



Chapter 37 Student Discipline Updates

During its recent session, the Legislature made a number of changes to laws governing student codes of conduct and procedures, and the Texas Education Agency has analyzed these changes in correspondence to school districts. These new laws covered by TEA make changes to Chapter 37 of the Texas Education Code that will impact districts in the 2019-20 school year.

The new laws include measures prohibiting out-of-school suspensions of homeless students, except in cases where a student is considered potentially dangerous to other students or staff; prohibiting campus police and resource officers from dealing with routine student disciplinary matters; and clamping down on the harassment of teachers and other school employees by students.

TEA link: https://tea.texas.gov/interiorpage_wide.aspx?id=51539631947

Here is TSTA's analysis of the legislation:

House Bill 692 by White: prohibits out-of-school suspension of homeless students and instead allows a campus' behavior coordinator to work with its district's homeless education liaison to identify alternative disciplinary measures. The legislation lists exceptions to the prohibition in cases of offenses that would cause concern that keeping the student on campus could be dangerous for students or staff.

House Bill 811 by White: requires an independent school district's code of conduct to specify that two new factors, the student's status in the conservatorship of the Department of Family and Protective Services or as a student who is homeless, must be considered before making a decision concerning suspension, removal to a disciplinary alternative education program (DAEP), expulsion or placement in a juvenile justice alternative education program (JJAEP).

House Bill 2184 by Allen: adds a requirement for schools to create personalized transition plans for students being released from a DAEP, JJAEP, or a juvenile detention center. The alternative education program administrator must notify the student's parent or a person in an equivalent role of the student's release date and provide that date, an evaluation of the student's academic result, and any test results to the administrator of the campus in which the student will be transitioning.

House Bill 3012 by Talarico: adds a new requirement for school districts to provide students who were placed in in-school or out-of-school suspensions with an alternative way of receiving all course work for classes in the foundation curriculum that the students missed as a result of the suspensions. One method of receiving that course

work must not require the use of the internet. HB3012 also adds conduct that contains the elements of a terroristic threat as specified in the penal code as a reason that a student must be served academically during the term of the removal.

Senate Bill 1306 by Kolkhorst: requires a public school district to post on the district's website, for each district campus, the name, e-mail address, and dedicated telephone number of the campus behavior coordinator or campus administrator designated as responsible for student discipline.

Senate Bill 1707 by Lucio: provides new procedural and substantive requirements for the board of trustees of a school district when determining the duties of on-campus law enforcement officers. First, SB1707 specifically prohibits district trustees from including routine student discipline as part of the duties of district peace officers, school resource officers and security personnel. The new law clearly states that the provisions do not prohibit on-campus law enforcement and officers from having informal contact with students unrelated to assigned law enforcement duties or disciplinary measures, meaning these personnel will still likely have a noticeable presence with students. Next, the bill requires each district that employs district peace officers, school resource officers, or security in the district to coordinate with district campus behavior coordinators and other district employees when determining these duties in order to ensure that they do not overlap with behavioral or administrative duties that are the responsibilities of other district employees. Once determined, the duties for school district peace officers, school resource officers and security personnel must be included in the district improvement plan, the student code of conduct, any memorandum of understanding providing for a school resource officer, and any other campus or district document describing the role of the peace officer, school resource officer, or security personnel in the district.

Senate Bill 2135 by Powell: strengthens current law related to information provided by law enforcement to superintendents when a student is arrested. While prior law required law enforcement to give notice to the superintendent with sufficient details to determine whether there was a reasonable belief that a student had engaged in conduct statutorily defined as a felony, it did not consider additional information surrounding the arrest or referral that schools may need for school safety concerns. In order to ensure that school districts have the information they need, SB2135:

- Expands reporting requirements after an arrest of a student to include sufficient details of the arrest or referral to enable the superintendent or superintendent's designee to determine whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student;
- Requires a law enforcement agency to provide the superintendent or the superintendent's designee with any requested information related to the student for the purposes of conducting a threat assessment or a safety plan related to the student;
- Allows a school board and a law enforcement agency to enter into a memorandum of understanding for exchange of information relevant to conducting a threat assessment or preparing a safety plan; and
- Grants superintendents access to otherwise confidential law enforcement records for the purpose of conducting a threat assessment or preparing a safety plan.

SB 2432 by Taylor: requires a student to be removed from class and placed in a disciplinary alternative program if the student, with the intent to harass, annoy, alarm, abuse, torment, or embarrass an employee of the school district:

- Initiates communication and through that communication makes an obscene comment, request, or proposal;
- In a manner that is reasonably likely to alarm the recipient, threatens to inflict bodily injury on the employee or to commit a felony against the employee, a member of the employee's family or household, or the employee's property;
- In a manner reasonably likely to alarm the recipient, conveys a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; or
- Sends repeated electronic communications in such a way that they are likely to harass, annoy, alarm, abuse, torment, embarrass or offend the employee.