

## Step 2 – Consideration of Services During Short Term Assignment

[School District Letterhead]

### CONSIDERATION OF SERVICES DURING SHORT TERM ASSIGNMENT

[Student name] has been removed from [his/her] current educational placement for disciplinary reasons. The removal will be a short term assignment for up to ten school days. As a result of this short term assignment, the student will have been removed from the current educational placement for more than ten days, cumulatively, during this school year.

School officials, in consultation with one of the student's teachers, have determined that for this short term assignment, the services to be provided to the student will enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

Services to be provided are as follows:

- ☐ During any out-of-school suspension, assignments will be sent home, and the student can turn them in for credit or make up the work upon return to school;
- ☐ Services provided in the disciplinary assignment (ISS or DAEP), as is, will enable the student to appropriately progress;
- ☐ Other [specify]: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved on \_\_\_\_\_, 20\_\_\_\_, by the following school officials:

\_\_\_\_\_  
(special education teacher)

\_\_\_\_\_  
(other school official)

## Step 6 – Letter to Parents Scheduling DAEP Conference

[School District Letterhead]

\_\_\_\_\_, 20\_\_

[parent/guardian name]

[Via Hand Delivery or Certified Mail RRR]

[address]

[address]

Re: Proposed Disciplinary Alternative Education Program Placement of [student name]

Dear \_\_\_\_\_:

As we discussed by telephone on [date], it has been recommended that your student, [student name], be placed in [school district name] ISD's Disciplinary Alternative Education Program (DAEP) for allegedly [describe the offense with particularity based on provisions in the Student Code of Conduct] on [select one location: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off campus] in violation of [refer to appropriate provisions of the Student Code of Conduct, local policy, and the Texas Education Code]. A conference to discuss this matter will be held on [day], [month] [date], [year], at [time] at the [location] located at [address]. At the conference your student will be given an opportunity to tell [his/her] side of the story before a final decision is made about the disciplinary recommendation.

If you plan to have an attorney present at the conference, please notify me at least twenty-four hours prior to the conference so that the District can make appropriate arrangements with its legal counsel.

We are also seeking to set up an ARD meeting to discuss this matter. If you have not yet received an invitation to an ARD meeting, you will soon. If your student is ordered to DAEP as an outcome of our upcoming conference, the DAEP Order will be held in abeyance until such time as the ARD Committee can meet to determine if your student's conduct was a manifestation of [his/her] disability. Until the conference and ARD meetings are held, your student is [temporary assignment pending conference] as an interim measure.

Unless you request and are granted a postponement, you and your student are expected to appear at the stated time and place of the conference. If you do not attend the conference, a decision

regarding DAEP placement may be made based on the available information and without the benefit of hearing your student's version of events.

Please contact me if you have any questions.

Sincerely,

[*administrator name*], [*administrator title*]  
[*school district name*] ISD

## Step 8•A – Notice to Law Enforcement

[School District Letterhead]

\_\_\_\_\_, 20\_\_\_\_

[name, title]

[Via Hand Delivery or Certified Mail RRR]

[address]

[address]

Dear \_\_\_\_\_:

In accordance with Texas Education Code § 37.015(a), I am writing to notify you that I reasonably believe that [student name(s)] engaged in [describe offense with particularity and refer to appropriate provisions of Texas Education Code § 37.015] on [select one location: school property /at a school-sponsored or school-related activity on or off school property] on [date].

The personal data of the student is as follows:

Name: \_\_\_\_\_  
Sex: \_\_\_\_\_  
DOB: \_\_\_\_\_  
Parent/guardian: \_\_\_\_\_  
Home address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Sincerely,

[administrator name], [administrator title]  
[school district name] ISD

## Step 8•B – Notice to Instructional or Support Employees

[School District Letterhead]

### CONFIDENTIAL MEMORANDUM

TO: [List instructional or support employees that have regular contact with the student]

FROM: [administrator]

RE: Report of Misconduct

DATE: \_\_\_\_\_, 20\_\_

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In accordance with Texas Education Code § 37.015(e), I am advising you that I reasonably believe that [student name] engaged in [describe offense with particularity and refer to appropriate provisions of Texas Education Code § 37.015] on [select one location: school property / at a school-sponsored or school-related activity on or off school property] on [date]. Based on this conduct, it is proposed that the student be [name disciplinary consequence.] You are directed to keep this information confidential.

If you need additional information concerning this matter, please feel free to contact me.

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Please check the box, initial below, and fill in the date after you review this memo:

- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.
- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.
- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.
- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.
- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.



□ \_\_\_\_\_ I, [*instructional employee*], reviewed this memorandum on \_\_\_\_\_,  
20\_\_.



