Disciplinary interventions and regulations in US Kindergarten Thru 12\textsuperscript{th} grade public school education system

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Abstract

Disciplinary interventions that are direct cost reactions of unacceptable types of behaviors or accumulated discipline points in United States public school system are reviewed within the context of current legislation and practical applications. Among reviewed and discussed subtopics are; content and administration of disciplinary interventions that are lunch, after school and Saturday detentions, in and out of school suspensions, expulsions, placement in an alternative educational program, as well as procedures for discipline referrals, notifications to students and parents, re-enrollment practices and the due processes entitling students to appeal the disciplinary sanctions.

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1. Introduction

Disciplinary interventions due to accumulation of discipline points or unacceptable types of behaviors are reviewed in the order of severity of intervention. Thus, first detentions are reviewed and within detentions, After School detention is followed by Saturday detention which is commonly deemed more severe by the students. Suspensions are reviewed following detentions; expulsions and placement in an alternative educational program are reviewed the last as the most severe consequences.

In United States federal laws foresee the state laws, which are further detailed by the public school district policies. Rules mentioned in the teacher syllabi may be considered supplemental to these laws, regulations, and policies as long as they abide by them. It is author’s own educational and working experience in US that despite there are differences in terms of implementations, US public educational system in different states shows sufficient similarities as it is implemented in very similar cultural environments and is also foreseen by a common federal law, so that a common educational phenomenon such as disciplinary interventions can be reviewed and generalized to some extent. Yet, one can easily claim that implementation of disciplinary cases, interventions, and the corresponding sanctions show increasing similarities with the effect of globalization around the world even least a country.
2. Detentions

A serious or repeated violation of the behavior code is usually the cause for a student to serve a detention. Detentions serve as an alternative to out-of-school suspension for violation of school rules. During the hours of detention, students work to increase academic skills, engage in activities to improve self-concept, and also address the behavior that led to discipline. The purpose of detentions is to provide positive, worthwhile, educational experience and a meaningful misbehavior deterrent for those students who have violated school rules problem area.

Students who attend the detention may receive academic assistance and may be given the opportunity to do homework, makeup, or remedial work, under the supervision of a teacher. Each student is given a Behavior Modification Packet which may help students to understand why they break school rules; the consequences students will face thorough introspection. Hopefully this counseling session will guide students toward acceptable alternatives through goal setting exercises given to students from the Behavior Modification Packet. And also, student may do some physical exercises during detention.

Detention may be held on for up to 8 hours. Students who serve detention must make arrangements to be picked up from school. Parents may request a delay of the detention, however this request must be done in person, no phone calls or notes are accepted.

There are certain rules that are specific to detentions in addition to all rules that apply on a regular school day in the classroom such as dress code. Failure to follow these general discipline rules as well as specific detention rules may result in extra DPS points, additional detentions, one day in or out of school suspension depending on the violation.

Students placed on detentions are not permitted to participate in any extra-curricular activities during the duration of the detention. Such students may not have access to paid student club activities for the duration of the detention and are not eligible for any refunds.

There are two types of detentions: After School and Saturday detentions. Schools usually implement either of the two and sometimes both, which in that case students usually serve after school detention first followed by Saturday detention as another intervention before a suspension is issued.

2.1. After School Detention

After school detentions usually take place on a designated weekday after school hours. It is common to run an after school detention from dismissal time that is usually around 3.00 to 3.30 pm until 5.00 or 5.30 pm. Students are expected to report to the detention hall usually as latest as 10 minutes after dismissal with their school uniforms on. Students that are issued after school detention are given a Parent Notification form, which has to be signed and returned by the due date for the student to be able to serve the detention. If a student does not turn in Parent Notification form on the due date without any confirmed excuse, he/she will have 1 day out of school suspension. Signed Parent Notification forms state that the parents are expected to provide transportation to and from detention.

