

JDF-R Teacher Authority to Remove Students from Classroom

1/7/13

RATIONALE/OBJECTIVE:

The Cobb County School District is dedicated to sound discipline practices in order to provide students in the Cobb County School District an effective and safe learning environment, to promote learning, and to encourage maturity during the school day as well as during all school-related activities. The District fully supports the authority of the teacher to manage his/her classroom, discipline students, and refer a student to the school administration in order to maintain discipline in the classroom.

RULE:**A. NOTIFICATION:**

Each school principal shall disseminate the policies and procedures relating to the authority of every teacher to remove a student from the classroom to faculty, staff, and parents or guardians of students.

B. DISCIPLINARY REFERRAL:

A teacher who has knowledge that a student has exhibited behaviors that repeatedly or substantially interfere with the teacher's ability to communicate effectively with students in his or her class or with the student's classmates' ability to learn and that violate the Cobb County School District's Code of Conduct shall file a report describing the behavior to the principal or designee:

1. The report must be filed within one school day of the most recent occurrence of the behavior.
2. The report shall not exceed one page and shall describe the behavior.
3. The principal or designee shall:
 - a. Send a copy of the report to the student's parent/guardian.
 - b. Investigate the incident and employ appropriate discipline management techniques that are consistent with Cobb County School District Code of Conduct.
 - c. Send, within one school day, written notification to the teacher and the student's parent/guardian of any disciplinary action taken against or student support service utilized with the student. The written notification to the parent/guardian shall include information regarding how the student's parent/guardian may contact the principal or designee.
 - d. Shall make a reasonable attempt to confirm that the written notification has been received by the student's parent or guardian.

C. TEACHER AUTHORITY:

1. A teacher shall have the authority to remove from his or her class a student:
 - a. Who repeatedly or substantially interferes with the teacher's ability to communicate effectively with students in the class, where the student's behavior is in violation of the District Code of Conduct; or
 - b. Who repeatedly or substantially interferes with the student's classmates' ability to learn, where the student's behavior is in violation of the District Code of Conduct.
2. Prior to removal, the teacher shall:
 - a. Have previously filed a report as required in Section B of this Rule, or
 - b. Have determined that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher.

3. By the end of the school day on which the removal occurs or at the beginning of the next school day, the teacher shall file with the principal or designee a report describing the student's behavior in one page or less.
4. Within one school day after the student's removal from class, the principal or designee shall send to the student's parent or guardian written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parent or guardian may contact the principal or designee.
5. By the end of the school day on which the removal occurs or at the beginning of the next school day, the principal or designee shall:
 - a. Discuss the matter with the teacher.
 - b. Discuss the matter with the student and:
 - (1) Give the student oral or written notice of the grounds for his or her removal from the class; and
 - (2) If the student denies engaging in such conduct, explain the evidence which supports his or her removal from the class; and
 - (3) Give the student the opportunity to present his or her explanation of the situation.
6. After such discussions, the principal or designee may:
 - a. Seek to return the student to the teacher's class and if the teacher
 - (1) Gives his or her consent:
 - (a) The student shall be returned to the class.
 - (b) The principal or designee may take action to discipline the student as may be warranted consistent with the student's constitutional due process rights and which is authorized as a disciplinary response to the alleged violation of the District's Code of Conduct.
 - (2) Withholds his or her consent to the student's return:
 - (a) The student shall not be returned to the class.
 - (b) The principal or designee shall determine an appropriate temporary placement for the student by the end of the first school day following such removal. An appropriate temporary placement for the student shall be a placement that, in the judgment of the principal or designee:
 - 1) Provides the least interruption to the student's education; and
 - 2) Reflects other relevant factors including, but not limited to:
 - a) The severity of the behavior that was the basis for the removal,
 - b) The student's behavioral history,
 - c) The student's need for support services, and
 - d) The available education settings.
 - (c) The principal or designee shall take steps to convene a meeting of a placement review committee by the end of the second school day following removal of a student by the teacher.
 7. **Placement Review Committee:**
 - a. At the beginning of each school year, each school shall establish one or more placement review committees:
 - (1) Each placement review committee shall consist of three members:
 - (a) The faculty shall choose two teachers to serve as members and one teacher to serve as an alternate on each placement review committee.
 - (b) The principal shall choose one member of the professional staff of the school to serve as a member.
 - (c) The teacher withholding his/her consent for the student's returning to his/her class may not serve as a member of the placement review committee.
 - b. The purpose of the placement review committee is to determine the placement of a student when the student's teacher has withheld consent to return the student to the teacher's class. The placement review committee shall have the authority:
 - (1) To return the student to the teacher's class upon determining that such placement is the best alternative or the only alternative; or
 - (2) To decide not to return the student to the teacher's class and to refer the student to the principal or designee for placement.
 - c. The decision of the placement review committee shall be in writing and shall be made within three school days after the teacher withholds consent to return a student to his or her classroom.

- d. If a placement review committee decides to return a student to a class from which he or she was removed, the principal or designee shall implement the decision. In addition, the principal or designee may, after considering the use of any appropriate student support services, take any disciplinary action consistent with the student's constitutional due process rights which is authorized by Administrative Rules as a response to the alleged violation of the Code of Conduct.
8. The principal or designee shall implement the decision of the placement review committee not to return the student to a class from which he or she is removed. The principal or designee shall determine an appropriate placement for the student and may, after considering the use of any appropriate student support services, take action consistent with the student's constitutional due process rights to discipline the student as follows:
 - a. Place the student into another appropriate classroom, in-school suspension, or an alternative education program;
 - b. Impose out-of-school suspension for not more than ten (10) school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class by the teacher;
 - c. Make another placement or disciplinary decision or recommendation consistent with Administrative Rules; or
 - d. Implement or recommend any appropriate combination of the above and return the student to the classroom from which he or she was removed upon completion of any disciplinary or placement action taken pursuant to this paragraph.
9. The placement or disciplinary action must be authorized by Administrative Rules as a response to the alleged violation of the Code of Conduct. Within one school day of taking action pursuant to the decision of the placement review committee, the principal or designee shall:
 - a. Send written notification of the action to the teacher; and
 - b. Send written notification of the action to the parents or guardians of the student; and
 - c. Make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians.
10. Parents or guardians of a student who has been removed from a classroom by a teacher must participate in a conference that may be requested by the principal or designee. A student may not be penalized for the failure of his or her parent or guardian to attend the conference.
11. Nothing in this Rule shall infringe upon any right provided to students with individualized education programs or plans pursuant to the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), or the Americans with Disabilities Act (ADA).
12. The District shall provide training for members of placement review committees regarding the provisions of this subpart, including procedural requirements; administrative rules relating to student discipline; and the District's Student Codes of Conduct applicable to the school.

D. TEACHER ACCOUNTABILITY:

Any teacher who removes more than two students from his or her total class enrollment in any school year under this provision who are subsequently returned to class by a placement review committee because such class is the best available alternative may be required to complete professional development to improve classroom management skills, other skills on the identification and remediation of academic and behavioral student needs, or other instructional skills as identified by the principal of the school in consultation with the teacher.

Adopted: 6/22/00

Revised: 9/18/00

Reclassified an Administrative Rule: 9/1/04

Revised: 2/24/05

Revised and re-coded: 1/7/13 (Previously coded as Administrative Rule JKF)

Legal Reference

O.C.G.A. 20-02-0751.5

Required provisions for student code of conduct

O.C.G.A. 20-02-0737

Reports by teacher of violations of student code of conduct; parental notice

O.C.G.A. 20-02-0738

Authority of teacher to remove student from classroom; procedures

Rule 160-4-8-.15

Student Discipline