

Exclusionary Discipline Rubric: Instructions on How to Use

Before a deciding whether to place a student in DAEP, there must be consideration of mitigating factors regardless of whether the action is mandatory or discretionary. ([TEC §37.001](#))

Factors to consider include:

- ☐ Was it self-defense? ([TEC §37.001](#))
- ☐ Was there intent or lack of intent at the time the student engaged in the conduct? ([TEC §37.001](#))
- ☐ What is the student's disciplinary history? ([TEC §37.001](#))
- ☐ How does the student's age developmentally impact their understanding of inappropriate behavior?
- ☐ Is there a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct? ([TEC §37.001](#))
- ☐ Is student's status identified as a student who is homeless? ([TEC §37.001](#))
- ☐ Has the student been afforded the opportunity for behavioral interventions to be implemented?
- ☐ What is the safety and/or risk factors of inappropriate behavior?

The exclusionary discipline rubric is designed to elicit conversations around mitigating factors that may impact the student's behavioral outputs. Each of the 8 areas of consideration will contain statements to reflect upon as they relate to the student's behavior, and will have a corresponding value (i.e., 1, 2, 3) to help drive those conversations.

Please note:

- The rubric is designed as a tool to help guide decisions around behavior and discipline. There is no direct cutoff of total points for determining disciplinary consequences.
- This tool is only one resource, and the final determination should be made by an intervention team, be holistic, and include all available formal and informal data.
- For guiding reference, the larger the sum for all 8 of the consideration areas (e.g., 21-24), the more opportunities there are for alternative or additional efforts the campus can take in lieu of suspension.
- A worksheet accompanies the rubric to foster conversation and brainstorming for each area of consideration.

How to utilize the Exclusionary Rubric and Accompanying Team Worksheets?

This section provides readers with instructions on how to use the tools and strategies to ensure a thoughtful and comprehensive approach that targets the whole-child while taking into consideration the unique educational and functional needs of a student experiencing homelessness.

Instructions

1. Reach out and schedule a discipline meeting with key personnel (reference 'Discipline Meeting for Decision-Making' section in [the toolkit](#) located on pages 10-12).
2. Have an accessible copy (e.g., electronic or hard copy) of the Exclusionary Discipline Rubric and Team Worksheet ready for the scheduled collaborative team meeting. It is appropriate for each member to have individual copies to document their notes and evidence, but these areas should be comprehensively reviewed and discussed collectively as a team approach.
3. Gather and/or have available all informal and formal data related to the student, including:
 - a. History of homeless status (e.g., when the student was identified, historical trend of student's mobility, living situations, and additional documentation of any challenges the student or their family faces).
 - b. History of any behavioral difficulties or challenges (e.g., previous behavior incidents, classroom data, documentation of behavior supports/interventions, participation in wraparound services and supports, etc.)
 - c. Documentation of attendance or truancy concerns – this data can provide additional factors such as chronic absenteeism and truancy that can develop into behavior challenges and disciplinary infractions.
 - d. Section 504 or Individualized Education Program (IEP) plans and any additional supplemental documents (e.g., Behavior Intervention Plan, evaluation reports, disability reports, etc.), as appropriate.
4. Considering the current behavior/disciplinary incident that occurred, the team will take each of the 8 areas of consideration (i.e., self-defense, intent, disciplinary history, age, disability, homeless status, interventions, safety) one at a time.
5. For each of the 8 areas:
 - a. The team will consider and document any (a) supporting data or information, (b) action considered/tried, (c) action needed or next steps, and (d) any additional notes that the team deems relevant for that area. The more documentation, the more informed the decision can be.
 - b. Then, the team will use the rubric to locate that area of consideration that was discussed and come to consensus for the scoring (i.e., 1, 2, 3). Use the data the team reported to drive the decision for that area. Circle the corresponding box for the score the team determined to be appropriate.
 - c. Write the score in the 'Score Selected: ___' next to the title of the area of consideration that was discussed.
6. Repeat the steps from #5 above for the remainder of the 8 areas of consideration.
7. The team can choose to total up the score for all 8 areas of consideration. Please reference the blue box located on the previous page for a reminder when the team determines the total sum of scoring rubric.
8. The "Action Needed or Next Steps" row for each of the 8 areas of consideration are important data that can support alternatives or supplementary supports that could be considered in lieu of punitive consequences.
9. This informal tool (i.e., rubric and worksheets) can be included as documentation for any investigation or disciplinary hearings that may occur.

