

**Approval of Denton ISD District of Innovation Plan Amendment
September 26, 2023**

SUMMARY:

On September 20, 2023, a proposal for an Amendment to the current local innovation plan, which would allow exemption to Texas Education Code: §37.006, was presented by Deron Robinson, General Counsel, and Dr. Jeff Russell, Area Superintendent, to the Denton ISD Educational Improvement Council (EIC). Texas Education Code §37.006 applies to the placement of a student in a disciplinary alternative education program (DAEP) if the student is found to possess, use, sell, give, or deliver to another person an e-cigarette device. This change to the Texas Education Code is in response to the passage of HB 114 in the 88th Texas Legislative Session and goes into effect September 1, 2023.

PREVIOUS BOARD ACTION:

The District of Innovation (DOI) Plan was developed by Denton ISD in a very thorough process beginning in January 2016, and culminating with adoption of the DOI by the Denton ISD Board of Trustees on December 13, 2016. Six amendments have been approved since then.

BACKGROUND INFORMATION:

Currently, a school administrator must assign a student found with a vape or e-cigarette device for DAEP placement regardless of whether the e-cigarette contains a controlled substance. This amendment will exempt Denton ISD from the requirements of HB 114 as it applies to e-cigarette offenses that do not involve prohibited drugs. The use of e-cigarettes or vaping that are not controlled substances will receive consequences as outlined in the Code of Conduct. All violations involving controlled substances will receive a DAEP placement as is required by law.

FISCAL IMPLICATIONS:

None at this time.

BENEFIT OF ACTION:

Strict adherence to HB 114 would provide disproportionate consequences for students not in possession of prohibited drugs, overcrowd the DAEP, and impair the DAEP's ability to serve students engaging in more serious misconduct. Passage of this amendment will grant administrators the flexibility to work with students within the confines of state law and the District Code of Conduct.

PROCEDURAL AND REPORTING IMPLICATIONS:

None at this time.

ALTERNATIVES:

The alternative will be to require mandatory placements for all students found with an e-cigarette device in DEAP.

SUPERINTENDENT'S RECOMMENDATION:

Superintendent recommends approval of the District of Innovation Amendment as presented.

STAFF PERSONS RESPONSIBLE:

Deron Robinson, General Counsel
Dr. Jeff Russell, Area Superintendent

ATTACHMENT:

Amendment to the District of Innovation

APPROVAL:

Signature of Staff Member Proposing Recommendation: _____

Comments: _____

Signature of Divisional Assistant Superintendent: _____

Comments: _____

Signature of Superintendent: _____

Comments: _____