

# SAFE & SUPPORTIVE SCHOOLS GREATER HOUSTON

*“Reducing school discipline and law enforcement involvement with students”*

## ABOUT US

Beginning in January of 2018, the Safe and Supportive Schools Collaborative (SSSC) is a group of organizations that share a vision of a Houston-area public school system that fosters positive school climates so all students may learn, graduate, and live up to their full potential without being funneled to the school to prison pipeline through exclusionary discipline or by criminalizing adolescent behaviors.

The SSSC aims to make schools more welcoming environments and increase academic success for students who have been historically marginalized by advocating for alternatives to exclusionary discipline and school policing. Importantly, we work on reducing the use of exclusionary discipline practices that disproportionately harm black and brown students and students with disabilities, LGBTQ+ youth, homeless, dual status youth (foster care and juvenile court involved), underserved students of low socioeconomic status, as well as students being victims of human trafficking.

## STUDENTS & PARENTS KNOW YOUR RIGHTS WHEN YOU OR YOUR CHILD GETS REMOVED FROM THEIR REGULAR CLASSROOM

ISS .... OSS ... it sounds like an old war movie! But parents and students must know their way around these school acronyms and more so that they can actively participate in their child’s school experience. In fact, for parents and students to properly advocate for safe and supportive schools, you need to know your rights as they pertain to school discipline.

### Do You Know Your Rights as a Student?

*“I was given 3 days of ISS after getting into a fight and the other kid only got two. That is not fair!”*

What to know:

- Every student has a right to what’s commonly referred to as a **due process**, a right, and a process for defending themselves from allegations against you. This means you have the right to:
  - ◆ Know the reason for your punishment.
  - ◆ Have an opportunity to tell your side of the story.
  - ◆ be represented by a parent, guardian, or lawyer, and present evidence and witnesses to tell their side of the story.
- Students, you can be given a harsher punishment if you do not provide a written or verbal statement regarding the disciplinary incident being investigated; however, you should wait until a parent/guardian is present before making a verbal statement or signing any written statement.

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- While school authorities have the right to maintain a disciplined environment, they must still follow the student code of conduct and the education code. This requires that they respect the rights of students and parents.
  - ◆ exclusionary discipline should be used only after alternative behavioral interventions and supports have been exhausted
  - ◆ Know that you are likely to get into disciplinary action if you harm or threaten someone at school or a school-related activity, bring a weapon on campus, use, or possess drugs, or commit a crime
  - ◆ If you are feeling overwhelmed or are concerned about your mental health, go to see a school counselor, a community health worker, a trusted teacher, or a school wraparound services coordinator. Also, ask your parent(s) to help you find resources. In Harris County services for youth can be found online at <https://resources.harriscountytexas.gov/Our-Services/Services-for-Children>.

## Do You Know Your Rights As a Parent?

*“The principal took my son in and asked him a whole bunch of questions without me there. That can’t be right!”*

What to know:

- School principals and police **are** allowed to interrogate your child. They are not required to notify parents or guardians before interrogating a child. They do not need a parent or guardian’s permission to interrogate a student. Like they say on TV shows, tell your child to keep their mouths shut if they are going to tell on themselves. Some incidents may result in the arrest and detention of your child.

*“My child is having a problem with a teacher. Now she’s threatening to remove him from the classroom.”*

- Parents have a right to all information regarding the school activities of their child unless doing so would harm the safety of the student.
- Speak with the teacher and try to address the issue with your child
  - If appropriate, request that your child be placed in another class.
- Every campus must have a designated campus administrator or behavior coordinator. The campus behavior coordinator must **“promptly notify”** a student’s parent or guardian. The coordinator must make a “good faith effort to provide **written notice** of the disciplinary action to the student, *on the day the action is taken*, for delivery to the student’s parent or guardian.”

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- ◆ If the coordinator is unable to reach the parent or guardian by telephone or in-person by 5 PM of the first business day after the day the disciplinary action is taken, the coordinator must mail written notice of the action to the parent or guardian at the last known address.
- ◆ It is legally required for each school to post their behavior coordinator's name and contact information on the school's website.
- The placement of a student with a disability who receives special education services may be made only by a duly constituted Admission, Review, and Dismissal (ARD) committee.
- Placement in DAEP varies. HISD's code of conduct provides as follows: Elementary DAEP: 15 days; Secondary DAEP: 45-180 days. Expulsion/JJAEP - minimum of 45-day placement.
- Parents have the right to inquire into what the child is learning when placed in a Disciplinary Alternate Education Program. The DAEP is required to provide for your child's educational and behavioral needs, supervision, and counseling and must employ certified teachers.
  - educational and support services may be provided to a student and the student's parents when the offense involves drugs, e-cigarettes (vaping), or alcohol