Exclusionary Discipline – Rubric

Factors to Consider (TEC §37.001)	Score 1	Score 2	Score 3
Self-defense	The behavior was not a direct result of self-defense.	N/A	The behavior is a direct result of reasonable self-defense.
Intent	The behavior was clearly purposeful and planned . The student demonstrated intent to harm.	The behavior was determined to be impulsive and not planned to harm.	No intent to harm determined.
Discipline History	Demonstrated similar inappropriate behavior over a 1–3-month period. The pattern of behavior is highly disruptive to the learning environment.	Demonstrated similar inappropriate behavior over 1-2 months. The pattern is moderately disruptive to the learning environment.	First time offense . There is no established pattern for the inappropriate behavior.
Student's Age	The student clearly understands the impact of the inappropriate behavior.	The student somewhat understands the impact of the inappropriate behavior.	Developmentally , the student does not/is not able to understand the impact of the inappropriate behavior.
Disability <i>*Must collaborate with 504/SPED personnel if there's a disability*</i>	There is no identified disability. Considering the impact of the student's disability, the student clearly understands the impact of the inappropriate behavior.	Considering the impact of the student's disability, the student somewhat understands the impact of the inappropriate behavior.	Considering the impact of the student's disability, the student does not/is not able to understand the impact of the inappropriate behavior.
Student Status <i>*(e.g., CPS involvement, highly mobile, protective order, etc.) *</i>	The behavior is not directly linked to possible trauma associated with homeless status.	The behavior is not directly linked to possible trauma associated with homeless status but is somewhat associated .	The behavior is clearly linked to possible trauma associated with homeless status.
Behavioral Interventions	The Campus intervention team formed to discuss (a) student's disruptive behavior, and (b) interventions to implement and document for at least 3 weeks .	The classroom teacher implemented and documented behavioral interventions for 3 - 5 weeks .	Interventions have not been applied or have been implemented for less than 3 weeks . The behavior is not connected to current reason for referral.
Safety and/or Risk Factors	The behavior poses imminent and continued danger and harm to self, others, and/or property on campus.	The behavior poses a limited danger and harm to self, others, and/or property on campus (currently or in the future).	The behavior poses no/not continued safety risk to self, others, and/or property on campus.

Exclusionary Discipline – Team Meeting Worksheet

Self-Defense	Score Selected: _____
Supporting Data or Information for Selected Score	
Action Considered/Tried:	
Action Needed or Next Steps:	
Additional Notes:	

Intent	Score Selected: _____
Supporting Data or Information for Selected Score	
Action Considered/Tried:	
Action Needed or Next Steps:	
Additional Notes:	

Discipline History	Score Selected: _____
Supporting Data or Information for Selected Score	
Action Considered/Tried: <i>What supports are already in place?</i>	
Action Needed or Next Steps:	
Additional Notes:	

Student's Age	Score Selected: _____
Supporting Data or Information for Selected Score	
Action Considered/Tried:	
Action Needed or Next Steps:	
Additional Notes:	

Disability	Score Selected: _____
Supporting Data or Information for Selected Score <i>*Must collaborate with 504/SPED personnel if there's a disability*</i>	Sources to review: 504/IEP plans, including BSP/BIP and evaluation reports (FIEs, disability reports)
Action Considered/Tried: <i>What supports are already in place?</i>	
Action Needed or Next Steps: <i>If the student has a disability, then follow the procedures of the MDR process.</i>	
Additional Notes:	

Student's Status	Score Selected: _____
Supporting Data or Information for Selected Score	
Action Considered/Tried: <i>What supports are already in place?</i>	
Action Needed or Next Steps:	
Additional Notes:	

Behavioral Interventions	Score Selected: _____
Supporting Data or Information for Selected Score	
Action Considered/Tried: <i>What supports are already in place?</i>	
Action Needed or Next Steps:	
Additional Notes:	

Safety or Risk Factors	Score Selected: _____
Supporting Data or Information for Selected Score	
Action Considered/Tried: <i>What supports are already in place?</i>	
Action Needed or Next Steps:	
Additional Notes:	



Appendix A: Exemplar of Completed Exclusionary Rubric and Worksheet

A fictional student scenario using the rubric and worksheet is provided here to offer readers with an exemplar to support understanding of how to use these tools and strategies. Please note that this is just one example, and each student situation should be individualized and subjected to a thorough and thoughtful examination of the factors related to the student's homeless status, the incident, and any mitigating factors around the situation.

