

SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM

Disruptive Students

In accordance with Education Law, Commissioner's Regulations and the *District's Code of Conduct*, teachers shall have the power and authority to remove disruptive students from their classrooms consistent with discipline measures contained in the Code of Conduct. The term "disruptive student," as defined pursuant to law, shall refer to an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Further, teachers shall abide by the provisions of the District's Code of Conduct with regard to the utilization of alternative classroom management techniques and student intervention services, as may be applicable and appropriate to the specific circumstances, prior to removal of the student from the classroom. Additionally, teachers shall have the authority to remove disruptive students from the classroom for each incident for a period of time no greater than as enumerated in the Code of Conduct.

Teachers must inform the student and the school principal/designee of the reasons for the removal.

- a) In most instances, the teacher shall, prior to removing the disruptive student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events.
- b) If the teacher finds that the disruptive student's continued presence in the classroom poses a continuing danger to persons or property or presents an ongoing threat of disruption to the academic process, the teacher shall provide the student with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four (24) hours of the student's removal, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

No disruptive student shall return to the classroom until the principal/designee makes a final determination regarding the discipline imposed by the teacher as outlined in administrative regulations and pursuant to the provisions enumerated in Education Law Section 3214(3-a) or the period of removal expires, whichever is less. The District will ensure the provision of continued educational programming and activities for students removed from the classroom by a teacher.

The principal/designee shall inform the parents/person in parental relation to such student of the removal and shall, upon request, provide the student and the parent/person in parental relation an opportunity for an informal conference to discuss the reasons for the removal in accordance with the procedures enumerated in law. As applicable, the principal/designee shall render a determination regarding the discipline imposed by the teacher in accordance with the requirements mandated pursuant to law and/or regulation.

(Continued)

Students

SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM (Cont'd.)

This policy, in accordance with statutory mandates, does not authorize removal of a student in violation of any state or federal law or regulation (e.g., IDEA, Section 504 of the Rehabilitation Act of 1973). It shall be the responsibility of the building principal/designee to ensure that teacher removal of students from the classroom complies with applicable laws and regulations.

Exhaustion of Administrative Remedies

It is District policy that, prior to commencing an appeal to the Commissioner of Education regarding teacher removal of a disruptive student from the classroom, the parent/person in parental relation must first appeal to the Board of Education.

“Sunset “ Provision for twenty-four (24) hour and forty-eight (48) hour Notification Period

The provisions in law which specify that twenty-four (24) and forty-eight (48) hour notification periods correlate with school days shall terminate on July 1, 2005 in accordance with legislation; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

Violent Students

Teachers are required to immediately report and refer a violent student, as defined pursuant to Education Law, to the principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period as determined by such Code, unless otherwise reduced by the suspending authority on a case by case basis to be consistent with any other state and federal law.

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(2) and Part 201
Individuals with Disabilities Education Act (IDEA),
20 United States Code (USC) Sections 1400-1485
34 Code of Federal Regulations (CFR) Part 300
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.

Adopted: 5/11/04
Revised: 2/12/19