

- 1. What is the guidance on students who are currently enrolled in disciplinary alternative education programs (DAEPs)?** *Posted April 3, 2020*

Current guidance on DAEPs may be found in Texas Education Code (TEC), Chapter 37. Specifically, TEC Section 37.008. This section lays out program requirements for DAEPs. As well, Title 19, Texas Administrative Code (TAC), Section 103.1201, provides the standards for the operation of school district DAEPs. No waivers of the requirements of the TEC and TAC regarding DAEP students are in effect at this time, but these issues are currently under consideration.

- 2. Should DAEP students be credited for participation in distance learning?** *Posted April 3, 2020*

TEC, Section 37.008(a), sets forth the requirements for a Disciplinary Alternative Education Program. To the extent the district determines its distance learning program satisfies the educational needs of students and the other requirements of TEC, Section 37.008(a), the district may credit the DAEP student for participation via distance learning.

- 3. Due to the current closure of our district, please provide guidance on how to close out discipline records for students that complete their time at the DAEP or JJAEP. For example, a student was assigned 25 days and at the time of the closure had 15 days to go. Work was still being provided and the student completed the work virtually for 5 days and the decision was made to allow the student to reenroll at their home campus and close out the DAEP time with reason code 01. Do we use the actual dates even though school is “closed” but instruction continues to warrant time served at the DAEP/JJAEP due to COVID-19?** *Posted April 3, 2020*

Nothing prohibits an LEA from reducing DAEP placement time and allowing a student to reenroll at their home campus. As for completing work virtually, please see A2 above. The dates reported should represent the actual days served in a DAEP.

Assumption: “Reason code 01” referenced in the question above is E1009 (DISCIPLINARY-LENGTH-DIFFERENCE-REASON-CODE), not E1006 (DISCIPLINARY-ACTION-REASON-CODE).

- 4. When our district is able to return to a regular schedule, would our DAEP students continue their DAEP placement? As an example, a student had a 45-day placement before the schools closed and served 10 days. Would that student start back on day 11?** *Posted April 3, 2020*

This is a local decision. As stated in A3, nothing prohibits an LEA from reducing DAEP placement time and allowing a student to reenroll at their home campus. In this example, when the LEA is able to return to a regular schedule, the DAEP student could also continue the placement as day 11.

- 5. When a student completes their placement days, should we withdraw them from the DAEP and place them back with their residence campus? I'm wondering if we count these waiver days as actual days served in DAEP? If a student was assigned 60 days, and they reach the 60 days, counting these waiver days, would we need to move them back to their regular setting? *Posted April 3, 2020***

A student that completes the number of assigned days of a DAEP placement should be returned back to their regular educational setting. Regarding waiver days counting as actual days served in a DAEP, please see A2 above.

- 6. What should our LEA plan for related to discipline during the district's instructional continuity? Is there anything that we should be looking out for during this time? Is there any specific documentation the district needs to submit as far as discipline is concerned? *Posted April 3, 2020***

There is no additional documentation requirements for discipline records due to COVID-19 at this time.

- 7. A student, during an online discussion with his class, displayed content that was inappropriate and meets the criteria for removal. Are hearing timelines waived or should they be conducted online for placement in a DEA? *Posted April 3, 2020***

If an LEA would like to place a student into a DAEP, the student still has the same due process rights laid out in TEC Section 37.009(a)-(e). Specifically, this question is addressed in TEC Section 37.009(a) which requires not later than the third class day after the day on which a student is removed from class..., the campus behavior coordinator or other appropriate administrator shall schedule a conference among the campus behavior coordinator or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, 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. These requirements could be met online using Zoom, Skype, etc.

- 8. What does a district do if they had an expulsion hearing scheduled for students following spring break but are now closed due to COVID-19? Does a district continue with the hearing via ZOOM or other online means? If so, can these days of district closure due to COVID-19 count as the days in an alternative placement (whether that be DAEP or JJAEP) or are these applied whenever school re-opens? *NEW May 5, 2020***

NEW
5/5/2020

A student must still be afforded the same due process rights laid out in Texas Education Code (TEC) Section 37.009(f) – (j) before the student may be expelled. These requirements could be met online using Zoom, Skype, etc.

TEC Section 37.008(a) sets forth the requirements for a Disciplinary Alternative Education Program (DAEP). To the extent the local education agency (LEA) determines its distance learning program satisfies the educational needs of students and the other requirements of TEC Section 37.008(a), the LEA may credit the DAEP student for participation via distance learning.

For questions regarding Juvenile Justice Alternative Education Program placements, contact the Texas Juvenile Justice Department for information specific to the joint memorandum of understanding between the county juvenile board and each LEA.

- 9. In addition to reporting discipline incidents requiring suspension, do we also need to record them (OSS and ISS) under attendance? Or is this not necessary during the “closed, instructing” period? *NEW May 5, 2020***

NEW
5/5/2020

Discipline incidents requiring suspension need to be reported. However, absences will not be reported during the COVID-19 closure period. Please refer to the “How do I document student attendance for days I am Closed, Instructing” section included in the **Attendance and Enrollment FAQ** located on the [TEA Coronavirus webpage under District Waivers, Finance & Grants](#).

- 10. Will code table C166 be updated to include a Disciplinary Length Difference Reason Code for COVID-19? *NEW May 5, 2020***

NEW
5/5/2020

Please refer to the **TSDS Public Education Information Management System (PEIMS) FAQ** on the [TEA Coronavirus webpage under District Reporting & Data](#).

- 11. Will Districts be permitted to use Disciplinary Length Difference Reason Code 03, Term Modified by Mutual Agreement of District, Student, and/or Parents for discretionary discipline actions (ISS, OSS, and DAEP)? *NEW May 5, 2020***

NEW
5/5/2020

Please refer to the **TSDS Public Education Information Management System (PEIMS) FAQ** on the [TEA Coronavirus webpage under District Reporting & Data](#).

- 12. Will students with outstanding (incomplete) MANDATORY discipline actions be required to fulfill them? *NEW May 5, 2020***

NEW
5/5/2020

This is a local decision. LEAs may require students to fulfill assigned length of terms for all mandatory discipline actions required by statute. Please see A2 above regarding distance learning participation. LEAs also have discretion to modify length of terms as outlined in Texas Education Code. Should any LEA modify length of term, this information should be

reported to the Texas Education Agency using PEIMS Code Table C166, DISCIPLINARY-LENGTH-DIFFERENCE-REASON-CODE.

NEW
5/5/2020

- 13. We have students at our DAEP campus. We need these students back at our high school campus so we can provide access to Google Classroom just for this COVID-19 period. Once COVID-19 has ended and we are in session again, are we able to send the students back to DAEP with or without a hearing? *NEW May 5, 2020***

An LEA may decide to suspend a DAEP assignment until everyone physically returns to school. As well, nothing prohibits an LEA from reducing DAEP placement time and allowing a student to reenroll at their home campus. An LEA may credit a DAEP student for participation via distance learning should an LEA meet the educational needs of the student and the other requirements of TEC Section 37.008(a). A student that completes the number of assigned days of a DAEP placement should return to their regular educational setting.

NEW
5/5/2020

- 14. Can a student remain at a DAEP campus to receive continuity of instruction even though they have completed their DAEP assignment? *NEW May 5, 2020***

A student that completes the number of assigned days of a DAEP placement should return to their regular educational setting. Any extension of time would be determined through required due process based on a violation of the student code of conduct.