

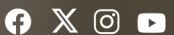


**EL PASO ISD**  
it starts with us

# 2025-26 Student Code of Conduct

**El Paso ISD Student & Parent Services**

1100 N. Stanton • El Paso, Texas 79902 • 915-230-2080 • [www.episd.org](http://www.episd.org)



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## **Accessibility**

If you have difficulty accessing the information in this document because of a disability, please contact the district at 915-230-2080.

### **VISION**

INSPIRE and EMPOWER learners to THRIVE

### **MISSION**

In partnership with our families and community, we will uphold the highest standards to provide inclusive and fair learning experiences that support the whole child.

### **CORE BELIEFS**

**Whole Child:** We champion a well-rounded educational experience to ensure all students are healthy, safe, valued, engaged, and academically challenged.

**Opportunity:** We honor and cultivate the unique needs and interests of all learners through relationships and personalization.

**Excellence:** We embrace a culture of creativity, exploration, and innovation to sustain our growth and improvement.

**Equity:** We commit to removing barriers to ensure our schools and programs are inclusive and equitable.

**Community:** We build community through authentic engagement, collaboration, and honoring diversity of thought.

**Accountability:** We foster high expectations, continuous growth, and high achievement.

# Contents

.....	ii
General Overview.....	1
Purpose .....	1
Additional Rules .....	1
General Standards of Student Conduct.....	1
Notice of Disciplinary Action .....	2
Anti-Discrimination .....	2
Discipline of Students with Special Needs.....	2
Discipline Appeals.....	2
Effect of Student Withdrawal.....	3
Scope of the District’s Disciplinary Authority.....	3
General Authority .....	3
Campus Behavior Coordinator .....	4
Searches .....	5
Criminal Conduct .....	5
“Parent” Defined.....	5
Discipline Considerations & Techniques .....	6
Discipline Considerations.....	6
Threat Assessment and Safe and Supportive School Team.....	6
Disregard for Authority .....	7
Discipline Management Techniques .....	7
Participating in Graduation Activities.....	8
Unauthorized Persons .....	9
General Types of Prohibited Conduct.....	9
Misconduct Involving Others.....	9
Possession of Personal Communication Devices (All Grade Levels) .....	11
Possessing, Using, Giving, Selling, Buying or Offering to Sell or Buy Prohibited Items	13
Misuse of Property .....	14
Safety/Disruption.....	14
Technology.....	15
Failure to Follow the Rules.....	16

Other Misconduct .....	17
Removal from District Transportation .....	17
Reasons for Removal.....	17
Procedure for Removal.....	18
Removal from the Regular Educational Setting .....	18
Ordinary Teacher Removal.....	18
Formal Teacher Removal .....	18
Returning a Student to the Classroom .....	19
Appeals of Formal Teacher Removals.....	19
In-School Suspension.....	19
Procedure for ISS .....	20
Notice for ISS.....	20
Out-of-School Suspension .....	20
Reasons for OSS .....	20
Procedure for OSS.....	20
Notice for OSS .....	21
Alternative Assignment.....	21
Assignments During ISS and OSS .....	21
Grade Level and Other Restrictions on Suspension .....	21
Disciplinary Alternative Education Program (DAEP) Placement .....	22
Parental Involvement .....	22
Reasons for Mandatory DAEP Placement.....	22
Reasons for Discretionary DAEP Placement.....	24
First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette	25
Emergency Placement Procedure .....	25
Procedure for DAEP Placement.....	25
Length of Placement .....	26
Particular Rules for Registered Sex Offenders .....	27
Other DAEP Issues .....	28
Expulsion.....	31
Reasons for Mandatory Expulsion .....	31
Reasons for Discretionary Expulsion .....	32
Virtual Expulsion Program.....	33

Consideration of Virtual Education as Alternative to Expulsion .....	34
Emergency Expulsion .....	34
Procedure for Expulsion .....	34
Length of Expulsion .....	35
Other Expulsion Issues .....	35
Transition Services .....	36
Certain Felonies.....	36
Placement Review.....	37
Expulsion Appeals.....	37
Definitions .....	38

# **General Overview**

## **Purpose**

The Board of Trustees adopted this Student Code of Conduct (SCC) to promote a safe, secure, and optimal learning environment for all students. Inside you will find information regarding:

- The District-wide discipline management plan,
- A description of prohibited conduct,
- The disciplinary options, methods, and consequences for preventing and addressing student misconduct, and
- The process the District will follow when administering disciplinary consequences.

Not later than the first day of the 2025-2026 school year, the Texas Education Agency (TEA) shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025. A school district shall provide to each student and the parent of or person standing in parental relation to the student the prepared report.

If there is a conflict between the SCC and the Student Handbook, the terms of the SCC will control. If there is a conflict between the SCC and local District policy, the more recently adopted item will control.

## **Additional Rules**

Students may be subject to campus, classroom, transportation, extracurricular, and/or organization rules in addition to those found in the SCC. Students may face consequences under these additional rules as well as possible disciplinary action under the SCC. Further, to the extent a student engages in misconduct that is not specifically addressed in the SCC, the student may still be disciplined if the misconduct threatens students or staff or disrupts or interferes with the educational process, learning environment, or school safety.

## **General Standards of Student Conduct**

In order to promote a positive educational experience for all students, the District expects students to adhere to seven basic standards of conduct: (1) exercise self-control, self-respect, and self-discipline, (2) demonstrate a positive attitude, (3) respect the rights and feelings of others, (4) respect school property and the property of others, (5) support the learning process, (6) adhere to rules, and (7) promote a safe environment that does not threaten school safety. Because of significant variations in student conduct, it is not always possible for the SCC to address each and every act of student misbehavior. To that end, the District retains discretion to address student misconduct that is inconsistent with

## **Notice of Disciplinary Action**

these seven standards even though the conduct may not be specifically included in the SCC.

### **Notice of Disciplinary Action**

Teachers and administrators strive to notify parents/guardians of student conduct concerns as they occur. If a student is placed in in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled from school, assigned to a juvenile justice alternative education program, or taken into custody by a law enforcement officer, the campus behavior coordinator will promptly contact the parent/guardian by phone or in person and will also make a good faith effort to provide the student with written notice of the disciplinary action to be delivered to the parent/guardian on the same day the consequence is assigned or recommended. If the parent/guardian is not reached by phone or in person by 5:00 p.m. on the first business day after the disciplinary consequence is assigned or recommended, written notice will be sent to the parent's/guardian's last known address. Another campus administrator may provide notice of disciplinary action if the campus behavior coordinator is not able or available to provide notice. Failure to send any notice within this time period or as noted elsewhere in the SCC does not preclude imposing a discipline consequence. A school district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent(s), guardian(s), or other person(s) standing in parental relation to each student who is assigned to the campus or who regularly uses the facility.

### **Anti-Discrimination**

The District does prohibit discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, age, disability, gender stereotyping, and perceived sexuality, perceived or actual sexual orientation, gender identity or gender expression, or any other basis prohibited by law when enforcing the provisions of the SCC.

### **Discipline of Students with Special Needs**

This SCC applies to all students. However, when enforcing its SCC, the District will comply with federal and state laws pertaining to students with disabilities. For more information about those specific procedures, please contact Kelly Ball, Coordinator 504 at 915-230-2856.

### **Discipline Appeals**

Appeals of disciplinary measures should be directed to the student's teacher or campus administrator, as described in local District policies FNG, FOC, or FOD as appropriate. Depending on the disciplinary consequence assigned, different complaint procedures may apply. A copy of the appropriate policy is available at the campus or central administration office or online at <http://pol.tasb.org/Home/Index/437>. Please note that the email address and dedicated phone number of the campus behavior coordinator or campus

administrator responsible for student discipline is listed on the campus homepage. Timelines for filing appeals stated in the policy will be enforced. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. [See policies FFH(LEGAL) and (LOCAL)]

The Board of Trustees, through adoption of the SCC, has determined that an appeal of an in- school suspension, out of school suspension, or DAEP placement decision shall end at their appointed designee.

### **Effect of Student Withdrawal**

Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence should the student re-enroll in the District, and/or forwarding any order of a disciplinary consequence to a future school in which a student enrolls.

### **Scope of the District's Disciplinary Authority**

School rules and the district's authority to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

### **General Authority**

In addition to the disciplinary authority established for certain types of offenses as described within the SCC, the District has general disciplinary authority over a student at the following times:

The district has disciplinary authority over a student:

- As provided in extracurricular or organization handbooks, by-laws, constitutions, or other guidelines.
- At any time during the school day.
- Conduct that threatens the safety of other students or staff members, regardless of the location.
- During lunch periods, including those in which a student leaves the campus.
- During online or other types of remote instruction.
- For any school-related misconduct, regardless of time or location.
- For certain offenses against other students and school employees, regardless of time or location.
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line.

