

TIMELY TOPICS

MANDATORY DAEP PLACEMENT

The Texas Legislature passed legislation that gives more authority to teachers to maintain a safe and orderly classroom. Until recently, a school was limited on what they could do with a student who threatened a teacher. Consequences ranged from conferences with the student to out-of-school suspension.

As of September 1, 2019, the Texas Legislature now mandates that a student who intentionally threatens an educator with physical injury must be sent to the district's disciplinary alternative education program (DAEP). In addition, a student must also be sent to DAEP for intentionally obscene comments directed towards a teacher. See excerpts of law below.

TEXAS EDUCATION CODE SECTION 37.006 - REMOVAL FOR CERTAIN CONDUCT

LAW Mandatory DAEP Placement	(a) A student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student: (2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:
Added by Senate Bill 2432 Effective 9/1/19	(G) engages in conduct that contains the elements of the offense of harassment under Section 42.07(a)(1), (2), (3), or (7), Penal Code, against an employee of the school district.

TEXAS PENAL CODE SECTION 42.07 - HARASSMENT

LAW Alarming Communication and Threats	(b) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person: (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene; (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property; (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
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