If a student is not picked up at the end of the duration of detention, school reserves the right to file a report with DHS (Department of Human Services) or CPS (Child Protective Services) or police department. School administration is not responsible from the consequences to the parents of filing such a report with aforementioned departments. In case of unexpected situations causing the parents to be late, notifying school administration may help avoiding with filing such reports. Occasionally schools charge student accounts for late pick-ups up to a certain time, which in return they pay the extra time that the supervisor has to stay at school supervising students that are not picked up.

If a student arrives to detention room 5 minutes after designated time without confirmed excuse, the student is not allowed into detention room usually resulting in an additional After School Detention or a direct one day out of
A second late arrival to an assigned After School Detention results in an out of school suspension plus an additional After School Detention at the minimum.

A student, who is to serve After School Detention, may not miss the detention given that he/she attended classes on that day unless the student is ill verified by an official document, e.g., a doctor’s note or a verified medical report. If the student did not attend classes on the school day of After School detention, the student has to justify his/her excuse and redo the detention. If the excuse is not accepted by the Assistant Principal responsible of discipline, the student is to serve 1 day out of school suspension instead.

Excuses other than illnesses such as family occasions are not accepted as valid excuses as well as religious occasions, which may be accepted as a valid excuse one time only if an official document is brought from the religious authority. In such a case the student has to redo the detention on any day designated by the school administration to avoid the 1 day out of school suspension. Usually, Wednesday evenings are not considered good for After School Detentions in US since most churches ask participation of their members to their programs on Wednesdays.

If there is no set day for After School Detention designated by the school administration, a certain time is assigned within 24 hours of the assistant principal meeting with the student, which allows the parent time to make transportation arrangements. Other general rules that relate to After School Detention are as follows;

1. Students bring materials to work on that include homework, books to read from the library, other approved materials; approved either by the teacher on duty supervising the detention or any of student’s teachers since teachers may send work for the student to work on.
2. Sleeping is not permitted during detentions.
3. Students may not address staff or teachers. Students may not talk with other students that serve detention or otherwise. Talking with a teacher is with permission only. Also no other form of communication is allowed.
4. Students should use the restroom before detention starts and be prepared to stay in the detention room for the entire length of time except during an emergency.
5. Students are not permitted to go to their lockers. All materials must be brought to the room when reporting.
6. Any student assigned to the detention room must sit the time. Students refusing to sit their time are suspended from school.
7. Students are expected to study the entire time while in detention. Any student not working is removed from detention and referred to the Assistant Principal. The parent/guardian will be notified regarding the infraction immediately.
8. Absolutely no electronics, food, beverages, candy, comic books, etc are allowed.
9. Any student acting disruptively will be removed from the detention and will be referred to the Assistant Principal for further disciplinary action.
10. Failure to follow general classroom behavior rules and rules specific to After School Detention may result in issuance of DPS points at the minimum up to 1 day out of school suspension plus attendance at the next scheduled After School Detention.

2.2. Saturday Detention

Saturday Detention is usually held from 9:00 a.m. to 12:00 p.m. in a place such as cafeteria or library, where all students can be supervised altogether. Parents are expected to provide transportation to and from detention, and students are required to wear their school uniforms. If a student does not turn in their Parent Notification form on the due date without any confirmed excuse, he/she will have 1 day out of school suspension. Implementation of detentions on Saturdays prevents students from losing instruction time, keeping them in school. Written notification of a Saturday detention is sent home with the student. This notification lists the cause for and date of the detention. The only acceptable excuse for not attending a Saturday detention is a verified illness of the student, e.g., a doctor’s note or a verified medical report. Going out of town along with the family is not a valid excuse not to serve a Saturday detention as well as any other occasion such as religious occasions unless an official written document is brought from the religious authority and even then such an exception may be accepted usually for one time only if
any. In such a case the student has to redo the detention on any day designated by the school administration to avoid the 1 day out of school suspension. If a student does not participate in scheduled Saturday detention without any confirmed excuse, the student will receive 1 day out of school suspension plus attendance at the next scheduled Saturday detention. If a student arrives to detention room 5 minutes after designated time without confirmed excuse, the student is not allowed into detention room usually resulting in an additional Saturday Detention or a direct one day out of school suspension. A second late arrival to an assigned Saturday Detention results in an out of school suspension plus an additional Saturday Detention at the minimum. Students left at the school after the end of detention are not supervised. School is not responsible for such students and may take necessary actions such as filing a report of unattended child with related governmental authorities such as DHS (Department of Human Services) or CPS (Child Protective Services) or police department. School administration is not responsible from the consequences to the parents of filing such a report with these departments. In case of unexpected situations causing the parents to be late, notifying school administration may help avoiding with filing such reports. Occasionally schools charge student accounts for late pick-ups up to a certain time, which in return they pay the extra time that the supervisor has to stay at school supervising students that are not picked up. Should a student arrive late for a Saturday Detention without a note for an "emergency excusal," he/she is usually assigned a 1 day out of school suspension. A second late arrival to an assigned Saturday Detention, results in an out of school suspension beginning on the following Monday plus an additional Saturday Detention at the minimum. Other general rules that relate to Saturday Detention are as follows (1);