## General Authority

- If the student is a registered sex offender.
- Other off campus conduct as authorized and defined by Chapter 37 of the Texas Education Code, including cyberbullying.
- When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location.
- When criminal mischief is committed on or off school property or at a school related event.
- For certain offenses committed while on school property or while attending a school sponsored or school related activity of another district in Texas.
- When the student commits a felony, as provided by TEC 37.006, 37.007, or 37.0081.
- While attending any school-sponsored or school-related activity, regardless of time or location.
- While on school property.
- While traveling on District owned or operated transportation or during school-related travel.

### Campus Behavior Coordinator

As required by law, a single person at each campus must be designated to serve as the Campus Behavior Coordinator (CBC). The designated person may be the principal or any other campus administrator selected by the principal. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies all aspects of Chapter 37, Subchapter A are appropriately implemented. The CBC is primarily responsible for maintaining student discipline. The CBC shall monitor disciplinary referrals and report the following behavior to the campus's threat assessment and safe and supportive school team.

- Conduct that contains the elements of the offense of terroristic threat under Penal Code 22.07;
- Conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02;
- Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125; and
- Any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at [www.episd.org](http://www.episd.org) and at <https://www.episd.org/documents/departments/student-%26-parent-services/for-students/623354>.

## General Authority

### Searches

A student's clothing, personal property, electronic equipment, or method of transportation may be searched when there is reasonable cause to believe the search will reveal articles or materials prohibited by the District or other violations of school rules. School property used by the student, such as lockers, desks, or school-owned electronic equipment, may be searched when deemed necessary by the campus administration. Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students may be disciplined for possession of prohibited items discovered during a search. For more information about searches, please review the District's Student Handbook and policy FNF (Local).

### Criminal Conduct

School administrators will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity. Certain acts of misconduct may constitute criminal offenses in addition to violations of the SCC. Because school discipline is independent of criminal proceedings, disciplinary consequences will not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.

Finally, as the District expects its students to adhere to certain standards of conduct, the District also expects that parents of our students and other visitors will comply with similar standards of conduct and civility expected of our students. Accordingly, a school administrator, resource officer, or school district peace officer may refuse to allow a person to enter or may eject a person from any property under the control of the school district if the person refuses to leave peaceably upon request, and 1) the person poses a substantial risk of harm to themselves or others, or 2) is behaving in a way that is inappropriate for a school setting. A person behaving inappropriately for a school setting may be removed if, prior to the person being removed from District property, 1) the school employee issued a verbal warning that the behavior was inappropriate and could lead to the person's removal of the individual and 2) the person persisted in the behavior. Any person removed from District property may appeal such removal under Board policy FNG (Local) or (GF) (Local) and shall be permitted to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it.

### “Parent” Defined

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

# Discipline Considerations & Techniques

## Discipline Considerations & Techniques

### Discipline Considerations

Using their professional judgment, campus administrators will consider a variety of factors when administering disciplinary consequences and determining the duration of the consequence, including but not limited to:

- legal requirements.
- the age and grade level of the student.
- the degree of severity and risk of danger.
- the effect of the misconduct.
- the frequency of the misconduct.
- the possibility of disruption of the school environment.
- the student's demeanor.

When deciding to order a student to out-of-school suspension, DAEP placement, expulsion, or placement in JJAEP the District will consider: (1) self-defense (see definitions), (2) the student's intent (see definitions) or lack of intent at the time of the misconduct, (3) the student's disciplinary history, (4) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct to the extent required by state and federal law, (5) a student's status in the conservatorship of the Department of Family and Protective Services and (6) a student's status as homeless. These factors will be taken into consideration regardless of whether it is a discretionary or mandatory disciplinary consequence.

A student who, upon investigation, is found to be subject to bullying (see definitions) will not be disciplined on the basis of using reasonable self-defense (see definitions) in response to the bullying, as determined by the campus administration.

### Threat Assessment and Safe and Supportive School Team

The District will also establish a "threat assessment and safe and supportive school team" to serve at each campus of the district and will adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program, as well as conducting threat assessments. These will include assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior, gathering and analyzing data to determine the level of risk and appropriate intervention (including referring a student for mental health assessment and implementing an escalation procedure, if appropriate based on the team's assessment), and providing guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual.

Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student of the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to: (1) participate in the assessment, either in person or remotely; and (2) submit to the

## Discipline Management Techniques

team information regarding the student. After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

Finally, security personnel are important members of the District safety team. State law requires that the job duties of the peace officers, school resource officers and security personnel be listed in the District Student Code of Conduct. See job duties listed below: <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=437&code=CKEA#localTabContent>.

### Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

### Discipline Management Techniques

Discipline is designed to correct student behavior and encourage students to comply with school rules. The District may use any one or a combination of the following strategies or techniques, including restorative practices, to manage student behavior, prevent or intervene in discipline problems, or address violations of the SCC or campus or classroom rules:

- After-school detention.
- Assignment of school-related tasks, services, or duties.
- Assignment to an alternate setting.
- Behavior modification contracts or improvement plans.
- Calming-down time.
- Confiscation of items.
- conflict resolution.
- Counseling.
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, by-laws, or other guidelines.
- Demerits or rewards.
- Disciplinary Alternative Education Program (DAEP).
- Expulsion.
- First Chance.
- Grade penalties as permitted by policy.
- In-school suspension.
- Loss or restriction of privileges, including participation or membership in co-curricular or extracurricular activities, seeking or holding honorary positions, or speaking at school activities.

## Discipline Management Techniques

- Mediation.
- Other methods and consequences as stated in the SCC.
- Out-of-school suspension.
- Parent conferences.
- Parent outreach.
- Peer mediation.
- Peer mentoring.
- Positive behavior interventions.
- Restorative practices.
- Revocation of interdistrict transfer, as permitted by state law or local DOI Plan, if applicable.
- Referral to PBIS team.
- Removal from the classroom.
- Referral to school counselor/resource specialist.
- Referral to student support team.
- Restitution or restoration.
- Revocation of transportation privileges.
- Seating changes.
- Sending the student to the office or other area.
- Separation or “stay away” agreements or orders.
- Suspension from participation in UIL or other district extracurricular activities.
- Training in conflict management, social skills, managing emotions, and impulse control.
- Transfer to a different classroom or campus.
- Verbal correction .

### Participating in Graduation Activities

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code of Conduct.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered eligible, a student shall not have engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

## General Types of Prohibited Conduct

State law includes a list of prohibited "aversive" disciplinary techniques, defined as those "intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain". While school districts may still utilize corporal punishment or legally permissible restraints, all other techniques listed in state law are explicitly prohibited and will not be utilized. For a full list of these prohibited "aversive" discipline techniques, see Board policy FO (LEGAL) online at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=437&code=FO#legalTabContent>.

### Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, SRO, or district police officer shall have the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 calendar days, unless the complaint is resolved before a board hearing. [See Restrictions During Placement for information regarding a student assigned to DAEP at the time of graduation.]

## General Types of Prohibited Conduct

### Misconduct Involving Others

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more "Discipline Management Techniques" if the behavior is committed at school, a school-sponsored or school-related activity, during school-related travel, while traveling on District owned or operated transportation, or when the District has "Disciplinary Authority" as described in the SCC.

- Adding any substance, whether harmful or not, without permission to any food or beverages belonging to, in the possession of, or meant to be consumed by another student or District employee, official, or volunteer.
- Bullying (see definitions).
- Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment.
- Cyberbullying (see definitions), including conduct that interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.
- Engage in any behavior that violates the SCC and is motivated by antisemitism. [See Glossary]

## General Types of Prohibited Conduct

- Engage in conduct that constitutes dating violence. [See Glossary]
- Engage in inappropriate or indecent exposure of private body parts.
- Engage in sexual harassment (see definitions) or sexual abuse.
- Engaging in conduct that can or does cause bodily injury (see definitions).
- Engaging in harassment (see definitions) toward another student or a District employee, official, or volunteer, including harassment based on race, color, religion, sex, gender, national origin, age, disability, gender stereotyping and perceived sexuality, perceived or actual sexual orientation, gender identity or gender expression or any other basis prohibited by law.
- Engaging in oral or written threats to cause harm or bodily injury (see definitions) to another student, a District employee, official, or volunteer, or school property, including threats made on or off campus, using the Internet or other technology resources, including messaging apps, postings, or any kind of social media.
- Engaging in physical, sexual, verbal, or emotional abuse as a means to harm, threaten, intimidate, or control another person in a current or past dating relationship.
- Fighting (see definitions) or scuffling that may or may not result in physical pain, illness, or any impairment of a physical condition.
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail.
- Hazing. [See Glossary]
- Hitting, pushing, or attempting to hurt another student.
- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm, threatens the safety of others, or actually causes injury to others.
- Inappropriate verbal (oral or written), physical, or sexual contact toward another student or a District employee, official, or volunteer, regardless of whether it is consensual.
- Invasive visual recording (see definitions).
- Name-calling, ethnic or racial slurs, making racial comments to another student or employee, or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence.
- Preparing a hit list (see definitions).
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older created by using A.I. without the student's consent.
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Retaliating against a student for (1) reporting either a violation of the SCC or bullying, or (2) participating in an investigation of a violation of the SCC or bullying.
- Subjecting a student or District employee, official, or volunteer to physical harm, confinement or restraint.
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.

