

DISCIPLINE OF ESE STUDENTS

IDEA impacts the discipline of ESE students due to a guaranteed 'free an appropriate public education' and 'least restrictive environment'.

A suspension of more than 10 consecutive days or a series of removals that constitutes a pattern can be considered a change in placement. Changes in placement are only allowed through the IEP process; therefore to change the placement of an ESE student you must hold an IEP meeting to include a manifestation determination.

If the behavior is a manifestation of the student's disability, the placement cannot be changed as a disciplinary action. However, the IEP team may determine that a change of placement is necessary to provide a free, appropriate public education (FAPE) to the student in the least restrictive environment.

If a student is removed from school more than 10 days in a year, on the 11th day the district is obligated to provide FAPE to the student. This could involve homebound teachers being assigned, use of virtual school, or contracted tutoring.

Can an ESE student be suspended for more than 10 days in a year?

YES, final answer.



All teachers that work with an ESE student should read and understand what modification and accommodations are required by the IEP.

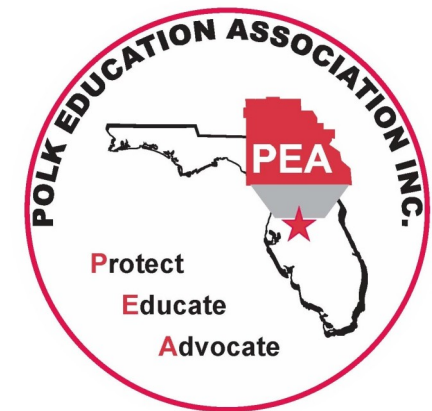
POLK EDUCATION ASSOCIATION

730 East Davidson St.
Bartow, FL 33830

Phone: 863-533-0908
Fax: 863-533-3559
E-mail: polk@floridaea.org

POLK EDUCATION ASSOCIATION

A TEACHER'S GUIDE TO STUDENT DISCIPLINE



State Law, Your Contract,
& District Policies

Florida Statute 1003.32
– Authority of a teacher
Teacher CBA – Article X
FLDOE Rule 6A-6.03312, Rule
Implementation Brief

RIGHTS, ROLES, & RESPONSIBILITIES



The Placement Review Committee must render a decision within 5 days after the removal of the student from the classroom.

THE TEACHER:

- Set and enforce reasonable classroom rules that treat all students equitably.
- Maintain an orderly and disciplined classroom with a positive and effective learning environment that maximizes learning and minimizes disruptions.
- Seek professional development to improve classroom management skills when data shows that they are not effective in handling minor classroom disruptions.
- Request trainings and other assistance to improve skills in classroom management and related areas.
- Remove disobedient, disrespectful, violent, abusive, uncontrollable or disruptive students for behavior management intervention
- Draft a disciplinary referral which may include an appropriate consequence consistent with the student code of conduct.
- Press charges if there is a reason to believe that a crime has been committed on school property or during school sponsored activities, including transportation.
- Using reasonable force to protect himself or herself or others from injury.

THE PRINCIPAL:

- Respond to all disciplinary referrals by employing the recommended consequence or a more serious disciplinary measure if the student's history of disruptive behavior warrants it.
- Consult with the referring teacher prior to taking a lesser disciplinary action.
- Respond with any/all disciplinary actions taken.
- Promptly respond to requests for assistance if a student becomes uncontrollable or in an emergency.
- Press charges if there is a reason to believe that a crime has been committed on school property or during school sponsored activities, including transportation.
- Using reasonable force to protect himself or herself or others from injury.
- Provide trainings and other assistance to improve skills in classroom management and related areas.
- Support the authority of teachers to remove disobedient, or disruptive students from the classroom.
- Take reasonable steps to ensure that teachers, other school staff, and students are not at undue risk of violence or harm.



Disciplinary referrals may include an appropriate consequence consistent with the student code of conduct.

PERMANENT REMOVAL OF A STUDENT:

- Students that are requested to be permanently removed from a teacher's classroom may NOT be returned to that teacher's classroom with the teacher's consent unless the removal has been reviewed by the Placement Review Committee.
- This committee must include a teacher selected by the faculty, a teacher selected by the teacher who removed the student, and one member of the school's staff who is selected by the principal.
- The Placement Review Committee must render a decision within 5 days after the removal of the student from the classroom.
- If the committee decides to return the student to the teacher's classroom, the teacher can appeal the decision to the district's superintendent.

POLK EDUCATION ASSOCIATION

730 East Davidson St.
Bartow, FL 33830

Phone: 863-533-0908
Fax: 863-533-3559

E-mail: polk@floridaea.org