

A background image showing a group of students walking on a wide, modern staircase with metal railings. The students are wearing backpacks and casual clothing. Large windows in the background let in bright light, creating a bright and airy atmosphere.

# Student Discipline and Chapter 37

2021-2022 School Year  
(Condensed Version for Texas Association of  
Alternative Education)

- I. Introductions and Updates**
- II. Student Code of Conduct**
- III. Responsibilities and Suggested Best Practices**
- IV. Discipline Actions, Locations, and Reasons**
- V. Students with Disabilities: Section 504 and Special Education**
- VI. Parent/Guardian/Student Rights**
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- IX. Q/A Session and Closing**

## I. Introductions and Updates

### **Who are you?**

Administrator?

Disciplinary Alternative Education Program (DAEP) Personnel?

Education Service Center Personnel?

### **Who Am I?**

Student Discipline Program Specialist

Education for 31 years

Texas Education Agency (TEA) since January 1, 2019

## I. Introductions and Updates

The following legislation passed during the 87<sup>th</sup> Legislature (R.S.) and revisions to Texas Administrative Code (TAC) will be addressed throughout this presentation:

- **HB 375** creates the criminal offense of continuous sexual abuse of a disabled individual (slide 81);
- **HB 785** requires actions that must be taken if a student with a disability that receives special education services receives a disciplinary action that constitutes a change in placement (slides 92-93);
- **SB 2050** requires local education agencies (LEAs) to update bullying policies and procedures and to report the number of reported incidents of bullying and cyberbullying to TEA (slides 19-22, 110, and 111); and
- **19 TAC Chapter 103, Health and Safety, Subchapter CC, §§ 103.1201 and 103.1203** align rules with statute, provide clarity for administering assessments of certain students, and specify how to obtain an accommodated version of an assessment from TEA (slide 32).

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## IV. Discipline Actions, Locations, and Reasons

### DAEP Placement:

- Mandatory and discretionary removals must comply with Chapter 37 and the number of days assigned to DAEP must comply with the student code of conduct;
- Students must be enabled to perform academically at grade level;
- Entitled educational services and the opportunity to complete course work with out interrupting the student's graduation plan must be provided; and
- A student who is younger than six years of age must not be placed in a DAEP (Texas Education Code (TEC) §37.006(I)).

## IV. Discipline Actions, Locations, and Reasons

### DAEP:

Each district's DAEP must be ready for operation during the entire school year. A district may not have a student assigned to the DAEP each school day, but the DAEP must be ready for operation for any placements or expulsions that might occur. Mandatory and discretionary removals to DAEP must comply with Chapter 37 and the student code of conduct.

**Note:** Amendments to [19 TAC Chapter 103, Health and Safety, Subchapter CC, §§ 103.1201 and 103.1203](#) became effective on August 23, 2021. Changes to these sections align rules with current statute, provide clarification on pre- and post-assessments of students placed in DAEP for a period of 90 school days or longer, and specify how to obtain an accommodated version of an assessment from TEA.

## IV. Discipline Actions, Locations, and Reasons

### Requirements for DAEP according to TEC Chapter 37 and TAC:

- Setting must be somewhere other than a regular classroom setting and separate from students who are not in DAEP (except for summer programs);
- Location can be on or off a school campus. Generally, an off-campus facility is located on district property;
- Elementary students must be separated from secondary students;
- Procedures for enrolling and exiting DAEP must be established, including expectations and an individual plan for the student's success while in DAEP;

## IV. Discipline Actions, Locations, and Reasons

Requirements for DAEP according to TEC Chapter 37 and TAC (continued):

- An assessment of academic growth must be given to a student at the beginning and end of a term that consists of at least 90 days or more in DAEP. It should measure math and reading progress and is in addition to the state standardized tests given each year;
- A school district may share a DAEP with one or more school districts;

**Best Practice:** Ensure an MOU is in place if a DAEP is shared.

## IV. Discipline Actions, Locations, and Reasons

Requirements for DAEP according to TEC Chapter 37 and TAC (continued):