## Step 10 – Authorization to Release Education Records

**[*SCHOOL DISTRICT NAME*] ISD**

### **Authorization to Release Education Records and Information**

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I, the below-signed parent or guardian of the student identified in this authorization, authorize [*school district name*] ISD and its employees, representatives, and agents to release and disclose personally identifiable information and/or education records regarding my student, [*student name*], to [*name of representative(s)*] so that [*he/she/they*] may advise and represent me and/or my student regarding the proposed Disciplinary Alternative Education Program (DAEP) placement of my student.

I release and discharge [*school district name*] ISD, its trustees, administrators, employees, agents, volunteers and assigns, both in their official and individual capacities, from any and all claims or causes of action arising out of or in any way related to releasing the above-referenced information and records during the DAEP placement process.

\_\_\_\_\_  
Parent/guardian of [*Student name*]

\_\_\_\_\_  
Date

\_\_\_\_\_  
[*Student name*]

\_\_\_\_\_  
Date

## Step 11 – DAEP Placement Conference Guide

*NOTE: This script is designed for and addressed to the individual charged with considering a student's placement in DAEP. Because your role is to serve as the decision maker, you are in charge of the conference. You should plan for plenty of time (usually half an hour or more), and ensure that you will not be interrupted.*

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My name is [\_\_\_\_\_], and I am the [title] of [campus name]. It is [time] on [day of week], [month] [date], 20\_\_\_\_, and we are here today to consider the proposed DAEP placement of [student name].

So that we have an accurate record of the conference, a tape recording is being made. Please avoid talking when others are speaking so the tape will reflect the proceedings accurately. For the record, will everyone present please identify themselves?

[Wait for response.]

In preparation for today's conference I have reviewed [identify documents and items the Student Code of Conduct requires you to consider as part of the decision making process. These are usually factors such as the severity and effect of the misconduct, the age and grade level of the student, the student's demeanor, disciplinary history, frequency of the misconduct, and legal requirements. Summarize your general conclusions on those issues (for example, 'the records show the student has no prior discipline referrals for the current school year').]

It has been recommended that [student name] be placed in the District's Disciplinary Alternative Education Program or DAEP for \_\_\_\_ school days for [describe offense as stated in the Student Code of Conduct. Be sure that your description of the misconduct matches the description contained in notice letters to the parent.] Specifically, it is alleged that [give more specific detail regarding the nature of the misconduct.] Such conduct is in violation of District policy FOC, the District's Student Code of Conduct, and Texas Education Code section [37.006, 37.304, or 37.305]. [NOTE: modify the list of violations so that it matches the scope of the misconduct].

In deciding to recommend DAEP placement, I [describe the scope of the district's initial review and preliminary findings. If there is supporting documentation (a police referral for example) you may want to provide a copy to the student after first redacting the personally identifiable information of other students.]

Before I make a decision about the recommended DAEP placement, I want to hear [student name]'s side of the story about what happened and give [him/her] an opportunity to respond to the allegations. If necessary I may conduct additional research after our conference today in



order to clarify any issues.

Today, I plan to listen rather than talk. I take this process seriously, and will listen with an open mind. In order to fully understand what happened, I might ask questions at the end to clarify any issues. When I believe I have a full understanding of your side of the story, I will conclude the conference.

Do you have any questions about how we are going to proceed with today's conference?

*[Wait for response. Respond to procedural questions only at this point.]*

All right. Please tell me your response to these allegations.

*[Listen to the student's side of the story.]*

*[If the parent/student asks questions regarding your reasons for a decision or other questions related to the substance of the allegations, use your best judgment whether to respond. You may either answer the question or decline politely with such statements as: "I'm here today only to listen to your concerns and requests" or "I'm not here to talk. I'm here to listen to you. Please go on."]*

*[When the parent/student or his/her representative appears to be finished, you may ask clarifying questions if necessary:]* I'm trying to fully understand what you mean. Would you answer a few clarifying questions for me?

*[If necessary, ask questions to clarify broad statements or terms that are unclear, such as:*

*I don't understand what you mean by \_\_\_\_\_. Would you give me more specific information about that?*

*Would you give me an example of what you mean by \_\_\_\_\_?*

*When you believe you fully understand the concerns, close the conference.]*

At this point, I think I understand your version of events.

Thank you for meeting with me today. I'll consider your comments very carefully and provide you with a written decision by \_\_\_\_\_. *[In the alternative, you can issue your discipline decision at the conclusion of the hearing.]* Following my decision, an ARD Committee will be convened to determine if the misconduct is a manifestation of the student's disability.

The time is now \_\_\_\_\_ and this conference is concluded.

