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Texas Education Code Chapter 37

Student Discipline Staff Training Requirements

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Texas Education Code (TEC) Chapter 37 outlines legal requirements for student discipline and the maintaining of law and order within schools, including required student discipline training for staff. Safety and security in schools is not just law enforcement’s responsibility but also the duty of all school staff—administrators, teachers, and support staff alike. Providing school staff with the necessary knowledge and tools for effective student behavior management has never been more critical than in today’s school climate. With a focus in school safety, applying the appropriate discipline management techniques for the situation can make the difference between effectively redirecting student misconduct or involuntarily escalating student behavior resulting in threatening or violent conduct that puts staff and students at risk.

Texas Education Code § 37.0181 – Professional Development Regarding Disciplinary Procedures

State law requires each principal or other appropriate administrator who oversees student discipline to attend professional development training at least once every three school years. The mandatory training’s includes training relating to the distinction between a discipline management technique used at the principal’s discretion under Section 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Section 37.002(b). There is a noteworthy difference between the functions in TEC § 37.002(a) and 37.002(b).

TEC § 37.002(a)

TEC Section 37.002(a) permits a teacher to “remove” a student to the campus behavior coordinator’s (CBC) office to maintain effective discipline in the classroom. While the CBC is usually a designated campus administrator(s) at some campuses, other campuses may have a designated role of discipline coordinator or the like. The designated campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the district’s student code of conduct and that can reasonably be expected to improve the student’s behavior. If the student’s behavior does not improve, the CBC is expected to employ alternative discipline management techniques, including progressive interventions outlined in the district’s student code of conduct.

Here, the CBC is given the discretion to employ various discipline management techniques, as specified in the school district's student code of conduct or as contained in the district's discipline management program, to address the student's misconduct. A school district's student code of conduct and discipline management program should encompass more than the commonly used exclusionary discipline measures, which include in-school suspension (ISS), out-of-school suspension (OSS), placement at the district's discipline alternative education program (DAEP), and expulsion to a juvenile justice alternative education program (JJAEP) or alternative expulsion setting.

School districts with a comprehensive understanding of student discipline and school safety & security have adopted a broader approach in their discipline management program, punishing not just the student misconduct itself but addressing its root causes as well. Comprehensive discipline management programs regularly incorporate the application of multitiered systems of support (MTSS) strategies, including restorative practices or relationship centered learning (RCL), social and emotional learning (SEL), trauma-informed practices, and/or positive behavioral intervention and support (PBIS). What's more, a successful school discipline management program consistently involves an awareness and study of how the school climate and school culture impact student discipline.

In July 2022, the U.S. Department of Education released guidance regarding the importance of promoting successful school climates and student discipline for all students by meeting not only their academic needs, but social, emotional, behavioral, and mental health needs as well.¹ This multi-dimensional approach is intended to position all students for success. In cultivating a safe, positive, and supportive education environment for all students, educators must possess the necessary tools and resources to assist students with addressing any behaviors that would interfere with their learning or others' learning or impact school safety. And equally important, educators must verify that the administration of student discipline prevents and eliminates discrimination.² Ensuring all school staff are well trained in these important areas related to student discipline can elevate a school district's behavior management program from reactive/responsive efforts to proactive/preventive actions.

TEC § 37.002(b)

In contrast to TEC Section 37.002(a), TEC Section 37.002(b) provides teachers discretion to remove a student from class and offers a more formalized intervention process. Pursuant to this section of the code, a teacher may remove a student:

- 1) who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the students in the class or with the ability of the student's classmates to learn; or

¹ United States Department of Education, School Climate and Student Discipline Resources (July 28, 2022), <https://www2.ed.gov/policy/gen/guid/school-discipline/index.html>.

² *Id.*

- 2) whose behavior is determined to be so unruly, disruptive, or abusive by the teacher that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmate to learn before returning the student to the classroom.

The first option requires teacher's documentation of repeated incidents of student misconduct as described, while the second option requires only one incident where the student misconduct rises to a serious level of unruly, disruptive, or abusive behavior. Regardless of the option employed by the teacher, the principal may not return the student to the teacher's class without the teacher's consent unless a Placement Review Committee determines that such a placement is the best or only alternative available. TEC § 37.003 outlines the school's requirements in establishing a Placement Review Committee.