## General Types of Prohibited Conduct

- Touching one's own private body parts in a sexual manner.
- Wrongfully obtaining and using another person's identifying information or personal data without permission.

### Possession of Personal Communication Devices (All Grade Levels)

Students must keep a personal communication device powered off the entirety of the school day while on school property and must keep it out of reach in the student's locker, in a backpack, or a personal bag.

### Beginning of Day Procedures

When the school day begins, each student shall power off all personal communication devices and ensure their personal communication device(s) remains unused by:

- Securing the device(s) in the student's locker, backpack, or personal bag for the entirety of the school day; students should not hold/have a device in their hands at any time during the school day; students found physically accessing the device, either in the open or by attempting to access within a locker, backpack, or personal bag are in violation of this policy

### End of Day Procedures

At the conclusion of the school day, subject to any other limitations contained in this policy, each student may begin using their personal communication device.

### Confiscation of Devices

Each school must designate an appropriately secured location in the school (e.g., a portion of the main office) where confiscated student personal communication devices shall be kept, and a process to ensure the school can identify which student is the owner of each device that is kept.

All district administrators and school-based staff members are authorized to confiscate a personal communication device used in violation of this policy. If a staff member confiscates a student device, the staff member should bring the device to the designated storage location when convenient during the day, and the staff member remains responsible for the device until then.

### Disciplinary Measures

A student who violates this policy is subject to the following disciplinary measures, subject to and in accordance with the district's Student Code of Conduct (SCC), including any progressive sanctions for ongoing violations:

**1st Offense:** Warning given to student, parent communication, incident documented.

**2nd Offense:** Device confiscated, phone call to parent, incident documented, phone released to student at the end of the school day.

**3rd Offense:** Device confiscated, phone call to parent, and incident documented. Parents must retrieve the device from school at the end of the school day.

## General Types of Prohibited Conduct

**4th Offense:** Same as 3rd Violation and initiate progressive discipline measures.

**5th Offense:** Same as 3rd Violation AND 1 day of ISS (in school suspension).

**6th Offense:** Same as 3rd Violation, 2 days of ISS, and notification to parent that additional violations will be subject to a disciplinary conference with a recommendation for a DAEP placement.

**7th Offense:** Same as 3rd Violation AND DAEP placement not to exceed 10 days.

The school may impose additional consequences as outlined in the Student Code of Conduct for continued refusal to follow the rules.

All violations shall be subject to confiscation and other discipline in accordance with the district's Student Code of Conduct. If the cell phone/device is made available for pickup and it is not retrieved, EPISD shall dispose of it after providing prior notice required by law and EPISD policy FNCE Local.

If a personal communication device is not retrieved by a parent of guardian within two weeks of the school sending notice, the school shall send a second notice that specifies that the school will dispose of the device if not retrieved within 90 days of the second notice. The school may dispose of the device if not retrieved within 90 days of sending a second notice to the student's parent or guardian.

### Exceptions

Each principal must maintain a list of students for whom an exception applies and any limitations/situations to which the exception applies. Principals must ensure that all appropriate staff are made aware of each student's authorized exception to use personal communication devices.

1. A student who has a documented need to use a personal communication device in an Individualized Education Program (IEP), Section 504 accommodation plan, or other similar program or plan.
2. A student has a documented need to use a personal communication device based on a directive from a qualified physician; a directive must be submitted to the campus principal. A qualified physician for purposes of this policy shall mean a physician licensed to practice in the state of Texas. The directive must state the conditions under which the student would need to access and use their personal communication device during the school day on school property. The parent may be asked to sign consent for school staff to contact the physician should the school need more information in order to comply with the directive. Use authorized under this provision should be conducted in a manner that minimizes disruption to instruction and the school environment, and may be subject to reasonable limitation on time, place, and manner as determined by principal or designee. Authorization under this provision can be revoked if the device is being used in a way that is found to disrupt the learning environment.

## General Types of Prohibited Conduct

3. Necessary to comply with a health or safety requirement imposed by law or as part of the District's or school's safety protocols.

Any student who is provided an exception in accordance with the above remains subject to disciplinary measures if the student uses a personal communication device outside the scope of the documented authorized use.

### School Liability

If a personal communication device is in the possession of the school, the school will take appropriate efforts to keep the device appropriately stored and free from damage.

However, parents should note the school specifically disclaims any liability for devices that are damaged or lost while in the school's possession. Parents will not be compensated for devices that have been in the school's possession in the event those devices are lost or damaged while in possession of the school.

### Possessing, Using, Giving, Selling, Buying or Offering to Sell or Buy Prohibited Items

- A location-restricted knife.
- A short barrel firearm.
- Ammunition, shells, bullets, or gunpowder.
- Articles not generally considered to be weapons when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another.
- BB gun, air gun, or stun gun.
- Clubs knuckles, firearm silencers, or similar dangerous weapons.
- Deadly weapons (see definitions).
- Designer drugs, synthetic marijuana, synthetic cannabinoids (such as K2 or spice), stimulants (such as bath salts), or analogs of any drug in any form, regardless of whether currently scheduled or classified as an illegal drug under state or federal law and regardless of whether the substance is legally sold or marketed as "herbal incense," "potpourri," "bath salts," or "not for human consumption."
- Electronic cigarettes (see definitions), electronic vaping devices, personal vaporizers, electronic nicotine delivery systems or paraphernalia, including but not limited to Juul and Juul pods, vials, cartridges, or "pens" with liquid or any other types of material for use in such devices and any component, part, or accessory for an e-cigarette device.
- Electronic games, iPads, MP3 players, stereo head sets, ear pods, air pods, or any other electronic equipment for other than approved use.
- Fake or "look-alike" weapons.
- Firearm.
- Fireworks or any other pyrotechnic device.
- Hand instrument designed to cut or stab another by being thrown; including, but not limited to, a dirk, stiletto, dagger, poniard, bowie knife, sword, or spear.
- Knives with a blade 5 ½ inches or less.
- Laser pointers (unauthorized use).

## **General Types of Prohibited Conduct**

- Less than usable amount of stems, seeds, or other pieces of marijuana.
- “Look-alike” drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy.
- Matches or a lighter.
- Material that is sexually-oriented, pornographic, obscene, or reveals a person's private body parts, including material created by A.I.
- Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety.
- Paraphernalia (see definitions) related to any prohibited substance, including, but not limited to, marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.
- Pepper spray or other small chemical dispenser sold commercially for personal protection.
- Poisons, caustic acids, or other materials that may be toxic to the human body.
- Prescription drugs except as permitted by District policy.
- Razor blades, box cutters, or chains.
- Smoke or stink bombs.
- Tobacco products.
- Using, displaying, or having in operational mode a cellular telephone or telecommunications device (see definitions) at school during the school day, including using cellular telephone to film other students and/or District employees.
- Zyn pouches or any other nicotine pouch or delivery system.

### **Misuse of Property**

- Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the District, or District employees, officials, or volunteers that does not rise to the level of arson or criminal mischief.
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony.
- Committing criminal mischief with damage in an amount less than \$2500.
- Damaging, destroying, or vandalizing property owned by others or the District.
- Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means.
- Stealing from others, including the District.

### **Safety/Disruption**

- Making or participating in false statements, hoaxes, or jokes regarding threats to other students and/or school safety.
- Making false accusations or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer.

## General Types of Prohibited Conduct

- Making threats regarding school safety or harm to students and/or employees, regardless of intent.
- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program, endanger others, or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Threatening to use or exhibit a firearm.
- Discharge a fire extinguisher pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator, or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency.

