

OLIVE BRANCH ADVOCATES

UNDERSTANDING CHAPTER 37 REMOVAL IN TEXAS

Chapter 37 Removal in Texas

In Texas, Chapter 37 is part of the Texas Education Code that addresses student discipline, law, and order in schools. Chapter 37 was recently updated through HB 6, changing the criteria needed for a teacher-initiated student removal.

Chapter 37 provides guidelines and procedures for the removal of students from the classroom for disciplinary reasons. This can include both temporary and more permanent removals, depending on the severity of the behavior. For students receiving special education services, any disciplinary actions must comply with both federal and state regulations to ensure that their rights are protected.

Implications for Special Education Students

For students in special education (SPED), Chapter 37 removal involves additional considerations to ensure compliance with the Individuals with Disabilities Education Act (IDEA). Under IDEA, schools must provide a Free Appropriate Public Education (FAPE) and must consider the specific needs of students with disabilities when making disciplinary decisions. This means that:

- Disciplinary removals for SPED students must not exceed 10 consecutive school days without a proper evaluation of whether the behavior is a manifestation of the student's disability.
- If the behavior is found to be a manifestation of the disability, the school must conduct a Functional Behavioral Assessment (FBA) and implement or modify a Behavior Intervention Plan (BIP).

The Timeline for Chapter 37 Removal

1. Initial Removal: When a SPED student is removed from the classroom, parents should be notified immediately, and a decision must be made regarding the duration of the removal (not to exceed 10 days without additional evaluation).

2. Manifestation Determination Review (MDR): If the removal exceeds 10 days, a meeting must be held within 10 school days to determine if the student's behavior was a result of their disability.
3. Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP): If the behavior is linked to the disability, the school must conduct an FBA and either create or revise a BIP to address the behavior.
4. Due Process: Parents have the right to challenge the decision through a due process hearing if they believe the removal violates their child's rights under IDEA.

What Parents Can Do if They Disagree

If parents disagree with the school's decision regarding a Chapter 37 removal, there are several steps they can take:

- Request a Meeting: Parents can request a meeting with school officials to discuss their concerns and seek a resolution.
- Review the IEP: Parents should review their child's Individualized Education Program (IEP) to ensure it is being followed and adequately addresses their child's needs.
- Request a Due Process Hearing: If necessary, parents can file a complaint and request a due process hearing to challenge the school's decision.
- Seek Mediation: Mediation can be a helpful tool for resolving disputes between parents and schools in a less adversarial setting than a due process hearing.
- Consult with an Advocate or Attorney: Parents may consider seeking assistance from a special education advocate or attorney who can provide guidance on navigating the legal aspects of the removal process.

By understanding these processes and advocating for their child's rights, parents can play a crucial role in ensuring their child receives the appropriate support and education.