Texas Education Code § 37.0013 – Positive Behavior Program

TEC § 37.0013 emphasizes positive behavior programs that permit a discipline alternative from exclusionary discipline to manage student behavior for students enrolled below grade three who engaged in select discipline offenses. Public schools are given the option to develop and implement age-appropriate, research-based, models of positive behavior programs that promote positive school environments. The behavior management strategies referenced in statute include multi-tiered systems of support (MTSS); namely, restorative practices or relationship centered learning (RCL), social and emotional learning (SEL), trauma-informed practices, positive behavioral intervention and support (PBIS), and referrals for other services as appropriate. Additionally, the statute indicates that school districts may conduct annual staff training for the programs adopted under this section.

Other Texas Education Code Chapter 37 Sections that Compel Student Discipline-Related Training

TEC § 37.001 – Student Code of Conduct

TEC § 37.001 requires a district's student code of conduct to provide, as appropriate for students at each grade level, options for managing students in the classroom, on school grounds, and on a vehicle owned and operated by the district; disciplining students; and preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

TEC § 37.008 – Disciplinary Alternative Education Programs (DAEP)

TEC § 37.008 provides guidelines for the district's DAEP setting that includes training for teachers in behavior management and safety procedures.

TEC § 37.083 – Discipline Management Programs; Sexual Harassment Policies

TEC § 37.083 requires each district to adopt and implement a discipline management program that provides for the prevention of and education concerning unwanted physical and verbal aggression and sexual harassment in school, on school grounds, and in school vehicles. Relatedly, federal law requires training on Title IX and sex discrimination so that students and staff are aware of their rights and obligations under Title IX.

TEC § 37.0831 – Dating Violence Policies; Educational Materials and Resources

TEC § 37.0831 provides guidelines to address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade six or higher, counseling for affected students, and awareness for students and parents.

TEC § 37.0832 – Bullying Prevention Policies and Procedures

TEC § 37.0832 requires districts to adopt the agency’s minimum standards that must: (1) include an emphasis on bully prevention by focusing on school climate and building healthy relationships between students and staff; (2) require each campus to establish a committee to address bullying by focusing on prevention efforts and health and wellness initiatives; (3) require students at each grade level to meet periodically for instruction on building relationships and preventing bullying, including cyberbullying; (4) include an emphasis on increasing student reporting of bullying incidents to school employees by increasing awareness about district reporting procedures and providing anonymous reporting of bullying incidents; (5) require districts to collect information annually through student surveys on bullying, including cyberbullying, and use those survey results to develop action plans to address student concerns regarding bullying, including cyberbullying, and (6) require districts to develop a rubric or checklist to assess an incident of bullying to determine the district’s response to the incident.

TEC § 37.115 – Threat Assessment and Safe and Supportive School Program and Team

TEC § 37.115 provides guidelines for training relating to the safe and supportive school program established under Subsection (b) or any other identified program related to safety. The referenced Subsection (b) states that the adoption of rules to establish a safe and supportive school environment incorporating research-based best practices for school safety includes a systemic and coordinated multitiered support system that addresses school climate, the social and emotional domain, and behavioral and mental health; and multidisciplinary and multiagency collaboration to assess risks and threats in schools and provide appropriate interventions, including rules for establishment and operation of teams.

Our Firm provides Student Discipline Forms/Resources & Training

Eichelbaum Wardell recently unveiled its new Student Discipline AEP Forms/Resources Package, which can be accompanied with statutorily required student discipline training. The Student Discipline AEP Forms/Resources Package contains the following:

- Flowchart guiding on the purpose of form/resource and appropriate sequence.
- Campus Administrator AEP Checklist
- Notice of Discipline Hearing/Conference
- Discipline Hearing/Conference Script
- AEP Student Removal Order
- Summary Documentation of Discipline Hearing/Conference
- Waiver of Discipline Hearing/Conference
- AEP Student Transition Plan
- Notice of Serious Offense to Required Staff
- TEC Chapter 37 SCC Recommendations of Discretionary Offenses

Please contact our office for the Student Discipline AEP Forms/Resources Package and/or to schedule student discipline training for your school district.

Firm's Trainer Dr. Vicky L. Sullivan:

Before pivoting to law, Dr. Sullivan worked as an educator and administrator in the fourth largest school district in Texas. During her lengthy career, Dr. Sullivan served as Director of the department charged with training and guiding hundreds of campus administrators district-wide on student discipline matters and worked as a district Hearing Officer conducting thousands of student disciplinary hearings. Additionally, Dr. Sullivan served as a High School Assistant Principal and a High School Teacher. She also served on the Executive Board for the Bexar County Juvenile Justice Academy (BCJJAEP) for well over a decade and is a certified specialist in restorative practices. Self-described as an attorney by trade and educator by heart, Dr. Sullivan delivers expert legal training on student discipline and the Texas Education Code Chapter 37 that is both engaging and activity driven.

Read more about Dr. Sullivan at our firm's website – [link](#).