### Technology

- Attempting to or successfully accessing or circumventing passwords or other security-related information of the District, officials, volunteers, employees, or other students by any means.
- Attempting to or successfully altering, destroying, interrupting, intercepting, or disabling District technology equipment, District data, the data of other users of the District's computer system, or other networks connected to the District's system, including uploading or creating computer viruses, worms, or other harmful material.
- Copying, downloading, reproducing, distributing, retransmitting, redisplaying, or modifying items from the District's website or social media accounts.
- Engaging in any of the above forms of technological misconduct outside of school when such conduct causes a material or substantial disruption at school as determined by school officials.
- Making, participating in the making of, transmitting to another via an electronic device, or posting to the Internet a digital video, audio recording, or image of an actual or simulated act that involves a crime or conduct prohibited by the SCC.
- NOTE: Students will not be disciplined for technological misconduct related to possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not show, provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian.
- Sending, possessing, or posting electronic messages, videos, audio recordings, or images that are abusive, obscene, sexually oriented, harassing, threatening, intimidating, illegal, or that cause a material or substantial disruption at school, including cyberbullying (see definitions).
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

## **General Types of Prohibited Conduct**

- Using A.I. in any way that harms other students, disrupts school operations, or otherwise violates provisions of this SCC or the District's Acceptable Use Policy.
- Using any device or technology to copy or capture an image or the content of any District materials (such as tests or exams) without permission of a teacher or administrator.
- Using any device or technology to record the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or without the prior consent of the individual being recorded.
- Using any device or technology to record the voice or image of another to take, disseminate, transfer, circulate, exhibit, present, or share audio, images, video, or photos that reveal private parts of the body that are normally covered by clothing.
- Using email, websites, social media, messaging apps, or electronic devices to engage in or encourage illegal conduct, violations of the SCC, or to threaten school safety.
- Using the name, persona, or image of a student, District employee, or volunteer to create a web page or social media account or post one or more messages on a website or social media account without the other person's consent for purposes of harassing, intimidating, embarrassing, or threatening another.
- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.

### **Failure to Follow the Rules**

- Academic dishonesty, including cheating, copying the work of another, plagiarism, use of A.I. to complete assignments, or unauthorized collaboration with another person in preparing an assignment.
- Attempting to or successfully evading, avoiding, or delaying questioning by a District employee or providing inaccurate information when questioned about possible violations of the SCC.
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the SCC or help conceal any violation.
- Being insubordinate or otherwise failing to comply with lawful directives given by school personnel.
- Enticing or preventing another student from attending school, class, or a school activity the student is required to attend.
- Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others.
- Failing to provide proper identification upon request of a District employee.
- Failure to comply with guidelines applicable to student speakers who are speaking at school sponsored or school-related events.
- Failure to ensure that personal property, mode of transportation, or school property used by the student does not contain prohibited items.
- Leaving class, the campus, or school events without permission.
- Skipping school or class without the District's or parent/guardian's permission.
- Unexcused tardiness to class.

## Removal from District Transportation

- Violate dress and grooming criteria.
- Violating other campus or classroom rules for behavior or district policies.
- Violating policies or rules for computer use, Internet access, technology, or other electronic communications or imaging devices.
- Violating rules for conduct on school owned or operated transportation.
- Violating rules for operating or parking a motor vehicle on school property.
- Violating the District's medications policy regarding prescription and over-the-counter drugs.

### Other Misconduct

- Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to District employees.
- Gambling or betting money or other things of value.
- Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing
- Loitering in unauthorized areas.
- Taking one or more steps toward violating the SCC even if the student fails to complete the intended misconduct.
- Using profanity, vulgar language, or obscene gestures.

## Removal from District Transportation

### Reasons for Removal

Appropriate student behavior is essential to the safe operation of District transportation.

Students must comply with the expectations of the SCC while using District transportation. In addition to compliance with the SCC, students are expected to comply with the following transportation rules:

- Comply with lawful directives issued by the driver.
- Do not extend any body part, clothing, or other article outside of the transportation.
- Do not mark, deface, destruct, or tamper with seats, windows, emergency doors, or other equipment.
- Do not obstruct the driver's view.
- Do not throw objects inside the transportation or out of the windows or doors.
- Enter and exit transportation in an orderly manner at the designated stop.
- Follow the driver's rules for food or beverages.
- Keep aisles clear of books, bags, instruments, feet, or other obstructions.
- Keep hands, feet, other body parts, or objects to yourself.
- Refrain from making loud or distracting noises.
- Remain seated in designated seats facing forward.

## **Removal from the Regular Educational Setting**

### **Procedure for Removal**

A driver of District owned or operated transportation may send a student to the administrator's office to maintain discipline during transport to or from school or a school-sponsored or school-related activity, to enforce the transportation rules, or when the student engages in behavior that violates the SCC. The administrator may use one or more discipline management techniques to address the behavior, which may include temporarily suspending or permanently revoking school transportation privileges.

The student will be informed of the reason for suspension or revocation of transportation privileges and will be given the opportunity to respond before the administrator's decision is final. Suspension of transportation privileges does not excuse a student from attending school. It is the responsibility of the parent/guardian and/or student to make alternate transportation arrangements to and from school.

### **Removal from the Regular Educational Setting**

#### **Ordinary Teacher Removal**

A teacher may send a student to the principal or assistant principal's office to maintain discipline in the classroom or when the student engages in behavior that violates the SCC. For these informal removals, the principal or assistant principal will use one or more discipline management techniques to address and improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the principal or assistant principal will employ other discipline techniques or progressive interventions to improve the student's conduct.

#### **Formal Teacher Removal**

A teacher may remove a student from class when:

1. A student's behavior repeatedly interferes with the teacher's ability to teach the class or with other students' ability to learn.
2. A student demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student in the classroom.
3. A student engages in conduct that constitutes bullying, as defined by Education Code 37.0832.0.

A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.

When a teacher utilizes a formal removal of the student from the classroom, the administrator may place the student in: (1) another appropriate classroom, (2) in-school suspension, (3) out-of-school suspension, or (4) DAEP.

No later than three school days after a teacher has formally removed a student from class, an administrator will schedule a conference with the principal or assistant principal, the student's parent/guardian, the student, and the teacher. At the conference, the student

## **In-School Suspension**

will be provided an explanation of the basis for removal and be given an opportunity to respond. After the conference, the principal or assistant principal will render a discipline decision and inform the student and parent/guardian of the consequences.

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

A student who is sent to the principal or assistant principal's office through an ordinary or a formal teacher removal from class is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

### **Returning a Student to the Classroom**

A student who has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault may not be returned to the teacher's class without the teacher's written consent.

A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent unless the placement review committee determines that the teacher's class is the best or only alternative, and not later than the third class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held. The student may not be returned to the teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student.

### **Appeals of Formal Teacher Removals**

A student may appeal the teacher's removal of the student from class to the school's placement review committee or the campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to this team.

## **In-School Suspension**

Students may be placed in ISS for any misconduct listed in any category of the SCC. No student prior to the third grade shall be suspended, placed in a disciplinary alternative setting, or expelled except as required by law. Disciplinary actions that remove students from their school setting shall be used as a last resort for other elementary school students in third through fifth grade. See Board policy FO(LOCAL).

An in-school suspension is not subject to any time limit.

A school's principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the

## **Out-of-School Suspension**

suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.

During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special education and related services specified in the student's individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum. [See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for limitations to the general rule.]

### **Procedure for ISS**

The student will be informed of the reason for placement in ISS and be given an opportunity to respond. While in ISS the student will complete assignments from his or her teacher, and the campus administrator may place restrictions on the student's participation in school-sponsored or school-related activities.

### **Notice for ISS**

On the day the consequence is assigned, the assistant principal or principal will contact the parent/guardian by phone or in person and will also make a good faith effort to provide the student with written notice of the disciplinary action to be delivered to the parent/guardian that same day. If the parent/guardian is not reached by phone or in person by 5:00 p.m. on that day, written notice will be sent to the parent's/guardian's last known address, via mail or electronically. Failure to send any notice within this time period or as noted elsewhere in the SCC does not preclude imposing the ISS discipline consequence.

## **Out-of-School Suspension**

### **Reasons for OSS**

Students may be suspended from school for any misconduct listed in any category of the SCC. No student shall be sent home without a proper discipline referral. No student below grade 3 shall be suspended, placed into a disciplinary alternative setting or expelled, except as required by law. Disciplinary actions that remove students from their school setting shall be used as a last resort for other elementary school students in third through fifth grade. See Board Policy FO(LOCAL).

### **Procedure for OSS**

The student will be informed of the reason for out-of-school suspension and be given an opportunity to respond before the administrator's decision is final. While the student is suspended, the administrator may place restrictions on the student's participation in school sponsored or school-related activities. Students may be suspended for a maximum of three school days at a time.

## **Out-of-School Suspension**

### **Notice for OSS**

On the day the consequence is assigned, the principal or assistant principal will contact the parent/guardian by phone or in person and will also make a good faith effort to provide the student with written notice of the disciplinary action to be delivered to the parent/guardian that same day. If the parent/guardian is not reached by phone or in person by 5:00 p.m. on that day, written notice will be sent to the parent's/guardian's last known address, via mail or electronically. Failure to send any notice within this time period or as noted elsewhere in the SCC does not preclude imposing the OSS consequence.

### **Alternative Assignment**

A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the student placed in out-of-school suspension.

