

## Formal Disciplinary Removals from Classrooms

These regulations set forth the processes and requirements by which a teacher may remove a student from his or her classroom on a formal basis pursuant to Policy JKBA. Provided that the requirements set forth in these regulations have been satisfied, as determined by the building Principal, a teacher may opt to remove a student from the teacher's classroom for the remainder of the quarter after the teacher has subjected the student to three formal, short-term removals during the same quarter. Overuse or abuse of the removal process will be addressed in the performance evaluation process or as otherwise deemed appropriate by the District.

### DEFINITIONS

Except as otherwise may be provided for herein, terms used in this regulation will have the meanings that follow.

1. "Academic quarter" or "quarter" means one grading period, or an equivalent amount of time for schools with non-traditional schedules, as indicated on the official district calendar for that school year.
2. "Behavior plan" means a plan to assist the student to correct his or her disruptive classroom behavior that is jointly developed by the teacher, building Principal, student, and the student's parent/guardian following the student's first formal, short-term removal from the teacher's classroom.
3. "Building Principal" includes the building Principal's designee.
4. "Class" or "classroom" means that period of time, which appears on a student's schedule, in which an academic subject is taught as part of a teacher's daily teaching schedule for the quarter, semester, or school year. "Class or classroom" would not normally include assemblies, library time, study halls, etc., unless the teacher is holding his or her class there, nor does "class or classroom" include a teacher's supervisory, extra-duty, or stipend assignments - although a student may be disciplined for his or her misconduct during such activities pursuant to other disciplinary policies and/or procedures. Whether or not a particular place or circumstance is included within the definition of "class or classroom" for purposes of these regulations will be determined by the District.
5. "Disruptive behavior" means behavior by a student in a teacher's classroom that, a) constitutes a Level II, III, or IV violation of the Student Conduct and Discipline Code; b) significantly disrupts the classroom; and, c) substantially interferes with the ability of the teacher to teach the class or the ability of other students to learn.
6. "Extreme cases" means threatened or actual physical harm, threatening or abusive verbal behavior, or the equivalent.
7. "Formal long-term removal" or "long-term removal" or "removal on a long-term basis," etc., means a teacher's removal of a student from the classroom for the remainder of the quarter

in which the student has been subjected to three short-term removals, in accordance with these regulations.

8. "Formal, short-term removal" or "short-term removal" or "removal on a short-term basis," etc., means a teacher's removal of a student from the classroom for the student's disruptive behavior, usually for less than a school day, in accordance with these regulations.
9. "Parent" includes legal guardian.
10. "Teacher" means a person holding a license issued by the State of Colorado who is employed by the District to instruct students. "Teacher" specifically does not include non-licensed personnel, school nurses, social workers, psychologists, librarians, special education teachers and other special education service providers, and excludes licensed employees who do not instruct students in a class or classroom. Whether or not a substitute teacher, intern, student teacher, etc., is considered to be a teacher pursuant to these regulations will be determined by the building principal depending on the individual circumstances. Questions and/or disputes as to whether a specific employee or group of employees is included within the definition of "Teacher" pursuant to these regulations will be determined by the District.
11. "The Code" means the Student Conduct, Attendance and Discipline Code.
12. "These regulations" include the accompanying policy. (See Policy JKBA.)

### **SHORT-TERM REMOVALS**

1. General. Short-term removals are those formal removals from a teacher's classroom that the building Principal has determined, pursuant to these regulations, will count towards the student's long-term removal from the teacher's classroom.
  - Length of short-term removal. A formal, short-term removal should not generally be extended beyond a school day, unless the building Principal determines otherwise based on individual circumstances. The teacher may agree to a removal for a lesser amount of time or to alternative arrangements in lieu of the student's short-term removal as deemed appropriate by the teacher.
  - Informal hearing by Principal. The student will be afforded an informal hearing as defined by Board of Education policy prior to a removal being designated as a short-term removal for purposes of these regulations. (See Policy JKD-JKE.)
  - Informal review of Principal's decision. In the event a student's removal is designated as a short-term removal for purposes of these regulations, the student and/or the student's parent/guardian may request an informal review of the decision by the building Principal's supervisor. (See Policy JKD-JKE.)
2. Requirements prior to a student's short-term removal.

