

Okaloosa County Education Association

348 Valparaiso Blvd ♦ Valparaiso, FL 32580 ♦ 850/678-5940

Disruptive Student Removal

This packet of information contains the following:

- Overview of Disruptive Student Removal
- Procedures for Disruptive Student Removal – Continual Ongoing Disruption
- Procedures for Disruptive Student Removal – One Time Incident
- Procedures for Disruptive Student Removal – ESE Students
- MIS Form #4272 – Request for Removal of Student
- Memorandum of Agreement – School District of Okaloosa County Request for Removal of Student
- Copy of the law (1003.32 Florida Statutes)

OCEA – FEA – NEA – AFT

Procedures for Removal of a Disruptive Student From the Classroom

Continual Ongoing Disruption

1. Begin documentation in a file referencing the specific disruptive acts of the student in question. Include in this the date, time, location, specific incident, how the learning process was interrupted, the problems encountered because of the student's misbehavior or how the disruption affected the other student's ability to learn.
2. Denote all disciplinary measures taken by you, both informal and formal, to correct the student's misbehavior for each disruption and/or incident.

Examples of informal discipline:

Teacher-student conference
Move the child's seat in the classroom
Teacher-parent conference
Teacher-parent-student conference
Note or phone call to the parent
Administrator-student conference
Teacher-administrator-student conference
Teacher-administrator-parent-student conference

Examples of formal discipline:

Time-out
After school detention
Written office referral/reprimand
Assignment of written work
(i.e., report, code of conduct)

3. Not all of the above examples of disciplinary measures need to have been taken in order to request permanent removal of the offending student from the classroom. However, parent contact is one of the most essential pieces of documentation. Additionally, there should be several formal means of discipline recorded including documentation of office referral to the principal.
4. Once you believe you have sufficient documentation fill out MIS Form No. 4272. Attach a **copy** of all of your documentation – not the originals. You should always maintain control of your original records.
5. Make another copy of all records. Keep the original documents and the extra copy in a safe place.
6. Turn in the MIS Form No. 4272 and all attached records to the school principal. If all documentation is in order the principal is required to:
 - Give notification to the student's parent/legal guardian
 - Notify the Placement Review Committee members and alternates and schedule the committee meeting
 - Notify you of the schedule for the Committee meeting
 - Make the Request for Removal of Student documents available for the parent/legal guardian and Committee members to review
 - The principal may not return the student to your classroom until the Placement Review Committee reviews the request and renders a decision

Procedures for Removal of a Disruptive Student From the Classroom One Time Incident

A student may be removed from a teacher's classroom if a single act of behavior is so severe, egregious, or abusive that it seriously interferes with the teacher's ability to communicate or with the ability of the student's classmates to learn.

1. Write up a discipline referral form and send the student to discipline. Maintain a copy of this referral.
2. Fill out MIS Form No. 4272.
3. Write a thorough statement fully explaining the episode that occurred. Make sure to include all the supporting details of the incident, any existing evidence and the names of any individuals who are witnesses.
4. Attach a **copy** of all your documentation to MIS Form No. 4272. You should always maintain control of your original records.
5. Make another copy of all records. Keep the original documents and the extra copy in a safe place.
6. Turn in the MIS Form No. 4272 and all attached records to the school principal. If all documentation is in order the principal is required to:
 - Give notification to the student's parent/legal guardian
 - Notify the Placement Review Committee members and alternates and schedule the committee meeting
 - Notify you of the schedule for the Committee meeting
 - Make the Request for Removal of Student documents available for the parent/legal guardian and Committee members to review
 - The principal may not return the student to your classroom until the Placement Review Committee reviews the request and renders a decision
7. This entire process, including the Committee's decision, must be completed within five (5) school days.
8. If the principal does not believe the incident is severe enough to meet the threshold criteria* for involving the law, he or she is required to convene the Placement Review Committee that same school day for a preliminary review of the documentation. The Committee, not the principal, will decide if the incident is severe enough to proceed.