### **Assignments During ISS and OSS**

The student will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension. The student will have the opportunity to receive full credit for completed academic work when submitted in a timely manner and in accordance with the teacher or administrator's instructions. The student will be provided during the period of suspension, whether in-school or out-of-school, an alternative means of receiving all course work provided in the classes in the foundation curriculum that the student misses as a result of the suspension, including at least one option for receiving the course work that does not require the use of the Internet.

### **Grade Level and Other Restrictions on Suspension**

A student who is in second grade or younger cannot receive an out-of-school suspension unless, while at school or at a school-sponsored activity, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense, or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

A student who is homeless, as that term is defined in federal law for homeless children and youth, cannot receive an out-of-school suspension, unless the student engages in:

- conduct that contains the elements of an offense related to weapons or a violent offense
- Conduct that threatens the immediate health and safety of other students in the classroom;

## **Disciplinary Alternative Education Program (DAEP) Placement**

- Documented conduct that results in repeated or significant disruption to the classroom; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

### **Disciplinary Alternative Education Program (DAEP) Placement**

#### **Parental Involvement**

The district has not adopted a policy for parental involvement in school disciplinary placements under Education Code 37.0014.

#### **Reasons for Mandatory DAEP Placement**

##### **School-Related**

Subject to the requirements of Texas Education Code, Section 37.009 (a), a student must be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Commits an assault (see definitions) resulting in bodily injury (see definitions) against another.
- Engages in a federal firearm offense if the student is six years of age or younger.
- Engages in an offense relating to abusable volatile chemicals (see definitions).
- Engages in conduct punishable as a felony.
- Engages in conduct that contains the elements of an offense of harassment under specific provisions of the Texas Penal Code (see definitions) against an employee of the school district.
- Engages in expellable conduct if the student is between six and nine years of age.
- Engages in indecent exposure (see definitions).
- Engages in public lewdness (see definitions).
- Possesses, other than on his or her person, or uses a firearm (see definitions) as defined by state law. Note: Possession of a firearm as defined by federal law is an expellable offense.
- Possesses, other than on his or her person, or uses a knife with a blade over 5 $\frac{1}{2}$ ".
- Possesses, uses, sells, gives, or delivers to another person an e-cigarette (see definitions), except that if a student who possesses or uses an e-cigarette is not placed in DAEP for the first time offense, the student shall be placed in ISS for a period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information.
- Sells, gives, delivers, possesses, uses, is under the influence of an alcoholic beverage or commits a serious act or offense while under the influence of an alcoholic beverage.

## Disciplinary Alternative Education Program (DAEP) Placement

- Sells, gives, delivers, possesses, uses, or is under the influence of a controlled substance (see definitions) or a dangerous drug (see definitions), in any amount not punishable as a felony.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana (see definitions) or tetrahydrocannabinol (see definitions).

### Off-Campus

A student must be placed in DAEP for engaging in a Title 5 (see definitions) felony offense or aggravated robbery while off-campus and not in attendance at a school-sponsored or school-related activity if:

- The student receives deferred prosecution [see Glossary], or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:
  1. A felony offense under Title 5;
  2. The offense of deadly conduct under Section 22.05;
  3. The felony offense of aggravated robbery under Section 29.03;
  4. The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or
  5. The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section.

### Regardless of Location

A student must be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Engages in conduct that contains the elements of harassment under Penal Code 42.07 against any school employee or volunteer on or off of school property.
- Is a registered sex offender (see definitions) under court supervision, probation, community supervision, or parole.
- Issues a false alarm or report (see definitions) or a terroristic threat (see definitions) involving a public school.
- Retaliates (see definitions) against any school employee [or volunteer](#).

Students who are: (1) convicted of continuous sexual abuse of a young child or children; or (2) convicted, receive deferred adjudication or deferred prosecution, been found to have engaged in delinquent conduct or conduct in need of supervision, or been placed on probation for either sexual assault or aggravated sexual assault against another student assigned to the same campus at the time the offense occurred will be placed in DAEP (or JJAEP as appropriate) on the request of the victim's parents if the victim student does not wish to transfer, and there is only one campus serving that grade level. Placement in this circumstance may be for any length of time considered necessary.

# **Disciplinary Alternative Education Program (DAEP) Placement**

## **Reasons for Discretionary DAEP Placement**

### **School-Related**

A student may be placed in DAEP for any of the following misconduct if committed while on school property, or while attending a school-sponsored or school-related activity on or off school property:

- Committing any offense included in the list of “General Types of Prohibited Misconduct” in this SCC.
- Engaging in criminal mischief if the damage is less than \$2500.
- Engaging in persistent (see definitions) misbehavior that violates this SCC.

### **Off-Campus**

A student may be placed in DAEP for engaging in the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:

- Off-campus conduct for which DAEP placement is required by state law when the administrator does not learn of the conduct until more than a year passes after the conduct occurred.
- The administrator has a reasonable belief that the student engaged in conduct punishable as a felony (other than aggravated robbery or a Title 5 felony), and the student’s continued presence in the regular classroom is a threat to the safety of others or is detrimental to the educational process.

### **Regardless of Location**

A student may be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- A student may be placed in DAEP if the student is a registered sex offender (see definitions) who is not under any form of court supervision.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Engages in bullying (see definitions) that encourages a student to die by suicide.
- Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123.
- Engages in conduct that contains the elements of the offense of disruption of classes under Education Code 37.124.
- Incites violence against a student through group bullying.
- Is involved in criminal street gang activity (see definition).
- Is involved with a public school fraternity, sorority, secret society, or gang (see definitions), including participating as a member or pledge, or soliciting another person to become a member or pledge.
- Possesses or uses an e-cigarette, as defined by Section 161.081, Health and Safety Code, except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a

## **Disciplinary Alternative Education Program (DAEP) Placement**

period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information.

- Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

The CBC or designee **may** place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

### **First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette**

An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by <https://statutes.capitol.texas.gov/Docs/HS/htm/HS.161.htm>.

If a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days.

### **Emergency Placement Procedure**

An administrator may order an emergency DAEP placement if the student has been so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the class, the learning of other students, or the operation of a school-related or a school-sponsored activity. The reason for emergency placement must also be a reason for which DAEP placement could be ordered on a non-emergency basis. At the time of the emergency placement, the student will be told the reason for the action.

No later than the tenth day after the date of emergency DAEP placement, the student will be given a conference as required for regular placement in DAEP.

### **Procedure for DAEP Placement**

#### **Conference**

No later than three school days after the student is removed from class, the assistant principal will schedule a conference with the principal, the student's parent/guardian, and the student. At the conference, the assistant principal will explain the allegations against the student, inform the student of the basis for the proposed DAEP placement, and give the student an opportunity to explain his or her version of the incident. The District may conduct the conference and make a discipline decision regardless of whether the student or the student's parent/guardian attends if the District made reasonable attempts to have them attend.

On placement of a student in a disciplinary alternative education program, the school district shall provide information to the student's parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student under the Texas Education Code, Section 29.004.

## **Disciplinary Alternative Education Program (DAEP) Placement**

If during the term of DAEP placement the student engages in additional misconduct, additional conferences may be conducted and additional discipline may be imposed.

### **Interim Placement**

Until a placement conference can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension. The student may not be returned to the regular classroom pending the placement conference.

### **DAEP Placement Order**

If the outcome of the conference is to place the student in DAEP, the principal or designee will issue a DAEP placement order. If the length of placement differs from the guidelines included in the SCC, the DAEP placement order will give notice of the inconsistency.

A copy of the DAEP placement order will be sent to the student and the student's parent/guardian. For those students placed in DAEP for a reason identified in the Texas Education Code, the District will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference. A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the DAEP placement order.

### **Length of Placement**

The length of a student's placement in DAEP will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. All DAEP placements will result in placement for up to 90 school days.

If the DAEP is at capacity at the time a DAEP placement decision is made for a student who engaged in conduct related to marijuana, a vape, alcohol, or an abusable chemical, the student shall be: (1) placed in in-school suspension; and (2) if a position becomes available in the DAEP program before the expiration of the placement period, transferred back to the DAEP for the remainder of the placement order.

If the DAEP is at capacity at the time a DAEP decision is made for a student who engaged in conduct described under Section 37.007 that constitutes violent conduct, as defined by commissioner rule or administrator discretion in the absence of commissioner rule, a student who has been placed in the program for conduct related to marijuana, a vape, alcohol, or an abusable chemical: (1) may be removed from the DAEP and placed in in-school suspension to make space in the DAEP available for the student who engaged in violent conduct; and (2) if removed from the DAEP for this reason, shall be returned to the DAEP if space becomes available prior to the end of the placement period.

Successful completion of school days will be determined at the discretion of the District. The length of DAEP placement may not exceed one year unless, after review, the District determines that the student is a threat to the safety of other students or District employees.