Student Information:

- Jane is a 9th grade student who is McKinney-Vento eligible.
- She has a history of tardiness to her class after lunch and absences for not catching the bus on time in the morning due to trying to help her siblings get ready for school.
- Jane has been identified as a student with an Other Health Impairment for Attention Deficit/Hyperactivity Disorder (ADHD). She receives Special Education supports and services.
- Jane was prescribed medication from a pediatrician 6 years ago, but the family cannot afford the medication at this time.

Behavior Incident:

- Jane often waits towards the end of lunch period to get her lunch due to issues with other students making fun of her, secretly throwing food bits into her hair, knocking down her school items, etc.
- On one particular Thursday, one of the students who frequently bothers her intentionally puts out her leg and trips Jane after Jane got her lunch tray. This student continues to kick Jane's tray away and as Jane got up, the student pushes Jane repeatedly.
- After a few pushes, Jane was fed up and pushed this student away. As a result, the student fell backwards and hit her head on the cafeteria table and fell to the floor.
- The Assistant Principal on lunch duty heard the commotion and ran over to see Jane in shock hovering over the other student. The administrator then directs Jane to the office where she would ultimately be considered for OSS for "Behavior Code '28' Assault Against Someone other than School District Employee or Volunteer".

The campus administrator, behavior coordinator, and McKinney-Vento liaison scheduled a meeting to ensure OSS is an appropriate consequence for Jane, while taking into consideration factors related to her homeless status and other mitigating factors.

- The rubric and worksheet were completed collaboratively as a team. Additionally, the team requested Jane's special education case manager to be a part of the discussion to ensure circumstances related to her disability were considered.
- Meanwhile, Jane continued to receive her academic instruction and work through her general education, and she receives special education services and supports while the review was in progress.

Factors to Consider (TEC §37.001)	Score 1	Score 2	Score 3
Self-defense	The behavior was not a direct result of self-defense.	N/A	The behavior is a direct result of reasonable self-defense.
Intent	The behavior was clearly purposeful and planned . The student demonstrated intent to harm.	The behavior was determined to be impulsive and not planned to harm.	No intent to harm determined.
Discipline History	Demonstrated similar inappropriate behavior over a 1–3-month period. The pattern of behavior is highly disruptive to the learning environment.	Demonstrated similar inappropriate behavior over 1-2 months. The pattern is moderately disruptive to the learning environment.	First time offense . There is no established pattern for the inappropriate behavior.
Student's Age	The student clearly understands the impact of the inappropriate behavior.	The student somewhat understands the impact of the inappropriate behavior.	Developmentally , the student does not/is not able to understand the impact of the inappropriate behavior.
Disability <i>*Must collaborate with 504/SPED personnel if there's a disability*</i>	There is no identified disability. Considering the impact of the student's disability, the student clearly understands the impact of the inappropriate behavior.	Considering the impact of the student's disability, the student somewhat understands the impact of the inappropriate behavior.	Considering the impact of the student's disability, the student does not/is not able to understand the impact of the inappropriate behavior.
Student Status <i>*(e.g., CPS involvement, highly mobile, protective order, etc.)*</i>	The behavior is not directly linked to possible trauma associated with homeless status.	The behavior is not directly linked to possible trauma associated with homeless status but is somewhat associated .	The behavior is clearly linked to possible trauma associated with homeless status.
Behavioral Interventions	The Campus intervention team formed to discuss (a) student's disruptive behavior, and (b) interventions to implement and document for at least 3 weeks .	The classroom teacher implemented and documented behavioral interventions for 3 - 5 weeks .	Interventions have not been applied or have been implemented for less than 3 weeks . The behavior is not connected to current reason for referral.
Safety and/or Risk Factors	The behavior poses imminent and continued danger and harm to self, others, and/or property on campus.	The behavior poses a limited danger and harm to self, others, and/or property on campus (currently or in the future).	The behavior poses no/not continued safety risk to self, others, and/or property on campus.