1. Students bring materials to work on that include homework, books to read from the library, other approved teachers may send work for the student to work on.
2. Sleeping is not permitted during detentions.
3. Students may not address staff or teachers. Also no other form of communication is allowed.
4. Students should use the restroom before detention starts and be prepared to stay in the detention room for the entire length of time except during an emergency.
5. Students are not permitted to go to their lockers. All materials must be brought to the room when reporting.
6. Any student assigned to the detention room must sit the time. Students refusing to sit their time are suspended from school.
7. Students are expected to study the entire time while in detention. Any student not working is removed from detention and referred to the Assistant Principal. The parent/guardian will be notified regarding the infraction immediately.
8. Absolutely no electronics, food, beverages, candy, comic books, etc are allowed.
9. Any student acting disruptively will be removed from the detention and will be referred to the Assistant Principal for further disciplinary action.
10. Failure to follow general classroom behavior rules and rules specific to Saturday Detention may result in issuance of DPS points at the minimum up to 1 day out of school suspension plus attendance at the next scheduled Saturday Detention.

3. Suspensions

Suspensions are two types; in school suspension and out of school suspension (13). In school suspension is usually considered less severe than out of school suspension however more serious than detentions.

3.1. In School Suspension

In school suspensions last a full school day, e.g. starts at 8.00 am with the first bell and ends at 3.00 pm with dismissal. If late, student will be considered tardy and DPS points for tardiness is issued if without a valid excuse. If late more than 5 minutes to the detention room, student is counted absent for that period, and a 1 day out of school suspension may be issued. Students bring materials to work on.
Usually the implementation is that the students that serve in school suspension serve their suspensions in a designated location usually the same location used for After School Detention. These students serve in school suspension while their peers have their regular classes and they report to their teachers before the start of each class asking the teachers to give them assignments and record them on the In School Suspension Assignment List, including teacher’s name, subject, and the assignment. It is the responsibility of the student that serves the suspension to go and ask the teachers for assignment and get the approval signature afterwards they complete the assignment. Assistant principal checks the assignment list with approval signatures from all teachers that the student normally has classes that day and decides whether the suspension is served or not. Teachers may ask permission from the Assistant Principal to have the student serving suspension in class for written quizzes, tests, or exams; however if Assistant Principal does not grant the permission, the student may not have the right to be given a make-up. To avoid major conflicts, out of school suspensions are usually not assigned on the days of state standardized tests, which the students usually has to pass or at least has to take to advance to next grade level. However, especially in cases which the student’s presence causes a safety risk, student is kept out of school and may or may not have the right to have a make-up by the state.