Students placed in DAEP at the end of one school year may be required to complete the

## **Disciplinary Alternative Education Program (DAEP) Placement**

assigned term at the beginning of the next school year. For DAEP placement to extend beyond the end of the school year, the administrator must determine that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student engaged in serious or persistent misbehavior that violates the SCC. For purposes of this paragraph only, "serious or persistent misbehavior" means any misconduct identified as being punishable with placement in DAEP or expulsion or three or more violations of the SCC or repeated occurrences of the same violation.

The decision to place a student in the Disciplinary Alternative Education Program may be appealed to the Principal/designee hearing officer (Level 1), Executive Principal (Level 2), a School's Division Assistant Superintendent or above (Level 3). The student and/or the student's parent/guardian will be given notice of their right to appeal a removal. The decision of the Assistant Superintendent (Level 3) is final and not eligible for appeal. The Level 2 or Level 2 appeal must be received by the District within 10 District business days after the removal notice. Consequences will not be deferred pending the outcome of an appeal.

A review must be held when the student is recommended for more than 30 school days.

### **Particular Rules for Registered Sex Offenders**

The general SCC rules for DAEP placement apply to registered student sex offenders (see definitions) except as modified in this section.

### **Placement**

Registered sex offenders will be placed in a Juvenile Justice Alternative Education Program (JJAEP) in lieu of DAEP if: (1) ordered to attend JJAEP by a court, or (2) if permitted by agreement between the District and the JJAEP.

### **Length of Placement**

Registered sex offenders under court supervision will be placed in DAEP for a minimum of one semester. Registered sex offenders who are not under any form of court supervision but are assigned to DAEP must serve a minimum of one semester.

### **Transfers**

Registered sex offenders under court supervision that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district but will receive credit for any time already spent in DAEP.

Registered sex offenders who are not under any court supervision that transfer into the District will be placed in the regular classroom unless it is determined that the student is a threat to the safety of others, is detrimental to the educational process, or it is not in the best interests of the District's students.

# **Disciplinary Alternative Education Program (DAEP) Placement**

## **Periodic Review for Registered Sex Offenders**

After 90 school days in DAEP, a review committee will determine by majority vote and recommend to The Executive Director of Student and Parent Services whether the student should remain in DAEP or be returned to the regular classroom. The Executive Director of Student and Parent Services will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, the Executive Director of Student and Parent Services will follow the committee's decision to continue the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the District's students.

If the student remains in DAEP, the review committee will re-consider the student's placement before the beginning of the next school year.

## **Appeals for Registered Sex Offenders**

DAEP placement may be appealed as described in District policy FNG or FOC. However, the appeal is limited to the factual question of whether the student is required to register as a sex offender under the law. A decision of the District's Board Trustees is final and may not be appealed.

## **Other DAEP Issues**

### **Grade Levels**

Elementary students in kindergarten through grade 5 will not be placed in DAEP with secondary students in grade 6 through grade 12.

### **No Participation in Activities While in DAEP**

Students placed in DAEP for any mandatory or discretionary reasons are not allowed to attend or participate in school-sponsored or school related extracurricular or co-curricular activities during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district.

### **Impact on Graduation**

For graduating seniors who are in DAEP during the last week of school, the DAEP placement will continue through the last instructional day. The student will be allowed to participate in commencement exercises and related graduation activities unless otherwise specified in the DAEP placement order.

### **Transportation**

A student placed in a DAEP shall not be provided transportation unless the student has an IEP that requires special transportation designated as a related service.

## **Disciplinary Alternative Education Program (DAEP) Placement**

### **Periodic Review**

The District will review a student's DAEP placement and academic status every 90 calendar days. In the case of a high school student, the student's progress toward graduation will be reviewed and a graduation plan will be established. At the review, the student or the parent/guardian will have an opportunity to present reasons for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### **Coursework Notice**

Students placed in DAEP will have an opportunity to complete coursework required for graduation, at no cost to the student, before the beginning of the next school year.

### **Transition from DAEP**

As soon as practicable after the DAEP administrator determines the date a student will be released from the program, the administrator will provide written notice of the date to the student's parent/guardian and to the administrator of the campus to which the student will return. The DAEP will also provide the campus administrator an assessment of the student's academic growth while attending the alternative education program and the results of any assessment instruments administered to the student. Not later than five instructional days after the date of release from the DAEP, the campus administrator will coordinate the student's transition to a regular classroom, which must include assistance and recommendations from school counselors, school district peace officers, school resource officers, licensed clinical social workers, campus behavior coordinators, classroom teachers who are or may be responsible for implementing the student's personalized transition plan, and any other appropriate school district personnel.

### **Transition Plan**

Each student must be provided a personalized transition plan developed by the campus administrator. The transition plan must include recommendations for the best educational placement of the student and the provision of information to the student's parent or person standing in parental relationship to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Texas Education Code, Section 29.004. The transition plan may include recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals; recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity; and a regular review of the student's progress toward the student's academic or career goals. If practicable, the campus administrator or designee will meet with the student's parent/guardian to coordinate plans for the student's transition.

# **Disciplinary Alternative Education Program (DAEP) Placement**

## **Effect of Student Withdrawal**

When a student withdraws from school before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student re-enrolls in the District during the same or subsequent school year, the District may enforce the DAEP placement order at that time, minus any portion of the placement that was served by the student during enrollment in another district.

If the administrator does not issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.

## **Student Transfers**

The District will decide on a case-by-case basis whether students assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district will be required to complete the term of their DAEP placement or be placed directly into a regular classroom setting. In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the enrolling district. If the out-of-state DAEP placement period exceeds one year, the District will reduce the period of the placement so that the total placement does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interests of the student.

## **Summer School**

Students in DAEP during summer programs will be served alongside other students not assigned to DAEP.

## **Summer Activities**

Students whose DAEP placement continues past the end of the school year and into the next school year will not be permitted to participate in school-related activities occurring during summer months, including team camps, clinics, practices, and workouts.

## **Criminal Proceedings**

The review and appeal process described below is limited to retaliation or off-campus misconduct. It does not apply if the student was placed in DAEP as required by law for conduct occurring on or within 300 feet of school property, at a school-sponsored or school related activity, or for a false alarm or report or terroristic threat involving a public school.

If the District receives notice that prosecution of a student's case was refused and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated or a court or jury found the student not guilty or that the student did not engage in delinquent conduct or conduct indicating a need for supervision and dismissed the student's case with prejudice, the District will review the student's DAEP placement and will schedule a review with the student's parent/guardian no later than the third day after receiving notice. The student will not be returned to the regular classroom before the review. After reviewing

the notice and receiving information from the student's parent/guardian, the administrator may only continue the student's DAEP placement if the administration has reason to believe the student's presence in the regular classroom threatens the safety of others.

The administrator's decision may be appealed to the Board. In the event of an appeal, at the next scheduled meeting the Board will: (1) review the notice, (2) hear statements from the student, the student's parent/guardian, and the administrator, and (3) confirm or reverse the decision of the administrator.

If the Board confirms the decision of the administrator, the student and the student's parent/guardian have the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom while the appeal is pending.

## **Expulsion**

### **Reasons for Mandatory Expulsion**

#### **School-Related**

A student must be expelled for any of the following misconduct that occurs on or off school property:

- Brings to school a firearm, as defined by federal law (see definitions).

\* Firearm note: So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Texas Parks and Wildlife Department or an organization working with the Department.

- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) kidnapping or aggravated kidnapping, (10) burglary, robbery, or aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.
- Possesses or uses a handgun\* on or about his or her person (see definitions).
- Possesses or uses a location restricted knife, on or about his or her person, if the student is younger than 18 years of age.
- Possesses, manufactures, transports, repairs, or sells one of the following prohibited weapons: an explosive weapon, machine gun, armor-piercing ammunition, chemical dispensing device, zip gun, improvised explosive device, or tire deflation device (see definitions).
- Sells, gives, delivers, possesses, uses, or is under the influence of a controlled substance (see definitions) or a dangerous drug (see definitions), if the behavior is punishable as a felony.

# Expulsion

## Regardless of Location

A student must be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Engages in conduct that contains elements of assault against a school employee or volunteer
- Commits an assault (see definitions) resulting in bodily injury to a school employee or volunteer
- Retaliates (see definitions) against a school employee or volunteer by committing an assault resulting in bodily injury.

## Reasons for Discretionary Expulsion

### While in DAEP

A student may be expelled for engaging in documented serious misbehavior as defined by law (see definitions) while the student is placed in DAEP and on the DAEP site/campus despite documented behavioral interventions.

