

Texas Education Agency Health & Safety Division

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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 process 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 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 (7)
 - (2) shootings
 - (3) dating violence 37.0831
 - (4) sex offenders 37.301- to - 37.311



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)
4. **Violence from with-in the school:** school board policies and authority of designees enforcing the school district discipline management program



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:

- Independent taxing authority (directly from tax base)
- Authority to have independent police force
Chapter 37.081
- Local police and courts **do not have jurisdiction** on school property with out a school board policy or on a case by case base as referred by the school
- Public facility not a **public place** open to public access during school hours

Is School A Public Place?

- No free public access
- **Students** are **required** to be there and are in **violation of law** if they are **not** there.
- Schools have **independent** jurisdiction.
- **Students** are under authority of school **board policies** and subject to **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?

Educational Integrity

- the “**true, reliable, honest**” reason for having a designated educational setting.
- Meet all **developmental needs** of children
- Allows schools to have **jurisdiction** over children to **promote age appropriate academic, physical, mental, and emotional** development under authority of elected community representatives and operate by published policies.

Student Code of Conduct!

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 (a)(4) list **Self-Discipline** **specifically** as a required subject to be taught in all DAEPs along with English, Math, Science, & History.

Student Code of Conduct

- TEC Chapter 37 Section 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.

Consequences

- **Student behavior** at school or at school sponsored or school related events; **fall under** the school board approved **Discipline Management Plan**
- **Student Code of Conduct** must identify the behavioral violations and consequences that result in **student removals** from class or school.



Reports to Law Enforcement!

- **TEC Chapter 37 Section 37.015(a) requires** the 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

- **Under Chapter 37.015 (a)** the **principal** or **designee** of any public or private primary or secondary school.

When? Is The Designee **Not** Required To Notify Law Enforcement?

- **TEC Chapter 37 Section 37.015(c)**

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

Elements of Crime

- **Intent**
- **Culpable mental state**
- Lewd Conduct
- 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.