



If a parent or guardian entitled to notice of a student's disciplinary removal has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, the campus behavior coordinator must mail written notice of the disciplinary action to the parent or guardian at the parent's or guardian's last known address. If a Campus Behavior Coordinator is unable or not available to promptly provide the required notice to a parent or guardian of a student, the principal or other designee shall provide the notice.

3. What is required in order to send a student to a Disciplinary Alternative Educati

In accordance with TEC, §37.005(c), a student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

1. conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
  - (a) marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
  - (b) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or
  - (c) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

7.

If the student's placement in a DAEP is to extend beyond the end of the next grading period, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board of trustees of the school district or the board's designee, as provided by policy of the board of trustees of the district. Any decision of the board or the board's designee under this subsection is final and may not be appealed.

9. What is required if the student's DAEP placement will extend beyond the end of the current school year and into the next school year ?

Before assigning a student to a disciplinary alternative education setting that extends beyond the end of the school year in which the initial assignment was made, the board or the board's designee must determine that:

1. the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual, or
2. the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct.

A student placed in a DAEP under TEC, §37.002 or 37.006 shall be provided a review of the student's status, including a review of the student's academic status, by the board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parents or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student.

At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus.

10. What is required regarding special education students who commit behaviors that require a disciplinary removal action?

The disciplinary placement of all students who are served in special education with an Individualized Education Program (IEP) must be determined by an Admission, Review, and Dismissal (ARD) committee. TEC, §37.004(a). Further, any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's ARD committee conducts a manifestation determination review under 20 U.S.C. Section 1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulation, including

change of placement must review the student's IEP to detail the special education and related services to be administered to the student while he is removed for discipline reasons. Be careful not to confuse the 10-day change of placement requirement for special education purposes with the 1-day removal requirement for reporting student disciplinary removals. The 44425 Student Discipline Interchange data is required for all students who are receiving special education and related services and are removed from their regularly scheduled classes for one day or more. A change of placement occurs when the removal is for more than 10 consecutive days, and a change of placement may occur when the removal is for more than 10 cumulative days in a school year based on factors such

For additional constraints related to a student's behavior and the use of emergency placement/expulsion, please see TEDS Data Submission>Technical Resources>PEIMS Discipline Data - Disciplinary Action Reason Codes and Definitions for DISCIPLINARY-ACTION-REASON-CODE 23.

14. What are the requirements for keeping documentation under Article 15.27, Code of f

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19. Please explain the Discipline Action Reason Code 01 – Permanent Removal from Class by a Teacher.

Permanent removal by a teacher from class (DISCIPLINARY-ACTION-REASON-CODE 01) under TEC, §37.002(b) is limited for use in those situations where the teacher has refused re-admittance of the student to that teacher's class. Otherwise, if the teacher allows re-admittance of the student to the class, then Code 21 (other Student Code of Conduct violation) should be used.

20. What are the consequences of a school not reporting its discipline removal events through the Texas Student Data System PEIMS submission on the 44425 Student Discipline Interchange data ?

Under TEC, §37.008(m-1), failure to report all disciplinary removal actions as required by state and federal law may result in a review by the commissioner of education and notice to the local school board of any problems noted in the district's data, or a violation of a law or other rule. This review may also result in a notification to the county attorney, district attorney, criminal district attorney, as appropriate, and the attorney general. This provision can apply to missing, inaccurate, and/or falsified information/data.

21. Which LEAs are required to participate in the county run Juvenile Justice Alternative Education Program (JJAEP) ?

In counties where the population is over 125,000, state law requires that expelled students be placed in an alternative education setting of some type. Districts located in these counties may place discretionary expelled students in a DAEP operated by the district and Mandatory expelled students in a JJAEP operated by the juvenile board for the county.

22. What options exist for an LEA that expels a student in a county that does not have a JJAEP ?

If a student has been expelled does not



24. What is the definition of an Off -Campus DAEP ?

26. Is a campus which does not include secondary students in the enrollment required to have a secondary student on their campus' bullying prevention committee?

A campus that does not include secondary students in the enrollment, is not required to include a secondary student on the campus' bullying prevention committee. However, an LEA may choose to place elementary students or secondary students on the committee at their discretion.

27. Where can a district find examples of instruction research-based content designed to reduce bullying for students?

Here is the link to the [Minimum S](#)