

The Teacher Removal Workbook

A step-by-step guide to removing a disruptive student from your class under Texas Education Code §37.002. Follow it on paper, write in your dates, and keep it with your records.



Need a letter?

Every step that needs one gives you a short web address and a code to scan. The website asks a few questions and writes the letter for you to print or email. Nothing you type there is saved or sent.

How to use this workbook

Seven steps, in the order they happen. Check each one off as you go.

- ☐ **1. Does the law fit?** The three reasons, and when removal is required.
- ☐ **2. Keep a record** Every incident, and everything you've tried, with dates.
- ☐ **3. Tell your principal first (optional)** A heads-up that asks for help.
- ☐ **4. Make the removal** Your written notice. The three-class-day clock starts.
- ☐ **5. Waiting on the school** What to do if they say no, don't answer, or send the student back.
- ☐ **6. The conference** Be there, bring your record, take notes.
- ☐ **7. After the conference** Your decision on the return, in writing.

Your people

PRINCIPAL

CAMPUS BEHAVIOR COORDINATOR

ASSISTANT PRINCIPAL

COUNSELOR

SCHOOL

DISTRICT

SUPERINTENDENT

MY DISTRICT'S REMOVAL FORM, IF ANY

Three habits that protect you

- **Put it in writing.** Email is best, because it's dated.
- **Write what you saw,** not labels. "Threw a book at a classmate," not "out of control."
- **Keep copies** of everything you send and receive, in one folder.

Does the law fit?

A teacher may remove a student who does any one of these. One incident can be enough (§37.002(b-3)).

“A teacher may remove from class a student who: (1) repeatedly 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; (2) demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student; or (3) engages in conduct that constitutes bullying, as defined by Section 37.0832.”

Texas Education Code §37.002(b)

Which fits? Check all that apply.

- ☐ **Keeps disrupting:** repeatedly gets in the way of my teaching or other students' learning
- ☐ **Crossed a line:** unruly, disruptive, or abusive toward me, another adult, or a student
- ☐ **Bullying** another student
- ☐ One incident ☐ A pattern
- ☐ No IEP or 504 ☐ Has an IEP ☐ Has a 504 plan ☐ Not sure

Is it something serious? Then removal is required.

For conduct in Sections 37.006 and 37.007, the teacher "shall remove" the student and send the student to the principal (§37.002(d)). That includes a terroristic threat involving a school, harassment of or retaliation against a school employee, an assault that injures a school employee, weapons, and serious drug offenses. You don't have to decide if it's legally a crime. Report it to an administrator today, and skip to Step 4.

- ☐ A threat ☐ Someone hurt ☐ A weapon ☐ Drugs or alcohol ☐ Directed at me

Age: a student younger than 6 can't be placed in an alternative program (§37.006(l)). The age of 10 people mention is for criminal charges, a separate question. If anyone is in danger now, follow your campus emergency procedures and call 911.

The student

NAME OR INITIALS

GRADE

CLASS OR PERIOD

What my district's code of conduct says

Search your district's website for "student code of conduct," then look for "formal removal," "teacher removal," or "37.002." Note who receives a removal and whether there's a district form.

2

Keep a record

Write each incident the day it happens. A dated record is hard to wave away, and the law says you can't be disciplined for it (§37.002(b-1)).

Write it like this

"At 10:15 during reading, J.S. shouted 'I'm not doing this' and threw his book at a classmate. Reading stopped for about 10 minutes. I moved him and called the office."

Not like this

~~"J.S. was defiant and out of control again today."~~

Labels are conclusions. Leave out diagnoses and health information, and use initials for other students.

What I've tried

Seat changes, calls home, office referrals, a behavior chart, the counselor. It shows you didn't start here.

DATE	WHAT I DID	WHAT HAPPENED

Rather type it? Record each incident on the website, one page each, and print or save it. Bookmark the page for next time.



Record an incident (typed)
removalright.org/incident



Incident log

One student. Make as many copies of this page as you need.

TEACHER	STUDENT	SCHOOL
---------	---------	--------

ENTRY 1

DATE	TIME	WHERE, OR WHAT ACTIVITY
WHAT HAPPENED: ACTIONS AND EXACT WORDS, NOT LABELS		
HOW IT AFFECTED THE CLASS (HOW LONG INSTRUCTION STOPPED)		WHAT I DID
PARENT CONTACTED? WHEN, HOW		OFFICE OR ADMINISTRATOR INVOLVED?