## Step 14 – DAEP Placement Order

[School District Letterhead]

### DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM PLACEMENT ORDER

[Student name] was recommended for placement in [school district name] ISD's Disciplinary Alternative Education Program (DAEP) for [describe offense – refer to appropriate provisions of the Student Code of Conduct and/or the Texas Education Code] on [select one location: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off campus]. A DAEP placement conference was held on [day], [month] [date], [year] at approximately [time] in the [location] of [school district] before [administrator name], [administrator title]. Present at the conference were: [name all persons present].

After considering the student's version of events at the conference, the laws and policies related to the charge against the student, and the facts involved, it was determined that [student name] committed the misconduct as charged.

IT IS ORDERED that [student name] be placed in the [school district name] ISD Disciplinary Alternative Education Program for [time in days] with the placement to begin on [month] [date], [year].

[\*\* Note to administrator: If the DAEP placement extends beyond the school year, include the following sentence: "Because (pick one or both of the following: the student's presence in the regular classroom or campus presents a danger of physical harm to the student or another OR the student engaged in serious or persistent misbehavior that violates the Student Code of Conduct), the DAEP placement will extend beyond the end of the school year."]

[\*\* Note to administrator: If the DAEP placement is inconsistent with the guidelines adopted in the Student Code of Conduct, then insert the following sentence: "The period of placement in DAEP exceeds/is below the recommended period of placement established in [school district name] ISD's Student Code of Conduct."]

[Student name] is prohibited from attending or participating in school-sponsored or school-related activities during the term of placement in DAEP. This restriction applies until the student fulfills the DAEP assignment at this or another school district.

A copy of this Order will be delivered to the authorized officer of the juvenile court in the county in which the student resides pursuant to Texas Education Code § 37.010(a). [Include this sentence only if DAEP placement was ordered pursuant to Texas Education Code § 37.006.]

The personal data of the student is as follows:

Name:	_____	Sex:	_____
DOB:	_____	SSN:	_____
Parent/guardian:	_____	Phone:	_____
Home address:	_____		

\_\_\_\_\_

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[*administrator name*], [*administrator title*]  
[*school district name*] ISD

## Step 15 – Letter to Parents Enclosing DAEP Placement Order

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[School District Letterhead]

\_\_\_\_\_, 20\_\_\_\_

[parent/guardian & student name]

[Via Hand Delivery or Certified Mail RRR]

[address]

[address]

Re: Disciplinary Alternative Education Program Placement of [student name]

Dear \_\_\_\_\_:

As you know, it was recommended that your student, [student name], be placed in [school district name] ISD's Disciplinary Alternative Education Program for allegedly [describe the offense with particularity based on provisions in the Student Code of Conduct] on [select one location: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off campus]. A conference was held on [day], [month] [date], [year], at [time] at the [location] located at [address]. Present at the conference were: [name all persons present]. At the conference your student was given an opportunity to tell [his/her] side of the story.

Based on the information presented at the DAEP conference, I determined that [student name] committed [describe the offense with particularity based on provisions in the Student Code of Conduct] on [select one location: school property / within 300 feet of school property / at a school-related or school-sponsored activity / off campus] in violation of [list appropriate provisions of the Student Code of Conduct, local policy, and Texas Education Code §§ 37.006 or 37.0081]. On [day], [month] [date], [year], your student's ARD Committee met and determined that the behavior in question was not a manifestation of [his/her] disability. Accordingly, I am directing that [student name] be placed in the [school district name] ISD Disciplinary Alternative Education Program for [time in days] with the placement to begin on [month] [date], [year].

In arriving at this decision, I considered [list all factors or documents the Student Code of Conduct requires you to consider as part of the decision-making process.]

A copy of the DAEP Placement Order is enclosed for your reference. As required by Texas Education Code § 37.010, a copy of the Order will be delivered to the authorized officer of the juvenile court in \_\_\_\_\_ County [include this sentence only if DAEP was ordered pursuant to Texas Education Code §37.006].

Please note that [student name] is required to follow all DAEP rules during [his/her] placement, and failure to do so may result in expulsion from the DAEP. Additionally, your student must attend the DAEP or [he/she] will be considered truant. [Unless transportation is a related service included in the student's IEP, you may enforce the District's standard practice for providing transportation as follows: "The District [will or will not] provide transportation to DAEP." If transportation is not provided, include the following: "It is your responsibility to ensure that your student arrives at the DAEP."] During the DAEP placement, your student is prohibited from attending or participating in any school-sponsored or school-related activity other than attendance at the DAEP. This restriction applies until the student fulfills the DAEP assignment at this or another school district. I am including a copy of the DAEP rules for you to read and review with your student.

While in DAEP [student name] will have an opportunity to complete coursework required for graduation, at no cost to the student, before the beginning of next school year. Methods available for completing coursework include: [list all available methods such as correspondence courses, distance learning, and summer school.]

