

AUTHORITY OF SCHOOL PERSONNEL

Authorities: 34 [Code of Federal Regulations \(CFR\)](#) Part 300; Texas Education Code ([TEC](#)); Texas Penal Code

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FEDERAL AND STATE REQUIREMENTS	
<u>Practice</u>	<p>School personnel must comply with the PROTECTIONS FOR CHILDREN NOT YET DETERMINED ELIGIBLE framework.</p>
	AUTHORITY TO REMOVE FOR NOT MORE THAN 10 CONSECUTIVE SCHOOL DAYS
<u>Practice</u>	<p>School personnel may remove a child with a disability who violates the code of student conduct from the child's current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than 10 consecutive school days to the extent those alternatives are applied to children without disabilities.</p> <p>Citations: 300.530(b)(1)</p>
<u>Practice</u>	<p>School personnel may remove a child with a disability who violates the code of student conduct from the child's current placement for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a DISCIPLINARY CHANGE OF PLACEMENT.</p> <p>Citations: 300.530(b)(1) 300.536(a)</p>
	AUTHORITY TO REMOVE FOR MORE THAN 10 CONSECUTIVE SCHOOL DAYS
<u>Practice</u>	<p>School personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures that would be applied to children without disabilities, if:</p> <p>Citations: 300.530(c)</p>
<u>Practice</u>	<ul style="list-style-type: none">• In the MANIFESTATION DETERMINATION review, the behavior that gave rise to the violation of the code of

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	<p>student conduct is determined not to be a manifestation of the child's disability in compliance with the <u>WHEN BEHAVIOR IS NOT A MANIFESTATION</u> framework;</p> <p>Citations: <u>300.530(c)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • The child with a disability is provided <u>SERVICES DURING PERIODS OF REMOVAL</u>; and <p>Citations: <u>300.530(c)</u> <u>300.530(d)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • The parent of the child with a disability is notified of a <u>DISCIPLINARY CHANGE OF PLACEMENT</u>. <p>Citations: <u>300.530(h)</u></p>
<u>Practice</u>	<p>School personnel must provide the parent of the child removed to a disciplinary alternative education program with written notice of the school's obligation to provide the child with an opportunity to complete coursework required for graduation that:</p> <p>Citations: <u>TEC 37.008</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Includes information regarding all methods available for completing the coursework; and <p>Citations: <u>TEC 37.008(l-1)(1)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • States that the methods available for completing the coursework are available at no cost to the child. <p>Citations: <u>TEC 37.008(l-1)(2)</u></p>
<u>Practice</u>	<p>For children who are homeless or in substitute care, the local educational agency (LEA) must also provide notice to the child's educational decision-maker and caseworker concerning any disciplinary actions for which parental notice is required.</p> <p>Citations:</p>

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	<u>TEC 25.007(b)(10)(D)</u>
<u>Practice</u>	<p>School personnel may remove the child to an IAES without regard to whether the behavior is determined to be a manifestation of the child's disability, if:</p> <p>Citations: 300.530(g)</p>
<u>Practice</u>	<ul style="list-style-type: none"> • There are <u>SPECIAL CIRCUMSTANCES</u>; and <p>Citations: 300.530(g)</p>
<u>Practice</u>	<ul style="list-style-type: none"> • The removal is for not more than 45 school days. <p>Citations: 300.530(g)</p>
REFERRAL TO LAW ENFORCEMENT AND COURTS	
<u>Practice</u>	<p>Nothing prohibits an LEA from reporting a crime committed by the child with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by the child with a disability.</p> <p>Citations: 300.535(a) TEC 37.148</p>
<u>Practice</u>	<p>An LEA reporting a crime committed by the child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the LEA reports the crime only to the extent permitted under the Family Educational Rights and Privacy Act.</p> <p>Citations: 300.535(b)</p>
<u>Practice</u>	<p>If the child with a disability, who is at least 10 years of age and younger than 18 years of age, commits a school offense identified in TEC 37.144 and fails to comply with or complete graduated sanctions for the offense, or if the school district has not elected to adopt a system of graduated sanctions for such offenses, the school may file a complaint against the child with a criminal court.</p> <p>Citations:</p>

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	<u>TEC 37.145</u> <u>TEC 37.144</u> <u>TEC 37.141</u> <u>TEC 37.124</u> <u>TEC 37.126</u> <u>Tex. Penal Code 42.01(a)(1)-(5)</u>
<u>Practice</u>	<p>A complaint alleging the commission of a school offense must include a statement of whether the child is eligible for or receives special education <u>services</u>.</p> <p>Citations: <u>TEC 37.146(a)(2)(A)</u></p>
<u>Practice</u>	<p>For children who are homeless or in substitute care, the LEA must also provide notice to the child's educational decision-maker and case worker concerning citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities.</p> <p>Citations: <u>TEC 25.007(b)(10)(E)</u></p>
LIMITATION ON GENERAL AUTHORITY	
<u>Practice</u>	<p>The child with a disability may not be disciplined <u>in a manner that results in a change in the child's educational placement</u> for bullying, harassment, or making hit lists until an admission, review, and dismissal committee meeting has been held to review the conduct.</p> <p>Citations: <u>TEC 37.001(b-1)</u> <u>TEC 37.001(a)(7)</u> <u>TEC 37.001(a)(8)</u></p>

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