### School-Related

A student may be expelled for any of the following offenses that occur on school property, within 300 feet of school property as measured from any point on the District's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in deadly conduct (see definitions).
- Engages in misconduct that contains the elements of an offense relating to abusable volatile chemicals (see definitions).
- Sells, gives, delivers, possesses, uses, or is under the influence of an alcoholic beverage or commits a serious act or offense while under the influence of an alcoholic beverage.
- Sells, gives, delivers, possesses, uses, or is under the influence of a controlled substance or a dangerous drug, if the conduct is not punishable as a felony.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana (see definitions) or tetrahydrocannabinol (see definitions). A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. [See Glossary for "under the influence."]

### Three Hundred Feet

Additionally, a student may be expelled for any of the following offenses that occur within 300 feet of school property as measured from any point on the District's real property boundary line:

- Possesses a firearm, as defined by federal law (see definitions).

## Expulsion

\* Firearm note: So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Texas Parks and Wildlife Department or an organization working with the Department.

- Possesses, manufactures, transports, repairs, or sells one of the following prohibited weapons: an explosive weapon, machine gun, armor-piercing ammunition, chemical dispensing device, zip gun, improvised explosive device, or tire deflation device (see definitions).
- Possesses or uses a handgun\* on or about his or her person (see definitions).
- Possesses or uses a location restricted knife, on or about his or her person, if the student is younger than 18 years of age.
- Sells, gives, delivers, possesses, uses, or is under the influence of a controlled substance (see definitions) or a dangerous drug (see definitions), if the behavior is punishable as a felony.

### Regardless of Location

A student may be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.
- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of a school district without consent and knowingly alters, damages, or deletes school district property or information or breaches any other computer, computer network, or computer system.
- Engages in bullying (see definitions) that encourages a student to commit or attempt to commit suicide.
- Engages in felony criminal mischief.
- Incites violence against a student through group bullying.
- Issues a false alarm or report (see definitions) or a terroristic threat (see definitions) involving a public school.
- Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

### Virtual Expulsion Program

In some circumstances, a student may be placed in a virtual expulsion program.

- The school must ensure students in the program have the necessary technology and internet and must provide it if needed.

## Expulsion

- The virtual program must, as much as possible, meet the same requirements as an in-person disciplinary alternative education program (DAEP).
- The student's placement must be reviewed every 45 school days.
- If an in-person spot becomes available, the school should plan the student's return to in-person learning.
- If continued virtual placement is appropriate, the school must document the decision.

### Consideration of Virtual Education as Alternative to Expulsion

Before a school district may expel a student, the district must consider the appropriateness and feasibility of, as an alternative to expulsion, enrolling the student in a full-time hybrid program, full-time virtual program, full-time hybrid campus, or full-time virtual campus. This requirement does not apply to a student expelled under Education Code 37.0081 or 37.007(a), (d), or(e).

### Emergency Expulsion

An administrator may order the immediate expulsion of a student if the administrator reasonably believes the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for the emergency expulsion must also be a reason for which expulsion could be ordered on a non-emergency basis. At the time of the emergency expulsion, the student will be told the reason for the action. Emergency expulsion may be ordered based on a single incident of behavior by the student. No later than the tenth day after the date of emergency expulsion, the student will be given a hearing as required for a regular expulsion; see below.

### Procedure for Expulsion

#### Hearing

Students alleged to have committed an expellable offense will receive a hearing before the designee within a reasonable time following the alleged misconduct. The student's parent/guardian will be informed of the basis for the proposed expulsion and will be invited in writing to attend the hearing. After making an effort to inform the student and parent/guardian of the hearing, the District may hold the hearing regardless of whether the student or the student's parent/guardian attends. At the hearing, the student is entitled to:

- An opportunity to testify and to review and present evidence and witnesses in the student's defense.
- Representation by an adult, including the student's parent/guardian, who can provide guidance to the student and who is not an employee of the District; and
- Additional proceedings may be conducted and additional discipline may be imposed if the student engages in additional misconduct while the student is already expelled.

# Expulsion

## Interim Placement

Until an expulsion hearing can be held, the student may be placed in another appropriate classroom, in-school suspension, out-of-school suspension, or DAEP.

## Expulsion Order

If the outcome of the expulsion hearing is that the student will be expelled, the appropriate administrator will issue an expulsion order and provide a copy to the student and the student's parent/guardian. If the duration of the expulsion differs from the guidelines in the SCC, the expulsion order will give notice of the inconsistency.

The District will send a copy of the expulsion order to the juvenile court no later than the second business day after the expulsion hearing. A copy of the expulsion order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the expulsion order.

## Length of Expulsion

The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. Both mandatory and discretionary expulsions will result in expulsion for up to 180 school days.

School days counted towards completion of the expulsion term will be determined at the discretion of the District. Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the administrator on a case-by-case basis.

An expulsion will not exceed one calendar year unless, after review, the District determines that: (1) the student is a threat to the safety of other students or to District employees; or (2) extended expulsion is in the best interest of the student.

Students expelled at the end of one school year may be required to complete the term of their expulsion at the beginning of the next school year.

## Other Expulsion Issues

### Academic Impact

Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP) or other District-approved program or as necessary to provide a free appropriate public education under IDEA.

### Age Restrictions

Students under the age of ten who engage in expellable behavior will not be expelled, but will be placed in DAEP.

## **Effect of Student Withdrawal**

If a student withdraws from the District before the expulsion hearing is conducted, the District may proceed with conducting the hearing after sending written notice to the parent/guardian and student. If the student re-enrolls during the same or subsequent school year the District may enforce the expulsion order at that time; students will be credited for any expulsion period that was served by the student while enrolled in another district.

If the administrator does not issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue an expulsion order.

## **Participation in Activities**

Expelled students are prohibited from being on school grounds or attending or participating in school-sponsored or school-related activities while expelled.

## **Student Transfers**

The District will decide on a case-by-case basis whether students expelled from another Texas district or from an out-of-state school district will be required to complete the term of their expulsion, be placed in DAEP for the duration of the expulsion term, or be placed directly into a regular classroom setting. In order to continue an out-of-state expulsion, the basis for the expulsion must also be a reason for expulsion in the enrolling district. If the out-of-state expulsion period exceeds one year, the District will reduce the period of expulsion so that it does not exceed one year unless the District determines that the student is a threat to the safety of others or extended expulsion is in the best interest of the student.

## **Transition Services**

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA(LEGAL) and FODA(LEGAL) for more information.

## **Certain Felonies**

In addition to the expellable conduct listed above, a student may also be expelled and placed in Juvenile Justice Alternative Education Program if the student:

- has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery, or
- is arrested for a Title 5 felony offense (see definitions) or aggravated robbery,
- is charged with engaging in a Title 5 felony offense or aggravated robbery,
- is on probation for a Title 5 felony offense or aggravated robbery,
- received deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery,

## **Expulsion**

- was convicted of a Title 5 felony offense or aggravated robbery;
- was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery, and the administrator determines the student's presence in the regular classroom either threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students.

In this circumstance, expulsion to an alternative setting may be ordered regardless of: (1) the date on which the conduct occurred, (2) the location at which the conduct occurred, (3) whether the student was enrolled in the District at the time the conduct occurred, or (4) whether the student successfully completed any court disposition requirements regarding the conduct.

A student may be subject to an expulsion under this circumstance until: (1) the student graduates from high school, (2) the charges are dismissed or reduced to a misdemeanor, (3) the student completes the term of the placement, or (4) the District assigns the student to another program. The student will be entitled to the same periodic review afforded to other students in alternate settings. An expulsion ordered in this case is final and may not be appealed beyond the Board of Trustees.

### **Placement Review**

A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the CBC or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

### **Expulsion Appeals**

An expelled student may appeal the expulsion decision to the Assistant Superintendent (Level 2) and the Board of Trustees (Level 3). The student or student's parent/guardian must submit a written appeal to the Superintendent within 10 school days after receipt of the expulsion order or decision. The Superintendent will give the student or the student's parent/guardian written notice of the date, time and location of the meeting at which the Board will review the decision. Consequences will not be delayed pending the outcome of the appeal.

## Definitions

**Abusable volatile chemicals** Those substances as defined in Texas Health and Safety Code § 485.001.

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Penal Code 29.03(a) as when a person commits robbery and 1) Causes serious bodily injury to another; 2) Uses or exhibits a deadly weapon; or 3) Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is: a) 65 years of age or older; or b) A disabled person.

**Alcoholic beverage** Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

**Antisemitism** is defined by Government Code section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

**Armor-piercing ammunition** is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is defined in part by Penal Code 28.02 as a crime that involves: 1) Starting a fire or causing an explosion with intent to destroy or damage: a) Any vegetation, fence, or structure on open-space land; or b) Any building, habitation, or vehicle: (1) Knowing that it is within the limits of an incorporated city or town; (2) Knowing that it is insured against damage or destruction; (3) Knowing that it is subject to a mortgage or other security interest; (4) Knowing that it is located on property belonging to another; (5) Knowing that it has located within it property belonging to another; or (6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another. 2) Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or 3) Intentionally starting a fire or causing an explosion and in so doing: a) Recklessly damaging or destroying a building belonging to another; or b) Recklessly causing another person to suffer bodily injury or death.

