

## Revised Wording 2.16.22 - Proposed Amendments to DOI

2.16.2022

Proposed revised wording in red approved by DOI/DEIC Committees on February 16, 2022.

### **Transfer Students (TEC 25.036)**

Currently, under Texas Education Code 25.036, a district may choose to accept, as transfers, students who are not entitled to enroll in the District. The transfer policy for non-resident students must be a one-year commitment on the part of the District. Relief from the code governing this policy would eliminate the provision of a one-year commitment in the event of an exceptional circumstances which would include, but are not limited to: student misbehavior warranting in or out of school suspension, placement in DAEP or expulsion; or attendance which falls below the TEA truancy standard including absences from school, and or multiple instances of late arrival, early dismissal or late pickup. This exception would not apply to McKinney Vento students due to federal law. Transfer revocation will be handled by the Deputy Superintendent.

### **Removal of Unwanted Visitors (TEC 37.105)**

State law requires that a guest (parent or visitor) attending a school event must be given a warning before he/she is ejected. Upon ejection, the guest must also be given notice of how he/she can appeal the ejection. Relief from the code governing this area would allow designated staff members the authority to remove parents or visitors whose behavior is deemed inappropriate without warning or written notice. **Behavior deemed inappropriate under this amendment includes extreme behavior which creates an unsafe environment or perceived threat to the safety of students and staff. The Superintendent and/or Deputy Superintendent will approve removals.** The Deputy Superintendent will oversee this process.

### **Suspension of Students in Grades Below 3<sup>rd</sup> (TEC 37.005)**

The Texas Education Code restricts a campus administrator's ability to place a student in a grade below third 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 certain dangerous conduct (weapons, violent offenses, or drugs). This limitation prohibits campus administrators from taking the sometimes necessary action of removing a student from the campus, regardless of age, for the safety of the student, other students, and/or the staff. This flexibility will allow for MFISD administrators to exercise their professional judgment when assigning discipline to students and place students of any grade in out-of-school suspension when the administrator determines that such action is necessary for safety and/or in

order to maintain an orderly learning environment for all students. The Executive Director of Special Services would be consulted if a student below grade 3 is being considered for out-of-school suspension and would approve/deny the suspension. **Factors considered when a student below grade 3 may receive suspension include a review of interventions provided, identified disabilities, Child Find history, previous incidents, and severity of classroom disruption. If a student receives suspension, a team will meet and develop a re-entry plan including additional interventions and structures to be implemented upon the student's return to school.**

### **Class Size Waiver for DAEP (TEC37.008(a-l) & TAC 103.1201(h)(1))**

Currently, the certified teacher-to-student ratio in a DAEP shall be one certified teacher to 15 students. Relief from this code would allow MFISD to exercise flexibility in serving students at the DAEP to best meet the needs of students academically and behaviorally. MFISD will be able to place students in rooms according to behavior and restorative discipline needs to better serve them academically. Instances where a classroom would be over 15 students with one teacher would consist of students with minimal behavior instances and motivated to complete work so that those who need additional behavioral support can reside in a separate classroom with intense behavioral support. MFISD intends to maintain a ratio of one staff member to 15 students for total enrollment at the DAEP. At times it is difficult to find additional certified temporary staff and substitutes willing to work at the DAEP when placement numbers increase. Thus, this relief will also allow MFISD to best utilize various staff and substitutes to staff the DAEP based on student enrollment and needs. The **Assistant Superintendent of Curriculum & Instruction** and the Deputy Superintendent will assist the campus principal through this process.

### **Expulsion from DAEP for Persistent Misconduct (TEC 37.007(c))**

~~Current law states that students can only be expelled from the DAEP for serious misbehavior. Serious misbehavior means: (1) deliberate violent behavior that poses a threat to health or safety; (2) extortion, meaning gaining of money or property by force or threat; (3) coercion; (4) public lewdness; (5) indecent exposure; (6) criminal mischief; (7) hazing; (8) harassment in the form of initiating a communication and in the course of the communication making an obscene comment, request, suggestion, or proposal with intent to harass, annoy, alarm, abuse, torment, or embarrass a student or employee.~~ Placements at the DAEP have increased because of students who continually disrupt the educational environment at the main campus and then continue to disrupt the educational environment at the DAEP. Relief from this would allow the DAEP principal to work with district administration to expel a student for persistent misconduct at the DAEP. The Executive Director of Special Services and **Assistant Superintendent of Curriculum & Instruction** would be involved in the decision to expel a student at the DAEP. **A student who is expelled from the DAEP would continue to receive services, in an alternative setting, from Marble Falls ISD.**

