



HB 6 Summary

Charter Schools and DAEP

A charter school may choose to provide for the **exclusion of a student** who:

- Has engaged in conduct related to placement in a DAEP or JJAEP
- Has engaged in conduct related to expulsion
- Has been convicted of a criminal offense or has a juvenile court adjudication

District of Innovation

Removes the District's ability to use the District of Innovation to modify **any part** of Chapter 37 The SCOC.

Vape Offenses

Makes DAEP discretionary for first time nicotine e-cigarette offenses only.

Parental Involvement

The SCOC must include a statement regarding whether the board has adopted a policy for parental involvement in school disciplinary placements and the provisions of the policy.

Our current procedures for reduction of disciplinary placement does not rely on the parent to follow through but instead focuses on the student meeting certain metrics that are within the student's control. Parental involvement is important, and parents are included in the process, but our SAISD process does not rely on the health or the ability of the parent to follow through on a contract thereby ensuring that *all* students have the opportunity for a reduced placement when appropriate.

It is not recommended that the board adopt a policy for parental involvement and that the District continue with its current process.

Campus Behavior Coordinator

A single person must be designated as the campus behavior coordinator and that person may be assisted by additional school staff in the performance of the campus behavior coordinator's duties, provided that the campus behavior coordinator personally verifies that all aspects of this subchapter are appropriately implemented.

This change is in alignment with current district practices.



Student Removal by Teacher

Changes include that:

- a teacher no longer must provide documentation for the removal
- bullying has been added as a reason for removal
- the teacher can remove the student for a single incident of behavior
- the student must be removed from class if the offense may or must be placed in DAEP or result in expulsion
- the teacher must provide written consent prior to return of the student to class
- a return to class plan must be developed before the student's return to class
- a student can appeal the removal

Suspension

In-school suspension is now unlimited in the number of consecutive days a student can be assigned.

During in-school suspension, students must receive appropriate behavior support services, comparable education services and all services contained in the IEP must be provided to eligible students.

In the SAISD Student Code of Conduct, in order to extend the in-school-suspension beyond 10 consecutive days, the principal will consult with the Senior Officer of School Administration (formerly Senior Executive Director) to make that determination.

Parents have the right to request that the student be reassigned from out-of-school suspension to in-school suspension if the parent provides documentation that they cannot provide suitable supervision for the student during school hours. Approving the parent's request is at the sole discretion of the principal or other appropriate administrator.

Out-of-School Suspension for Below grade 3 or Homeless

A student who is enrolled in a grade level below grade three or who qualifies as homeless 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 of school property, the student engages in:



- conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
- conduct that threatens the immediate health and safety of other students in the classroom; (*this replaces assault and broadens the scope of when suspension can be assigned*)
- documented conduct that results in repeated or significant disruption to the classroom; or (*this is a new provision and substantially broadens the scope of when suspension can be assigned*)
- selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marihuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

DAEP: New or Revised Codes

The student MAY (discretionary) be placed at DAEP if the student engages in:

- Disruptive activities
- Disruption of classes
- Possesses or uses an e-cigarette
 - If not placed in DAEP for a first-time offense, the student SHALL be placed in ISS for at least 10 days

Mandatory DAEP if the student engages in the following conduct:

- Engages in conduct **on or off school property** against any school employee or volunteer that contains the elements of the offense of:
 - Retaliation
 - harassment
- The student is subject to DAEP placement based on conduct occurring **off campus** and while the student is not in attendance at a school-sponsored or school-related activity if:
 - The student receives deferred prosecution for conduct defined as any of the following offenses under the Penal Code
 - Title 5 Felony
 - Deadly conduct
 - Felony offense of aggravated robbery
 - Disorderly conduct involving a firearm
 - Unlawfully carrying weapons except for an offense punishable as a Class C misdemeanor under that section (Section 46.02)



The big change is in the expansion of the District's jurisdiction for certain offenses to include locations that are not district property or affiliated events.

Expulsion: New or Revised Codes

Discretionary expulsion if the student engages in the following conduct within 300 feet of school property:

- A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.

Mandatory expulsion if the student engages in the following conduct **on or off school property**:

- Exhibiting, using, or threatening to exhibit or use a firearm **(new)**
- Aggravated assault
- Arson
- Murder, capital murder, or criminal attempt to commit murder or capital murder
- Indecency with a child
- Kidnapping or aggravated kidnapping **(new)**
- Burglary, robbery, or aggravated robbery **(new)**
- Manslaughter
- Criminally negligent homicide
- Continuous sexual abuse of a young child or disabled person
- Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
- Assault against a school employee or volunteer. **(new)**

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Personal Communication Devices

This language will occur in both the Student Code of Conduct and the Parent Student Handbook and is substantially the same with the following major changes:

- New definition of personal communication device
- Must be out of sight and not used during the school day instead of instructional time
- May be used if there is a need due to a disability as outlined in the IEP or 504 plan, a documented medical reason, or a safety or security reason

Other Changes to SCOC

Special Education

Inclusion of TEC 37.004 in the SCOC indicated that an FBA will be conducted if a disciplinary action will result in a change of placement.

Requirement that for certain offenses, an ARD for a manifestation determination will be held prior to removal to DAEP or expulsion.

Both of these are in alignment with current district practices.

SEAD/PBIS/Restorative Practices

Updates to the language and processes in this section. These updates will be included when the SCOC is taken to students and parents for stakeholder feedback.