

Formal Disciplinary Removals from Classrooms

It is the goal of the Colorado Springs School District 11 Board of Education (the Board) to support teachers in their efforts to maintain orderly classrooms. The Board has, therefore, adopted the Student Conduct, Discipline and Attendance Code (the "Code"), which includes various disciplinary actions that may be taken by teachers (See Policy JKD-JKE).

Notwithstanding other options available to teachers in the Code, the Colorado General Assembly has required Colorado Springs School District 11 (the District) to adopt a process by which teachers may remove disruptive students from their classrooms. This policy, therefore, authorizes a teacher to formally remove a disruptive student from the teacher's class through the end of the quarter after the teacher has, pursuant to this policy and the accompanying regulations, removed the student from the class on a formal short-term basis for a third time during the same quarter. No short-term removal may count towards a student's long-term removal from a teacher's classroom unless and until the building principal has determined that the removal complies with this policy and the accompanying regulations. In the event a student's third short-term removal occurs so late in a quarter as to thwart the purposes of this policy and significantly undermine the authority of the teacher, the building principal may in his or her discretion extend the long-term removal into the next quarter by a reasonable amount of time as dictated by the circumstances.

The Board regards any formal removal by a teacher as a serious disciplinary measure that it expects will not be used as a substitute for effective classroom management practices. It is the further expectation of the Board that this policy not be overused or abused, and that any such overuse or abuse will be addressed in the performance evaluation process or as otherwise deemed appropriate by the District.

The District is subject to the following laws: Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and the Colorado Anti-Discrimination Act. Accordingly, the District is committed to prohibiting discrimination on the basis of disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, in admissions, access to, treatment, or employment in the educational programs or activities which it operates. In no event may a student be removed because of the student's disability, need for special education services (whether actual or perceived) race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or based on any protected activity, or in a manner that is otherwise contrary to law (See Policies AC, AC-R, JBB, and JBB-R). A student with a disability may be removed from class as provided for by the Individuals with Disabilities Education Act ("IDEA"), the Exceptional Children's Education Act ("ECEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and/or, the Americans with Disabilities Act (the "ADA"), as appropriate (See Policy Exhibit JKD-JKE-2). A student may also be removed according to his or her behavior support plan.

A teacher is expected to exercise his or her best professional judgment in deciding whether to remove a student from the classroom and, except in extreme cases, should have attempted to

address the disruptive behavior by other means in a good faith manner prior to formally removing a student from class. Teachers must also comply with other requirements of this policy and the accompanying regulations including, but not limited to, contacting the parent/guardian and meeting with the parent/guardian and student following each removal, and developing a behavior plan to address the student's disruptive behavior following the first formal, short-term removal. Such plan will minimally include behavior strategies for the student as well as assistance from the teacher or other school personnel.

Nothing herein will prevent the building principal or the District from taking independent disciplinary action against a student, apart from this policy and pursuant to the Code, for disruptive behavior that occurs in a teacher's classroom regardless of whether or not the teacher removes the student from class. Such action may include, but not be limited to, suspension and expulsion from school, except that a student who has been removed from the class of more than one teacher for the remainder of a quarter will be considered for suspension and/or expulsion from school. In addition, a student may be independently disciplined, apart from this policy and pursuant to the Code, for misconduct that occurs during the time the student is removed from a teacher's classroom.

In order that the Board is informed as to the manner in which this policy is being implemented, the Superintendent is directed to provide a status report to the Board at the end of each semester. Each such report may be made in conjunction with other discipline reports provided to the Board, and will include the number of students formally removed from classrooms (short- and long-term) per building and grade level for the previous semester; an analysis of students formally removed by race and gender; and, examples of the kinds of disruptive behavior for which students were removed.

The Superintendent (or his/her designee) will adopt regulations for implementing this policy in accordance with District policy and state and federal law. The Superintendent will ensure that the policy and regulations are applied with reasonable consistency across the District. The Superintendent will review the policy and regulations on an annual basis to assess their application and effectiveness, and propose changes as appropriate. The results of the Superintendent's annual review will be included in the status report that is provided to the Board following the conclusion of the second semester of each school, as required in the paragraph immediately above.

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LEGAL REFS.: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
34 C.F.R. Part 104
34 C.F.R. Part 106
Fair Labor Standards Act, 29 U.S.C. §201
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.
§ 621
Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq.
Exceptional Children's Education Act, C.R.S. 22-20-101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §701, et seq.

Americans with Disabilities Act, 42 U.S.C. §12101, et seq.
 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
 Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e
 42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act of 2008)
 C.R.S. 2-4-401
 C.R.S. 18-9-121
 C.R.S. 22-32-109(1)(II)
 C.R.S. 22-32-109.1(2)(a)(X)(B)
 C.R.S. 22-32-110(1)(k)
 C.R.S. 22-33-105(2)(c)
 C.R.S. 22-33-105(5)(a)
 C.R.S. 22-61-101
 C.R.S. 22-93-101, et seq.
 C.R.S. 24-34-301 through 24-34-308
 C.R.S. 24-34-401 through 24-34-406
 3 CCR 708-1

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
 AC-R, Employee Discrimination/Harassment Reporting and Investigation Procedures
 EHC, Educational Technology Resources Policy
 GBA, Open Hiring/Equal Employment Opportunity and Affirmative Action
 GBAA, Employee Sexual and Racial Harassment/Discrimination
 GBEA, Staff Ethics/Conflict of Interest/Employment of Relatives
 IHBA, Response to Intervention
 JB, Equal Educational Opportunities
 JBB, Sexual and Racial Harassment/Discrimination toward Students
 JBB-R, Regulation to Policy JBB, Sexual and Racial Harassment/Discrimination toward Students
 JK, Student Discipline
 JK-R, Regulation to Policy JK, Student Discipline
 JKA, Use of Physical Intervention and Restraints
 JKB, Detention of Students
 JKBA-R, Regulation to Policy JKBA, Formal Disciplinary Removals from Classrooms
 JKD/JKE, Student Suspension/Expulsion/Denial of Admission
 JKD/JKE-2, Disciplining Students with Disabilities
 JKD/JKE-R, Regulation to Policy JKD/JKE, Student Suspension/Expulsion/Denial of Admission and Policy JKD/JKE-2, Disciplining Students with Disabilities
 JFK, Educational Alternative for Expelled Students
 JFK-R, Regulation to Policy JFK, Educational Alternative for Expelled Students
 JKG, Expulsion Prevention Program