The student serving suspension is also responsible with following up all the work that his/her peers are assigned that day as class assignments and as homework. Such a student is also responsible for showing the teachers his/her work that is due on the day of suspension. Basically, a student serving suspension cannot at any occasion use suspension as an excuse for not making up his/her work. Other specific rules relate to In School Suspension are (1,14):

1. Students must sign in when they report to the detention room and sign out when they leave under the supervision of the supervisor.
2. Without assistant principal’s permission, a student serving suspension cannot go out of detention room.
3. No talking or conversations. Students must be seated at all times.
4. Students are not permitted to go to their lockers. All materials must be brought to the detention room by the beginning of suspension, e.g. 8:00am.
5. Students are to keep clean the detention room.
6. Students are not permitted to go to lunch. They have their lunch in the detention room.
7. Suspension is assigned within 24 hours of the Assistant Principal meeting with the student unless there is a certain day designated for In School Suspension.
8. No food, drinks, gum or illegal substances are allowed.
9. No visits by parents, relatives or other students.
10. Sleeping is prohibited.
11. Students are responsible for lost, stolen or damaged items.
12. Transportation to the in-school suspension site is the responsibility of the students and their parents/guardians. Transportation arrangements must be made prior to arrival at the site. Telephones are not available for student use. Since In School Suspension takes place during regular school hours, excuses and claims about transportation are usually not considered as valid excuses unless an emergency incident has occurred such as a traffic accident.
13. All student handbook rules such as classroom behavior and dress code rules apply in addition to rules specific to In School Suspension.
14. No physical contact of any kind between participants is allowed.
15. If a student does not attend scheduled In School Suspension without any confirmed excuse, then the student will have 1 day out of school suspension and attend rescheduled In School Suspension. If it occurs again, it may result in expulsion from the school.
16. If a student does not turn in the Parent Notification form on the due date without any confirmed excuse, he/she will have 1 day out of school suspension in addition to serving that in school suspension that the student is present since the form is not a prerequisite for the student to stay in suspension between during school hours, e.g. between 8.00 am and 3.00 pm, which are the times that the school must have the student.
17. No disruptive behavior will be allowed during suspensions.
18. Failure to comply with the rules is reported to the Assistant Principal for further action. This further action may result in a 3day school suspension.

3.2. Out of School Suspension

Both the “Notice of Suspension” and the reasons for the suspension are given to the student by the Assistant Principal following the discipline committee meeting. Student and his/her parents may appeal a suspension within 2 school days of the issuance of suspension. This appeal must be in writing and submitted to the Principal. Consequences will not be deferred pending the outcome of an appeal. The Principal makes the decision within 2 school days after the appeal is made. The Principal’s decision is final. Grounds for suspension include, but are not be limited to (15):

1. Damage or destruction of school property or private property
   Students who accidentally damage school property must report this promptly to the principal or classroom teacher. When damage, e.g., a broken window, results from careless behavior, students are expected to pay the cost of repairs. Unreported damage will be regarded as vandalism.

2. Smoking

3. Profanity or obscene language or materials
   Profanity or obscene language or materials include obscene gestures or signs.

4. Insubordination in refusing to comply with directions of school personnel.

5. Truancy from, or repeated tardiness to, class or school.

6. Theft of school property or equipment, or personal property of any school personnel, another student, or visitor

7. Fighting among two or more students on school property including buses or at any school sponsored activity

8. The act of extortion from any person on school property including buses or at any school sponsored activity

9. Repeated or flagrant violation of any school or classroom rules or accepted standards of school behavior

10. Using a fire exit door at an inappropriate time.

11. Selling food or items without an approval from an Administrator.

12. Not being in assigned location, e.g. skipping a class including electives.

13. Receiving a total of 50 DPS points within a semester resulting in 1 day out of school suspension.

14. Receiving a total of 70 DPS points within a semester resulting in 3 day out of school suspension.

Rules and Regulations specific to Out of School Suspension are (16-17):

1. A student who is suspended from the school is not allowed on school property and considered trespasser if does so.

2. A student who is suspended is responsible for all make-up work missed.

3. Parents or guardians of the student are notified in advance of dates of suspension. Unlike other interventions, which may be assigned on the same dates for a group of students, out of school suspensions are individually assigned and served.

4. If the incidence is severe and out of school suspension is issued immediately, then Principal or Assistant Principal may keep the student in the detention room, until parents are notified and pick up the student to serve the suspension.

