

Commissioner's Rule Review

Chapter 103, Subchapter CC, Safe Schools

Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
103	1201	Standards for the Operation of School District Disciplinary Alternative Education Programs	No changes	No changes	No additional comments	37.008	No change requested.
103	1201	Certain subsections of the rule should be changed. Section 103.1201(f)(1) should be changed because it implies that all of a student's curriculum (including extracurricular studies) must be provided in a DAEP setting, which not only contradicts Section 103.1201(f) but would impose an undue hardship on DAEPs. Section 103.1201, subsections (h)(2) and (i) should be changed because they do not specify that school districts must provide staff with opportunities for training. Section 103.1201(j) should be changed because it uses a term "admission procedures" that is not defined and may imply that a student can be admitted or denied admission in contravention of Chapter 37 of the Texas Education Code, which requires such removal. Section 103.1201(k)(1) should be changed because it uses a term "collaborative groups" that is not defined, leading to confusion about how to meet the requirements of the rule.	Section 103.2101(f)(1) should be changed as follows: strike the following sentence of (f)(1) which states "A student's four year graduation plan (minimum, recommended, or distinguished achievement - advanced) may not be altered when the student is assigned to a DAEP." Section 103.1201, subsections (h)(2) and (i) should be changed as follows: (h)(2) - amend to read, "The district shall ensure that the DAEP staff have opportunities to be prepared and trained to respond to health issues and emergencies." (i) should read "The district shall provide staff at each DAEP with opportunities for training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:"	Changing the rule as suggested will help eliminate confusion about the curriculum that must be provided to students in DAEPs as well as clarify that it is incumbent upon school district to provide DAEP staff with opportunities for the required training.	Changing the rule as suggested will... & (DAEP opportunities for training programs....) Clarity required. Graduation plan can't change in DAEP. Refers to what is needed to graduate. Student must stay on graduation plan. They will graduate. DAEP must figure it out or keep on track. (Offered). Not added guidance in the rule. Rule isn't limiting. ESC provides training = group. Clarity language on training and responsibility.	37.008	Neither the statute or rule are limiting regarding DAEP graduation plans. Continue to provide guidance through the ESCs and discipline manual.

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103	1201 (f)(1)	Hard to offer same--no flexibility, full range of courses difficult to offer same as comprehensive high school at DAEP	Better language leads to more flexibility	Better language leads to more flexibility	No additional comments	37.008	Neither the statute or rule are limiting regarding local control to offer comprehensive high school DAEP.
103	11203 (d)	Section 103.1203 (d) states that procedures for administering the pre- and post-assessment shall be developed and implemented in accordance with local school district policy. However, procedures for implementation of the pre- and post-assessment requirement are administrative in nature and should be left to the direction of the superintendent, not included in local school district policy approved by the board.	Revise the ext of 103.1203(d) as follows: "Procedures for administering the pre- and post-assessment shall be developed and implemented under the direction of the superintendent."	The suggested change would resolve confusion by clarifying who is responsible for development and implementation of the pre- ad post-assessment procedures.	School district policy... Efficiency guidance question. Change would help the student. Review with other like assessment.	37.008	Neither the statute or rule are limiting regarding the ability for districts to develop local policy related to pre and post assessments.

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103	1201 (a)	Yes, the rule should be revised to reflect statute.	<p>Please eliminate the reference to "adopted by local policy." TEC 37.008 requires school districts to provide a disciplinary alternative education program. School boards do not adopt them through policy.</p> <p>(a) A disciplinary alternative education program (DAEP) established in conformance with the Texas Education Code (TEC), §37.008, and this section is defined as an educational and self-discipline alternative instructional program for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP.</p>	This change makes the rule consistent with statute.	Operate more efficiently to be Board Policy or Guidance according to Admin. Procedures.	37.008	Agree. Change in rule language would more accurately reflect language in statute.