

Discipline Data Reporting

Reminders

➤ Homeless Students and Suspensions

Under [HB 692](#), suspensions for homeless students are addressed.

A student who is homeless cannot be placed in out of school suspension unless the student engages in conduct described in TEC 37.005(c) 1-3. [TEC 37](#)

HB 692

AN ACT relating to the suspension of a student who is homeless from public school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.005, Education Code, is amended by adding Subsection (d) to read as follows:

(d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described by Subsections (c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, "student who is homeless" has the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a.

PEIMS Summer edit rules for discipline data have been updated to accommodate this change and a new rule has been added:

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425- new1 NEW	<p>If this student's HOMELESS-STATUS-CODE is not "0", and DISCIPLINARY-ACTION-CODE is "05" or "25", then DISCIPLINARY-ACTION-REASON-CODE should be "04", "05", "11", "12", "13", "14", "27", "28", "29", "30", "31", or "32".</p> <p>A homeless student should not receive an out-of-school suspension (TX-DisciplinaryActionCode "05" or "25"), unless they are being disciplined for one of the following TX-DisciplinaryActionReasons: "04", "05", "11", "12", "13", "14", "27", "28", "29", "30", "31", or "32".</p>	F	3	District, Campus, Charter

LEAs must work with the Campus Behavior Coordinator to determine alternatives to out-of-school suspensions for students that are homeless – unless the student engages in conduct described in TEC 37.005(c) 1-3.

➤ New Discipline Action Reason Codes (Offense Codes)

- **Harassment against an employee of the district**

Under [SB 2432](#), TEC section 37.006(a) is expanded to allow the removal of a public school student from the classroom following engaging in conduct that contains 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.

SB 2432

AN ACT relating to the removal of a public school student from the classroom following certain conduct.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.006(a), Education Code, is amended to read as follows:

(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:

...

(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.

- **Expulsion of a student for certain bullying behaviors**

- Under [SB 179](#) (85th), TEC section 37.0052 was added to allow a public school to expel a student from the classroom for certain bullying behaviors.
- The offense of bullying under TEC 37.0052, which addresses the expulsion of students for certain bullying behaviors allows for either a discretionary removal to DAEP or an expulsion.

SB 179 (85th)

SECTION 3. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0052 to read as follows:

Sec. 37.0052. PLACEMENT OR EXPULSION OF STUDENTS WHO HAVE ENGAGED IN CERTAIN BULLYING BEHAVIOR.

(a) In this section:

(1) "Bullying" has the meaning assigned by Section 37.0832.

(2) "Intimate visual material" has the meaning assigned by Section 98B.001, Civil Practice and Remedies Code.

(b) A student may be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 or expelled if the student:

(1) engages in bullying that encourages a student to commit or attempt to commit suicide;

(2) incites violence against a student through group bullying; or

(3) releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

(c) Nothing in this section exempts a school from reporting a finding of intimate visual material of a minor.

New Disciplinary Action Reason Codes – added to Code Table C165

Code Table ID	Name	XML Name	Date Issued	Date Updated
C165	DISCIPLINARY-ACTION-REASON-CODE	TX-DisciplinaryActionReasonType	3/2/1998	8/30/2019
Code	Translation			
60	Harassment Against an Employee of the School District under Texas Penal Code 42.07(a)(1), (2), (3), or (7) – TEC 37.006(a)(2)(G)			
61	Bullying – TEC 37.0052(b)			

Code ‘60’ has been added to the following Fatal Edit rules for PEIMS summer:

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-0018	<p>If DISCIPLINARY-ACTION-CODE is "27" or "28", then DISCIPLINARY-ACTION-REASON-CODE must be "02", "04"- "09", "11"- "14", "16"- "19", "26"- "32", "35"- "37", "46"- "48", "55", "57", or "60".</p> <p>If the TX-<u>DisciplinaryActionCode</u> reported for a student is "mandatory action not taken" (27 or 28), then the TX-<u>DisciplinaryActionReason</u> must be a mandatory DAEP placement or mandatory expulsion reason.</p>	F	3	District, Campus, Charter

