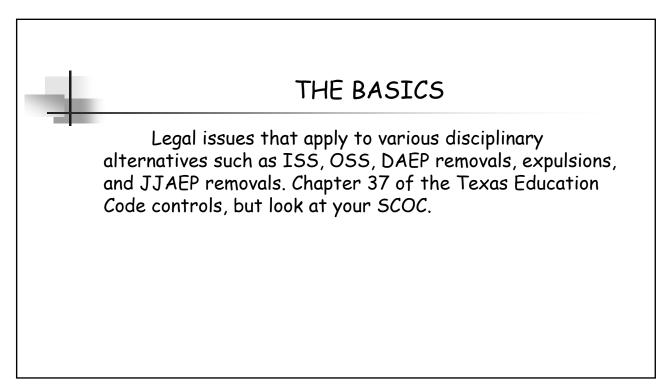
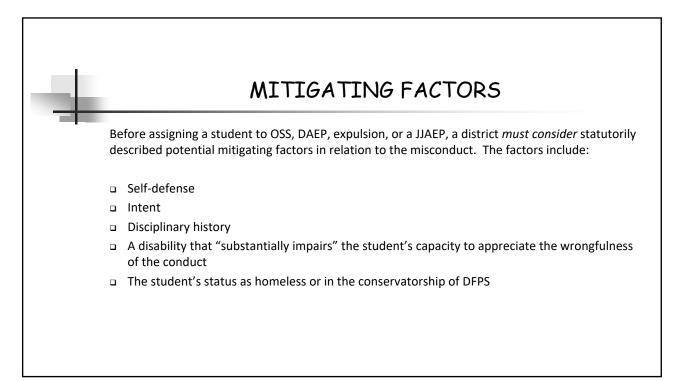
"Vaping is Mandatory, Weed is Discretionary . . . What Were They Thinking?" Addressing the Changes to Discipline Under Chapter 37

By

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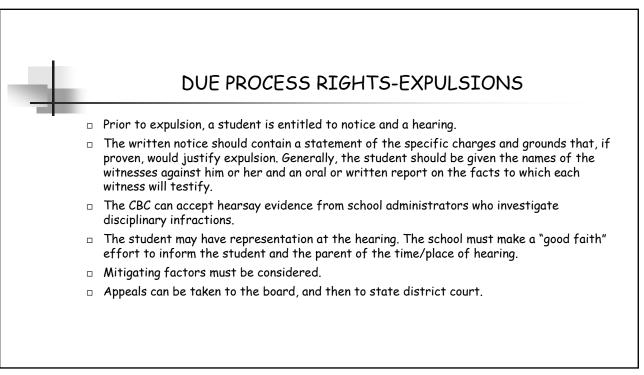




4	SUSPENSION
	The grounds for a student's suspension are set forth in a district's student code of conduct (SCOC).
	For out of school suspension, a student may be suspended for up to three school days at a time.
	A student <i>below third grade</i> cannot be placed in out of school suspension except for certain serious offenses involving a weapon, violence, or drugs/alcohol. However, a district may adopt and implement a positive behavior program as an alternative to traditional discipline for students below third grade.
	A homeless student may not be placed in OSS unless the conduct involves drugs/alcohol, weapon offenses, or violent offenses.
	The Campus Behavior Coordinator may work with the district's homeless liaison to identify proper alternatives to OSS.

DUE PROCESS RIGHTS-REMOVALS
A conference with the CBC, student, parent or guardian, and teacher (if applicable), scheduled not later than the third-class day after removal.
"Valid attempts" must be used to require a person's attendance.
At the conference, the student is entitled to <i>written</i> or oral notice of the reasons fremoval, an <i>explanation</i> of the basis for removal, and the opportunity to respond to treasons.
The CBC must consider the following mitigating factors : self-defense, intent, discipl history, a disability that "substantially impairs" the student's capacity to appreciate wrongfulness of the conduct, and the student's status as homeless or in the conserve of DFPS.
Mitigating factors must be considered if mandatory or discretionary.



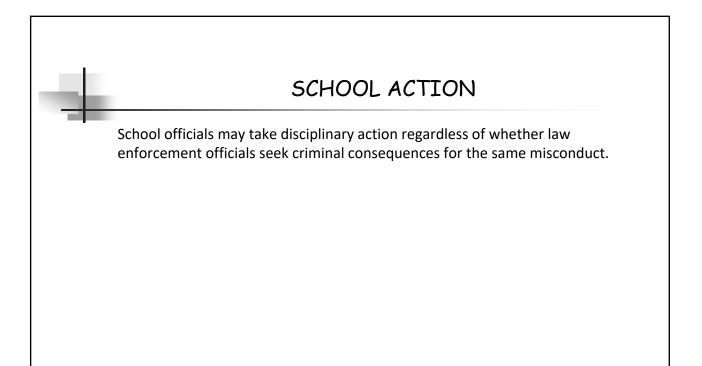


MANDATORY VS. DISCRETIONARY

When an offense is mandatory, the district is required to place the student in the DAEP or expel the student. If the offense is discretionary, it is the *district's choice* whether to take the action. The discretionary offenses are set forth in statute or in the district's code of conduct.

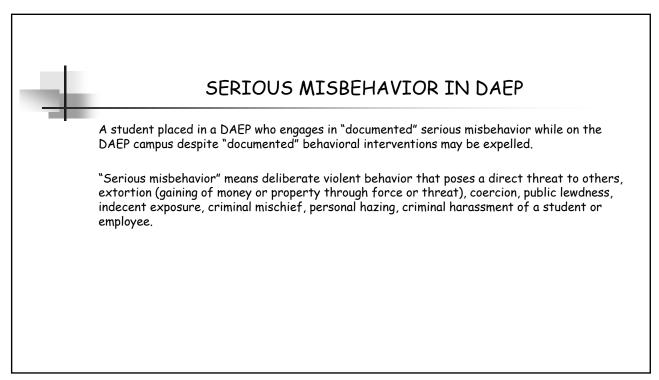
The district's discipline policies can be found in the F series of the school's policy manual.

