

APPLICABILITY OF THIS POLICY TO TSD STUDENTS

TSD Board Policy FOF addresses discipline of students with disabilities, which includes all TSD students.

The provisions of this policy apply to a TSD student only if:

1. the student has not been removed from the student's current placement for more than ten school days in a school year; and
2. the student's behavior was not a manifestation of the student's disability; and
3. the student does not have in place a Behavior Intervention Plan that addresses the type of behavior for which a teacher is removing the student from the classroom.

In the event a teacher removes a student from the teacher's classroom under the authority of this policy, the student's ARD committee continues to maintain the authority to return the student to the classroom.

See FOF for provisions concerning removal of TSD students from the current placement.

ROUTINE REFERRAL

A teacher may send a student to the principal's office or the campus behavior coordinator (CBC) to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques, consistent with the student code of conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the CBC shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the CBC in the Student Code of Conduct.

Reporting

A student who is sent to the district behavior coordinator's or other administrator's office (as mentioned above) is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

Education Code 37.002(a) [See FO]

DISCRETIONARY REMOVAL

A teacher may remove a student who has been documented by the teacher to repeatedly:

1. interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the other students to learn; or
2. Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students or with the ability of other students to learn.

PLACEMENT OF STUDENTS

If a teacher removes a student from class under the provisions above, the principal may place the student in another appropriate classroom, in-school suspension, or a disciplinary alternative education program (DAEP).

MITIGATING FACTORS

Before ordering suspension or removal to a DAEP, the ARD committee must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action. Education Code 37.009(a)

PROHIBITIONS ON ACTIVITIES

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.

Education Code 37.002(c)

Note: A power granted to a campus principal under Education Code Chapter 37, Subchapter A may be exercised by the DBC.

RETURN TO CLASS

The principal may not return the student to the class of the teacher who removed the student without the teacher's consent, unless the ARD committee determines that such placement is the best or only alternative available.

If the teacher removed the student from class because the student engaged in the elements of an offense listed in Education Code 37.006(a)(2)(B) or 37.007(a)(2)(A) or (b)(2)(C) (assault, sexual assault, attempted murder)

REMOVAL BY TEACHER OR BUS DRIVER

FOA

against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Education Code 37.002(c), (d)
The principal may not return the student to the class of the teacher who removed the student without the teacher's consent, unless the ARD committee determines that such placement is the best or only alternative available.

REMOVAL BY SCHOOL BUS DRIVER

The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus.

The principal shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct (SCOC).

If all positive behavior supports have been exhausted, a student may be removed from the bus for a period of less than ten days for conduct violations specified in the SCOC.

Education Code 37.0022

Issued: 12-10-04

Adopted: 12-10-04

Amended: 12-14-07
05-06-16
10.18.19