



District of Innovation Amendment

Kilgore ISD has determined an amendment to its current District of Innovation Plan is necessary based on the passage of HB114 during the 88th Regular Legislative Session.

Discipline for Use or Possession of an e-Cigarette

Texas Education Code § 37.006(a)(2)(C-2) requires school districts to remove a student from class and place the student into a Discipline Alternative Education Program (DAEP) when the student possesses, uses, sells, gives, or delivers to another person an e-cigarette (as defined by Texas Health and Safety Code § 161.081), on or within 300 feet of school property or while attending a school-sponsored or school related activity on or off of school property. (HB 114, effective September 1, 2023.)

Rationale for Exemption

This amendment to the Kilgore ISD District of Innovation Plan allows the District to claim exemption from TEC § 37.006(a)(2)(C-2) regarding mandatory student placement into DAEP for e-cigarettes. Kilgore ISD understands that student vaping has become and will continue to be a growing concern. However, the District believes that a state-mandated DAEP placement for possessing, using, selling, giving, or delivering of non-marijuana and/or non-tetrahydrocannabinol e-cigarettes limits and restricts the authority and responsibility of Campus and District Administrators to investigate, consider, determine, and administer appropriate student discipline within the District's Student Code of Conduct which may or may not include DAEP assignment depending on the individual circumstances of each infraction. Kilgore ISD believes these student disciplinary decisions are best made at the local level as opposed to a state mandate.

Local Guidelines

The District's Student Code of Conduct prohibits and will continue to prohibit students from possessing, using, giving, or delivering e-cigarettes; and the District intends to continue to apply appropriate discipline for such conduct.

Possession, use, selling, giving or delivering to another person an e-cigarette or vape device that contains any amount of marijuana or tetrahydrocannabinol (THC) will remain a mandatory DAEP offense.