***the incident in question was disturbing enough to seriously interfere with your ability to communicate or with the ability of your students to learn**

Procedures for Removal of a Disruptive Student from the Classroom ESE Students

1. You would follow the exact procedures as explained for continual ongoing disruption or for a one-time incident.
2. If an active I.E.P. is in place for the student, the principal is required to notify the District's Exceptional Student Education Director or his/her designee. This individual would determine whether a potential finding by the Placement Review Committee to reassign the student to a different classroom would qualify as a "Change in Placement" that would require a formal I.E.P. process.
3. The ESE Department is required within a twenty-four hour period following the request of the principal to provide written determination as to whether the Placement Review Committee can exercise full jurisdiction over the decision to remove the student or should make a preliminary determination for removal and refer any final action to the ESE Department.
4. Until such a decision is rendered, the student may not be placed back in your classroom.

**SCHOOL DISTRICT OF OKALOOSA COUNTY
DISRUPTIVE CHILD
REQUEST FOR REMOVAL OF STUDENT
(Pursuant to 1003.32 F.S.)**

Date of Request: _____ School: _____

Student Name: _____ Grade: _____

Requesting Teacher: _____

Class Period/Subject: _____

Does this student have an active I.E.P.? _____ Yes _____ No

Has this student been referred to school administration for disciplinary reasons by you this school year?

_____ Yes _____ No If Yes, Number of Referrals: _____

Have you contacted the parent regarding this student's conduct this school year?

_____ Yes _____ No If Yes, Number of Contacts: _____

I am requesting removal of this student from my classroom under the following Threshold Provision of Chapter 1003.32 F.S. (check one)

_____ (A) The subject student 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 student's classmates to learn. ATTACH DOCUMENTATION OF REPEATED CONDUCT AS REQUIRED BY LAW.

_____ (B) The subject student's behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. ATTACH NARRATIVE OF CONDUCT AND ANY SUPPORTING DOCUMENTATION.

Teacher's Signature

FOR COMMITTEE USE ONLY

_____ 1. This request does not meet the statutory threshold for removal of a student under 1003.32 F.S., and the student may be returned to the requesting teacher's classroom.

_____ 2. This request meets the statutory threshold for removal of a student under 1003.32 F.S., and the decision of the Placement Review Committee is that the student:

_____ (A) is to be removed from the requesting teacher's classroom; OR

_____ (B) is to be returned to the requesting teacher's classroom because such placement is the best or only available alternative; OR

_____ (C) is to be referred to the District's ESE Department.

Date: _____ Chairperson's Signature: _____

**Memorandum of Agreement
Okaloosa County Education Association
And
Okaloosa County School Board**

The following shall constitute the agreement between OCEA and the School Board as to administrative procedures when a teacher requests removal of a student under F.S. 232.271. References to this procedure should site "Request for Removal of Student Procedural Guidelines."

Michael E. Frazier 11/4/98 Rebecca Spivey 11.4.98
OCEA Date School Board Date

STATE OF FLORIDA
COUNTY OF OKALOOSA

Acknowledged before me this 4th day of November, 1998, and is personally known to me.

Marilyn C. Bryan
Marilyn C. Bryan
Notary Public

My commission expires:



Marilyn C. Bryan
MY COMMISSION # CC699375 EXPIRES
March 29, 2002
BONDED THRU TROY FAIR INSURANCE, INC

SCHOOL DISTRICT OF OKALOOSA COUNTY
REQUEST FOR REMOVAL OF STUDENT

(Pursuant to 1003.31 F.S.)

In accordance with the provisions of 1003.32 F.S. and Article VIII(E) of the Master Contract between the Okaloosa County School Board and the Okaloosa County Education Association, teachers are provided a process whereby they may request the permanent removal of a student from their classroom based upon certain statutory threshold criteria that must be properly documented and set forth in the teacher's request to have the student removed for disruptive conduct. In accordance with the provisions of the Instructional Master Contract, this procedure is not to be used by teachers for regular discipline referrals for minor offenses. In order to provide direction to both teachers and administrators in carrying out the provisions of this law and to establish procedures for the proper handling of a request for removal of a student, the following guidelines are hereby implemented by joint agreement of the Superintendent of Schools and the Okaloosa County Education Association.

