

2021-2022 Discipline-Chapter 37 and PEIMS Training

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Agenda



1. Chapter 37 and Student Code of Conduct Update
2. Discipline Resources
3. Discipline Coding Reminders
4. Questions

Chapter 37 and Student Code of Conduct (SCOC) Update

Discipline Resources

Please replace last year's packet!

Reference Documents and Resources



- Questions concerning coding and disciplinary placements should be directed to the Executive Director of Student Services.
- Texas Education Code (TEC), [Chapter 37](#) establishes the statutes related to student discipline, law and order in public schools. Individual school districts write and enforce student disciplinary policies that comply with the statutes.
- MISD Student Code of Conduct
- Skyward and TSDS Offense Codes List
- Skyward and TSDS Action Codes List
- THE CHART!- TSDS Appendix E
- TSDS Appendix E- Description of Offense Codes
- TSDS Appendix E- FAQs
- Skyward Discipline Guide- provided by Student Information Services



Appendix E Chart



Midland Independent School District

TSDS PEIMS Chart for determining Mandatory and Disciplinary DAEP Placements and Expulsions

NOTE: This chart represents the minimum required actions and maximum allowed actions for school districts. It does not apply to charter schools except for code 11 – (Possession or use of Firearms at school or a school related activity), unless a charter school has adopted one of the other mandatory provisions into its student code of conduct.

Disciplinary Action Reason Codes (C165)		Behavior Location Code (C190)	Disciplinary Action Codes (C164)			
Code and Translation		Behavior Location Code	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
01	Permanent removal by a teacher from class (Teacher has removed the student from classroom and denied the student the right to return. TEC §37.003 has been invoked.) – TEC §37.002(c)	On campus (01)			D	
02	Conduct punishable as a felony-TEC §37.006(a)(2)(A)	On campus (01)	M			
	TEC §37.006(a)(2)(A)	Off Campus, within 300 ft. (02)	M			
	TEC §37.006(a)(2)(A)	School Related/Sponsored Activity Off Campus (03)	M			
	TEC §37.006(d)	Off Campus, no school related/sponsored activity (04)			D	
	TEC §37.0081	On school property, or at school related/sponsored activity, of another school district (05)			D	
04	Possessed, sold, or used marihuana or other controlled substance-TEC §37.006(a)(2)(C) and 37.007(b)(2)(A) for under the influence	On campus (01)	M			D
	TEC §37.006(a)(2)(C) and 37.007(b)(2)(A)	Off Campus, within 300 ft. (02)	M			D
	TEC §37.006(a)(2)(C) and 37.007(b)(2)(A)	School Related/Sponsored Activity Off Campus (03)	M			D

Discipline Coding Reminders

Importance of Accuracy of PEIMS Data



What are the consequences of a school not reporting its discipline removal events through the Texas Student Data System PEIMS submission on the 44425 Student Discipline Interchange data?

Under TEC 37.008(m-1), failure to report all disciplinary removal actions as required by state and federal law may result in a review by the commissioner of education and notice to the local school board of any problems noted in the district's data, or a violation of a law or other rule. This review may also result in a notification to the county attorney, district attorney, criminal district attorney, as appropriate, and the attorney general. This provision can apply to missing, inaccurate, and/or falsified information/data.

DAEP Placements & Expulsions

- See Appendix E
3. **What is required in order to send a student to a Disciplinary Alternative Education Program?**
 Before removing a student to a DAEP under Texas Education Code (TEC) §37.008, the appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. **If the student has been alleged to have committed an offense as described in TEC §37.006 then the district official holding the conference meeting must present substantiated documentation of the alleged behavior as provided by a law enforcement agency or as created/obtained by the school district administrator.** Refer to PEIMS Data Standards Section 2, 425 Student Disciplinary Action Record for more information on this requirement.
 4. **What is required in order to expel a student?**
 Before a student may be expelled under TEC §37.007, the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the decision to expel a student is made by the board's designee, the decision may be appealed to the board. The decision of the board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located. **If the student has been alleged to have committed an offense as described in TEC §37.007 then a district official holding the expulsion hearing must present substantiated documentation of the alleged behavior as provided by a law enforcement agency or as created/obtained by the school district administrator.** Refer to PEIMS Data Standards Section 2, 425 Student Disciplinary Action Record for more information on this requirement.
- DAEP placement orders must state **“attended”** days if absences from DAEP are to be made up.
 - **End-of-Year placements** that will extend into the next school year must be entered into the student information system with the official and actual length and difference reason codes.

