

## **Resolution to Uphold Constitutional Due Process in Student Disciplinary Proceedings**

**Whereas**, the Fifth and Fourteenth Amendments of the U.S. Constitution presume one's innocence until proven guilty and protect a person accused of a crime from conviction without proof beyond a reasonable doubt of facts necessary to constitute a crime,

**Whereas**, students in Texas public schools are, and have been sentenced to Discipline Alternative Education Program (DAEP) placements without such Constitutional protections,

**Whereas**, administrative procedures at the local Independent School District level require no presumption of a student's innocence or evidentiary standards in order to decide a student's guilt or innocence in a disciplinary proceeding,

**Whereas**, Texas Education 911 has documented parents' inability to obtain a just resolution using the local grievance process required by Texas Education Code Chapter 26 in school districts across Texas to reverse DAEP placements without evidence,

**Whereas**, Public Information Request data regarding appeals to the Texas Education Agency by parents seeking to overturn DAEP judgments made at the ISD-level without evidence that their child committed a crime are almost always rejected for a lack of jurisdiction, resulting in 1) failure to provide parents a process to petition their government for a redress of grievances as required by the First Amendment to the U.S. Constitution, and 2) deprivation of minor students' liberty,

**Whereas**, a student's Constitutional rights to presumption of innocence and due process protections do not end when he or she crosses the threshold of a school,

**Therefore**, be it resolved that the Texas Legislature shall demand that, prior to disciplinary decisions and actions, Constitutional due process protections of presumption of innocence until proven guilty, and evidentiary standards which prove beyond reasonable doubt that a crime or code-of-conduct violation has been committed shall be required for minors enrolled in Texas public and charter schools. Students shall not be subject to disciplinary consequences without such due process.

A copy of this resolution should be sent to the \_\_\_\_\_ County/Senate District #\_\_\_\_ Convention Resolutions Committee from Precinct #\_\_\_\_\_ with the recommendation that it be passed and sent to the State Convention Platform Committee of the \_\_\_\_\_ Party of Texas.