In order to initiate a process for the removal of a student from a classroom the following steps should be followed:

1. The teacher must first fully complete MIS Form #4272 and deliver the form together with all required exhibits and documentation to the school Principal or his/her designee. (Failure to attach documentation for a threshold request under 1003.32 F.S. or failure to recite alleged conduct as a basis for removal under 1033.32 F.S. will cause the request to be inadequate to meet the statutory threshold criteria and the school Principal may return the student to the requesting teacher's classroom without further process under the statute or the Master Contract). If the teacher's documentation is complete then the Principal shall not return the student to the requesting teacher's classroom until the Placement Review Committee acts under sections 2 or 4 hereunder.
2. Upon receipt of the completed Request For Removal of Student (MIS Form #4272), if the school Principal reasonably believes that an issue exists as to whether or not the Request For Removal of Student meets the statutory threshold criteria, then the Principal shall convene the school's Placement Review Committee that same school day for a preliminary review of the request including all attached documentation. During this preliminary review process, the Committee is not required to conduct a hearing or to receive any further information beyond the documentation initially submitted to the Principal by the requesting teacher. If the Committee finds that the statutory threshold criteria has not been met under the request as submitted, then the requesting teacher shall be so advised and the student shall be returned to that teacher's classroom immediately after the Committee's findings.
3. In the event that the Request For Removal of Student and attached documentation appears to meet the statutory threshold criteria when submitted, then the Principal shall:
 - a. Notify the parent/legal guardian of the student that the Request For Removal of Student has been filed and discuss the process that will be followed. In the course of the initial discussion with the parent/legal guardian, the Principal may offer the opportunity for a voluntary transfer of the student from the requesting teacher's classroom to another classroom if the parent/legal guardian consents. In that event no further Committee process will be necessary. In the event the parent/legal guardian

wants to proceed with the Committee process, then the Principal shall immediately provide a full copy of the Request For Removal of Student package to the parent/legal guardian together with information regarding the date, time and place of the Placement Review Committee meeting to consider the request. (In accordance with Florida law the entire process, including the Committee's decision, must be completed within five (5) school days of the removal of the student from the classroom).

- b. Notify the Placement Review Committee members and alternates of the filing of the Request For Removal of Student and the schedule for the Committee meeting to consider the request.
 - c. Notify the requesting teacher of the schedule for the Committee meeting and request the teacher's attendance and participation in the proceeding.
 - d. Make the Request For Removal of Student package, including all attachments and other documentation as submitted by the requesting teacher, readily available for review by the individual Placement Review Committee members and alternates, at their request, in a confidential setting. (NOTE: These documents are student records and all requirements for confidentiality of these records must be carefully protected.)
4. The Placement Review Committee proceeding shall be conducted as follows:
- a. A committee chairperson shall be designated by the Committee to preside.
 - b. The Committee shall, at a minimum, receive the following information and presentations in the course of their consideration of the Request For Removal of Student:
 - i. The requesting teacher may present his/her request for all supporting documentation and other information to the Committee.
 - ii. The student and his/her parent/legal guardian shall be allowed to respond to the teacher's allegations and present additional documentation or information in support of their position.
 - iii. The Principal or his/her designee shall be entitled to present any relevant information to the Committee regarding the request and shall be available as a resource to the Committee during this process.
 - iv. After receiving all available information, the Committee shall close the proceeding with the parties and, within a time frame not exceeding five (5) school days from the initial removal of the student from class, shall render a decision as to whether or not the student should be returned to the classroom or be reassigned to another classroom. The actual reassignment of the student shall be carried out by the school Principal who shall determine, in accordance with the established practice at that particular school, the new teacher and classroom to which the student shall be reassigned.
 - v. At the conclusion of the Placement Review Committee's deliberations, the Request For Removal of Student and all documentation attached to the request shall be returned to the School Principal for proper filing in accordance with confidentiality requirements applicable to student records.
 - c. If either the teacher or the student brings additional witnesses to the Committee

Meeting, all such individuals should be requested by the Committee Chairperson to remain outside of the committee meeting room until they are called by the teacher or student to present their specific information for the Committee's consideration.