Self-Defense	Score Selected: <u> 3 </u>
Supporting Data or Information for Selected Score	Conducted investigation that included witness statements from 5 students and 2 paraprofessionals that witnessed the incident. Consistent reports across all statements – Jane tried to ignore the other student, other student persisted, Jane was reacting to the other student’s persistent actions towards her. Teachers/staff report she keeps to herself and never draws attention to herself in any way. No prior serious behavior infractions.
Action Considered/Tried:	Jane attempted to ignore the situation and other student. Jane avoids coming into lunch early or on time to avoid attention to herself. Jane consistently tries to avoid people and situations that may be negative. Jane chooses “planned ignoring” of people and situations consistently. Her art teacher has noticed that she “bottles up” her emotions and has mentioned this to the counselor but nothing has been done since.
Action Needed or Next Steps:	Discuss possible change of lunch block so Jane can build more positive association to lunch and peers in that lunch block? Assign staff close proximity to her during lunch to help monitor. Possible considerations: Connecting her with wraparound supports, include her in weekly general education counseling group for social skills (etc.), integrate restorative circles, does she/family need additional support for living situation?
Additional Notes:	Assigning staff for proximity may cause unintended negative consequences to Jane due to the added attention. Jane has an IEP – possible ARD/IEP meeting to discuss if additional accommodations or supports are warranted. Jane is identified as a student experiencing homelessness – connect with MV liaison for additional support.

Intent	Score Selected: <u> 2 </u>
Supporting Data or Information for Selected Score	Conducted investigation as stated in the ‘self-defense’ section. According to reports and witness statements, Jane did not appear to want to cause harm but to have the actions towards her to stop. Jane is diagnosed with ADHD. Her SPED files (i.e., IEP and FIE) indicate there is presence of “impulsivity” when in stressful situations.
Action Considered/Tried:	Jane avoids attention and stressful situations to adapt to her difficulties related to the ADHD since she does not take medication to manage it. She “plan ignores” people and situations. Jane has had a history of minor classroom disruptions, but no altercations with peers. Jane has an ARD/IEP meeting annually to discuss her academic and functional performances – no behavioral concerns that warranted a behavior intervention plan was needed during these annual discussions.
Action Needed or Next Steps:	Jane has an IEP – possible ARD/IEP meeting to discuss if additional accommodations or supports are warranted. Jane is identified as a student experiencing homelessness – connect with MV liaison for additional support. This is the first-time she has had an altercation with peers but discussing with the IEP team, including a school psychologist, could help to determine possible support systems.
Additional Notes:	Impulsive behavior is a symptom of attention deficit hyperactivity disorder (ADHD) and is characterized by acting without thinking first. Stress-impaired executive function diminishes working memory and impulse control, as well as mental flexibility and coping skills.

Discipline History	Score Selected: <u> 2 </u>
Supporting Data or Information for Selected Score	Jane does not have any serious behavior infractions; however, she has had 3 minor classroom behavior reports in the last 2 months – 2 for missing major project deadlines and 1 for disrupting class when teacher explained project assignment that involved interviewing their father, so she exhibited uncontrollable emotional reactions and threw her items on floor and left the classroom. This is the first-time she has had an altercation with peers.
Action Considered/Tried: <i>What supports are already in place?</i>	Teacher called the AP to come get her and she spent time in the counselor's office. School tried to call her mother but couldn't get a hold of her. Counselor attempted to talk to her, but she would not open up. A SPED paraprofessional later worked with her and was able to connect with her – talked through the situation with her and eventually completed an alternative assignment.
Action Needed or Next Steps:	Jane has an IEP – possible ARD/IEP meeting to discuss if additional accommodations or supports are warranted. Jane is identified as a student experiencing homelessness – connect with MV liaison for additional support. Possible considerations: Connecting her with wraparound supports, include her in weekly general education counseling group for social skills (etc.), does she/family need additional support for living situation?
Additional Notes:	Jane missed major assignments because her mother worked night shifts and was never available to care for her younger siblings when they came back from school. So, after school, she would take care of them and bathe, feed, and make sure they got their homework done. Jane's dad is also incarcerated for domestic violence (interviewing him for the project would be difficult and traumatic).

Student's Age	Score Selected: <u> 1 </u>
Supporting Data or Information for Selected Score	Jane is 16 years old. Her Full and Individual Evaluation (FIE) reports her cognitive functioning is intact and comparable to her same age peers. This indicates that she is developmentally able to understand the impact of the inappropriate behavior. According to witnesses, after the student fell back, Jane was "in shock" – registering a level of remorse for her reaction to the other student's actions towards her.
Action Considered/Tried:	Re-evaluation of her FIE?
Action Needed or Next Steps:	Her FIE is current and she is not due for a re-evaluation. Upon reviewing previous FIEs, her results are consistent – no concerns warranted for requesting a new evaluation report in light of the new behavior incident (first serious infraction – no pattern)
Additional Notes:	She is taking on a lot of responsibility as a 16-year-old while her mother works late shifts and having to care for her siblings while in an unstable living situation. Are there any additional supports or services to consider or look into?