- The student-to-teacher ratio is no more than 15:1. There must be one certified teacher for every 15 students enrolled in DAEP;
- Students are eligible for average daily attendance (must follow student attendance accounting rules in the Student Attendance Accounting Handbook);
- Schools must allocate same funds for students in DAEP as a regular classroom;
- Districts must provide other school districts with placement orders of students who unenroll and enroll in a new district before a DAEP term is complete;

## IV. Discipline Actions, Locations, and Reasons

Requirements for DAEP according to TEC Chapter 37 and TAC (continued):

- Each district must annually include in the District Improvement Plan and each Campus Improvement Plan, the performance of the DAEP student group;
- Curriculum must focus on English language arts, math, science, history, and self-discipline. A school is required to provide a student in DAEP courses necessary to fulfill the student's high school graduation program before the next school year. This can be offered through correspondence courses, distant learning, or summer school;
- Upon entering the DAEP, a student's parent/guardian must be notified in writing of the different methods the district will use to provide to the student the ability to complete course work required for the student's graduation plan. The notification must also state there is no cost to the parent/guardian;

## IV. Discipline Actions, Locations, and Reasons

Requirements for DAEP according to TEC Chapter 37 and TAC (continued):

- Educational and behavioral needs must be met while a student is in DAEP;
- Districts may provide transportation to a different campus, guidance center, or community-based service to provide required education services for a student;
- Districts must cooperate with government agencies and community organizations that provide services to school districts and DAEPs; and
- Upon completion of a student's DAEP term, a transition plan transitioning the student back to the regular classroom must be provided.

## IV. Discipline Actions, Locations, and Reasons

Requirements for DAEP according to TEC Chapter 37 and TAC (continued):

### **Transition Plan from DAEP Back to Regular Campus:**

- Establish a timeline for the student's transition from DAEP to the regular campus;
- Provide written notice to parents/guardians and the school administrator of the returning date of the student; and
- Provide the administrator of the home campus an assessment of the student's academic growth while attending DAEP.

## IV. Discipline Actions, Locations, and Reasons

Requirements for DAEP according to TEC Chapter 37 and TAC (continued):

**All DAEP staff must participate in training programs on:**

- Education;
- Behavior management; and
- Safety procedures that focus on positive and proactive behavior management strategies.

**These training programs must also target prevention and intervention that include:**

- Training on the education and discipline of students with disabilities who receive special education services;

## IV. Discipline Actions, Locations, and Reasons

Requirements for DAEP according to TEC Chapter 37 and TAC (continued):

- Instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, and conflict resolution to teach students how to interact with teachers, family peers, authority figures, and the general public; and
- Annual training on established procedures for reporting abuse, neglect, or exploitation of students.

## IV. Discipline Actions, Locations, and Reasons

**59:** Serious Misbehavior While Expelled To/Placed in a DAEP – TEC §37.007(c)

Students can be removed/disciplined for deliberate violent behavior, extortion, coercion, public lewdness, indecent exposure, criminal mischief, personal hazing, or harassment while in DAEP.

**Location:** 01

**Action:** Discretionary Expulsion

**Note:** A student may be expelled if the student, while placed in a DAEP, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions.

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## VI. Parent/Guardian/Student Rights

### Parent/Guardian/Student Rights:

- Immediate written notice of disciplinary removals and placements;
- Knowledge of ways classwork will be given to the student while placed out of the regular classroom;
- Disciplinary conference for a DAEP placement scheduled not later than the third class day after the day on which a student is removed from class;

## VI. Parent/Guardian/Student Rights

### Parent/Guardian/Student Rights (continued):

- Notice of and an opportunity to participate in a proceeding before the board or board's designee, per district policy, if the student's placement in DAEP extends beyond 60 days or the end of the next grading period, whichever is earlier; and
- Periodic review (not to exceed 120-day intervals) by the board's designee of the student's status, including academic status, as well as the opportunity to present arguments for the student's return to the regular classroom or campus.

