

Denton ISD

District of Innovation

Discipline Vape Policy Recommendation



HB114

Effective 9/1/2023

Section 37.006(a):

A student shall be removed from class and placed in a disciplinary alternative education program provided by 37.008 if the student possesses, uses, sells, gives, or delivers to another person an **e-cigarette**, as defined by Section 161.081, Health and Safety Code

Strict adherence to this law 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

What is an E-cigarette?

"E-cigarette" means:

- i) an **electronic cigarette or any other device that simulates smoking** by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or
- (ii) **a consumable liquid solution or other material aerosolized or vaporized** during the use of an electronic cigarette or other device described by this subdivision.

The term "e-cigarette" includes:

- (i) a device described by this subdivision regardless of whether the device is manufactured, distributed, or sold as an **e-cigarette, e-cigar, or e-pipe or under another product name or description**; and
- (ii) **a component, part, or accessory for the device**, regardless of whether the component, part, or accessory is sold separately from the device.;

Previous Practice

- Prior to HB114, disciplinary action for vaping was determined locally by the district. Denton ISD procedures were as follows:
 - Assignment of 1-3 Days of ISS
 - Wilson Restorative Action Plan (WRAP) Services for students and families to address addiction issues
 - This program is used as family counseling program for students and family for a variety of issues including school behavioral issues and addiction.
 - WRAP Services are provided at Braswell High School and Fred Moore High School.
 - Recommended to DAEP for third offense

District Data

- Last year the district had 310 mandatory placements from controlled substances related to vaping devices, THC and Non-THC.
- At the current rate, our district would increase mandatory placements by 250 students for the year.

Allowable Exemption

- The commissioner rules on DOI permit exemptions under 37.006 which covers DAEP placement. The only part that cannot be exempted is that the student under the age of 6 cannot be placed in DAEP.
- This committee and the Board of Trustees can approve an amendment to the DOI to exempt the district from HB 114

Recommendation

- 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 and the district WRAP program will be encouraged to address addiction issues
- All violations involving controlled substances will receive a Davis placement as is required by law.