Mandatory vs Discretionary Placements

- See the Chart in Appendix E for guidance in determining mandatory and discretionary DAEP placements and expulsions.
- If you enter an offense code that is **NOT** a PEIMS code 21- Violation of SCOC, then you need to make sure that you have proper documentation of the offense, that the mandatory or discretionary action is given to the student, and the corresponding action codes are keyed into the student information system.
- The discipline incident will only be reported if one or more action codes has a PEIMS-equivalent code removing the student from his or her instructional setting.

Mandatory Action Not Taken for General ED- Why?



- If the action code entered does not correspond to an applicable mandatory PEIMS-equivalent code (see Appendix E), then the action is considered incomplete.
- Why are you not taking the mandatory action?
 - Chapter 37 provisions are:
 - (A) self-defense;
 - (B) intent or lack of intent at the time the student engaged in the conduct;
 - (C) a student's disciplinary history; or
 - (D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
 - School calendar, exam schedules, and capacity of DAEP are not included in these provisions.
- If you choose to not take the mandatory action specified in Chapter 37, **then you must take a PEIMS reportable action**, state the reason in the comments for the incident, AND action code 28 (mandatory action not taken) must be applied to the incident.

Mandatory Action Not Taken for SPED- Why?

- A PEIMS action code of 27 can only be assigned to a student when there is a non-mandatory PEIMS action code and the **student is enrolled in special education on the date of the offense.**
- Why are you not taking the mandatory action?
 - Was there a manifestation ARD hearing determination?
- If you choose to not take the mandatory action specified in Chapter 37, then you must state the reason in the comments for the incident AND action code 27 (mandatory action not taken) must be applied to the incident.

Expulsions

- **ALL** expulsions with or without services must be keyed into the student information system so that they are reported to TEA through PEIMS.
- This includes those where the expulsion hearing occurs at the end of the school year, after the last day of school, and those where the placement continues into the next school year.

OSS – Maximum of 3 days!

- If the action code corresponds to the PEIMS-equivalent code 05 or 25 for OSS, then the maximum number of combined partial and full days of out of school suspension is 3 days.
- A partial day of OSS is treated as a full day.
- 1 partial and 2 full = 3 days OSS
- 1 partial and 3 full = 4 days OSS



OSS – Below 3rd grade- Appendix E

6. What is the minimum grade for suspending a student with an out-of-school suspension?

In accordance with TEC 37.005(c), a student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- (1) conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
- (2) conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
- (3) selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
 - (A) marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
 - (B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or
 - (C) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

OSS of Homeless Students

No student who is homeless may be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engaged in: conduct that contains the elements of an offense related to weapons (unlawful carrying weapons or prohibited weapons); conduct that contains the elements of a violent offense (assault [[see glossary](#)], sexual assault, aggravated assault or aggravated sexual assault); or selling, giving or delivering to another person or possessing, using or being under the influence of any amount of marihuana/marijuana or a controlled substance, a dangerous drug or an alcoholic beverage [[TEC Section 37.005](#)]. Disciplinary Alternative Education Program (DAEP)



Inconsistent Code of Conduct Indicator

- Indicates whether an out-of-school suspension (OSS), disciplinary alternative education program (DAEP) placement (not by court order), or expulsion action is inconsistent with a local education agency's student code of conduct.

