

Below you will find the Board Policy for most districts, which addresses the removal of a student from class.

Be sure to notice that an informal removal can be used any time a teacher needs to maintain effective discipline.

A discretionary removal is commonly known as a Chapter 37 removal.

INFORMAL REMOVAL	A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques, consistent with the Student Code of Conduct. <i>Education Code 37.002(a)</i> [See FO(LLEGAL)]
DISCRETIONARY REMOVAL	A teacher may remove a student: <ol style="list-style-type: none">1. Who has been documented by the teacher to repeatedly 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; or2. 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. <p><i>Education Code 37.002(b)</i></p>
MANDATORY REMOVAL BY A TEACHER	A teacher shall remove a student from class who engages in conduct described in Education Code 37.006 (Removal) or 37.007 (Expulsion). <i>Education Code 37.002(d)</i> [See FOA(LLEGAL), FOAB(LLEGAL), FOD(LLEGAL)]
PROCEDURE	If the student has violated the Student Code of Conduct, the principal shall send a copy of the teacher's written report documenting violation to the student's parents or guardians within 24 hours. <i>Education Code 37.001(b)</i>
PENDING THE CONFERENCE	After the student is removed from class, the principal may place the student in another appropriate classroom, in-school suspension, or an alternative education program. The student may not be returned to the regular class pending the conference described below. <i>Education Code 37.002(c), 37.009(a)</i>

CONFERENCE	Not later than the third class day after a student is removed by a teacher, the school principal shall schedule a conference among the principal or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, and the student.
PLACEMENT	Following the conference, and whether or not each requested person is in attendance, the principal shall order the placement of the student for a period consistent with the Student Code of Conduct. <i>Education Code 37.009(a)</i>
ORDER OF REMOVAL	If the Student Code of Conduct specifies removal to an alternative education program, the Board or its designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in an alternative education program. <i>Education Code 37.009(g)</i>
TERM OF REMOVAL	The Board or designee shall set a term for a student's placement in an alternative education program when the student is removed by a teacher or when the student is removed for engaging in conduct for which a student is required to be removed. <i>Education Code 37.009(d)</i> Note: See FOAB(LEGAL) and FOAC(LEGAL) for provision concerning terms of removal and procedural requirements for various term lengths
BEYOND GRADING PERIOD	If placement in an alternative education program is to extend beyond the end of the next grading period, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the Board or designee.
NO APPEAL	Any decision of the Board or designee concerning placement beyond the end of the next grading period is final and cannot be appealed. <i>Education Code 37.009(b)</i>
BEYOND END OF SCHOOL YEAR	Before a student may be placed in an alternative education program for a period that extends beyond the end of the school year, the Board or designee must make one of the following determinations: <ol style="list-style-type: none"> 1. The student's presence in the regular classroom or at the student's regular campus poses a danger of physical harm to the student or another individual. 2. The student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct.

Education Code 37.009(c)

120-DAY
REVIEW OF
STATUS

A student placed in an alternative education program shall be provided a review of the student's status including a review of the student's academic status, by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The District is not required to provide in its AEP a course not specified in Education Code 37.008(a). [See FOAB(LEGAL), item 4]

At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher that removed the student without that teacher's consent. The teacher cannot be coerced to consent.

Education Code 37.009(e)

PROHIBITIONS
ON
ACTIVITIES

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

RETURN TO
CLASS

The principal may not return a student who has been removed from a teacher's class without that teacher's consent.

EXCEPTION

The student may be returned to the removing teacher's class if the placement review committee determines that such placement is the best or only alternative.

Education Code 37.002(c)

PLACEMENT
REVIEW
COMMITTEE

Each school shall establish a three-member committee. The committee shall determine the placement of a student when a teacher refuses to readmit a student to the teacher's class after the teacher has removed that student. In addition, the committee shall make recommendations to the District concerning readmission of expelled students.

MEMBERSHIP

Campus faculty shall choose two teachers to serve as members of the committee and one additional teacher, who will serve as an alternate member. The principal shall choose one member from the professional staff of the campus.

The teacher refusing to readmit a student shall not serve on the

placement review committee.

STUDENTS
WITH
DISABILITIES

Note: See FOE(LEGAL) for provisions concerning removal of students with disabilities.

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