

STUDENTS

Grounds for Temporary Removal from Class

Removal is a serious measure and should not be imposed in an arbitrary, casual, or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed, where their terms are communicated as clearly as possible to students and staff. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, nor every inappropriate circumstance that would justify removal under the Student Code of Conduct ("Code"). A teacher's responsibility is to maintain an appropriate educational environment for the class as a whole. Therefore, notwithstanding the provisions of this Code, in every circumstance the teachers should exercise their best judgment in deciding whether it is appropriate to remove a student temporarily from class.

A student may be temporarily removed from class for unacceptable conduct such as:

- (a) Behavior that violates the behavioral rules and expectations in the Student Rights and Responsibilities Code, the teacher and/or the school.

The Student Rights and Responsibilities Code contains behavioral expectations for students. These rules and expectations are generally explained and discussed with the students near the beginning of each school year. Such discussions should include an explanation of this Code, and the District's policy regarding temporary removal.

- (b) Behavior which is disruptive, dangerous or unruly.

Notwithstanding any inconsistent or contrary provisions in the District's policies regarding suspension and expulsion, or in the Student Rights and Responsibilities Code, the following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous or unruly so as to warrant temporary removal from class:

Inappropriate physical contact intended or likely to hurt, distract or annoy others, such as hitting, biting, pushing, shoving, pulling, pinching or grabbing.

Inappropriate verbal or nonverbal conduct intended or likely to upset, distract or annoy others, such as name calling, teasing, baiting, or gestures.

Behavior that may constitute overt or implied sexual, or other, harassment.

Repeated or extreme inappropriate verbal or nonverbal conduct likely to disrupt the educational environment, particularly when others are talking (e.g. lecture by teacher, response by other student, presentation by visitor) or during quiet (study) time.

Throwing any object, particularly one likely to cause harm or damage, such as books, pencils, scissors, etc.

Inciting other students to act inappropriately or to disobey the teacher or school or class rules, including without limitation inciting others to walk out.

Destroying the property of the school or another student.

Loud, obnoxious or outrageous behavior.

- (c) Behavior which interferes with the ability of the students to learn.

By way of example and without limitation, a student may be removed for behavior which constitutes:

- Open defiance of the teacher, manifest in words, gestures or other overt behavior.
- Open disrespect of the teacher, manifest in words, gestures or other overt behavior.
- Other behavior likely or intended to sabotage or undermine the instruction.

In ordinary circumstances and in practical terms, a teacher's decision to remove a student temporarily from class will stand. However, there may be circumstances when building administrators may, exercising their discretion, overrule the teacher's decision to remove the student, and return the student to class.

Who May Remove a Student from Class?

Any student may be temporarily removed from class under this Code by a teacher of that class. For the purpose of this Code, "student" means any student enrolled in the District, exchange student, or student visitor to the District's schools.

For the purposes of this Code, a "class" is any class, meeting or activity which students attend, or in which they participate while in school under the control or direction of the District. This definition of "class" includes, without limitation, regular classes, special classes, resource room sessions, labs, library time, counseling groups, assemblies, study halls, lunch, or recess. "Class" also includes regularly scheduled district-sponsored extracurricular activities, either during or outside of school hours. Such activities include, by example and without limitation, district sponsored field trips, after-school clubs, and sporting activities.

"Short-term" removal or "temporarily" removed means up to one school day.

A "teacher" is any certified instructor, counselor, nurse or administrator in the employ of the District.

A "teacher of that class" means the regularly assigned teacher of the class or any teacher aide. This definition includes, without limitation, any assigned substitute teacher, proctor, monitor, coach, or group leader. Where there is more than one teacher in a class, any teacher may remove a student from that class. It is advisable, though not absolutely required, that all teachers of a class assent to the temporary removal of the student.

A "building administrator" means a principal of a school, or other individual duly designated by the building administrator or Assistant Superintendent, Curriculum, Instruction & Technology.

What Procedures Must be Followed in Temporarily Removing a Student from Class?