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-0026	<p>If a student's age on the DATE-OF-DISCIPLINARY-ACTION is greater than 5 and DISCIPLINARY-ACTION-REASON-CODE is "02", "04"- "09", "26"- "28", "35", "55", or "60", and DISCIPLINARY-ACTION-CODE is "05", "06", "25", or "26", then there should be another Disciplinary Action with a matching TX-UNIQUE-STUDENT-ID, CAMPUS-ID-OF-ENROLLMENT, and DISCIPLINARY-INCIDENT-NUMBER with one of the following: a matching DISCIPLINARY-ACTION-REASON-CODE and DISCIPLINARY-ACTION-CODE of "07", "08", "10", "27", "28", "54", "55", or "57", OR a DISCIPLINARY-ACTION-REASON-CODE of "04"- "06", "08", "09", "26", "27", or "35" and DISCIPLINARY-ACTION-CODE of "01"- "04", "09", "11", "12", "15", "50"- "53", "56", "58", "59" or "61".</p> <p>For a student reported with a DAEP assignment, they must have been at least 6 years old on the date the incident occurred. If a student has committed a mandatory DAEP assignment behavior and was placed in an in-school or out-of-school suspension setting pending the completion of "due process" for that incident, then there should also be a disciplinary action reporting that the student was assigned to a DAEP. If the incident is also a discretionary expulsion reason, then the disciplinary action may be an expulsion. If the campus administrator has decided to not place the student in a DAEP, then disciplinary action code "required action not taken" (codes 27 or 28) should be reported.</p>			District, Campus, Charter

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-0057	<p>If DISCIPLINARY-ACTION-REASON-CODE is "02", "04", "05", "06", "07", "27", "28", "49", or "60", then BEHAVIOR-LOCATION-CODE must be "01", "02", or "03".</p> <p>If a student is reported with a TX-<u>DisciplinaryActionReason</u> for "conduct punishable as a felony" (02), "possessed, sold, used, or was under the influence of marihuana or other controlled substance" (04), "possessed, sold, used, or was under the influence of an alcoholic beverage" (05), "abuse of a volatile chemical" (06), "public lewdness or indecent exposure" (07), "assault under penal code §22.01(a)(1) against a school district employee or volunteer" (27), "assault under penal code §22.01(a)(1) against someone other than a school district employee or volunteer" (28), "engages in deadly conduct" (49), or "harassment against an employee of the school district" (60), then the TX-<u>BehaviorLocation</u> must be reported as "on campus" (01), "off-campus, within 300 ft" (02), or "off-campus, at school related/sponsored activity" (03).</p>			District, Campus, Charter
	<ul style="list-style-type: none"> Legislation specifies that harassment against an employee of the school district takes place in the indicated behavior locations. Note: Disciplinary Action Reason Code 02 (Conduct Punishable As A Felony) is being added to rule 44425-0057 after previously being overlooked from 37.006(a)(2) as a behavior related to these behavior location codes. This change is not related to the addition of harassment against an employee. 			

Code '61' has been added to the following Fatal Edit rule for PEIMS Summer:

Rule	Text/Meaning	Level	PEIMS Submission	Applies to:
44425-0050	<p>If DISCIPLINARY-ACTION-REASON-CODE is "21", "22", "23", "41", "42", "44", "45", "55", "56", or "61", then BEHAVIOR-LOCATION-CODE must be "00".</p> <p>If a student is reported with a TX-<u>DisciplinaryActionReason</u> for which the Texas Education Code Chapter 37 does not specify a location, then the TX-<u>BehaviorLocation</u> must be reported as "not applicable".</p>	F	3	District, Campus, Charter
	<ul style="list-style-type: none"> Legislation does not specify where the Bullying DISCIPLINE-ACTION-REASON-CODE takes place, therefore behavior location must be reported as "not applicable". 			

Discipline Updates

Background: House Bill 446 and House Bill 65

House Bill (HB) 446, 86th Texas Legislature amended certain sections of the Texas Penal Code effective September 1, 2019:

- It is no longer an offense under Section 46.02 to carry a club as defined by Section 46.01(1) in unrestricted areas. However, Section 46.03 still prohibits clubs being brought on to any property of a school or educational institution and is a third-degree felony.
- Knuckles, as defined by Section 46.01(8), are no longer listed as one of the prohibited weapons defined in Section 46.05.