5. Some suspensions may be extended, if further evidence is revealed. In such a case, parents or guardians are notified either by phone or by mail.

6. If a student does not turn in Parent Notification form on the due date without any confirmed excuse, he/she will have an additional day of out of school suspension.

7. Failure to follow Out of School Suspension Rules may result in extra disciplinary action.

4. Re-Enrollment Practices

Some schools keep their rights to deny re-enrollment of students that are suspended out of school during the previous year (18). In such cases, if a student is suspended during the school year, the student is denied a re-
enrollment form for the following year, however students and parents may fill a petition within two weeks after a suspension is being issued and request their child to be re-enrolled. Letters must be dated and are addressed to The Principal, as the upper level in hierarchical order above the Assistant Principal that is responsible from student discipline. This petition letter consists of a one-page typed letter from the parent and a half-page typed letter from the student. Petition letter from the parent includes,

- Request for re-enrollment
- Any improvement in the student
- Measures that will be taken to avoid future discipline problems
- Date, Parent Name, and Signature

Petition letter from the student includes,

- Request for re-enrollment
- An apology for the offense
- A commitment to proper conduct
- Date, Student Name, and Signature

School administration and the Discipline Committee review the petition letters after they are submitted. During the decision making process, the student’s up to date conduct is also taken into consideration. If suspension occurs before the re-enrollment deadline, and if the school decides not to deny re-enrollment, a letter and a re-enrollment form is sent to parents with a postmark date as late as one week before the last day of re-enrollment. Usually the letter includes a contract between the student and his/her parents and the school that student is not to receive any additional out of school suspensions during the following educational year that he/she is reenrolled and otherwise he/she will be denied of reenrollment the following year. Parents must submit the re-enrollment form before the deadline to reserve their child’s place in school if not school may enroll new students in place of their child.

If suspension occurs after the re-enrollment deadline, and if the school decides not to deny re-enrollment, usually a letter postmarked earlier than the last day of school is sent to the parents. If petition is not accepted, again a letter postmarked earlier than the last day of school is sent for the student to be able to enroll at other schools. These new schools that the student is trying to enroll in, upon rejected by the old school, ask for the documents from the old school and the old school has to provide all official documents of the student including the discipline records within at most 10 business days by law. Thus, the discipline records go along with student’s file to whichever school he/she goes to and the public schools that the student is trying to enroll may deny enrollment of the student based on his/her discipline records. Normally public schools may not deny enrollment of a student if the student resides within the school region and given that the school is not full.

5. Expulsion

Some schools keep their rights to deny re-enrollment of students that are suspended out of school during the previous year (18). In such cases, if a student is suspended during the school year, the student is denied a re-enrollment form for the following year, however students and parents may fill a petition within two weeks after a suspension is being issued and request their child to be re-enrolled. Letters must be dated and are addressed to The Principal, as the upper level in hierarchical order above the Assistant Principal that is responsible from student discipline. This petition letter consists of a one-page typed letter from the parent and a half-page typed letter from the student. Petition letter from the parent includes,

The decision to expel any student is made in writing and includes the reasons for the expulsion by the assistant principal after hearing about the events involved in a situation. In addition, suspensions may be used for students who have committed a removal or expulsion offense and for whom a conference or hearing is pending. The student and the parent/guardian may appeal an expulsion within 2 school days of the expulsion being issued. This appeal is made to the Superintendent in writing, who is hierarchically above the Principal that makes the decision of expulsion along with the Discipline Committee. Consequences will not be deferred pending the outcome of an
appeal. All disciplinary hearings on expulsions are held within 4 school days of the appeal being made. The decision of the Superintendent is final (19).

