

COVID UPDATE: PARENTS AND STUDENTS

**UTLAW CLE
37TH ANNUAL SCHOOL LAW CONFERENCE**

Law Office of Heather McClellan Castillo
1400 W. Abram, Arlington, Texas 76013
heather_dmc@yahoo.com
817.909.3097

Overview

- **Student discipline and COVID**
- **Parent/Student grievances and COVID**
- **Parents and students participating in Board meetings and COVID**



STUDENT DISCIPLINE AND COVID

Zero tolerance disciplinary practices in Texas should have been on the way out starting in the mid-1990s.

Since 2009, the Texas Education Code has required administrators to consider “mitigating factors” when making decisions about disciplinary placements.

STUDENT DISCIPLINE AND COVID

Texas Education Code section 37.001(a)(4):

(4) specify that ***consideration will be given***, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, ***regardless of whether the decision concerns a mandatory or discretionary action***, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history;

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

STUDENT DISCIPLINE AND COVID

Texas Education Code section 37.001(a)(4): (CONTINUED)

(E) a student's status in the conservatorship of the Department of Family and Protective Services; or

(F) a student's status as a student who is homeless;

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