Disability	Score Selected: <u> 1 </u>
Supporting Data or Information for Selected Score <i>*Must collaborate with 504/SPED personnel if there's a disability*</i>	<p>Reviewed her FIE: Other health impairment due to ADHD</p> <p>Documented impulsivity but only during stressful situations. Exhibited behaviors from her evaluation and IEP does not impede her learning or the learning of others so the ARD/IEP committee determined that a behavior intervention plan (BIP) was not needed.</p> <p>SPED evaluation team reviewed IEP/FIE in light of this behavior.</p> <p><i>Sources to review: 504/IEP plans, including BSP/BIP and evaluation reports (FIEs, disability reports)</i></p>
Action Considered/Tried: <i>What supports are already in place?</i>	<p>Jane has behavior accommodations in place and are successful with these accommodations – frequent breaks, allowing extra time, chunking of assignments, checklists for assignment tasks, support from her SPED teacher/paraprofessional.</p>
Action Needed or Next Steps: <i>If the student has a disability, then follow the procedures of the MDR process.</i>	<p>For MDR process: An MDR is not warranted at this time, Jane does not have a pattern of suspensions, and the OSS would only result in a 3-day (max) removal.</p>
Additional Notes:	<p>Jane has built a good relationship with the SPED paraprofessional and tends to be more open to sharing. Find ways for this paraprofessional to incorporate coping skill strategies, etc. into her interactions with Jane. Connecting her with wraparound supports, include her in weekly general education counseling group for social skills (etc.), does she/family need additional support for living situation?</p>

Student's Status	Score Selected: <u> 3 </u>
Supporting Data or Information for Selected Score	<p>Jane is identified in PEIMS as a student who is McKinney Vento eligible with Code 4. Jane is a survivor of domestic violence – her dad is incarcerated due to this. The other student's action (kicking, pushing, etc.) is linked to possible trauma that led to her family fleeing and in the current living situation.</p>
Action Considered/Tried: <i>What supports are already in place?</i>	<p>McKinney Vento liaison tried connecting resources and supports to the family to assist with food, transportation to school, etc.</p>
Action Needed or Next Steps:	<p>McKinney Vento liaison and counselor to continue to support family with resources.</p>
Additional Notes:	<p>C189 Homeless Status Code 04 - Student lives in motel or hotel at any time during current school year; Students who stay at a motel or hotel are considered homeless if they reside there because they have lost their housing, lack an alternative accommodation, and do not have a "fixed, regular, and adequate nighttime residence."</p>

Behavioral Interventions	Score Selected: <u> 1 </u>
Supporting Data or Information for Selected Score	Jane has an IEP with behavior accommodations that are in place and successfully working. The behaviors linked to ADHD have been identified through an FIE, discussed annually at the IEP meetings, and have been implemented for over 3 years.
Action Considered/Tried: <i>What supports are already in place?</i>	<p>Frequent breaks, allowing extra time, chunking of assignments, checklists for assignment tasks, support from the SPED teacher/paraprofessional all offer the support to be successful in school with her academics and functioning.</p> <p>BIP was discussed at each annual IEP meeting. Her behaviors do not impede her learning or the learning of others, so the ARD/IEP committee determined that a BIP was not needed.</p>
Action Needed or Next Steps:	Jane has an IEP – possible ARD/IEP meeting to discuss if additional accommodations or supports are warranted. Jane is identified as a student experiencing homelessness – connect with MV liaison for additional support.
Additional Notes:	Possible considerations: Connecting her with wraparound supports, include her in weekly general education counseling group for social skills (etc.), does she/family need additional support for living situation?

Safety or Risk Factors	Score Selected: <u> 3 </u>
Supporting Data or Information for Selected Score	Conducted investigation. According to reports and witness statements, Jane did not appear to want to cause harm but to have the actions towards her to stop. Jane is diagnosed with ADHD. Her SPED files indicate there is presence of “impulsivity” when in stressful situations. The behavior does not pose a continued safety risk.
Action Considered/Tried: <i>What supports are already in place?</i>	Jane avoids attention and stressful situations to adapt to her difficulties related to the ADHD since she does not take medication to manage it. She “plan ignores” people and situations. Jane has an ARD/IEP meeting annually to discuss her academic and functional performances – no behavioral concerns that warrant a behavior intervention plan was needed during these annual discussions.
Action Needed or Next Steps:	Jane has an IEP – possible ARD/IEP meeting to discuss if additional accommodations or supports are warranted. Jane is identified as a student experiencing homelessness – connect with MV liaison for additional support. This is a first-time she has had an altercation with a peer but discussing with the IEP team, including a school psychologist, could help to determine possible support systems.
Additional Notes:	Possible considerations: Connecting her with wraparound supports, include her in weekly general education counseling group for social skills (etc.), does she/family need additional support for living situation?