ENTRY 2

DATE	TIME	WHERE, OR WHAT ACTIVITY
WHAT HAPPENED: ACTIONS AND EXACT WORDS, NOT LABELS		
HOW IT AFFECTED THE CLASS (HOW LONG INSTRUCTION STOPPED)		WHAT I DID
PARENT CONTACTED? WHEN, HOW		OFFICE OR ADMINISTRATOR INVOLVED?



Incident log

Continued

TEACHER

STUDENT

SCHOOL

ENTRY 3

DATE

TIME

WHERE, OR WHAT ACTIVITY

WHAT HAPPENED: ACTIONS AND EXACT WORDS, NOT LABELS

HOW IT AFFECTED THE CLASS (HOW LONG INSTRUCTION STOPPED)

WHAT I DID

PARENT CONTACTED? WHEN, HOW

OFFICE OR ADMINISTRATOR INVOLVED?

ENTRY 4

DATE

TIME

WHERE, OR WHAT ACTIVITY

WHAT HAPPENED: ACTIONS AND EXACT WORDS, NOT LABELS

HOW IT AFFECTED THE CLASS (HOW LONG INSTRUCTION STOPPED)

WHAT I DID

PARENT CONTACTED? WHEN, HOW

OFFICE OR ADMINISTRATOR INVOLVED?



Incident log

Continued

TEACHER

STUDENT

SCHOOL

ENTRY 5

DATE

TIME

WHERE, OR WHAT ACTIVITY

WHAT HAPPENED: ACTIONS AND EXACT WORDS, NOT LABELS

HOW IT AFFECTED THE CLASS (HOW LONG INSTRUCTION STOPPED)

WHAT I DID

PARENT CONTACTED? WHEN, HOW

OFFICE OR ADMINISTRATOR INVOLVED?

ENTRY 6

DATE

TIME

WHERE, OR WHAT ACTIVITY

WHAT HAPPENED: ACTIONS AND EXACT WORDS, NOT LABELS

HOW IT AFFECTED THE CLASS (HOW LONG INSTRUCTION STOPPED)

WHAT I DID

PARENT CONTACTED? WHEN, HOW

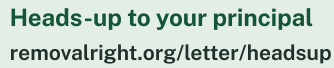
OFFICE OR ADMINISTRATOR INVOLVED?

Tell your principal first (optional)

Why you might

- Some principals act on it: a behavior plan, support, a new placement.
- It shows good faith, and it's in writing.

- A few principals react badly, or quietly move the student, which may be fine.
- It isn't required. You never need permission to remove.



THEIR RESPONSE, AND WHAT CHANGED

4

Make the removal

Not a request. A written notice that you are removing the student.

Your notice says

- You are removing the student under §37.002(b), and which reason fits.
- What happened, and what you've already tried. Your incident log is attached.
- The parent must be notified (§37.002(b-2)), and who will do it.
- The conference must be scheduled by the third class day, and the student may not come back before it (§37.009(a)).
- You do not consent to the student's return (§37.002(c)).



Notice of removal
removalright.org/letter/notice



Required removal notice
removalright.org/letter/required



Ask for a threat assessment
removalright.org/letter/threat

I gave my notice

DATE	GIVEN TO	HOW: EMAIL, IN PERSON, BOTH
_____	_____	_____

Your deadline: the third class day

Count class days after the day you gave notice. Skip weekends and no-class days.

CLASS DAY 1	CLASS DAY 2	CLASS DAY 3 = DEADLINE
_____	_____	_____

The conference must be scheduled by this date. Until it happens, the student may not be returned to your class.

Notes

Who will notify the parent? What did your principal say when you handed it in?

5

Waiting on the school

What to do, depending on what happens. Check what happened and write the date.

IF THIS HAPPENS	DATE	GET THIS LETTER
☐ My principal accepted it		Nothing to send. Wait for the conference date.
☐ My principal said no, or pushed back		 Reply when your principal says no removalright.org/letter/pushback
☐ No answer at all		 Please confirm you received my notice removalright.org/letter/confirm
☐ I'm not sure the parent was told		 Who will notify the parent? removalright.org/letter/parent
☐ The student was sent back before the conference		 The student was sent back early removalright.org/letter/notbefore
☐ The deadline passed with no conference		 The conference deadline passed removalright.org/letter/late
☐ I've written, and it's still ignored		 Report a violation to the superintendent removalright.org/letter/report

PARENT NOTIFIED BY

DATE

CONFERENCE SCHEDULED FOR

TIME AND PLACE

NOTES

The conference

Before

- ☐ Asked to attend, in writing
- ☐ Asked for the return plan first
- ☐ Copy of my notice
- ☐ My incident log
- ☐ My list of what I've tried



IN WRITING?