## VI. Parent/Guardian/Student Rights

Parent/Guardian/Student Rights (continued):

### **DAEP Placement Conference:**

- A conference with the appropriate due process must be held with the student, the student's parent/guardian, and the teacher removing the student from the classroom, if there is one;
- The student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal;
- The parent/guardian/student should be given information on the right to appeal and the process, if the student code of conduct supports appeals for DAEP placements; and
- The board or the board's designee shall deliver to the student and the parent/guardian a copy of the order placing the student in a DAEP.

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## V. Students with Disabilities: Section 504 and Special Education

- For questions regarding students with disabilities, please contact the Texas Special Education Information Center ([spedtex.org](http://spedtex.org)). This is a resource to inform and support parents, teachers, and anyone committed to the success of children with disabilities.

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## VIII. Data Reporting

### Data Reporting (continued):

- Refer to the TSDS Web-Enabled Data Standards ([TWEDS](#)) for the complete technical details for reporting student disciplinary removals.

**Mary Scott:** TEA Student Discipline Program Specialist

**Contact:** [StudentDisciplineSupport@tea.texas.gov](mailto:StudentDisciplineSupport@tea.texas.gov)

**Please take a few minutes to complete this short survey.**

- [TEA Student Discipline Presentation Survey](#)



# AEP Personalized Transition Plan



Not later than five instructional days after the date of a student's release from an alternative education program (AEP), the campus administrator shall coordinate the student's transition to a regular classroom. The coordination must include assistance and recommendations from the required transition team (§37.023, Education Code).

## Required Transition Team

Student Name: \_\_\_\_\_ UID: \_\_\_\_\_

Grade: \_\_\_\_\_  AEP Release Date: \_\_\_\_\_ Transition Plan Begin Date: \_\_\_\_\_

Campus Behavior Coordinator: \_\_\_\_\_

School Counselor(s): \_\_\_\_\_

School District Peace Officer(s): \_\_\_\_\_

Student Resource Officer(s): \_\_\_\_\_

Licensed Clinical Social Worker(s): \_\_\_\_\_

Classroom Teacher(s): \_\_\_\_\_

Other School District Personnel: \_\_\_\_\_

**I. Determine the best educational placement for the student as required by §37.023(d)(1), Education Code. The required transition team may review the student's academic progress while attending the AEP, including the academic growth assessment provided by the AEP administrator.**

\_\_\_\_\_  
\_\_\_\_\_

**II. List any recommendations for:**

Counseling: \_\_\_\_\_

Behavioral Management: \_\_\_\_\_

Academic assistance (with concentration on academic or career goals): \_\_\_\_\_

\_\_\_\_\_

Any assistance to obtain mental health services provided by the district or school, a local mental health authority, or another private or public entity:

\_\_\_\_\_

# AEP Personalized Transition Plan

The student's progress toward academic or career goals will regularly be reviewed.

No  Yes

Frequency of Review:  Daily  Weekly  Monthly  Other \_\_\_\_\_

Responsible Transition Team Member: \_\_\_\_\_

The student's parent(s) were provided with information about the process to request a full individual and initial evaluation of the student for purposes of special education services under Section 29.004, Education Code.

No  Yes

The campus administrator or designee will meet with the student's parent(s) to coordinate the student's transition plan.

No  Yes

The meeting is schedule for (Date): \_\_\_\_\_ at (Time): \_\_\_\_\_

Campus Administrator or Designee (Name): \_\_\_\_\_

**The transition team's signatures below acknowledge the identified goals above and will work together to help the student be successful and continue academic progress:**

Campus Behavior Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

School Counselor(s): \_\_\_\_\_ Date: \_\_\_\_\_

School District Peace Officer(s): \_\_\_\_\_ Date: \_\_\_\_\_

Student Resource Officer(s): \_\_\_\_\_ Date: \_\_\_\_\_

Licensed Clinical Social Worker(s): \_\_\_\_\_ Date: \_\_\_\_\_

Classroom Teacher(s): \_\_\_\_\_ Date: \_\_\_\_\_

Other School District Personnel: \_\_\_\_\_ Date: \_\_\_\_\_

Student: \_\_\_\_\_ Date: \_\_\_\_\_