

## SCHOOL DISTRICT OF NEW LONDON

### ADMINISTRATIVE GUIDELINE 443 - CODE OF STUDENT CONDUCT

- A. Grounds for disciplinary removal from class.
1. A student may be removed from class for conduct or behavior which:
    - a. Violates the District's policies which can lead to suspension or expulsion;
    - b. Violates the behavioral rules and expectations set forth in the Student Handbook;
    - c. Is disruptive, dangerous, or unruly;
    - d. Otherwise interferes with the ability of the teacher to teach effectively; or,
    - e. Disruptive to the teaching and learning process of others in the class.
  2. Removal is a serious measure and should not be imposed in an arbitrary, casual, or inconsistent manner. Behavioral expectations are always more constructive, and more likely to be followed, where their terms are communicated as clearly as possible to students and staff. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, or every inappropriate circumstance, that would justify removal under this Code. A teacher's primary responsibility is to maintain an appropriate educational environment for the class as a whole. Therefore, notwithstanding the provisions of this Code, in every circumstance the teacher should exercise his or her best judgment in deciding whether it is appropriate to remove a student temporarily from class.
  3. In ordinary circumstances and in practical terms, a teacher's decision to temporarily remove a student from one class period may stand. However, there may be circumstances when the building administrator may, exercising his or her discretion, overrule the teacher's decision to remove the student, and return the student to class.
    - a. Behavior that violates the District's policies which can lead to suspension or expulsion.

(1) It should be noted that decisions regarding suspension are made by building administrators, and recommendations for

expulsion are made by the District's central administration. Thus, a teacher's decision to remove a student from class for behavior that violates the District's policies does not necessarily, mean that the student will also be suspended or expelled.

- b. Behavior that violates the behavioral rules and expectations set forth in the Student Handbook.
  - (1) The Student Handbook contains behavioral expectations for schools in the District. These rules and expectations are generally explained and discussed with the students near the beginning of each school year. Such discussions shall include an explanation of this Code, and the District's policy regarding removal.
- c. Behavior which is disruptive, dangerous or unruly.
  - (1) Notwithstanding any inconsistent or contrary provisions in the District's policies regarding suspension and expulsion, or in the Student Handbook, for the purposes of this Code the following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous or unruly so as to warrant removal from class.
- d. Behavior which otherwise interferes with the ability of the teacher to teach effectively.
  - (1) Students are required to cooperate with the teacher by listening attentively, obeying all instructions promptly and responding appropriately when called upon. A student's non-compliance may, in turn, distract others either by setting a bad example or by diverting the class from the lesson to the student's inappropriate behavior. By way of example and without limitation, a student may be removed for behavior which constitutes:
    - Open defiance of the teacher, manifest in words, gestures or other overt behavior.
    - Open disrespect of the teacher, manifest in words, gestures, or other overt behavior.
    - Other behavior likely or intended to sabotage or undermine the instruction.
- e. Behavior which is disruptive to the teaching and learning process of others.

(1) In addition, there may be grounds for removal for behavior which, though not necessarily violative of the provisions of a through d above, is inconsistent with basic classroom decorum. Such behavior may, in the determination of the teacher, warrant removal because of its interference with the ability of others to learn effectively. Such behavior may include, without limitation, sleeping in class, blatant inattention, or other overt or passive refusal or unwillingness to engage in class activities.

B. Other, non-disciplinary reasons for removal of a student from class.

1. In some cases, a teacher may believe that a student should be removed from the class for the good of the student and in the best interests of the class as a whole. Such reasons may, but need not, be disciplinary in nature, and include, for purposes of illustration and without limitation, irreconcilable personality differences or issues between the student and other students, or in rare circumstances, between the student and the teacher.