7

After the conference

Put your decision in writing, and confirm what was said.

My decision on the return

- ☐ I do not consent to the student's return
- ☐ I consent
- ☐ I consent, with these conditions:

DATE I SENT MY DECISION



Your decision on the return
removalright.org/letter/decision



Conference summary
removalright.org/letter/summary

If they want to return the student without your consent

All three must have happened (§37.002(c)). Check the ones that did.

- ☐ The placement review committee decided my class is the best or only option (two faculty-chosen teachers and one staff member chosen by the principal, §37.003)
- ☐ The conference was held
- ☐ A written return-to-class plan exists (§37.002(c))



A required condition is missing
removalright.org/letter/missing

WHERE THE STUDENT WAS PLACED

DATE

I HAVE IT IN WRITING: YES / NO

COMMITTEE INVOLVED: YES / NO

NOTES



If the school ignores the law

Go in order. Keep every step in writing, and write down the date of each one.

- ☐ **Reply that quotes the law** (§37.002(b), §37.009(a), §37.002(c)). Date _____
- ☐ **"Please confirm you received my notice."** Date _____
- ☐ **Sent back early? Say in writing** that §37.009(a) doesn't allow it. Date _____
- ☐ **Deadline passed? The late-conference letter.** Date _____
- ☐ **Report it to the superintendent.** A good-faith report of a Chapter 37 violation is protected (§22.05121). Date _____
- ☐ **File a grievance** under your district's employee complaint policy (usually DGBA). Deadlines are short, often 15 days. Deadline _____
- ☐ **Complain to the Texas Education Agency** if it isn't resolved locally (tea.texas.gov, complaints). Date _____
- ☐ **Report coercion** by an administrator to the State Board for Educator Certification (Code of Ethics, Standard 2.6). Date _____
- ☐ **Talk to a lawyer** who handles employment or education cases. Date _____



Report a violation to the superintendent
removalright.org/letter/report

If you're told to take the student back

Say in writing, right away, that you don't consent and why. Refusing a direct instruction can be treated as insubordination, so get advice before you refuse outright. If anyone is in danger, follow your campus safety procedures first.

What protects you

And what doesn't. Every point is from Texas law.

Your job

A professional employee "may not be subject to disciplinary proceedings for ... an action taken in good faith to remove a student from class under Section 37.002" (§22.05121). No firing, suspension, contract nonrenewal, or action against your certificate. Reporting a Chapter 37 violation is protected the same way.

Your evaluation

An appraisal can't mark you down "solely on the basis of disciplinary referrals made by the teacher or documentation regarding student conduct submitted by the teacher under Section 37.002" (§21.351(a-1)). It can still note classroom management problems that someone observed.

Your consent

The student comes back only with your written consent, or after the committee decision, the conference, and a written plan (§37.002(c)). For the most serious offenses against you, "The teacher may not be coerced to consent" (§37.002(d)).

Your school's numbers

A teacher removal isn't reported as a removal from the classroom (§37.002(e)), and the state may not penalize a district for its number of removals or suspensions (§37.028).

What the law doesn't cover

There's no general rule against retaliation. A written reprimand, a schedule change, or a cold shoulder isn't named. Keep your record, put concerns in writing, and use the grievance process.

Before you resign

Resigning without penalty means a written resignation filed at least 45 days before the first day of instruction of the next school year. Mid-year needs the district's consent; ask for it in writing. Without it, the State Board for Educator Certification can suspend your certificate, usually for a year. But it must weigh a health condition documented by a medical provider, and resigning because of "working conditions that reasonably posed an immediate threat of significant physical harm," and it can take no action at all (19 TAC §249.17(d)).

More help

Every step, with the law quoted word for word: removalright.org/when-ignored · The full text of Section 37.002: removalright.org/library/law · A lawyer referral: the State Bar of Texas, texasbar.com. For advice about your own job, talk to a Texas attorney who represents teachers or employees.