

DISCIPLINE REPORTING

July 30, 2019 to August 1, 2019

I. HB 692 – RELATED TO SUSPENSIONS FOR STUDENTS WHO ARE HOMELESS

II. DISCIPLINARY ACTION REASON CODE UPDATES

AGENDA

- Under [HB 692](#), suspensions for homeless students are addressed.
- A student who is homeless cannot be placed in out of school suspension unless the student engages in conduct described in TEC 37.005(c) 1-3. [TEC 37](#)

HB 692

AN ACT relating to the suspension of a student who is homeless from public school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.005, Education Code, is amended by adding Subsection (d) to read as follows:

(d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described by Subsections (c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

Student - Disciplinary Action Context Rules

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-new1 NEW	<p>If this student's HOMELESS-STATUS-CODE is not "0", and DISCIPLINARY-ACTION-CODE is "05" or "25", then DISCIPLINARY-ACTION-REASON-CODE should be "04", "05", "11", "12", "13", "14", "27", "28", "29", "30", "31", or "32".</p> <p>A homeless student should not receive an out-of-school suspension (TX-DisciplinaryActionCode "05" or "25"), unless they are being disciplined for one of the following TX-DisciplinaryActionReasons: "04", "05", "11", "12", "13", "14", "27", "28", "29", "30", "31", or "32".</p>	S	3	District, Campus, Charter

I. HB 692 – RELATED TO SUSPENSIONS FOR STUDENTS WHO ARE HOMELESS

II. DISCIPLINARY ACTION REASON CODE UPDATES

AGENDA

- Under [SB 2432](#) , TEC section 37.006(a) is expanded to allow the removal of a public school student from the classroom following engaging in conduct that contains elements of the offense of harassment under Section 42.07(a)(1), (2), (3), or (7) Penal Code, against an employee of the school district.

SB 2432

AN ACT relating to the removal of a public school student from the classroom following certain conduct.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.006(a), Education Code, is amended to read as follows:

(a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

...

(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

...

(G) engages in conduct that contains the elements of the offense of harassment under Section 42.07(a)(1), (2), (3), or (7), Penal Code, against an employee of the school district.

- Under [SB 179](#) (85th), TEC section 37.0052 was added to allow a public school to expel a student from the classroom for certain bullying behaviors.
- The offense of bullying under TEC 37.0052, which addresses the expulsion of students for certain bullying behaviors allows for either a discretionary removal to DAEP or an expulsion.

SB 179 (85th)

SECTION 3. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0052 to read as follows:

Sec. 37.0052. PLACEMENT OR EXPULSION OF STUDENTS WHO HAVE ENGAGED IN CERTAIN BULLYING BEHAVIOR.

(a) In this section:

(1) "Bullying" has the meaning assigned by Section 37.0832.

(2) "Intimate visual material" has the meaning assigned by Section 98B.001, Civil Practice and Remedies Code.

(b) A student may be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 or expelled if the student:

(1) engages in bullying that encourages a student to commit or attempt to commit suicide;

(2) incites violence against a student through group bullying; or

(3) releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

(c) Nothing in this section exempts a school from reporting a finding of intimate visual material of a minor.

DISCIPLINARY-ACTION-REASON-CODE



Two new disciplinary action reason codes are added:

Code Table ID	Name	XML Name	Date Issued	Date Updated
C165	DISCIPLINARY-ACTION-REASON-CODE	TX-DisciplinaryActionReasonType	3/2/1998	8/30/2019
Code	Translation			
60	Harassment Against an Employee of the School District under Texas Penal Code 42.07(a)(1), (2), (3), or (7) – TEC 37.006(a)(2)(G)			
61	Bullying – TEC 37.0052(b)			

Student - Disciplinary Action Context Rules

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-0018	If DISCIPLINARY-ACTION-CODE is "27" or "28", then DISCIPLINARY-ACTION-REASON-CODE must be "02", "04"- "09", "11"- "14", "16"- "19", "26"- "32", "35"- "37", "46"- "48", "55", "57", or "60".	F	3	District, Campus, Charter
	If the TX-DisciplinaryActionCode reported for a student is "mandatory action not taken" (27 or 28), then the TX-DisciplinaryActionReason must be a mandatory DAEP placement or mandatory expulsion reason.			