C. Who may remove a student from class.

1. Any student may be temporarily removed from class under this Code by a teacher of that class. For the purpose of this Code, "student" means any student enrolled in the District, exchange student, or student visitor to the District's schools.
2. Any student may be removed on a long-term basis from a class based upon the request of a teacher as upheld and implemented at the discretion of the building administrator.
3. For the purposes of this code, a "class" is any class, meeting, or activity which students attend, or in which they participate while in school under the control or direction of the District. This definition of "class" includes, without limitation, regular classes, special classes, resource room sessions, labs, library time, counseling groups, assemblies, study halls, lunch, or recess. "Class" also includes regularly scheduled District-sponsored extracurricular activities, either during or outside of school hours. Such activities include, by example and without limitation, District-sponsored field trips, after-school clubs, and sporting activities.
4. A "teacher" is any certified instructor, counselor, nurse or administrator in the employ of the District.
5. A "teacher of that class" means the regularly assigned teacher of the class, or any teacher assigned to teach, monitor, assist in or oversee the class. This definition includes, without limitation, any assigned

substitute teacher, proctor, monitor, or group leader. Where there is more than one teacher in a class, any teacher may remove a student from that class, upon informing the other teacher(s) of his/her intent to do so. It is advisable, though not absolutely required, that all teachers of a class assent to the removal of the student.

6. A "building administrator" means a principal of a school, or other individual designated by the building administrator or District Administrator.

D. Procedures for temporarily removing a student from class.

1. When the teacher determines that removal is appropriate, the teacher should take one of the following courses of action:
  - a. Warn a student that continued misbehavior may lead to temporary removal from class.
  - b. Instruct the student to go to the main office for the period of removal. In such case, the teacher should notify the office as soon as possible.
  - c. Obtain coverage for the class and escort the student to the main office.
  - d. Seek assistance from the main office or other available staff. When assistance arrives, the teacher or the other adult should accompany the student to the main office.
2. When the student arrives at the main office, the building administrator or designee should give the student an opportunity to briefly explain the situation. If the building administrator or designee is not available immediately upon the student's arrival, the student should be taken to the removal area, and the administrator or designee should speak to the student as soon as practicable thereafter. For the purposes of short-term removal, it is not necessary to obtain witnesses or to otherwise verify the student's or teacher's accounts of the situation.
3. Within twenty-four (24) hours or one business day of the removal, whichever is longer, the teacher shall submit to the building principal or designee a short and concise written report or oral explanation of the basis for the removal. The building administrator or designee may request the teacher to submit a written report if deemed necessary. Such information may be submitted on a form or electronic student information system provided by the building administrator or designee.

E. Where students shall be sent pending and during short-term removal from class.

1. Each building administrator shall designate a room or other suitable place where students shall remain during any period of removal from the classroom (the "short-term removal area").
2. Students who are removed by their teachers must immediately and directly go, or be taken, to the main office. For the duration of the removal, the student shall stay in the short-term removal area. In the discretion of the building administrator or designee, the student may instead be sent to another appropriate class, program or educational setting, provided the student is supervised in such alternative setting. The building administrator should also take steps to ensure that the students are supervised while in the short-term removal area. In general, students should be required to do work of an academic nature while in the short-term removal area. Such work should ordinarily be related to the work in the class from which the student was removed, or may be related to the student's misconduct (e.g., writing an apology or account of the situation). In no event should students' time in the removal area be recreation or other free time.

F. Length of short-term removal.

1. Removal is a serious matter, and shall not be taken lightly by the teacher or the student. In most cases, a student shall remain in the short-term removal area for at least the duration of the class or activity from which she or he was removed, or for at least forty-five (45) minutes, whichever is longer. Prior to allowing the student to resume his/her normal schedule, the building principal or designee shall speak to the student to determine whether the student is, or appears to be, ready and able to return to class without a recurrence of the behavior for which the student was removed. In the event it is not deemed appropriate to return the student to regular classes, the building administrator or designee shall either retain the student in short-term removal, or, where necessary, appropriate and practicable, shall take steps to have the student sent home.

G. Procedures for long-term removal.

1. Long-term removal is an extremely serious step, which should not be undertaken hastily or for less than compelling reasons. Such a step could have profound consequences for the affected student and his or her class, as well as any new class or teacher to which the student may then be assigned. For these reasons, long-term removal should not ordinarily be considered or implemented except after a thorough consultation, including a thorough consideration of alternatives between the teacher(s) and the building principal or designee. For the same reasons, long-term removal should not ordinarily be considered on the basis of a single incident. Unlike short-term removal, the

ultimate decision regarding long-term removal rests with the building administrator.

