

The Texas Education Agency (TEA) proposes new §103.1205, concerning safe schools. The proposed new rule would implement House Bill (HB) 114, 88th Texas Legislature, Regular Session, 2023, by defining violent conduct for the purpose of disciplinary alternative education program (DAEP) placement when the program is at capacity.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §37.009(a-2), as added by HB 114, 88th Texas Legislature, Regular Session, 2023, states that if a DAEP is at capacity at the time the campus behavior coordinator is determining placement of a student who engaged in an expellable offense under TEC, §37.007, for violent conduct, as defined by commissioner of education rule, a student who is currently placed at the DAEP for a marihuana, e-cigarette, alcohol, or abusable, volatile chemical offense could be removed from the DAEP and placed in in-school suspension (ISS) to make a position available for the student who engaged in violent conduct. The student moved to ISS would be returned to the DAEP if a position became available before the end of their assigned placement.

Proposed new §103.1205 would define violent conduct as required by statute.

FISCAL IMPACT: Justin Porter, associate commissioner and chief program officer for special populations, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural rsf12 (o)0.9 (a)0.9 (aun)6.9 (c)6.9 ()6.9 (c)4.2 (s)9.5 (s);6.8 (

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins July 19, 2024, and ends August 19, 2024. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the Texas Register on July 19, 2024. A form for submitting public comments is available on the TEA website at

https://tea.texas.gov/About_TEA/Law(pe)4.2 (r)1.6 U8H.2 (ndE3)1.6 5s.LC2 (ndE3o)0.8 (m)0.9 (i)6.9 (s)9-.6 (A)9.5 (i)6.98(one)4.2
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property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- (A) conduct that contains the elements of the offense of unlawful carrying of weapons under Texas Penal Code, §46.02;
- (B) an offense relating to prohibited weapons under Texas Penal Code, §46.05;
- (C) aggravated assault under Texas Penal Code, §22.02;
- (D) sexual assault under Texas Penal Code, §22.011;
- (E) aggravated sexual assault under Texas Penal Code, §22.021;
- (F) arson under Texas Penal Code, §28.02;
- (G) murder under Texas Penal Code, §19.02;