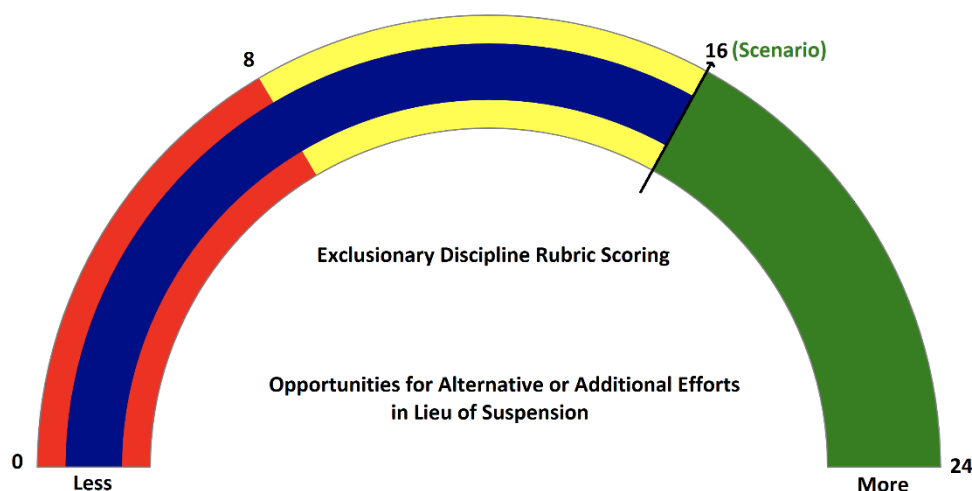
Scenario Interpretation: A Summary of Key Takeaways and Actions for LEA Leaders

Reminder: The rubric is designed to elicit conversations around mitigating factors that may impact the student's behavioral outputs.

- The rubric is a tool to help guide decisions around behavior and discipline. There is no direct cutoff of total points for determining disciplinary consequences.
- This tool is only one resource, and the final determination should be made by an intervention team, be holistic, and include all available formal and informal data.
- For guiding reference, the larger the sum for all 8 of the consideration areas (e.g., 21-24), the more opportunities there are for alternative or additional efforts the campus can take in lieu of suspension.

The provided fictional student scenario offers educational leaders the opportunity to understand the value of using the exclusionary discipline rubric and accompanying worksheet when considering discipline matters for students experiencing homelessness. Based on the descriptions provided for each of the 8 areas of consideration (i.e., self-defense, intent, disciplinary history, age, disability, homeless status, interventions, safety), readers can glean several “action needed or next steps” for the case of Jane.

The total sum of the 8 areas of consideration was 16. This number represents that majority of the scores were in the 2 or 3 categories. Cumulatively, the campus has some opportunities for addressing the behavioral incident with alternatives or additional efforts in lieu of suspension. This is not to say that the campus cannot suspend the student per local policies. However, when behaviors are directly related to a student's homelessness, considerations must be made to guarantee schools do not miss vital opportunities to support students' needs and put students on the path toward success.



For Jane's case, here are some key actions pulled from the collaborative team's worksheet presented in Appendix A.

- Schedule an ARD/IEP meeting to discuss current supports and services and whether additional accommodations or supports are warranted.
- Connect with the McKinney-Vento liaison and school counselor to work on finding additional community resources (e.g., food, shelter, free clinics, etc.) that are available, connecting her with wraparound supports, and include her in weekly general education counseling groups for emotional management, social skills, etc.
- Utilize the strong relationship she has developed with the SPED paraprofessional to integrate coping skills strategies and who can serve as an adult mentor. Build in restorative practices and work towards restorative circles.
- Given Jane's scenario, what additional opportunities or key actions have you identified or considered?



 [TXschools.gov](https://www.txschools.gov)

 [twitter.com/
TexasEducationAgency](https://twitter.com/TexasEducationAgency)



 tea.texas.gov

 texasassessment.gov

 [facebook.com/
TexasEducationAgency](https://facebook.com/TexasEducationAgency)