Grounds for expulsion will include, but not be limited to (15):
1. Assault, assault and battery or threat thereof to any school personnel, other student or visitor while on school property, including buses, or at any school sponsored activity
2. False alarm, including fire, bomb threats, etc.
3. Use or possession of alcoholic beverages or illegal narcotics or drugs
4. Disruption of school by use of violence, force, coercion, threat, or disorderly conduct. This shall include the use of same to incite others toward acts of disruption.
5. Arson or attempted arson to any school building or property
6. Repeated offenses of flagrant violations where suspension is normally considered appropriate
7. Possession or use of weapons or any object which might be considered a dangerous weapon or instrument of violence.
8. Receiving a total of 75 DPS points within a semester.

State laws and regulations form basis for such grounds of expulsion as stated in TEC Section 37.007 which states that a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property (20):

(1) uses, exhibits, or possesses:
   (A) a firearm
   (B) an illegal knife
   (C) a club
   (D) a weapon;

(2) engages in conduct that contains the elements of the offense of:
   (A) aggravated assault, sexual assault, or aggravated sexual assault;
   (B) arson
   (C) murder, capital murder, or criminal attempt, to commit murder or capital murder;
   (D) indecency with a child; or
   (E) aggravated kidnapping; or

(3) engages in other conduct punishable as a felony.

(4) engages in conduct involving a public school that contains the elements of the offense of false alarm or report or terroristic threat or

(5) while on school property or while attending a school-sponsored or school-related activity on or off of school property:
   (A) sells, gives, or delivers to another person or possesses, uses or is under the influence of any amount of:
      (i) marihuana or a controlled substance, or
      (ii) a dangerous drug, or
      (iii) an alcoholic beverage;
   (B) engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint, or relating to volatile chemicals; or

(6) while placed in an alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the district's student code of conduct.

(7) engages in conduct that contains the elements of any offense against any employee or volunteer in retaliation for or as a result of the person's employment with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school related activity on or off of school property.

(8) In accordance with federal law, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm to school. The student must be expelled from the student's regular campus for a period of at least one year.
(9) A student who engages in conduct that contains the elements of the offense of criminal mischief may be expelled at the district's discretion if the conduct is punishable as a felony. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

(10) A school district shall inform each teacher of the conduct of a student who has engaged in any violation listed in this section. A teacher shall keep the information received confidential. The State Board for Educator Certification may revoke or suspend the certification of a teacher who intentionally violates this subsection.

(11) Notwithstanding any other provision of this Section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this Section.

Before a student may be expelled under Section 37.007 (20), the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the school district makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. If the decision to expel a student is made by the board's designee, the decision may be appealed to the board. The decision of the board may be appealed to a district court of the county in which the school district's central administrative office is located. Any placement in an alternative education program by a court under this section must prohibit the student from attending or participating in school-sponsored or school-related activities.

If an expelled student enrolls in another school district, the board of trustees of the district that expelled the student shall provide to the district in which the student enrolls, at the same time other records of the students are provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court. The district in which the student enrolls may continue the expulsion under the terms of the order, may place the student in an alternative education program for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion.

6. Alternative Educational Program

As stated in TEC Section 37.006 (21), a student shall be removed from class and placed in an alternative education program as provided by Section 37.008 (22) if the student engages in conduct involving a public school that contains the elements the offense of false alarm or terrorist threat or the offense of retaliation against any school employee or the continued presence of the student in the regular classroom threatens the safety of other students or teachers and is detrimental to the educational process or commits the following on or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off of school property;

(A) engages in conduct punishable as a felony;

(B) engages in conduct that contains the elements of the offense of assault;

(C) sells, gives, or delivers to another person or possesses or uses or is under the influence of:
   (i) marihuana or a controlled substance or
   (ii) a dangerous drug;

(D) sells, gives, or delivers to another person an alcoholic beverage, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;

(E) engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint, or relating to volatile chemicals; or

(F) engages in conduct that contains the elements of the offense of public lewdness or the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

An elementary school student may not be placed in an alternative education program with any other student who is not an elementary school student. The terms of a placement under this section must prohibit the student from attending or participating in a school-sponsored or school-related activity. The student may not be returned to the
regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student or the student's parent or guardian may appeal the superintendent's decision. The student may not be returned to the regular classroom pending the appeal. Notwithstanding any other provision of this code, a student who is younger than six years of age may not be removed from class and placed in an alternative education program. Each school district shall provide an alternative education program that:

1. is provided in a setting other than a student's regular classroom;
2. is located on or off of a regular school campus;
3. provides for the students who are assigned to the alternative education program to be separated from students who are not assigned to the program;
4. focuses on English language arts, mathematics, science, history, and self-discipline;
5. provides for students educational and behavioral needs; and
6. provides supervision and counseling.