OSS (25)	Not Defined	Student C was discovered chewing bubble gum during biology class. The campus behavior coordinator assigned OSS for the rest of the day. The local student code of conduct states any student may be suspended for any general conduct violation. Chewing bubble gum is not defined as a general conduct violation in the Code.	1
OSS (05)	OSS	Student D was found smoking tobacco in the bathroom. The campus behavior coordinator assigned OSS for 3 days. The local student code of conduct states any student may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense. Using tobacco is defined as a general conduct violation in the Code.	0
OSS (25) (05)	OSS	Student E was caught hazing another student joining the football team. The campus behavior coordinator assigned OSS for the rest of the day and an additional 3 full days. The local student code of conduct states any student may be suspended for any general conduct violation, hazing is included in the list of general conduct violations, but the Code further states state law allows a student to be suspended for no more than three school days per behavior violation.	1
OSS (05)	OSS	Student F was caught fighting with another student in the locker room. Student F is homeless. The campus behavior coordinator assigned OSS for 3 days. The local student code of conduct states a student who is homeless shall not be placed in OSS unless committing certain offenses in certain locations (fighting is not one of those certain offenses).	1
ISS (06)	ISS	Student G was calling another student a bad name in class. Student G is six years old and in the first grade. The campus behavior coordinator assigned ISS for two days.	Not Reported

Partial Days of OSS or ISS greater than 1 day

- These placements trigger a warning on PEIMS.
- Appropriate in rare occasions.
- Make sure to address these situations in the comments for any incident where you have assigned more than 1 partial day of ISS or OSS.

Campus of Assignment

- If the action code corresponds to the PEIMS-equivalent code 06 or 26 for ISS, the **Campus of Assignment** field will be your campus 9-digit number.
- For action code 07 DAEP, you must enter the campus 9-digit number for Parker or MAP in the **Campus of Assignment** field.

Parker – 122

MAP – 030

Action Summary

* Action: 07 DAEP PLACEMENT	Action Status: Served
Suspension Type: IAES	School: 030 MIDLAND ALTERNATIVE PROGRAM
* Ordered Date: 05/16/2019 Thursday	School Year: 2018-19
Return Date:	Diff. Reason: 08 SCH YR ENDED
Total Time: 30.00 Days	Days Served: 4.00

- If the action code entered has a PEIMS equivalent code of 01, 05, 16, 17, 25, 27, 28, or 50, then the **Campus of Assignment** field **must be blank**.

Differences in Length

- If a student does not serve the discipline term that has been assigned, then you **MUST** enter the actual number of days served by the student in the disciplinary placement and use one of the **Difference Length Reason** codes.
- Include only the actual number of instructional days that the student was in attendance when calculating this number. Do not include days absent.
- End-of-Year placements that will extend into the next school year must be entered into the student information system with the official and actual length and appropriate difference reason codes. More information on entering end-of-year placements will be provided by Student Data Systems at a later date.

Action Summary

* Action:	07	▼	DAEP PLACEMENT	▼	Action Status:	Served	▼	
Suspension Type:	IAES			▼	School:	030	▼	MIDLAND ALTERNATIVE PROGRAM
* Ordered Date:	05/16/2019	📅	Thursday		School Year:	2018-19	▼	
Return Date:		📅			Diff. Reason:	08	▼	SCH YR ENDED
Total Time:	30.00	Days	▼	Days Served:	4.00			

Comments

When entering comments, do not enter information that can identify other students. If you need to state that the student was involved in a situation with another student, refer to the other student by his/her initials or by student 1 or student A.

Continuations of Prior Year Placements

- All continuations of DAEP and expulsions from prior year **MUST** be keyed into the student information system using the same offense code as the original placement.
- You may contact Student Data Systems if you do not have the prior year offense code or information.

Multiple Students/Same Offense

- **The Offense code must be the same for all students involved in the incident.**
- **Students who are involved in the same infraction should be entered with the same incident number whenever possible.**
- You may change or add any action data that needs adjusting.
- Make sure that comments are appropriate and applicable to students.

Law Enforcement Referrals, School-Related Arrest, and Bullying

- Information on referrals to law enforcement, school-related arrests, and bullying must be entered into the student information system for Office of Civil Rights reporting.
- Offense and Action codes are available in the code tables for use in these situations.

Law Enforcement Referrals

- Referral to law enforcement is an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken. **Citations, tickets, and court referrals are considered referrals to law enforcement.**
- You will need to select the action code for Referred to Law Enforcement.

