

Premont

Distrito Escolar Independiente
de

Código del Estudiante delde
Conducta

2017-18 School año

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Código de Conducta del Estudiante

Accesibilidad

Si tiene dificultades para acceder a la información contenida en este documento debido a una discapacidad, por favor, póngase en contacto con *Donita Powell, director de tecnología de dpowell@premontisd.net o 361-348-3915 ext. 2005*

Propósito

El Código de Conducta (“Código”) es la respuesta del distrito a los requisitos del Capítulo 37 del Código de Educación de Texas.

El Código proporciona métodos y opciones para manejar a los estudiantes en el aula y en la escuela, disciplinar a los estudiantes y para prevenir e intervenir en problemas de disciplina de los estudiantes.

La ley requiere que el distrito defina la mala conducta que puede o deban-resultar en una escala de consecuencias disciplinarias, incluyendo la eliminación de una clase o escuela regular, suspensión, asignación a un programa de educación alternativa (DAEP), colocación fuera de la escuela en un programa de justicia juvenil de educación alternativa (JJAEP), o la expulsión de la escuela.

Este Código de Conducta Estudiantil ha sido adoptado por la *Premont ISD* Junta de desarrollo con el asesoramiento del comité del distrito. Este Código proporciona información a los padres y estudiantes sobre las normas de conducta, las consecuencias de la mala conducta y los procedimientos para administrar disciplina. Se mantiene en vigor durante la escuela de verano y en todos los eventos y actividades relacionadas con la escuela fuera de la escuela hasta el año una versión actualizada adoptada por la junta entra en vigor para el próximo año escolar.

De acuerdo con la ley estatal, el Código será anunciado en cada plantel escolar o estará disponible para su revisión en la oficina del director de la escuela. Además, el código debe estar disponible en la oficina del director de la escuela y en el sitio web del distrito. Los padres serán notificados de cualquier violación de conducta que puede resultar en que el estudiante sea suspendido, colocado en un DAEP o JJAEP, expulsado o detenido por un oficial de policía bajo el Capítulo 37 del Código de Educación.

Debido a que el Código de Conducta del Estudiante es adoptado por la Mesa Directiva del distrito, tiene el vigor de la política; Por lo tanto, en caso de conflicto entre el Código y el Manual del Estudiante, prevalecerá el código.

Tenga en cuenta: La disciplina de estudiantes con discapacidades que son elegibles para los servicios bajo la ley federal (Ley de Individuos con Discapacidades y la Sección 504 de la Ley de Rehabilitación de 1973) está sujeta a las disposiciones de esas leyes.

Autoridad del Distrito escolar y jurisdicción,

comportamiento Coordinador Campus

como lo requiere la ley, una persona de cada escuela deben ser designados para servir como el coordinador de la conducta del campus. La persona designada puede ser el director de la escuela o cualquier otro administrador de la escuela seleccionada por el director. El director es el principal responsable de mantener la disciplina de los estudiantes. El distrito mantiene una lista actualizada de las personas que sirven como director en el manual del estudiante o en la página web del distrito en *www.premontisd.net*

reglas escolares y la autoridad del distrito para imponer medidas disciplinarias se implementan cuando está involucrado el interés del distrito, en o fuera de la escuela, en conjunción con o independiente de clases y actividades patrocinadas por la escuela.

El distrito tiene autoridad disciplinaria sobre un estudiante:

1. Durante el día escolar regular y mientras el estudiante va a la escuela o una actividad patrocinada o actividad relacionada con la escuela en el transporte del distrito;
2. Durante el período de almuerzo se permite al estudiante salir de la escuela;
3. Mientras el estudiante esté asistiendo a cualquier actividad relacionada con la escuela, sin importar la hora o el lugar;
4. Por cualquier mala conducta relacionada con la escuela, sin importar la hora o el lugar;
5. Cuando represalia contra un empleado de la escuela, miembro de la junta, o voluntario se amenace o, sin importar la hora o el lugar;
6. Cuando un estudiante se involucra en acoso cibernético, según lo dispuesto por el Código de Educación 37.0832;
7. Cuando se dañen, dentro o fuera de la escuela o en un evento relacionado con la escuela;
8. Por ciertos delitos cometidos dentro de 300 pies de la propiedad escolar, medidos desde cualquier punto del perímetro limítrofe de los bienes raíces de la escuela;
9. Por ciertos delitos cometidos dentro de la propiedad escolar o mientras asiste a una actividad patrocinada o relacionada con la escuela de otro distrito en Texas;
10. Cuando el estudiante comete un delito grave, conforme a lo dispuesto por el Código de Educación 37.006 o 37.0081; y
11. Cuando el estudiante está obligado a registrarse como un delincuente sexual.

