

# Frequently Asked Questions About Student Discipline

**As of November 4, 2002 the new FWCS new discipline form must be used!**

Question: Can we use any other form to send students to the office for disciplinary reasons?

Answer: Unit heads have been directed by FWCS to use only the new form for referrals and removals. However, the contract language states that: "Any form used by a school to facilitate the referral and/or removal of student from a teacher's class shall clearly distinguish the referral or removal process being used by the teacher." If your school wishes to use an alternative form, the form **MUST** go through the FWCS/FWEA Joint Discussion Committee **PRIOR** to the use of any alternative form.

Question: What is the difference between a rebuttal and a removal?

A referral is asking the administration for assistance in dealing with student behavior that does not require immediate action and/or attention. A removal is the action a teacher takes when the student is so disruptive that the removal of the student from the classroom is required.

Question: What about special education students?

Special education students are not exempt from the contract language or state law that allows a teacher, at the teacher's discretion to remove a disruptive student from class. However, additional meetings may be required to discuss the relationship between the student's behavior and the student's disability.

Question: Can my unit head keep me from removing a student until I have contacted the student's parents?

No. The decision to remove a student from class is the teacher's decision. The contract does not allow for a unit head to impose any requirements to modify or alter the right to remove a disruptive student.

Question: What if I do not have time to complete the form before I remove the student?

This is often the case. The contract requires that "if necessary, a teacher may remove and refer a child immediately without a written referral. The referral shall follow after the class or function is concluded or as soon as reasonably possible." Any artificial time frame imposed by a principal (like 30 minutes after the removal) is in violation of the contract.

Question: When can the student return to my class?

The contract states that **“The student will not be readmitted until the class or function has concluded, disciplinary action has taken place, and the disposition DISCUSSED with the teacher.”** Discussion is a verbal exchange between the teacher and administrator. Discussion is NOT giving the teacher a piece of paper or placing a piece of paper in your mailbox.

Question: If I remove a student, when can he/she return to my class?

The contract states, **“The student will not be readmitted until the class or function has concluded, disciplinary action has taken place, and the disposition DISCUSSED with the teacher.”** Discussion is a verbal exchange between the teacher and administrator. Discussion is NOT giving the teacher a piece of paper or placing a piece of paper in your mailbox.

Question: What if the unit head returns a student without following the contract requirements?

You should accept the student but immediately inform your unit head and FWEA Association Representative that you object and you reserve your right to file a grievance over the violation of the contract. Your FWEA Association Representative should inform the FWEA office as soon as practical so FWCS Human Resources can be notified of the need for a grievance meeting.

Question: Where in the contract can I find out more detailed information?

Your Master Contract in Article 8 is a good source for your rights and responsibilities regarding student discipline.

Question: If I file a grievance won't the principal be mad?

Federal law, state law, and the Master Contract prohibit any unit head from taking adverse actions against you for enforcing your rights under the Master Contract. FWCS does not encourage or condone any administrator's attempt to deny you your contractual rights.

Question: Where can I get more answers to questions about my legal and contract rights relating

## **Article 8: Teacher's Disciplinary Authority, Responsibility and Protection**

### **A. General**

1. Fort Wayne Community Schools is committed to providing a safe and secure learning environment for all students and staff, and has developed district-wide guidelines and procedures toward that end. One component of those guidelines and procedures involves the collection of student behavior data as outlined in the current FWCS Student Rights and Responsibilities and Behavior Code.
2. The Joint Communications Committee will develop guidelines for understanding and for training of district personnel in the enforcement of the FWCS Student Rights and Responsibilities and Behavior Code.

### **B. Disciplinary Authority**

1. Referrals. Teachers may refer students for corrective action to the principal or his/her designee with a written reason for the referral. After the referral, the teacher shall be informed in writing of the disposition of the referral within five (5) school days.
2. Removals. When circumstances warrant, a teacher may remove a student from class or any educational function under the teacher's supervision for a one-day period. A student may be removed from a class or educational function on consecutive days if actions warrant it. Removals are subject to applicable provisions of Indiana Code. If necessary, a teacher may remove and refer a child immediately without a written referral. The referral shall follow after the class or function is concluded or as soon as reasonably possible. The student will not be readmitted until the class or function has concluded, disciplinary action has taken place, and the disposition discussed with the teacher.
3. Any form used by a school to facilitate the referral and/or removal of student from a teacher's class shall clearly distinguish the referral or removal process being used by the teacher.

### **C. Responsibilities**

1. Each teacher has the responsibility to maintain order and control in the classroom through effective teaching and leadership techniques and through classroom discipline.
2. The administration has the responsibility to give support and assistance to teachers with respect to the maintenance of control and discipline in the classroom if the teacher has followed the policies, procedures, and guidelines of the Board/administration and has acted within the established practice of the individual school.
3. Unless there is a breach of an established board policy, teachers shall receive the full support of the Board and administrative staff in handling disciplinary problems.
4. Teachers shall endeavor to achieve correction of student misbehavior through counseling, interview, and conferences which may include the student's parents.
5. Teachers and administrators are responsible for following district policies on student discipline. Administrators who deviate from these policies

shall, upon request of the referring teacher, provide the teacher with the rationale for the deviation.

6. If the teacher has acted properly in the performance of his/her responsibilities and is a defendant in a situation relating to the performance of these responsibilities, the administration shall provide legal counsel.
7. Data from the FWCS Student Rights and Responsibilities and Behavior Code program shall not be the determining factor in employment decisions by administrators.
8. The unit head shall furnish each teacher in the school with basic guidelines for handling disciplinary problems. Intervention Assistance Teams will be strengthened and utilized more effectively to develop behavior intervention plans.

#### D. Teacher Protection

1. Any teacher who is threatened or assaulted while performing his/her duties shall be supported by the administrative staff until such time as an investigation of the case, initiated by the school administration, is concluded. The principal or designee shall make disposition of the case based on the facts revealed by the investigation, which shall include contacting all school staff and students who are involved. The teacher involved shall be consulted throughout the investigation. Applicable Indiana Code regarding assault against teachers will be followed.
2. A student who commits assault and/or battery upon a teacher or threatens assault and/or battery upon a teacher who is in the performance of duties shall be disciplined according to the FWCS Student Rights and Responsibilities and Behavior Code. The student so disciplined may be readmitted to class after considering whether returning would constitute a further threat to the safety of the teacher and/or students. The principal shall first obtain and consider the recommendation of the teacher assaulted prior to making the decision to readmit the student.
3. No teacher shall suffer loss of salary or reduction of leave if the teacher is absent to appear before a judicial body or legal authority in an action resulting from student disciplinary situations.
4. Any teacher who incurs expenses for damage or destruction of eyeglasses, braces, or personal items because of the actions of a student or students shall be reimbursed for replacement cost by the Board.
5. In the case of assaults upon teachers by a student or students where injury results which qualifies as compensable injury under Worker's Compensation, Section B-8 of Article 16, ABSENCE AND PAID LEAVE, will be operative.
6. Parent-Teacher Conferences: For evening parent-teacher conferences, Fort Wayne Community Schools shall provide adequate security at the school site.