An alternative education program may provide for a student's transfer to:

1. a different campus;
2. a school-community guidance center; or
3. a community-based alternative school.

A school district may provide an alternative education program jointly with one or more other districts. Academically, the mission of alternative education programs shall be to enable students to perform at grade level.

To meet the educational requirements for students committed specific crimes punishable by the justice system the juvenile board of a county shall develop a juvenile justice alternative education program. A juvenile justice alternative education program must focus on English language arts, mathematics, science, social studies, and self-discipline. A juvenile justice alternative education program must operate at least seven hours per day and 180 days per year as stated in TEC Section 37.011 (23). Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level.

Also each school district may establish a school-community guidance center designed to locate and assist students with problems that interfere with education, including juvenile offenders and students with severe behavioral problems or character disorders. Each center shall coordinate the efforts of school district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

7. Immediate Interventions

In certain circumstances, administration of a sanction that has a set time in the future due to a disciplinary action may not be the most appropriate immediate solution if a disciplinary action disrupts the learning process of other students. In such cases, a teacher may send a student to the principal's or assistant principal’s office to maintain effective discipline in the classroom.

This is stated in Section 37.001 (24) of Texas Educational Code that a teacher may send a student to the principal's office and the principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct. Based on the same regulation a teacher may remove from class a student;

1. who 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; or
2. whose behavior the teacher determines 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.
If a teacher removes a student from class, the principal may place the student into another appropriate classroom, into in-school suspension, or into an alternative education program or expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007 and 37.008 (20-22). The principal may not return the student to that teacher's class without the teacher's consent unless the placement review committee established under Section 37.003 (25) determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity. Placement review committee is a three-member committee as stated in TEC Sec. 37.003 (25) to determine placement of a student when a teacher refuses the return of a student to the teacher's class and make recommendations to the district regarding readmission of expelled students. Two members of the committee are teachers chosen by campus faculty to serve as members and one teacher to serve as an alternate member; and the principal chooses one member from the professional staff of a campus, usually an assistant principal. The teacher refusing to readmit the student may not serve on the committee.

8. Due Process for Disciplinary Consequences

Similar to the other students, students that are issued disciplinary sanctions are entitled to the rights to due process that are guaranteed by the United States Constitution and Bill of Rights (26), and their rights will not knowingly be denied by the required code of conduct or by any disciplinary actions taken by the school. Appeals always have to be made in writing and in a timely manner to the authority stated within the school policies for a certain issue, usually to the higher hierarchic level than the one that made the decision, which the appeal is made.

Additionally, all students at school have the right to feel that they are safe. Thus, any student who exhibits any of the “Unacceptable Types of Student Behaviors” suffers immediate consequences. These consequences range from notification of parents, detention, and emergency removal from a school activity to suspension, expulsion, and criminal prosecution. Therefore, if at any time if a student feels that he/she is the subject of harassment, hazing, threats, or other intimidating behavior, he/she should immediately speak to an administrator about the problem. The situation is to be investigated as soon as possible and all reports of this nature are to be kept completely confidential.

Similarly, if there is a concern about the safety of another student who seems to be the subject of harassment, hazing, or threats, an administrator must be notified about the problem immediately. The situation is to be investigated as soon as possible and all reports of this nature are to be kept completely confidential.

References


Alan E. Kazdin , Pamela M. Cole.(1981). Attitudes and labeling biases toward behavior modification: The effects of labels, content, and jargon, Behavior Therapy,12, 1, 56-68


Denial of School Attendance. (2011). Idaho Code 33-205A12-3, Appendix 12A