Keep in mind how the due process requirements differ between DAEP removals and expulsions.



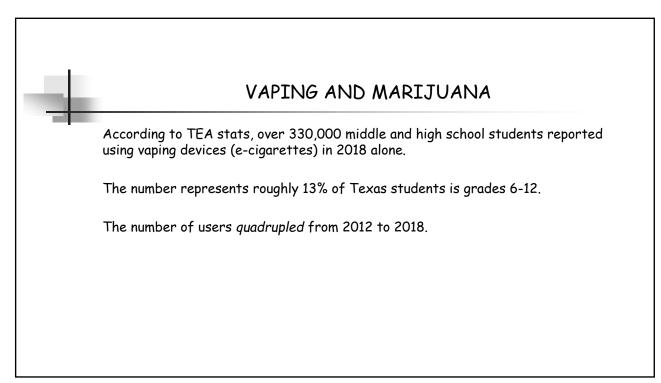
STUDENT WHO WITHDRAWS PENDING THE DISCIPLINARY PROCEEDINGS

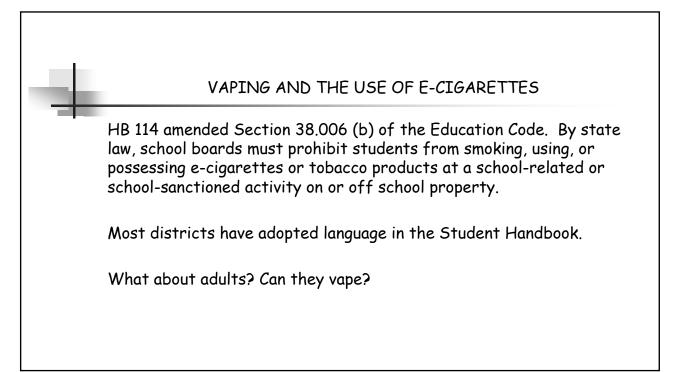
If a student withdraws from school before an order of expulsion or DAEP is entered, the district may complete the proceedings and enter the order. If the student reenrolls in the district during the same or the subsequent school year, the district may enforce the order, reduced for time served. If the student enrolls in another school district, the new district may honor the order, or, if the preceding district failed to enter an order, the new district may complete the proceedings and enter an order.

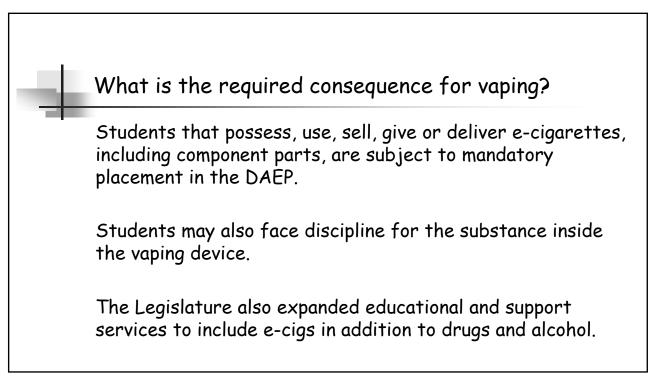


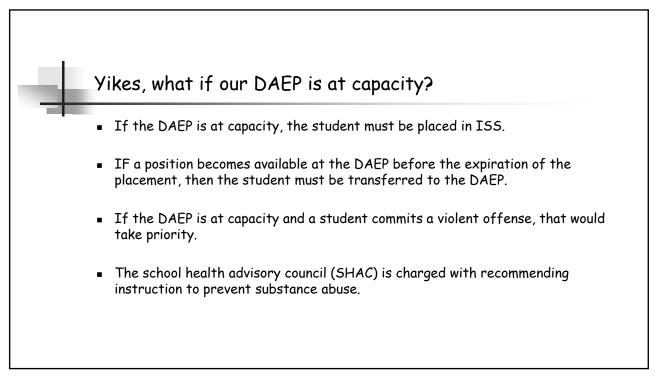
THE CHANGES . . .

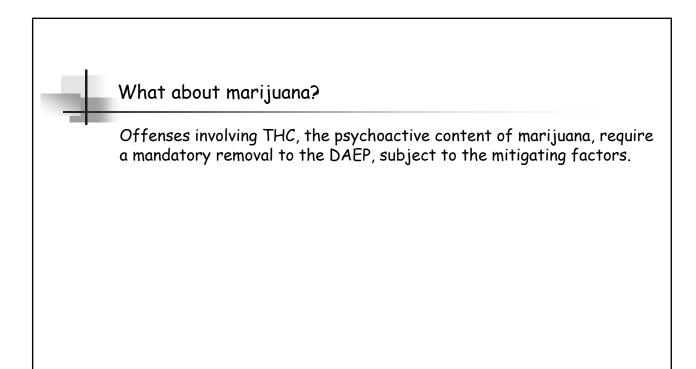
The Texas Legislature passed some changes to the Education Code with respect to behavior and discipline. The focus of the last session was "school safety" and significant changes were addressed in light of the Uvalde tragedy.











Can we still use corporal punishment?

Despite legislative efforts to eliminate the use of corporal punishment, the behavior intervention may still be used if a school district so chooses through policy. Texas is one of 18 states that still authorize the use of corporal punishment.