El distrito tiene el derecho de inspeccionar un vehículo conducido por un estudiante y estacionado en la propiedad escolar, si existe una causa razonable para creer que contiene artículos o materiales prohibidos por el distrito.

Los administradores del distrito a cabo inspecciones generales de rutina y búsquedas de armarios y escritorios.

Los crímenes de informes

El director y otros administradores de la escuela en su caso deberán informar delito conforme a la ley y llamará a las fuerzas del orden público cuando se sospeche que un crimen ha sido cometido en la escuela.

“Padre” precisas

durante todo el código de conducta y políticas relacionados con la disciplina, el término “padre” incluye al padre, tutor legal o cualquier otra persona que tenga control legal del niño.

Participar en Actividades de Graduación

El distrito tiene el derecho de limitar la participación del estudiante en las actividades de graduación por violar el Código del distrito.

La participación podría incluir un papel de discurso, como establece la política y los procedimientos del distrito.

Los estudiantes que califiquen para dar la apertura y cierre en la graduación serán notificados por el director de la escuela. No obstante cualesquiera otros requisitos de elegibilidad, con el fin de ser considerado como un estudiante elegible para dar las palabras de apertura o de cierre, un estudiante no deberá haber participado en cualquier mala conducta en violación del código del distrito resultando en una suspensión fuera de la escuela, la eliminación de un DAEP, o expulsión durante el semestre inmediatamente anterior a la graduación.

El valedictorian y salutatorian también pueden tener posiciones de orador en la graduación. Ningún estudiante será elegible para tener un papel tan hablar si él o ella realiza ninguna mala conducta en violación del código del distrito resultando en una suspensión fuera de la escuela, traslado a un DAEP, o expulsión durante el semestre inmediatamente anterior a la graduación.

Las personas no

autorizadas, de conformidad con el Código de Educación 37.105, un administrador escolar, oficial de recursos escolares (SRO), o un oficial de policía del distrito tengan la facultad de denegar la entrada o expulsar a una persona de la propiedad del distrito si la persona se niega a salir pacíficamente a petición y:

1. La persona representa un riesgo sustancial de daño a cualquier persona; o
2. La persona se comporta de una manera que no es apropiado para un entorno escolar, y la persona persiste en el comportamiento después de haber recibido un aviso verbal de que el comportamiento es inapropiado y puede dar lugar a la denegación de entrada o de expulsión.

Las apelaciones sobre denegación de entrada o de expulsión de la propiedad del distrito pueden ser presentadas de acuerdo con FNG (LOCAL) o GF (LOCAL), según corresponda.

Vea **DAEP-Restricciones durante la** colocación, para obtener información sobre un estudiante asignado a DAEP en el momento de la graduación.

Normas de Conducta del Estudiante

Se espera que cada estudiante:

- Demostrar cortesía, aún cuando otros no lo hacen.
- Comportarse de una manera responsable, siempre ejerciendo la autodisciplina.
- Asistir a todas las clases, regularmente ya tiempo.
- Preparar para cada clase; lleve los materiales apropiados y sus tareas de clase.
- Y el distrito alcanzaron los estándares del campus de aseo y atuendo.
- Obedecer todas las reglas de la escuela y del aula.
- Respetar los derechos y privilegios de los estudiantes, maestros y otro personal del distrito y voluntarios.
- Respetar la propiedad de otros, incluyendo la propiedad e instalaciones del distrito.
- Cooperar y ayudar al personal escolar a mantener la seguridad, el orden y la disciplina.
- Se adhieren a los requisitos del Código de Conducta del Estudiante.

Conducta en General Violaciones

Las categorías de conducta a continuación están prohibidas en la escuela, en vehículos propiedad u operados por el distrito, y en todas las actividades relacionadas con la escuela, pero la lista no incluye las infracciones más graves. En las secciones que siguen sobre Suspensión Fuera de la Escuela, Asignación a un DAEP, Colocación y / o expulsión por ciertas infracciones y Expulsión, se enumeran algunos delitos que requieren o permiten consecuencias específicas. Cualquier ofensa, sin embargo, puede ser lo suficientemente grave como para resultar en un traslado desde el entorno escolar regular, como se detalla en esa sección.

