

## **DAEP for E-Cigarettes (and other vape devices)** (TEC 37.006)

- ***Current:*** Texas Education Code § 37.006 provides that a student must be removed from class and placed in a disciplinary alternative education program if the student possesses, uses, or distributes an e-cigarette (or other vape device). With the new requirement to place students in DAEP for the use, possession, or distribution of e-cigarettes (vaping devices or similar), the Haskell ISD DAEP will become overcrowded, taking nonviolent students away from their regular class schedules, diluting the quality of education for students in the DAEP, and possibly requiring additional staffing for our DAEP. When there is not enough space available in the DAEP program, Haskell ISD will have to place students in violation of e-cigarette (vaping devices or similar) In-School Suspension (ISS). Again, this will detrimentally affect the quality of education students are receiving and may require additional staffing - at a time when school districts are experiencing shortages of employees in almost every position. Finally, Haskell ISD has had success in handling disciplinary situations with e-cigarettes (vaping devices) using its own resources in a locally determined disciplinary setting and process.
- ***Proposed:*** the District will be exempt from mandatory removal to DAEP based on possession of e-cigarettes.
  - Haskell ISD will use discretion in disciplinary placement for students who possess, use, or deliver marijuana or e-cigarettes on or near public school property or at certain school events.
  - A student may be placed in a DAEP if the student possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marijuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code.
  - A student may be placed in a DAEP if the student possesses, used, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.
- ***Innovation Strategies:*** Haskell ISD will determine the best course of action for discipline of students using, possessing, or distributing e-cigarettes (vaping devices or similar). This will allow the District to determine the best allocation of financial and staffing resources for students, based on District disciplinary methods and experience. This will provide additional financial resources that can be used on innovative and enriching educational programs for all District students.