## Do You Know the School's Rights?

School authorities have the right to:

- Restrict a student's activities such as not allowing recess or eating lunch with their class.
- Order detention is where a student is punished but not removed from class, such as staying after school or during a lunch period.
- Remove your child from the classroom.
- Place your child in In-School Suspension (ISS), where they are removed from their regular classroom and required to do their work in a separate ISS classroom.
  - A suspension under this section may not exceed three school days.
- Place your child in Out-of-School Suspension (OSS), where they are completely removed from their school campus. However, they are only allowed to be suspended out of school for a maximum of 3 days.
  - Your child can not be suspended if they are enrolled in a class level below 3<sup>rd</sup> grade with some exceptions for incidents involving weapons, violence, or drugs.

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- Assign your child to an alternative school, or Disciplinary Alternative Education Program (DAEP). The duration of a student’s placement shall be determined case by case based on the seriousness of the offense, the student’s age and grade level, the frequency of misconduct, the student’s attitude, and statutory requirements. The maximum period of DAEP placement shall be one calendar year, with some exceptions
  - Certain acts at school or school-related activities create a presumption for the removal of a student to a DAEP – your child can be sent to this type of placement for threatening another child or school personnel, possession of weapons, fighting, and drugs or other criminal activities.
  - a student who is younger than 10 years can only be removed for certain serious offenses that might also result in criminal charges.
  - The school must schedule a conference within 3 class days after assigning your child to a DAEP and must give notice to the student and parent of the date, time, and location of the conference.
  - If the parent(s) and student do not attend, the conference will be held without them.
  - In some cases, the student or their parents have the right to appeal the decision of the school.
  - Also, if a student is sent to a DAEP, the school district is supposed to provide the parent with information regarding the process for requesting a full individual and initial evaluation of the student to determine any special education needs.

**If your child faces suspension, removal to a DAEP program, expulsion, or placement in a juvenile justice alternative education program:**

- Under the Texas Education Code, school authorities must consider these factors when disciplining your child:
  - ◆ Whether your child was acting in self-defense.
  - ◆ Your child’s intent or lack of intent at the time they engaged in the alleged conduct.
  - ◆ Your child’s disciplinary history.
  - ◆ Any disability that substantially impairs your child’s capacity to appreciate the wrongfulness of the student’s conduct.
  - ◆ a student's status in the conservatorship of the Department of Family and Protective Services

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- In addition, Texas law provides for both mandatory and discretionary discipline, including the decision to place a student as a DAEP.

### **Being Proactive and Responding Positively**

Know your child's teacher/s and confirm their preferred way to communicate with them. Also, make sure your email, phone, and address are current in school records.

Check your student's attendance and grades regularly.

A [parent has a right to complain regarding any aspect of their child's educational experience](#). They can also appeal *some* disciplinary decisions, depending on the district's policies.

- The complaint may be pursued informally through a meeting with the educator or administration.
- It may also be pursued more formally through the district's parental grievance process.
- Complaints relating to special education services have a special formal process as required by the Individuals with Disabilities Act.

**ALWAYS REMEMBER THAT SCHOOL DISTRICT POLICY, WHILE GUIDED BY THE LAW, MAY BE WITHIN THE RANGE OF ACTIONS AVAILABLE UNDER THE LAW AND YOU HAVE THE RIGHT TO REQUEST A DIFFERENT OPTION OR ACTION FOR YOUR CHILD THAT IS ALSO PROVIDED IN TEXAS EDUCATION CODE CHAPTER 37.** For example, a district may adopt a policy for mandatory referral to a DAEP when the law provides for a discretionary referral. Another example is a district that refers all students for a minimum of 45 days to a DAEP while the range of time under Texas law provides for as little as 30 days.

Always review the law yourself or consult with an attorney before accepting a disciplinary action against your child that you believe to be unfair or unwarranted. A great resource is [TexasLawHelp.org](http://TexasLawHelp.org). You can find a list of legal aid programs that provide free legal services where your child goes to school by selecting "School & Work" then "School Discipline, Suspension & Expulsion" as the areas of expertise, along with your school's county at [https://texaslawhelp.org/directory?self\\_help\\_tag=794&county=143](https://texaslawhelp.org/directory?self_help_tag=794&county=143).

If you believe that your child's rights have been violated by an educational institution, and/or that institution's district, submit a complaint to the Texas Education Agency by following the instructions here:

<https://tea.texas.gov/about-tea/contact-us/complaints/tea-complaints-management>

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