HB 65, 86th Texas Legislature, passed and added Subsection (f) to TEC Section 37.020.

- TEC Section 37.020(f) includes a requirement for LEAs to report the number of out-of-school suspensions inconsistent with the guidelines included in the student code of conduct under TEC Section 37.001(a)(3) which states a student code of conduct must outline conditions under which a student may be suspended as provided by TEC Section 37.005.

➤ Reporting Requirements

Code Table C165: Reason Code '13' - Deleted

- Local education agencies (LEAs) should no longer report students with disciplinary reason code 13. This reason code has been eliminated from C165.
- Students now found in possession of a club should be reported using disciplinary reason code '02' (Conduct Punishable as a Felony).
- Students using a club may also be reported with other disciplinary reason codes, such as assault, defined in Appendix E of the 2020-2021 Texas Education Data Standards (TEDS) as applicable.

Code Table C165: Reason Code '14' – Change in usage

- LEAs should no longer report students found with knuckles with disciplinary reason code 14.
- Based on an LEA's student code of conduct, students found with knuckles may be reported using disciplinary reason code '21' (Violation of Student Code of Conduct).

- Students using knuckles may be reported with other disciplinary reason codes, such as assault, defined in Appendix E of the 2020-2021 TEDS as applicable.

➤ New Data Elements

- ***NEW*** E1656 INCONSISTENT-CODE-OF-CONDUCT-INDICATOR-CODE (TX-InconsistentCodeOfConductIndicator) was added to the DisciplineActionExtension complex type to be reported in the PEIMS Summer Submission.
- This new element provides LEAs a mechanism to report if any disciplinary alternative education program (DAEP) placement, expulsion, or out-of-school suspension (OSS) is inconsistent with an LEA's student code of conduct guidelines:
 - **DAEP and Expulsion: length of term inconsistent with the student code of conduct guidelines;**
 - **OSS: all student code of conduct guidelines required by TEC Section 37.005.**

➤ Examples

Action Taken	Action Defined in Student Code of Conduct	Explanation	Inconsistent-Code-of-Conduct-Indicator-Code Value
DAEP (07)	Mandatory DAEP	Student A was caught smoking marijuana at the football game. The campus behavior coordinator assigned DAEP for 180 days. The local student code of conduct states this behavior will result in a mandatory DAEP placement for 90 – 145 days. The 180 days length of term is not inside the range (90 - 145) established by the Code.	1
EXP (03)	Discretionary EXP	Student B was found to have threatened another student with releasing intimate visual material via text. The campus behavior coordinator expelled Student B for 30 days. The local student code of conduct states this behavior may result in a DAEP placement for up to 180 days or expulsion for up to 30 days. The length of term is within the established range established by the Code.	0
OSS (25)	Not Defined	Student C was discovered chewing bubble gum during biology class. The campus behavior coordinator assigned OSS for the rest of the day. The local student code of conduct states any student may be suspended for any general conduct violation. Chewing bubble gum is not defined as a general conduct violation in the Code.	1
OSS (05)	OSS	Student D was found smoking tobacco in the bathroom. The campus behavior coordinator assigned OSS for 3 days. The local student code of conduct states any student may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense. Using tobacco is defined as a general conduct violation in the Code.	0
OSS (25) (05)	OSS	Student E was caught hazing another student joining the football team. The campus behavior coordinator assigned OSS for the rest of the day and an additional 3 full days. The local student code of conduct states any student may be suspended for any general conduct violation, hazing is included in the list of general conduct violations, but the Code further states state law allows a student to be suspended for no more than three school days per behavior violation.	1
OSS (05)	OSS	Student F was caught fighting with another student in the locker room. Student F is homeless. The campus behavior coordinator assigned OSS for 3 days. The local student code of conduct states a student who is homeless shall not be placed in OSS unless committing certain offenses in certain locations (fighting is not one of those certain offenses).	1
ISS (06)	ISS	Student G was calling another student a bad name in class. Student G is six years old and in the first grade. The campus behavior coordinator assigned ISS for two days.	Not Reported

