**Resolution Discipline Due Process in Education**

WHEREAS Texas Education Code Chapter 37 addresses the issues of Discipline and Law and Order.

WHEREAS Texas Education Code 37.008 authorizes Discipline Alternative Education Programs (DAEP) in Texas Public School Districts.

WHEREAS Parents have the fundamental right to direct the education and upbringing of their children. These rights are outlined in the Texas Family Code 151, have been upheld by the US Supreme Court and affirmed in an opinion by the Texas Attorney General.

WHEREAS discipline is part of a child’s moral upbringing; it molds a child’s character.

WHEREAS parents in most Texas School Districts are not allowed to participate in the chosen discipline prescribed by District Administrators.

WHEREAS students are interviewed regarding a possible disciplinary action by Campus Administration without parents or attorney present.

WHEREAS students in many Texas school districts are presumed guilty until proven innocent, the exact opposite of the principals our country was founded on.

WHEREAS Students are transferred to DAEP at the sole discretion of District Administration for a period that is at the sole-discretion of District Administration; the time of the placement can be months or even years - TEC 37.009 (a).

WHEREAS most students placed in DAEP in Texas are not a treat to the safety of other students or faculty. Any conduct listed in the Student Code of Conduct can be grounds to place a student in DAEP. Data from the TEA in 2020 shows that 52% of students transferred to DAEP are transferred for minor or discretionary infractions (IDRA.org).

WHEREAS DAEP placements upheld by a School Board, “are final and may not be appealed.” TEC 37.009 (a). This has resulted in the Commissioner of Education and Courts declaring lack of jurisdiction leaving the local school district having no oversight or accountability for their actions. This has been very damaging to many Texas children and their families. Alternatively, Board decisions for suspensions and expulsions are not final and can be appealed to higher authorities.

WHEREAS DAEP is defined as a “Transfer” not a suspension or expulsion - TEC 37.001 (2). “Transfer “allows Districts to continue to receive daily funds for the student. Alternatively, during suspensions, Districts receive $0 in funding.

WHEREAS DAEP being defined as a “Transfer” also allows Districts to avoid issues of Due Process & Notice – Courts have routinely ruled that suspensions and expulsions require a very detained Due Process. As a result, District Administration in many Districts are rushing or ignoring Due Process and assuming a student is guilty until proven innocent.

WHEREAS A student placed in DAEP that transfers to another school district in Texas, will be required to continue their DAEP placement at the new school District, unless the new school District waves that requirement for the student.

WHEREAS Significant Constitutional rights are being denied to students but are permitted due to the language in the Texas Education Code. Districts have too much unchecked authority and many School Boards are not addressing the issue locally.

WHEREAS Students in DAEP are offered a substandard education in many Districts. They also miss the crucial interaction between teachers and other students.

WHEREAS Students in DAEP are excluded from any extra-curricular activities which aid in building a since of belonging, hard work, teamwork, perseverance, and fortitude. DAEP students are also not allowed on school campus or at any school activities.

**THEREFORE, we call upon the Legislature to make the following changes to Chapter 37 of the TEC:**

* Placement in Discipline Alternative Education Programs (DAEP) shall be reserved for serious offenses where the courts have determined the student is a threat to District students or employees or the parent agrees to the placement.
* Remove the sentence in TEC 37.009 (a) that says: “decisions by the Board are final and may not be appealed.”
* Change DAEP from a “transfer” to a “suspension” TEC 37.001 (2) so students have due process protections for DAEP placements.
* Add language that requires a parent or parent’s representative to be present when school administration or ISD Police are interviewing a student for a possible disciplinary action of any kind.

**THEREFORE,** we propose the following plank be added to the Texas GOP Platform:

Plank #xxx. Discipline Due Process in Education. Placement in Discipline Alternative Education Programs (DAEP) shall be reserved for serious offenses where the courts have determined the student is a threat to District students or employees or the parent agrees to the placement. All students will have Due Process protections for any Suspension, Expulsion or DAEP placement. All suspensions, expulsions, and DAEP placement decisions by the Board of Trustees are not final and may be appealed to higher authorities. A parent or parent’s representative is required when a student is interviewed for a possible disciplinary action. Students are presumed innocent until proven guilty.

A copy of this resolution should be sent to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County/Senate District #\_\_\_\_\_ Convention Resolutions Committee from Precinct #\_\_\_\_ with the recommendation that it be passed and sent to the State Convention Platform Committee of the \_\_\_\_\_\_\_\_\_\_\_\_\_ Party of Texas.