- If behavior is best described as extreme or severe, the child should be sent to the office immediately, i.e., disrespectful, fighting, etc.
- With the exception of the above, students should generally be warned that continued misbehavior will result in temporary removal from class.
- When a student needs to be removed he/she should be instructed to go to the main office. For some students other specific locations may be established.
- If a teacher feels that a child may not go to the office if sent, they should send another student to the office while the offending student remains in class. The building administrator or his/her designee will come to the class to escort the student.
- The teacher will supply the building administrator with a completed referral form. (Exhibit 5130E-A)
- When the student meets with the principal, he/she will be given an opportunity to tell his/her side of the story.
- When feasible, the principal and/or the teacher will contact the parents. This contact may be in person, by telephone, or in writing.

Where Shall Students be Sent Pending, and During, Short Term Removal from Class?

Prior to the initiation of the 1999-2000 school year, each building administrator shall designate a room or other suitable place where students shall remain during any period of temporary removal from the classroom (the "short term removal area").

Students who are temporarily removed by teachers must immediately and directly go, or be taken, to the designated room. For the duration of the removal, the student shall stay in the short-term removal area. In the discretion of the building administrator or designee, the student may instead be sent to another appropriate class, program or educational setting, provided the student is supervised in such alternative setting. The building administrator should also take steps to ensure that the students are supervised while in the short-term removal area. In general, students should do work of an academic nature while in the short-term removal area. Such work should ordinarily be related to the work in the class from which the student was removed, or may be related to the student's misconduct (e.g. writing an apology or account of the situation). In no event should students' time in the temporary removal area be recreation or other free time.

How Long Shall a Short Term Removal Last?

Removal is a serious matter, and should not be taken lightly either by the teacher or the student. In most cases a student shall remain in the short-term removal area for at least the duration of the class or activity from which he/she was removed. Prior to allowing the student to resume his/her normal schedule, the building principal or designee shall speak to the student to determine whether the student is, or appears to be, ready and able to return to class without a recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building administrator or designee shall either retain the student in short term removal or, where necessary, appropriate and practicable, shall take steps to have the student sent home.

What Discretion or Flexibility is Appropriate for Individual Teachers, Administrators, and Schools?

It is expected that administrators and teachers will meet prior to the implementation of this Code to arrive at a consensus regarding how its provisions should be interpreted and applied. However, this Code and the procedures regarding temporary removal are intended primarily as tools to assist teachers to maintain an appropriate educational environment in their classes. Therefore, different teachers may have somewhat different views and practices regarding temporary removal of students from their classes.

Similarly, there are many clear differences between the needs and practices of schools serving different grade levels. Just as there are different behavioral expectations for elementary and high school students, the standards for temporary removal may well differ from one school, grade or class to the next.

Teachers and administrators of each school are encouraged to discuss their individual views, philosophies and practices regarding temporary removal of students.

To What Extent is Removal Applicable to Students Identified as Disabled Under the IDEA?

Some different rules and considerations apply for students identified as requiring special education services under the Individual with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504). In particular, placement for such students is a decision of the student's Individualized Educational Program (IEP) team, subject to stringent procedural safeguards, and cannot be made unilaterally by teachers or the administration. In addition, most students covered by the IDEA should have a behavior plan, which will address (a) whether and to what extent the student should be expected to conform to the behavioral requirements applicable to non-disabled students; and (b) alternative consequences or procedures for addressing behavioral issues. It is highly advisable that all IEP teams address these issues, and this Code, at least annually, setting forth the consensus of the IEP team regarding behavioral expectations and consequences.

Notwithstanding these issues, students identified as requiring special education services under the IDEA or Section 504 may, in general, be temporarily removed from class under the same terms and conditions as non-disabled students.

For the reasons noted above, no change in placement for more than ten (10) school days may be made for a student with disabilities outside of the IEP process. This ten (10) day limit applies to out of school suspensions as well as days of temporary removal.

How Will This Code be Communicated to Parents and Students?

Prior to the 1999-2000 school year, a brief summary of this Code shall be sent to each parent in the District. In addition, this Code shall be provided to, and discussed with, students of the District early in the 1999-00 school year. A complete copy will be provided on request to the principal.

Legal References Section:

- 118.164 Removal of pupils from the class
- 120.13 School Board Powers
- 115 Subchapter V – Children with Disabilities
- IDEA (Individuals with Disabilities Education Act of 1997)

Cross Reference Section:

- Policy 5131 – Student Conduct
- Policy 5144 – Student Discipline – Special Education
- Policy 5145 – Suspension/Expulsion

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