

TEC Ch. 37 Change Recommendations / Comments
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37.002 (b) A principal or administrator shall make no attempt, written or verbal, to influence or thwart a teacher's request for removal of a student from class. A teacher may remove from class a student: ...

Rationale: This section covers teacher requested removal of an unruly, disruptive or abusive student from class. Some administrators still put undue pressure or constraints on teacher requested removal of a student from class.

37.002 (c) The terms of the removal **must** prohibit the student from attending or participating in school-sponsored or school-related activity.

Rationale: Changed from "may" because the student was removed for reasons in (b) above due to unruly, disruptive or abusive behavior. This student should be excluded from attending or participating in school-sponsored or school-related activity.

37.004 (b) Needs updated to procedurally reflect changes in the IDEA Reauthorization 2004—H.R. 1350 Sec. 615: place, then appeal.

Rationale: One of the things that the IDEA Reauthorization did was to remove the "Stay Put" provision that allowed parents to "freeze" placement change for 10 days. Now change of placement is to occur immediately to an "interim alternative educational setting" (which may be a DAEP). Within 10 school days an ARD is conducted and a manifestation determination is made, services determined, and placement decided. If placement is appealed, then the student shall remain in the "interim alternative educational setting" (which may be a DAEP) during the appeal process.

37.005 (b) A suspension under this section may not exceed **five** school days.

Rationale: Administrators need more than the current 3 school days to investigate, conference with student/parents, and make placement decisions and coordination.

Comment: 37.006 A student "shall be removed" and placed in DAEP; example: (B) Assault—removal and ticket—double jeopardy? Some JPs won't take action if the school has punished the student (i.e. DAEP placement or suspension). The school is required to place the student in DAEP and the student is subject to criminal charges in accordance with the Penal Code, and ought to be charged.

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37.009 (a) and (b) Recommend that (a) be changed to read “Not later than the fifth day after the day on which a student is removed from class...” Also, change “...shall schedule a conference...” to read, “...shall conduct a conference...” Section (b) addresses if the placement is to extend beyond 60 days or the end of the next grading period. The appeal process is discussed in (a) and paragraph (b) doesn’t seem necessary.

Rationale: These changes align with recommendation to 37.005 (b) allowing a 5 school day suspension, specifies conduct a conference over scheduling one, and eliminates seeming redundancy of paragraph (b).

37.009 (e) This section requires a review of DAEP placement at 120-day intervals. How is this tracked/documented for accountability?

Rationale: The requirement is not specific enough to be enforced or procedurally verifiable as it is written.

Comment: 37.012 (d) This section pertains to funding of students placed in JJAEPs. So if the ISD asks the judge to place a student in JJAEP, then they do not have to pay?

Comment: 37.018 This section is titled “INFORMATION FOR EDUCATORS” What is “this subchapter?” Subchapter A is 32 pages. I don’t know a district that provides a copy of “this subchapter and “the local policy relating to this subchapter” to “each teacher and administrator.” Something important was intended to be made available to educators, but I’m just not sure what it is.