School-Related Arrest

- A school-related arrest is an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official.
- MISD Police Officer Restraint??
- You will need to select the action code for School-Related Arrest.

Bullying and Allegations of Bullying

- Refer to Student Welfare Freedom From Bullying, FFI (Local) for local district policy as it relates to bullying.
- Select the appropriate “Bully Reason” from the offense code table:
 - Sex
 - Race
 - Disability
 - Sexual Orientation
 - Religion
 - Other
- You will need to select the offense code for the appropriate Harassment/Bully reason.

Student Restraints by MISD Police Officers – These must be entered!



- MISD Police will provide campus administration with the completed [MISD Restraint Use Reporting Form](#) when they have restrained **any** student.
- Campuses **MUST** enter **ALL MISD Police officer** restraint information into the student information system with Restraint Staff Type Code = 02 and Restraint Reason Code = 08.
- Students > Student Profile > Special Prgms > Child Restraint
- **If the restraint occurs at another campus, then enter that campus's 3-digit code in the Campus of Restraint Event field.**
- School-Related Arrest??



Midland Independent School District Restraint Use Reporting Form

PURPOSE: The restraints of all students that are administered by school district police officers on school property or during school-sponsored or school-related activities are **required** to be reported to the Texas Education Agency by TEC Sec. 37.0021(i) through the district's PEIMS submission.

DEFINITIONS: "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. (TEC Sec. 37.0021(b)(1))

PROCEDURES FOR MISD POLICE OFFICERS: Any time a student is restrained by a MISD police officer, a Restraint Use Reporting Form shall be completed by the MISD police officer performing the restraint. A separate form shall be completed for each student restraint. The MISD police officer shall give the original of the completed form to the campus administration for PEIMS reporting purposes. The MISD police officer shall give a copy of the completed form to the MISD Police Lieutenant.

PROCEDURES FOR CAMPUS ADMINISTRATION: All restraints performed by MISD police officers shall be entered into the student information system for PEIMS reporting purposes using a Restraint Staff Type Code of "02" and a Restraint Reason Code of "08".

STUDENT RESTRAINT EVENT INFORMATION

CAMPUS: _____ DATE OF RESTRAINT: _____

TYPE OF RESTRAINT: _____
(PHYSICAL OR MECHANICAL)

STUDENT NAME: _____
(Last) (First) (Middle)

STUDENT ID: _____ GRADE: _____

Original: Give to Campus Administrator
Copy: Give to MISD Police Lieutenant

8/4/2018

Student Restraints of Special Education Students by district employee/volunteer



- The Special Services Department has forms that must be completed to document all restraints of special education students.
- **All restraints of special education students must** be entered into the student information system with the appropriate Restraint Staff Type Code and Restraint Reason Code.
 - Students > Student Profile > Special Ed > Child Res

Discipline Records Retention Period

- Discipline records and referrals must be retained for 5 years.
 - Stored in accessible location on campus for one year.
 - Stored at district's warehouse for the remaining 4 years.
- Expulsion packets should be stored separately from other discipline records and referrals.

. What are the requirements for keeping documentation under Article 15.27, Code of Criminal Procedure received from law enforcement personnel investigating alleged criminal behaviors at/for a school?

With regards to the documentation related to “TEC §37.017 Destruction of Certain Records” states Information received by a school district under Article 15.27, Code of Criminal Procedure, these records may not be attached to the permanent academic file of the student who is the subject of the report. The school district shall destroy the information at the end of the school year in which the report was filed. Despite the requirement to destroy information received under Article 15.27, Code of Criminal Procedure, the district must retain documentation other than the information received under Article 15.27, Code of Criminal Procedure to support the discipline data submitted through the 44425 Student Discipline Interchange data for a period of 5 years.

Six Weeks Discipline Reports

- The Student Information Systems Department runs discipline summary reports for each campus at the end of each grading period.
- These reports will be made available on the shared drive (admpeims-ims) for review, correction, and verification.
- All “fatal” errors must be cleared.
- “Special warning” and “warning” errors must be reviewed for accuracy and ONLY updated if there are coding errors. **Remember we are mandated to report to PEIMS what “really happened” in a discipline incident.**

Questions?