If you are dissatisfied with this result, you may appeal to [hearing officer]. For your reference enclosed is a copy of local policy [FNG and/or FOC] outlining the appeal procedures. Do not hesitate to contact me at [phone number] should you have any questions about your student's DAEP placement.

Sincerely,

[administrator name], [administrator title]  
[school district name] ISD

Enclosures: DAEP Placement Order  
DAEP rules  
[FNG and/or FOC] (local)

## Step 16 – Letter to Juvenile Court Enclosing DAEP Order

[*School District Letterhead*]

\_\_\_\_\_, 20\_\_

[*Name of Authorized Officer*]

[*Title*] Juvenile Court

[*address*]

[*address*]

[*Via Hand Delivery or Regular Mail*]

Dear \_\_\_\_\_:

According to Texas Education Code § 37.010(a), we are required to deliver a copy of a Disciplinary Alternative Education Program (DAEP) Placement Order to the authorized officer of the juvenile court in the county in which the student placed in DAEP resides. In compliance with that provision, enclosed please find a copy of the DAEP Placement Order for [*student name*]. The student has been placed in [*school district name*] ISD's DAEP pursuant to Texas Education Code § 37.006 after conducting a conference in which all due process rights were provided to [*him/her*] in accordance with Texas Education Code § 37.009.

If I may furnish additional information concerning this matter, please feel free to contact me at [*phone number*].

Sincerely,

[*administrator name*], [*administrator title*]

[*school district name*] ISD

Enclosure:     DAEP Placement Order

## Step 17 – DAEP Notice Memo to Instructional Educators

[School District Letterhead]

### CONFIDENTIAL MEMORANDUM

TO: [List each educator who has responsibility for instruction of the student or persons under the direction and supervision of an educator who has responsibility for instruction of the student]

FROM: [administrator]

RE: Report of Misconduct

DATE: \_\_\_\_\_, 20\_\_\_\_

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In accordance with Texas Education Code § 37.006(o), I am advising you that [student name] has been placed in the District's Disciplinary Alternative Education Program for [describe offense with particularity] on [select one location: school property / at a school-sponsored or school-related activity on or off school property] on [date].

Please note that you are required to keep this information confidential. The State Board for Educator Certification may revoke or suspend your certification if you intentionally violate the confidentiality requirement set out in Texas Education Code § 37.006(o).

If you need additional information concerning this matter, please feel free to contact me.

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Please check the box, initial below, and fill in the date after you review this memo:

- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.
- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.
- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.
- ☐ \_\_\_\_\_ I, [instructional employee], reviewed this memorandum on \_\_\_\_\_, 20\_\_.

## Step 20 – Letter to Parents Scheduling DAEP Placement Review

[School District Letterhead]

\_\_\_\_\_, 20\_\_

[parent/guardian name]  
[address]  
[address]

[Via Hand Delivery or Certified Mail RRR]

Re: Review of Disciplinary Alternative Education Program Placement of [student name]

Dear \_\_\_\_\_:

As we discussed by telephone on [date], your student, [student name], will have spent 120 calendar days in [school district name] ISD's Disciplinary Alternative Education Program (DAEP) on [date], and we would like to review [his/her] status in DAEP. I am writing to confirm our meeting scheduled for [day], [month] [date], [year], at [time] at the [location] located at [address].

At the conference we will review [student name]'s placement in DAEP and discuss [his/her] academic status. [If the student is in high school:] We will also discuss your student's progress toward meeting high school graduation requirements and establish a specific graduation plan for [student name]. Also, you will have an opportunity to provide reasons supporting your student's return to the regular classroom.

Please do not hesitate to contact me at [phone number] if you have any questions prior to our meeting.

Sincerely,

[administrator name], [administrator title]  
[school district name] ISD



## Step 22 – Letter to Parents Scheduling Review of Criminal Status

[*School District Letterhead*]

\_\_\_\_\_, 20\_\_

[*parent/guardian name*]  
[*address*]  
[*address*]

[*Via Hand Delivery or Certified Mail RRR*]

Re: Review of Disciplinary Alternative Education Program (DAEP) Placement of [*student name*]

Dear \_\_\_\_\_:

As we discussed by telephone on [*date*], [*school district name*] ISD has received notice that [*describe contents of article 15.27(g) notice*]. Based on that notice, we would like to review [*student name*]'s status in DAEP.

I am writing to confirm our meeting scheduled for [*day*], [*month*] [*date*], [*year*], at [*time*] at the [*location*] located at [*address*]. At the conference we will discuss the notice and whether your student should continue in DAEP or be returned to the regular classroom.

Please do not hesitate to contact me at [*phone number*] if you have any questions prior to our meeting.

Sincerely,

[*administrator name*], [*administrator title*]  
[*school district name*] ISD