schools lack the capital and human resources necessary to implement evidence-based and best-practice behavior strategies, which leads to lack of behavioral progress in IEP’s, exclusionary discipline practices and missed instruction and socialization
	+ Enhance the ability for schools to hire additional behavioral support staff and licensed specialist practitioners (OT/PT, SLP, therapists, school psychologists, etc.)
	+ Incentive retention of special education teachers and related service personnel through bonus payments, salary-increases, student-loan forgiveness, continuing education scholarships, career ladder development, etc.
	+ Dedicate Special Education weights derived from TISA for Special Education delivery; change weighting formula from setting-based to IEP-based and re-examine incentive funding for SPED goals
	+ Invest in and increase utilization of existing statewide, school-, home- and community-based intervention programs (TNTAN, TN Start, mentorship, anti-poverty programs, etc.), and work to develop other targeted intervention programs to support teachers and staff in working with students with behavior needs
* Problem #3: Data practices in the classroom, school and at the state-level obscure both root causes and symptoms of poor special education behavior practices, which limits the ability of schools, teachers and the State Department of Education to implement fixes for chronic issues
	+ Enforce the reporting requirements already in state laws and post data in an easily accessible, public-facing dashboard. These include corporal punishment, isolation/restraint, teacher’s discipline act, attendance requirements etc.
	+ Reconstitute a state-level Department of Education Special Education division to be responsible for collecting required data, reporting data and outcomes, enforcing laws and training/supporting school personnel
	+ Commission the TN Comptroller Office of Research Education Accountability (OREA) to conduct an independent study of formal and informal exclusionary discipline practices (such as shortened school days) used in Tennessee schools
	+ Direct the State Board of Education to strengthen rules regarding FBA/BIP development and implementation to ensure that only qualified professionals are developing them

Over four decades of the federal Individuals with Disabilities Education Act (IDEA) undeniably demonstrates that the system works, and not just for students with disabilities; the entire educational system benefits from its strong implementation. IDEA is not perfect, however, and its benefits do not extend equally to all students. Students with behavior needs continue to lag behind their peers in nearly all markers of student success, and most efforts to address their needs dramatically miss the mark.

In the way that IDEA aimed to drastically and comprehensively improve the education of kids with disabilities, we must aim equally high to drastically and comprehensively improve the education of students with behavior needs. However, all efforts intended to begin improving the education of students with behavior needs must be founded in improving the application of IDEA, not in sidestepping it. Further, it must be rooted in the core beliefs of IDEA: that academic, social and behavioral deficits are functions of a disability, and with full and efficacious implantation of IDEA, students with any disability CAN learn and succeed in our public schools.

Tennessee can and should lead the way for students with behavior needs. But first, we must chart a path forward, and that requires that we critically evaluate how our schools work with these students and humbly identify our shortcomings. It is the purpose of this white paper to begin to chart our course. This work must be extensive and comprehensive, and will require that we not only to change our policies and practices around these students’ needs, but also address pervasive beliefs about who these students are and they can achieve. IDEA changed education for kids with disabilities forever; we can do the same for students with behavior needs.