- DISCIPLINE-ACTION-CODES 27 and 28 may only be used when the DISCIPLINARY-ACTION-REASON-CODE is a mandatory DAEP placement. Student harassment of an employee of the school district results in a mandatory DAEP placement and therefore has been added to this rule.

Student - Disciplinary Action Context Rules

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-0026	<p>If a student's age on the DATE-OF-DISCIPLINARY-ACTION is greater than 5 and DISCIPLINARY-ACTION-REASON-CODE is "02", "04"- "09", "26"- "28", "35", "55", or "60", and DISCIPLINARY-ACTION-CODE is "05", "06", "25", or "26", then there should be another Disciplinary Action with a matching TX-UNIQUE-STUDENT-ID, CAMPUS-ID-OF-ENROLLMENT, and DISCIPLINARY-INCIDENT-NUMBER with one of the following: a matching DISCIPLINARY-ACTION-REASON-CODE and DISCIPLINARY-ACTION-CODE of "07", "08", "10", "27", "28", "54", "55", or "57", OR a DISCIPLINARY-ACTION-REASON-CODE of "04"- "06", "08", "09", "26", "27", or "35" and DISCIPLINARY-ACTION-CODE of "01"- "04", "09", "11", "12", "15", "50"- "53", "56", "58", "59" or "61".</p> <p>For a student reported with a DAEP assignment, they must have been at least 6 years old on the date the incident occurred. If a student has committed a mandatory DAEP assignment behavior and was placed in an in-school or out-of-school suspension setting pending the completion of "due process" for that incident, then there should also be a disciplinary action reporting that the student was assigned to a DAEP. If the incident is also a discretionary expulsion reason, then the disciplinary action may be an expulsion. If the campus administrator has decided to not place the student in a DAEP, then disciplinary action code "required action not taken" (codes 27 or 28) should be reported.</p>			District, Campus, Charter

- Student harassment of an employee of the school district results in a mandatory DAEP placement and therefore has been added to this rule.

Student - Disciplinary Action Context Rules

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-0057	If DISCIPLINARY-ACTION-REASON-CODE is "02", "04", "05", "06", "07", "27", "28", "49", or "60", then BEHAVIOR-LOCATION-CODE must be "01", "02", or "03".			District, Campus, Charter
	If a student is reported with a TX-DisciplinaryActionReason for "conduct punishable as a felony" (02), "possessed, sold, used, or was under the influence of marihuana or other controlled substance" (04), "possessed, sold, used, or was under the influence of an alcoholic beverage" (05), "abuse of a volatile chemical" (06), "public lewdness or indecent exposure" (07), "assault under penal code §22.01(a)(1) against a school district employee or volunteer" (27), "assault under penal code §22.01(a)(1) against someone other than a school district employee or volunteer" (28), "engages in deadly conduct" (49), or "harassment against an employee of the school district" (60), then the TX-BehaviorLocation must be reported as "on campus" (01), "off-campus, within 300 ft" (02), or "off-campus, at school related/sponsored activity" (03).			

- Legislation specifies that harassment against an employee of the school district takes place in the indicated behavior locations.
- Note: Disciplinary Action Reason Code 02 (Conduct Punishable As A Felony) is being added to rule 44425-0057 after previously being overlooked from 37.006(a)(2) as a behavior related to these behavior location codes. This change is not related to the addition of harassment against an employee.

Student - Disciplinary Action Context Rules

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-0050	If DISCIPLINARY-ACTION-REASON-CODE is "21", "22", "23", "41", "42", "44", "45", "55", "56", or "61", then BEHAVIOR-LOCATION-CODE must be "00".	F	3	District, Campus, Charter
	If a student is reported with a TX-DisciplinaryActionReason for which the Texas Education Code Chapter 37 does not specify a location, then the TX-BehaviorLocation must be reported as "not applicable".			

- Legislation does not specify where the Bullying DISCIPLINE-ACTION-REASON-CODE takes place, therefore behavior location must be reported as “not applicable”.

QUESTIONS?

