

Texas Education Agency Health & Safety Division

Leslie Smith
Program Specialist
Texas Education Code
Chapter 37: Discipline Law & Order

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Texas Unified School Safety Standards

- **1.1**- The school district should demonstrate a commitment to safety through coordination of efforts and clear communication with local, regional, state, and federal-level stakeholders in all efforts for mitigating and prevention, preparedness, response, and recovery.

Texas Unified School Safety Standards

- **1.2-** The school district should assess the school climate and implement relevant scientifically research-based curricula and programs at each campus to create a positive, safe, and disciplined environment conducive to learning.

Texas Unified School Safety Standards

- **1.3-** The school district should have processes in place to identify and appropriately assist/address individuals who exhibit early warning signs of violence, risky behaviors, or a potential threat of criminal activity.

Texas Education Code Chapter 37

- The Texas Legislature passed the **Safe Schools act in 1995**.
- This act established **comprehensive school safety requirements** for public schools.
- Entered into the education code as: **Chapter 37 Discipline Law & Order**

Multi-hazard Emergency Operations Plan: Security Audit: TEC Chapter 37, Section 37.108

- (a) Schools **must develop** and **implement a multi-hazard** operations plan.
- (b) The plan must address **mitigation, preparedness, response and recovery** as defined by the commissioner in conjunction with the Governor's office of homeland security.

Multi-hazard Emergency Operations Plan; Must Provide For:

1. **District employee training** in response to an emergency
2. **Mandatory school drills** to prepare students and employees for responding to an emergency
3. **Measures to ensure coordination** with local emergency management agencies, law enforcement, & fire departments in the event of an emergency
4. **Implementation of security audits**

Multi-hazard Emergency Operations Plan:

1. A school district **shall include** in its multi-hazard operational plan, a plan to **respond** to a **train derailment** if the school is within **1000 yards** of a railroad track.
2. A school district may use any available community resources in developing these policies

Security Audits

1. At least **once every three years** a school shall conduct a security audit of the district's facilities
2. The district shall follow the security audit procedures developed by the **Texas School Safety Center**
3. A school shall report the results of the security audit to the **local school board** and to the **Texas School Safety Center**



School Safety Preventative Measures

1. **Prepare for disasters** with plans and readiness
2. **School facility maintained** with access and safety
3. **Violence from outside of school:**
security procedures to access campus
(security guards or police)
4. **Violence from with-in the school:**
school board policies and authority of designees enforcing the school district discipline management program

School Safety Overview:

Three Areas of Safety

- 1. School Emergency Operations Plans:**
involve community and school
- 2. School Facility Safety:**
school buildings and grounds
- 3. School Safety From Violence:**
 - (1) bullying leading cause of violence 37.001 (a) (7)
 - (2) shootings
 - (3) dating violence 37.0831
 - (4) sex offenders 37.301- to - 37.311




TEC Chapter 37

- Chapter 37 established **separate** learning programs for **disruptive** and **violent** students.
- **(DAEPs)** are school based programs
- **(JJAEPs)** are county and school district partnership programs for students that have been expelled from school.

Texas Independent School District Jurisdiction:


- Texas independent school districts are recognized as a **separate governmental jurisdictions**
- **TEC Chapter 37.081** authorizes a school district to have an **independent police force**
- The **school district school board** establishes the **scope and duty** of the **school district police force**





Texas Independent School District Police Department:

- The school district **chief of police** is **accountable and answers** to the **superintendent or superintendent's designee**
- **School district police department and local law enforcement agencies** that have overlapping jurisdiction **shall sign an MOU outlining** reasonable **communications and coordination of efforts** between the departments



Texas Independent School District Police Department:

- The **school district should** establish **specific working criteria** in an **MOU** or as part of **any contract** with any **local police department** that the school district **may choose** to contract with **to provide school district security** or **police services**.

Is Public School A Public Place?

- Penal Code establishes certain **common areas** as “public” areas on school property
- **Students** are **required** to be at school and are in **violation of law** if they are **not** there.
- Schools have **independent** jurisdiction to establish rules and consequences
- A student **at school legally** compares better **to a child at home with the parent present** than a child unsupervised in a public place.





Texas Independent School District Jurisdiction:

Why? are Texas independent school districts **clearly established in law** under this funding and governance structure?

To Maintain Educational Integrity!

- the “**true, reliable, honest**” reason for having a designated educational setting.
- **Texas Education Code**
authorizes school districts to have jurisdiction over children to **promote age appropriate academic, physical, mental, and emotional** developmental needs





Student Code of Conduct

- **Student behavior** at school or at school sponsored or school related events as well as certain criminal violations away from school **fall under** the school board approved **Discipline Management Plan** required under **TEC 37.083** to be included in the district improvement plan under TEC 11.252



Student Code of Conduct

- **TEC Chapter 37 Section 37.001 (a) 1,2,& 3**
- **Student Code of Conduct** must identify the behavioral **violations** and **(5) consequences** that result in **student removals** from class or school.



Student Code of Conduct

- **TEC Chapter 37; Section 37.001 (a) (4) (Considerations):**
 - (A) self defense
 - (B) intent
 - (C) disciplinary history
 - (D) ability to know right from wrong



Student Code of Conduct

- **TEC Chapter 37; Sect. 37.001 (a)**
 - (7) Require all school boards to have **policies** that **prohibit bullying**, harassment & making hit list and **ensure** that all district employees enforce the prohibitions.
 - (8) provide **as appropriate for students** at **each grade level**, methods, including options:



Options For:

1. **For managing students** in the classroom and on school grounds.
2. **Disciplining students**
3. **Preventing and intervening** in student discipline problems.
Including **bullying, harassment,**
and making **hit list.**

School Board Relationship to Students

- **Local School Board** is responsible for the **education, care** and **safety** of all students
- **Local school board designees** carry out the school board policies. (super, admin, teachers, etc..)
- **Designees** stand in **loco parentis** (local parent) with the same responsibilities as a parent.



School District Responsibilities

- Schools have a **legal responsibility** to **teach** children **proper behavior** as well as academics.
- TEC Chapter 37 Section 37.008-**DAEP** (a)(4) list **Self-Discipline specifically** as a required subject to be taught in all DAEPs along with English, Math, Science, & History.



Requirement to Notify Law Enforcement!

- **TEC Chapter 37; 37.015(a)** requires school officials to **notify** law enforcement of certain offenses if they occur in school or at a school sponsored or school related activity on or off school property.





Who? Reports To Law Enforcement

- **TEC Chapter 37.015 (a)**

the **principal** or **designee** of any public or private primary or secondary school.



When? **Not** Required To Notify Law Enforcement?

- **TEC Chapter 37.015(c)**

If the person **reasonably believes** the activity does not constitute a criminal offense.

When Is Bad Behavior A Crime?

When is it Just Bad Behavior?

- **Intent**
- **Culpable mental state**
- Brass Knuckles
- Illegal Knife at school
- 7 year old with fire arm





Texas Behavioral Support Initiative

- The Texas Regional Educational Service Centers offer school districts support through researched based information and training at the campus level in positive behavior strategies and prevention-based interventions through the Texas Behavioral Support Initiative (TBSI)
- TBSI is a foundation program in promoting safe and effective schools along with encouraging local school districts to improvise and improve their own local discipline programs to meet the unique needs of their community.