

NORTH COLONIE CENTRAL SCHOOLS

91 Fiddlers Lane
Latham, New York 12110-5349

MEMO TO: Parents of North Colonie Students

FROM: D. Joseph Corr, Superintendent



RE: *S.A.V.E. Legislation*

DATE: August 3, 2010

Project S.A.V.E. is the Safe Schools Against Violence in Education Act, passed by the legislature and signed by Governor Pataki at the end of the 2000 legislative session. The law seeks to improve school safety and ensure a safe and effective learning environment. To achieve this, the law codifies many existing regulatory requirements that are designed to improve school safety. It also provides tools for educators including mandating the development of school safety plans, organizing school safety teams, implementing character and civility education, refining the discipline code and giving teachers the ability to remove students from classes for behavior that is disruptive to the educational process. The North Colonie Board of Education has determined that teachers may remove students from classes for either therapeutic or disciplinary reasons.

Removal for Disciplinary Reasons includes students who are substantially disruptive. This includes students who are either violent or non-violent. See attachment.

RAE/rlm

Attachment

PROTOCOL FOR TEACHER REMOVAL OF A STUDENT FROM A CLASSROOM

Therapeutic Removals

Therapeutic removals are effective means of helping some students to gain their composure and return prepared to learn in an academic setting. In an elementary school, a student may be sent to a counselor, principal or time-out room for therapeutic time-out purposes. In the junior high, a teacher may send a student to the Internal Room. In the high school, a ninth or tenth grader may be sent to the LaFollette Hall Office, a counselor, or to a special education teacher. An eleventh or twelfth grade student may be sent to the Taft Hall Office, a counselor, or a special education teacher. Each school has procedures whereby the teacher documents the reason a student was sent from the classroom. It is expected that the teacher will communicate with both the parents and principal about why the student was sent out of class, unless it is mutually agreed between the principal and the teacher that a call to the parent(s) is not warranted.

Removal for Disciplinary Reasons

Students Who Are Violent or Substantially Disrupt a Class Endangering the Health and Safety of Others: A teacher may remove from class a student who is violent and substantially disruptive of the educational process. Violent students are defined in the statute as elementary or secondary students under 21 years of age who: commit acts of violence against any school employee; who commit acts of violence on school property against any student or other person lawfully on school grounds; possess, on school property, a gun, knife, incendiary bomb, or other dangerous instrument capable of causing physical injury or death; threaten, on school property, to use any instrument that appears capable of causing physical injury or death; knowingly or intentionally damage or destroy the personal property of any person lawfully on school property; or knowingly or intentionally damage or destroy school property. (School property means in or within any building, structure, athletic field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus.)

The use of call buttons should be limited to those few situations of extreme behavior, such as a student who is violent or substantially disrupts a class by **endangering the health and safety of others**. The office will send someone to assist the teacher and escort the student to the principal's office. The teacher will submit a written statement about what occurred to the principal as soon as possible.

After the student receives due process (see #5300R), the principal will decide on appropriate discipline. If the student is suspended, the principal will notify parents orally and in writing, within 24 hours, the nature of the circumstance that caused the suspension, that the parent/guardian has a right to an informal conference with the principal, and the right to interview witnesses. One of the conditions of a student's reinstatement following a suspension should be a conference attended by the principal, the student and his/her parent/guardian, and when appropriate the teacher and counselor. The purpose of this meeting is to develop a plan to address the behavior that caused the suspension.

Students Who Have Substantially Disrupted the Class But Are Non-Violent:

If the teacher has decided that it is appropriate for the student to leave the classroom because the student has substantially disrupted the class and violated the North Colonie code of conduct, the teacher will need to give an immediate explanation to the student about why he or she is being asked to leave the classroom. This can be accomplished in several ways, including the following: 1) The teacher gives the student a written form on which the student's behavior has been checked off, and asks the student to proceed to the office where the student will write his or her own version of what occurred; or 2) The teacher asks the student to step into the hallway, describes what has occurred, and gives the student an opportunity to express his or her version of the incident. The student will then be sent to the principal's office or an alternative location. It is not recommended that the teacher enter into a dialogue with the student in front of other students.

After a student is removed from the classroom, the teacher will complete a disciplinary referral form, and speak with the principal as soon as possible regarding the incident. After this discussion, the principal will make a determination of whether the student's removal was warranted, and if so, the number of days the student would be removed from class. If the principal does not uphold the removal, the student will attend the next scheduled class meeting. Whether or not the removal is upheld, the principal will send a written communication to parents notifying them the child has been removed from the classroom.

(The principal has several grounds on which to overturn a student removal from class. They are: a lack of substantial evidence to support a removal, if the removal is a violation of law, or if a removal is inconsistent with the district's code of conduct. In these cases, the Principal may return a student to class. If the student's conduct warrants a suspension rather than a removal from class, the Principal will suspend the student. This last situation will not be viewed as a teacher's removal of a student from class.)

It is our expectation that the teacher will contact the parent or guardian within 24 hours of the student's removal from class. (Parents' work numbers are available in the school office.) It is understood by all parties that the most desirable situation is for the teacher and parent to have a dialogue about what occurred in class. If a teacher cannot contact the parent after making a diligent effort, the teacher will communicate with the principal.

A parent may request a conference within 48 hours of the removal from class. If the conference is held, the teacher, parent, student, principal, and counselor when appropriate, should be present. The meeting should be scheduled within the confines of the teacher's contractual day, unless there are extenuating circumstances and teachers have agreed to meet otherwise. Teachers should be relieved from supervision responsibilities, whenever possible, prior to using the teacher's preparation period.

The student is not permitted to return to the classroom and must continue to receive educational programming for the duration of the removal or pending the outcome of a conference if one is held. It is the disciplining teacher's responsibility to provide work for the student who is removed.

Students With Disabilities are expected to adhere to all school discipline procedures. For a student with a disability who has a chronic discipline problem, the case would be referred to the school's Pupil Service Team and the District Committee on Special Education for review. Student suspension or removal from class for more than ten days is "a significant change of placement" under 504 or special education regulations. A school district is required to conduct an evaluation and review of the student's placement prior to any significant change of placement (34 CFE 104.35 (b)). Whenever students protected under 504 or special education regulations have cumulative suspensions or teacher removals from any class approaching ten days, the PST will review the student's standing to determine whether such suspensions or removals from class constitute a significant change in placement.

Policy Amended: May 21, 2001