- Attempts to correct the disruptive behavior. Except in extreme cases or as otherwise provided herein, a teacher ought to have attempted to address the disruptive behavior through other disciplinary and non-disciplinary means prior to removing a student from class on a short-term basis. Such approaches may include, but are not limited to, conferences with the student's parent/guardian; in-class strategies, interventions and disciplinary measures; and, requesting a child study or other assistance from school or district personnel. It is expected that short-term removals will not be used as a substitute for effective classroom management practices.
  - Warning to the student and opportunity to correct the behavior. In addition, except in extreme cases, the teacher should give the student an opportunity to avoid being removed from the classroom by giving the student a verbal warning and an opportunity to correct his or her disruptive behavior prior to removing the student from class on a short-term basis.
3. Requirements after a student's short-term removal.
- Contact parent/guardian. As soon as possible after each short-term removal the teacher or building Principal will contact the student's parent/guardian for the purpose of notifying the parent/guardian regarding the short-term removal and to schedule a conference with the parent/guardian, student, teacher, and building Principal.
  - Written notice to parent/guardian. At or prior to the parent/guardian-student-teacher-building Principal conference, the teacher or building Principal will also advise the parent/guardian in writing of each removal and the reason(s) therefore, including notice that the removal will count toward the student's long-term removal from the teacher's classroom.
  - Conference with parent/guardian and student. The purposes of the conference include, but are not limited to, discussing the circumstances of the short-term removal, seeking assistance from the parent/guardian and student in eliminating the student's disruptive behavior, and advising the parent/guardian and student of the possibility of a long-term removal from the class. The conference should also address possible academic and other consequences of a long-term removal and available instructional alternatives, if any, in the event the student is removed for the remainder of the quarter.
  - Behavior plan to address the disruptive conduct.
    - Develop after **first** short-term removal. The parent/guardian, student, teacher, and building Principal will develop a behavior plan for the student after the student's first short-term removal from the classroom. The teacher, student, and building Principal may develop the plan if the parent/guardian does not participate.
    - Review and revise after **second** short-term removal. The parent/guardian, student, teacher, and building Principal will review and revise the plan as

necessary after the second such removal. The teacher, student, and building Principal may review and revise the plan if the parent/guardian does not participate.

- Teacher must act in accordance with plan. Except in extreme cases, no subsequent removal may count towards a student's long-term removal from class unless the teacher has acted in accordance with the student's behavior plan, as determined by the building Principal.
- Consolidation of plans. To the extent the student is already operating under another similar plan (e.g., remedial discipline plan - See File: JK), the participants may adopt the current plan as modified or consolidate plans in order to comply with this provision, as appropriate under the circumstances.

## **LONG-TERM REMOVALS**

1. General. Except as otherwise provided for in these regulations and where other requirements of these regulations have been satisfied, a student may be removed from a teacher's class for the remainder of the quarter upon the student's third short-term removal from the teacher's class during that quarter.
  - Length of long-term removals. A long-term removal will be for the remainder of the quarter, except that, the teacher may agree to a removal for a lesser amount of time or to alternative arrangements in lieu of the student's long-term removal as deemed appropriate by the teacher. It is expected that long-term removals will not be used as a substitute for effective classroom management practices.
  - Third short-term removals that occur late in the quarter. In the event, however, that the 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.
2. Alternate services/instruction/supervision following removal. To the extent, if any, that a school provides alternative services or instruction to a student during a long-term removal, the parameters of such services or instruction will be determined in the reasonable discretion of the building Principal.
  - Examples of alternative services or instruction. Alternative services or instruction may include, for example, placing an elementary student in the classroom of another teacher at the same grade level or allowing a high school student to enroll in another class during the same period.
  - Where alternative services or instruction are not provided. In the event alternative services or instruction are not provided, the removing teacher will make class and homework assignments available to the student during the removal and the student will be given full credit for work completed during the removal (i.e., the same credit the student would have earned for the completed work had the student not been

removed from the classroom). In addition, the building Principal will make supervisory arrangements for the student.

## **STUDENTS WITH DISABILITIES**

A student with a disability may be removed from class only as provided for by the Individuals with Disabilities Education Act (the "IDEA"), the Exceptional Children's Education Act (the "ECEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and/or, the Americans with Disabilities Act (the "ADA"), as appropriate. (See JKD-JKE-2.) Generally speaking, students with disabilities may be subjected to isolated short-term removals to the same degree as non-disabled students. However, determinations with respect to specific removals will be made on a case-by-case basis in a manner that is consistent with applicable law, and may require consultation with or action by the student's IEP Team or 504 Team. Teachers should, therefore, seek appropriate guidance in conjunction with removing a student with a disability from the classroom pursuant to this policy and the accompanying regulations.

## **OTHER CONSEQUENCES**

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. 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.

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Reviewed November 11, 2015

LEGAL REFS.:           Individuals with Disabilities Education Act, 20 U.S.C. §1400, 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.  
                              Exception Children's Educational Act, C.R.S. 22-20-101, et seq.  
                              Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681  
                              Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d  
                              C.R.S. 2-4-4-1  
                              C.R.S. 18-9-121  
                              C.R.S. 22-32-109(1)(II)  
                              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. 22-93-101, 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  
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, 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  
JKF, Educational Alternative for Expelled Students  
JKF-R, Regulation to Policy JKF, Educational Alternative for Expelled  
Students  
JKG, Expulsion Prevention Program