

DATE:	August 8, 2019
SUBJECT:	86th Legislation on Student Discipline Under Chapter 37
CATEGORY:	Discipline
NEXT STEPS:	Update local student code of conduct and procedures

The Texas Education Agency (TEA) would like to inform local education agencies of the effects of legislation from the 86th Legislative Session that will impact the local disciplinary code of conduct beginning with the 2019-2020 school year. The following new and amended statutory provisions may require amendments to the local student code of conduct to reflect the new requirements under TEC Chapter 37.

House Bill 692:

TEC §37.005 is amended to prohibit the out-of-school suspension of homeless students unless the student engages in certain behaviors defined by TEC §37.005(c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off school property.

House Bill 811:

TEC §37.001(a)(4) is amended to add two new conditions that must be considered to determine what is in the best interest of the student before ordering a suspension, removal to a disciplinary alternative education program (DAEP), expulsion, or placement in a juvenile justice alternative education program (JJAEP):

- (E) a student's status in the conservatorship of the Department of Family and Protective Services; or
- (F) a student's status as a student who is homeless.

House Bill 2184:

TEC §37.023 is added to require a transition plan for students being released from a DAEP, JJAEP, or a juvenile detention center. Schools must create a personalized transition plan developed by the campus administrator and other specified persons.

House Bill 3012:

TEC §37.005 is amended by to add Subsection (e) to require a school district to provide an alternative means of receiving all course work provided in the classes in the foundation curriculum that the student misses as a result of an in-school or out-of-school suspension.

TEC §37.011(b) is amended to include the conduct that contains the elements of the offense of a terroristic threat as described by Penal Code 22.07(c-1), (d), or (e), as a reason that a student must be served academically by a JJAEP during the term of the removal.

Senate Bill 1306:

TEC §26.015 is added to require a school district to post on the district's Internet website, for each district campus, the designated person, e-mail address and dedicated telephone number of the:

- (1) the campus behavior coordinator under TEC §37.0012; or
- (2) if the district has been approved as a district of innovation under TEC Chapter 12A and is exempt from the requirement to designate a campus behavior coordinator under TEC §37.0012 under the district's local innovation plan, the campus administrator designated as being responsible for student discipline.

Senate Bill 1707:

TEC §37.081(d) is amended to require the duties for school district peace officers, school resource officers, and security personnel be included in:

- (1) the district improvement plan under TEC §11.252;
- (2) the local student code of conduct adopted under TEC §37.001;
- (3) any memorandum of understanding providing for a school resource officer; and
- (4) any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

Senate Bill 2135:

TEC §37.006(e), is amended to specify that in determining whether there is a reasonable belief a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent's designee may consider all available information, including the information furnished under Article §15.27 (related to notification to schools by law enforcement agencies of the arrest or referral of children), Code of Criminal Procedure, and upon request, the information included in new TEC §37.006(k-1).

(k-1) In addition to the information provided under Subsection (k), the law enforcement agency shall provide to the superintendent or superintendent's designee information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student. A school board may enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan. Absent a memorandum of understanding, the information requested by the superintendent or the superintendent's designee shall be considered relevant.

Senate Bill 2432:

TEC §37.006(a)(2) is amended to add new reasons for which a student must be placed in a DAEP. A student who engages in conduct that contains the elements of the offense of harassment under Texas Penal Code §42.07(a)(1), (2), (3), or (7) against an employee of the school district must be placed in a DAEP.

Penal Code §42.07(a). A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

- (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
- (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
- (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
- (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

Contact for Further Information

If you have questions or comments related to discipline, they may be submitted to StudentDisciplineSupport@tea.texas.gov .