

DENTON ISD PROPOSED AMENDMENT TO CURRENT LOCAL INNOVATION PLAN

With regard to each area of innovation, the District declares exemption from the listed statutory provision, as well as any implementing rules or regulations promulgated pursuant to those statutory provisions by any state agency or entity, including but not limited to the Commission of Education, Texas Education Agency, State Board for Educator Certification, and State Board of Education.

Texas Education Code §37.006. Removal for Certain Conduct

(a) Subject to the requirements of Section [37.009\(a\)](#), a student shall be removed from class and placed in a disciplinary alternative education program as provided by Section [37.008](#) if the student:

(C-2) possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section [161.081](#), Health and Safety Code;

Exemption from Texas Education Code §37.006

TEC §37.006 is not included in any of the prohibited exemptions that can be included in a District's local innovation plan pursuant to TEC §12A.004 or the list of the Commissioner's prohibited exemptions in the Texas Administrative Code Title 19, Chapter 102, subchapter JJ, Section 102.1309. Therefore, in order to give administrators the opportunity to exercise flexibility and authority in responding to e-cigarette devices on campus, it is proposed that the District of Innovation Plan be amended to exempt the District from requirements in TEC §37.006 to the extent e-cigarettes do not contain a controlled substance.