2. Where a teacher believes the best interests of the student and/or the class require long-term removal, the teacher should so notify the building administrator in writing. Such statement should set forth as clearly and completely as possible:
  - a. The basis for the removal request;
  - b. The alternatives, approaches, and other steps considered or taken to avoid the need for the removal;
  - c. The impact, positive and negative, on the removed student; and,
  - d. The impact, positive and negative, on the rest of the class.
3. Upon receipt of such statement, the building administrator may, in his/her discretion, consult with the teacher and/or other District staff. In most cases, it is appropriate to inform and consult with the parents of the student, and the student, involved in the request for long-term removal.
4. Following consideration of the teacher's statement and any other information, the building administrator shall, in his/her discretion, take one of the following steps:
  - a. Place the student in an alternative education program as defined by law;
  - b. Place the student in another class in the school, or in another appropriate place in the school;
  - c. Place the student in another instructional setting; or,
  - d. Return the student to, or retain the student in, the class from which he or she was removed or proposed to be removed.
5. In any event, a student in long-term removal must continue to receive an educational program and services comparable to, though not necessarily identical with, those of the class from which he/she was removed. Such program need not be in the precise academic subject of the student's former class.
6. Long-term removal is an administrative decision not subject to a formal right of appeal. However, the parents of the student, and/or the student, shall have the right to meet with the building administrator

and/or the teacher(s) who made the request for removal. Where possible, such meeting shall take place within three (3) business days of the request for a meeting. At the meeting, the building administrator shall inform the parents and/or student as fully as possible regarding the basis for the removal, the alternatives considered, and the basis for any decision. However, nothing in this Code shall prevent the building administrator from implementing a removal to another class, placement or setting prior to any meeting, and notwithstanding the objection of the parent(s) or student.

- H. Discretion or flexibility for individual teachers, administrators, and schools.
  - 1. It is expected that administrators and teachers will meet prior to the implementation of this Code to arrive at a consensus regarding how its provisions should be interpreted and applied. However, this Code, and the procedures regarding removal, are intended primarily as tools to assist teachers to maintain an appropriate educational environment in their classes. Therefore, different teachers may have somewhat different views and practices regarding removal of students from their classes, either long or short-term.
  - 2. Similarly, there are many, clear differences between the needs and practices of schools serving different grade levels. Just as there are different behavioral expectations for elementary and high school students, the standards for removal may well differ from one school, grade or class to the next.
  - 3. Teachers and administrators of each school are encouraged to discuss their individual views, philosophies, and practices regarding removal of students.
- I. Extent that removal is applicable to students identified as disabled under the IDEA.
  - 1. Some different rules and considerations apply for students identified as requiring special education services under the IDEA or Section 504. In particular, placement for such students is a decision of the student's IEP team, subject to stringent procedural safeguards, and cannot be made unilaterally by teachers or the administration. In addition, students covered by the IDEA may have a behavior plan, which will address:
    - a. Whether and to what extent the student should be expected to conform to the behavioral requirements applicable to non-disabled students; and
    - b. Alternative consequences or procedures for addressing behavioral issues.

2. It is highly advisable that all IEP teams address these issues, and this Code, at least annually, setting forth the consensus of the IEP team regarding behavioral expectations and consequences.
3. Notwithstanding these issues, students identified as requiring special education services under the IDEA or Section 504 may, in general, be temporarily removed from class under the same terms and conditions as non-disabled students.
4. For the reasons noted above, no change in placement for more than ten (10) school days may be made for a student with disabilities outside of the IEP process. This ten (10) day limit applies to out of school suspensions.

J. Communication to parents and students.

1. A copy of this Code shall be included in the Parent/Student Handbook provided annually. In addition, this Code shall be provided to, and discussed with, students of the District early each school year.

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CROSS-REFERENCE: Policy 443 Code of Student Conduct

LEGAL REFERENCE: