

McKinney Independent School District

Local Innovation Plan, Amendment #3

TIMELINE

Date	Action
February 20, 2024	Planning meeting held to review research and findings.
February 27, 2024	District Advisory Committee (DAC) meeting
February 28, 2024	Local Innovation Plan, Amendment #3, posted online
March 1, 2024	Presentation to the Board of Trustees and approval of amendment
March 4, 2024	McKinney ISD submits Local Innovation Plan, Amendment #3, to the Texas Education Agency.

TERM

This amendment will adhere to the same term of the Local Innovation Plan renewal and will begin on March 18, 2024, and will end on June 30, 2028, unless terminated, amended, and/or renewed in accordance with the law.

AMENDMENT(s)

The District proposes exemptions in the following area: Mandatory DAEP Placement for First Time Offenses with E-Cigarettes (TEC §37.006(a) & FOB & FOC (Legal)).

McKinney ISD considers student safety a top priority. We examine all practices that support students' safety on a regular basis including our discipline responses when student behaviors violate our Student Code of Conduct. Great care is taken when determining appropriate discipline for a student, including the consideration of mitigating factors specified in TEC 37.001 (a) (4) such as age and the impact of personal and social factors such as homelessness.

Under HB114 in the 88th Legislature, the Texas Education Code 37.006 was amended to specify the following: *a) Subject to the requirements of Section 37.009(a), 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...C-2) possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.*

This has the effect of requiring districts to place a student at DAEP for possessing or using any part of a vaping device, with or without the presence of any prohibited substances.

Our students are being peremptorily placed at DAEP, and due to overcrowding in this facility, are being held on campus in ISS. This challenge is creating hardships in delivering services, high quality instruction, and engaging learning experiences.

For this reason, we seek an exemption for first-time offenders that would allow us to use a more nuanced approach in determining the discipline response for non-felony, non-violent offenses involving E-Cigarettes. We feel this approach for a first offense will better support early intervention efforts, maintain academic consistency, and keep students engaged in school activities and experiences. In fact, our data shows that when we previously used this approach it was more effective in changing subsequent behavior and deterring repeat offenses.

For first offenses of e-cigarettes, including any parts and accessories as well as any nicotine cartridges, the campus administration will consider the circumstances and mitigating factors for each student case by case to determine the appropriate discipline action under the Student Code of Conduct, instead of mandatory placement at DAEP as required by the Texas Education Code.

This exemption will only apply to e-cigarette offenses that did not involve THC or other controlled substances or illegal drugs. Those offenses will continue to be subject to mandatory DAEP or JJAEP as per the Texas Education Code and McKinney ISD Student Code of Conduct. Additionally, subsequent e-cigarette offenses in the same school year will not be subject to this exemption and may be subject to mandatory DAEP or JJAEP as per the Texas Education Code and McKinney ISD Student Code of Conduct.

SUMMARY

An exemption to mandatory placement for e-cigarettes will allow principals to choose appropriate discipline for non-felony, non-violent, first-time offenses for violations of the substance use prohibition in the McKinney ISD Student Code of Conduct and would provide greater flexibility for our school leaders to discipline appropriately while maintaining a safe and positive learning environment.