**Assault** is defined in part by [Penal Code 22.01](#) as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Bodily injury** Physical pain, illness, or impairment of a physical condition.

## Definitions

**Breach of computer security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system.

**Bullying** A single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves written or verbal expression, including electronic communication, or physical conduct that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property or on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity, and that: (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; (3) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or (4) infringes on the rights of the victim at school, including cyberbullying (see definition below). See District policy FFI for additional information regarding bullying.

**Chemical dispensing device** is defined by [Penal Code 46.01](#) as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Club** is defined by [Penal Code 46.01](#) as an instrument, specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk.

**Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in [Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act](#). The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by [Agriculture Code 121.001](#), or the tetrahydrocannabinols (THC) in hemp.

**Criminal street gang** is defined by [Penal Code 71.01](#) as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyberbullying** Bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet based or electronic communication tool and that occurs off school property or outside of a school-sponsored or school-related activity, if the cyberbullying interferes with a student's educational opportunities or substantially disrupts

## Definitions

the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**Dangerous drug** is defined by [Health and Safety Code 483.001](#) as a device or a drug that is unsafe for self-medication and that is not included in [Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act](#). The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

**Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

**Deadly conduct** under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deadly weapon** A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

**Deferred adjudication** is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

**Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

**Discretionary** means that something is left to or regulated by a local decision maker.

**E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**Explosive weapon** is defined by [Penal Code 46.01](#) as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

## Definitions

**False alarm or report** Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, place of assembly, publicly accessible place, or mode of conveyance such as an automobile.

**Fighting** two or more persons engaged in any mutual violent or physically aggressive contact toward each other such as scuffling, pushing, shoving, or hitting.

**Firearm (Federal law)** (1) Any weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm weapon; or (4) any destructive device, such as any explosive, incendiary or poison gas bomb, grenade, missile, rocket, or mine.

**Firearm (State law)** Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

**Firearm silencer** Any device designed, made, or adapted to muffle the report of a firearm.

**Gang** An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the District will consult with law enforcement authorities.

**Graffiti** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Handgun** is defined by [Penal Code 46.01](#) as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment (as defined by Board Policy and federal law)** Threatening to cause harm or bodily injury to another, engaging in intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, or other conduct prohibited by District policy FFH or DIA that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities. (See also definition of Sexual Harassment, below.)

**Harassment (as defined by the Penal Code)** Actions against a school employee with intent to harass, annoy, alarm, abuse, torment, or embarrass, whereby the student initiates the communication and makes a comment, request, suggestion, or

## Definitions

proposal that is obscene; threatens, in a manner reasonably likely to alarm the employee receiving the threat, to inflict bodily injury on the employee or to commit a felony against the employee, a member of the employee's family or household, or the employee's property; conveys, in a manner reasonably likely to alarm the employee receiving the report, a false report, which is known by the student to be false, that another person has suffered death or serious bodily injury; sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend an employee of the District; or publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.

**Hazing** Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student, for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization, if the act constitutes any type of physical brutality, involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student, or involves the consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, including in amounts that would lead a reasonable person to believe the student is intoxicated. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a school administrator, a peace officer, or a law enforcement agency. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

**Hit list** is defined in [Education Code 37.001\(b\)\(3\)](#) as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**Improvised explosive device** is defined by [Penal Code 46.01](#) as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

**Indecent exposure** is defined by [Penal Code 21.08](#) as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

**Intent** The design, resolve, determination, or state of mind with which a person acts, ordinarily proven through inferences drawn from the act and/or circumstances surrounding the act. Intent includes the conscious objective or desire to engage in the conduct or cause the result, an awareness that the conduct is reasonably certain to cause the result, or disregard of a substantial and justifiable risk when there is an awareness that the circumstances exist, or the result will occur. The fact that a student may not have been motivated by a desire to violate the SCC does not preclude imposing a disciplinary

## Definitions

consequence so long as the student intended to engage in the underlying conduct that violated the SCC.

**Intimate visual material** visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

**Invasive visual recording** A person commits an offense if, without the other person's consent and with intent to invade the privacy of the other person, the person: (1) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of an intimate area of another person if the other person has a reasonable expectation that the intimate area is not subject to public view; (2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another in a bathroom or changing room; or (3) knowing the character and content of the photograph, recording, broadcast, or transmission, promotes a photograph, recording, broadcast, or transmission described above.

**Knife** A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing, including a switchblade.

**Knuckles** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Location-restricted knife** a knife with a blade over five and one-half inches.

**Look-alike weapon** means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

**Machine gun** as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**Mandatory** means that something is obligatory or required because of an authority.

**Marijuana** The plant *Cannabis sativa* L., whether growing or not, the seeds of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds.

**On our about his or her person** Within the student's control and within arm's reach.

**Paraphernalia** Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, or pipes.

**Persistent** Three or more violations of the SCC or repeated occurrences of the same violation.

## Definitions

**Personal Communication Device** means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication.

**Possession** means To have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any conveyance used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; (3) personal telecommunication devices or electronic devices; or (4) any other school property used by the student, such as a locker or desk.

**Possession or promotion of lewd visual material depicting a child** Possessing, accessing, or promoting, lewd visual material depicting a child, as further defined by Texas Penal Code § 43.25 and punishable as a felony.

**Prohibited weapon** A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, machine gun, short-barrel firearm, zip gun, improvised explosive device or tire deflation device as further defined in Texas Penal Code § 46.05.

**Public Lewdness** is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, when the person is reckless about whether another is present who will be offended or alarmed by the act.

**Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Education Code 37.121(d) are excepted from this definition.

**Reasonable belief** A determination that misconduct occurred made by the administrator using all available factual and legal information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

**Retaliate** Harming or threatening to harm another: (1) on account of their service as a District employee or volunteer, (2) to prevent or delay another's service to the District, or (3) because the person intends to report a crime, including posting the residence address or telephone number of the employee on a publicly accessible website with intent to threaten harm or cause harm to the employee or the employee's family or household.

**Self-defense** To claim self-defense, the student must (1) be without fault in provoking the encounter and not act as the aggressor, and (2) use the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense. Interactions prior to the encounter will also be considered.

**Serious misbehavior** To engage in (1) deliberate violent behavior that poses a direct threat to the health or safety of others, (2) extortion to gain money or other property by force or

## Definitions

threat, (3) coercion, meaning to threaten to either commit an offense; inflict bodily harm; accuse a person of any offense; expose a person to hatred, contempt, or ridicule; or to harm the credit of any person, (4) public lewdness as defined in Texas Penal Code § 21.07, (5) indecent exposure as defined in Texas Penal Code § 21.08, (6) criminal mischief as defined in Texas Penal Code § 28.03, (7) personal hazing as defined in Texas Education Code § 37.152, or (8) harassment of a student or District employee as defined in Texas Penal Code § 42.07(a)(1).

**Serious or persistent misbehavior** includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete schoolwork as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Sex offender** A student required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure for an offense committed on or after September 1, 2007. The term does not include a student who: (1) is no longer required to register as a sex offender under Chapter 62, (2) is exempt from registering as a sex offender under Chapter 62, or (3) receives an early termination of the obligation to register as a sex offender under Chapter 62.

**Sexual Harassment** Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or conduct on the basis of sex prohibited by District policy FFH or FNC, when it is so severe, persistent, pervasive, and objectively offensive that it has the purpose or effect of effectively denying a person equal access to an educational program or activity. Conduct that meets the definitions of sexual assault, dating violence, domestic violence or stalking under federal law.

**Short-barrel firearm** is defined by [Penal Code 46.01](#) as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Switchblade knife** Any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force. It does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife (also known as one-handed openers or assisted openers).

**Telecommunications device** Any type of device that: (1) emits an audible signal, vibrates,

## Definitions

displays a message or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images, or information in any format or media, electronic or otherwise. It does not include an amateur radio under control of someone with an amateur radio license.

**Terroristic threat** Threats to commit any offense involving violence to any person or property with intent to: (1) cause a reaction by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; (3) prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Tetrahydrocannabinol (THC)** The primary psychoactive component of the cannabis plant. A THC concentration of .3% or greater is prohibited in Texas.

**Tire deflation device** is defined in part by [Penal Code 46.01](#) as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 felonies** Offenses against the person that, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; invasive visual recording; sexual coercion; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; bestiality; voyeurism; disclosure or promotion of intimate visual material; and tampering with a consumer product.

**Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

**Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

**Zip gun** is defined by [Penal Code 46.01](#) as a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.