- d. Both the teacher and the student may bring legal counsel or another representative with them to the Committee Meeting.
5. In the event that the Request For Removal of Student indicates that there is an active I.E.P. in place for the subject student, then the school Principal shall immediately notify the District's Exceptional Student Education Director or his/her designee for a determination as to whether a potential finding by the Committee that the student should be reassigned to a different classroom would qualify as a "Change in Placement" that would require a formal I.E.P. process. The ESE Department shall, within twenty-four hours of the request by the school Principal, provide to the Principal a written determination as to whether or not the school's Placement Review Committee should exercise full jurisdiction over a decision on the pending Request For Removal of Student or should simply make a preliminary determination as to whether or not the student's conduct would qualify for removal from the current classroom and then refer any final action on such removal to the ESE Department.

1003.32 Authority of teacher; responsibility for control of students; district school board and principal duties.--Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) In accordance with this section and within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom:

- (a) Establish classroom rules of conduct.
- (b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules.
- (c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.
- (d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district school board personnel.
- (e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.
- (f) Request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.
- (g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
- (h) Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
- (i) Press charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.

(j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

(k) Use corporal punishment according to school board policy and at least the following procedures, if a teacher feels that corporal punishment is necessary:

1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. The principal shall prepare guidelines for administering such punishment which identify the types of punishable offenses, the conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment.

2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.

3. A teacher or principal who has administered punishment shall, upon request, provide the student's parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

(2) Teachers and other instructional personnel shall:

(a) Set and enforce reasonable classroom rules that treat all students equitably.

(b) Seek professional development to improve classroom management skills when data show that they are not effective in handling minor classroom disruptions.

(c) Maintain an orderly and disciplined classroom with a positive and effective learning environment that maximizes learning and minimizes disruption.

(d) Work with parents and other school personnel to solve discipline problems in their classrooms.

(3) A teacher may send a student to the principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. [1006.07](#). The principal shall respond by employing the

teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action.

(4) A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Each district school board, each district school superintendent, and each school principal shall support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in-school suspension, or in a dropout prevention and academic intervention program as provided by s. [1003.53](#); or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

(6)(a) Each school shall establish a placement review committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. A school principal must notify each teacher in that school about the availability, the procedures, and the criteria for the placement review committee as outlined in this section.

(b) The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and the superintendent must annually report these data to the department.

(c) The Commissioner of Education shall annually review each school district's compliance

with this section, and success in achieving orderly classrooms, and shall use all appropriate enforcement actions up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

(d) Placement review committee membership must include at least the following:

1. Two teachers, one selected by the school's faculty and one selected by the teacher who has removed the student.
2. One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom. If the placement review committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the committee's decision to the district school superintendent.

(7) Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete professional development to improve classroom management skills.

(8) Each teacher or other member of the staff of any school who knows or has reason to suspect that any person has committed, or has made a credible threat to commit, a crime of violence on school property shall report such knowledge or suspicion in accordance with the provisions of s. [1006.13](#). Each district school superintendent and each school principal shall fully support good faith reporting in accordance with the provisions of this subsection and s. [1006.13](#). Any person who makes a report required by this subsection in good faith shall be immune from civil or criminal liability for making the report.

(9) When knowledgeable of the likely risk of physical violence in the schools, the district school board shall take reasonable steps to ensure that teachers, other school staff, and students are not at undue risk of violence or harm.

History.--s. 127, ch. 2002-387; s. 36, ch. 2003-391.