➤ TSDS PEIMS Reports

The following reports will include the *NEW* E1656 INCONSISTENT-CODE-OF-CONDUCT-INDICATOR-CODE data element:

PDM3-132-001 Student Disciplinary Action Roster

Texas Education Agency		TSDS PEIMS STUDENT DISCIPLINARY ACTION ROSTER														Monday 12/10/2012 2:41PM			
PDM3-132-001		LEA-level Data														Page n of n			
Vn.n.n		Campuses: 001, 006																	
CONFIDENTIAL		2013-2014 Summer Collection, Resubmission																	
LEA: nnnnnn - DistrictName1																			
Student Name	Unique ID	Local ID	Student ID	Gr	Eth/ Race	Spec Ed	Campus ID of Disciplinary Assignment	Campus ID of Disciplinary Responsibility	Six Wk	Act Num	Act Rsn	Act Cd	Act Len	Off Len	Len Diff	Discipline Incident Number	Date of Disciplinary Action	Behav Loc Code	Inconsist Code of Conduct
Lname, First MiddleName	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	nnnnnn	mm/dd/yyyy	nn	n
Lname, First MiddleName	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	nnnnnn	mm/dd/yyyy	nn	n
Lname, First MiddleName	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	nnnnnn	mm/dd/yyyy	nn	n
Lname, First MiddleName	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	nnnnnn	mm/dd/yyyy	nn	n

PDM3-132-002 Student Disciplinary Action Detail by Reason

Texas Education Agency		TSDS PEIMS STUDENT DISCIPLINARY ACTION DETAIL BY REASON														Monday 12/10/2012 2:41PM			
PDM3-132-002		LEA-level Data														Page n of n			
Vn.n.n		Campuses: 001, 006																	
CONFIDENTIAL		2013-2014 Summer Collection, Resubmission																	
LEA: nnnnnn - DistrictName1																			
Action Reason: nn																			
Student Name	Unique ID	Local ID	Student ID	Gr	Eth/ Race	Spec Ed	Campus ID of Disciplinary Assignment	Campus ID of Disciplinary Responsibility	Six Wk	Action Number	Action Code	Actual Length	Official Length	Length Difference	Discipline Incident Number	Date of Disciplinary Action	Behavior Location Code	Inconsist Code of Conduct	
Lname, First MiddleName	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nnn	nnn	nn	nnnnnn	mm/dd/yyyy	nn	n	
Lname, First MiddleName	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nnn	nnn	nn	nnnnnn	mm/dd/yyyy	nn	n	
Lname, First MiddleName	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nnn	nnn	nn	nnnnnn	mm/dd/yyyy	nn	n	

PDM3-132-004 Student Disciplinary Action Detail by Incident Number

Texas Education Agency		TSDS PEIMS STUDENT DISCIPLINARY ACTION DETAIL BY INCIDENT NUMBER														Monday 4/08/2019 2:41PM			
PDM3-132-004		Campus-level Data														Page n of n			
Vn.n.n		Campuses: 002, 007, 009, 016																	
CONFIDENTIAL		2013-2014 Summer Collection, First Submission																	
LEA: nnnnnn - DistrictName1																			
Campus: nnnnnn - CampusName1																			
Student Name	Unique ID	Local ID	Student ID	Gr	Eth/ Race	Spec Ed	Discipline Incident Number	Campus ID of Disciplinary Assignment	Campus ID of Disciplinary Responsibility	Six Wk	Act Num	Act Rsn	Act Cd	Act Len	Off Len	Len Diff	Date of Disciplinary Action	Behav Loc Code	Inconsist Code of Conduct
Lname, First MiddleName1	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	mm/dd/yyyy	nn	n
Lname, First MiddleName2	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	mm/dd/yyyy	nn	n
Lname, First MiddleName3	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	mm/dd/yyyy	nn	n
Lname, First MiddleName4	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	mm/dd/yyyy	nn	n
Lname, First MiddleName5	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	nn	A	n	nnnnnnnnnn	nnnnnnnnnn	nnnnnnnnnn	n	nnn	nn	nn	nnn	nnn	nn	mm/dd/yyyy	nn	n