Desobediencia a la autoridad

Todo estudiante tiene prohibido:

- Dejar de cumplir con las instrucciones del personal de la escuela (insubordinación).
- Salir de la escuela o eventos patrocinados por la escuela sin permiso.
- Desobedecer las reglas de conducta en los vehículos del distrito.
- Negarse a aceptar las medidas disciplinarias implementadas por el maestro o el director.

Maltrato de otras personas

Todo estudiante tiene prohibido:

- Usar lenguaje grosero o vulgar o hacer gestos obscenos.
- Lucha o forcejeo. (Para asalto, ver Asignación a un DAEP y Expulsión.)
- Amenazar a otro estudiante, empleado o voluntario, incluso fuera de la escuela, si la conducta causa una perturbación considerable del entorno educativo.
- Participar en la intimidación, el ciberacoso, el acoso, o hacer listas de ataque. (Ver el glosario para los cuatro términos.)
- Soltar o amenazar a liberar material visual íntima de un menor o un estudiante de 18 años de edad o más sin el consentimiento del estudiante.
- Participar en conducta que constituye acoso sexual o por razón de género o abuso sexual, ya sea por palabra, gesto o cualquier otra conducta, dirigida hacia otra persona, incluso un estudiante, empleado, miembro de la junta, o voluntario.
- Participar en conducta que constituye violencia entre novios. (Ver el glosario.)
- Exhibir de manera impropia o indecente las partes pudendas.
- Participar en novatadas. (Ver el glosario.)
- Forzar a un individuo a actuar mediante el uso de o amenaza de fuerza (coerción).
- Commit extorsión o chantaje (obtener dinero o un objeto de valor de una persona no quieren).
- Participar en conducta verbal, física o sexual dirigida hacia otra persona, incluso un estudiante, empleado o voluntario.
- Grabar la voz o imagen de otra persona sin el consentimiento previo del individuo que se está grabando o de cualquier manera que interrumpa el ambiente educativo o invade la intimidad de otros.

Delitos contra la propiedad

estudiante tiene prohibido:

- Dañar o destruir la propiedad de otros. (Para daños graves penal, véase Asignación a un DAEP o Expulsión.)
- Estropear o propiedad de la escuela incluyendo daños libros de texto, la tecnología y los recursos electrónicos, armarios, muebles, y otros equipos-con grafitos o por otros medios.
- Robar a otros estudiantes, al personal oa la escuela.
- Cometer o participar en un robo o hurto, aunque no constituya un delito grave según el Código Penal de Texas. (Para delitos graves, robo agravado y robo, ver Asignación a un DAEP y Expulsión.)

Posesión de artículos prohibidos

Los estudiantes no deberán poseer o usar:

- fuegos artificiales de cualquier tipo, humo o bombas fétidas o cualquier otro dispositivo pirotécnico;
- Una maquinilla de afeitar, cortador de cajas, cadena, o cualquier otro objeto que se utiliza de una manera que amenaza o lesiones corporales de otra persona;
- Un arma de “semejanza” que está destinado a ser utilizado como un arma o que razonablemente pueda ser percibido como un arma;
- Una pistola de aire o pistola de aire comprimido;
- Munición;
- * Un cuchillo ubicación restringida;
- Un instrumento de mano diseñado para cortar o apuñalar a otro al ser lanzado;
- * Un arma de fuego;
- Una pistola de aturdimiento;
- cualquier otro cuchillo pequeño;
- Mace o spray de pimienta;
- El material pornográfico;
- Productos de tabaco; cigarrillos; e-cigarrillos; y cualquier componente, parte o accesorio para un dispositivo de e-cigarrillo;
- Partidos o un encendedor;
- Un puntero láser para que no sea un uso aprobado; o
- cualquier artículo que generalmente no se considera un arma, como útiles escolares, si el director o una persona autorizada determina que representa un peligro.

* Para armas y armas de fuego, vea Traslado a un DAEP y Expulsión. En la mayoría de las circunstancias, la posesión de estos artículos se castiga con la expulsión obligatoria bajo la ley federal o estatal.

La posesión de telecomunicaciones o dispositivos electrónicos Otro

estudiante tiene prohibido:

- Utilizar un aparato de telecomunicaciones, incluyendo un teléfono celular u otro dispositivo electrónico en violación de las reglas del distrito y de la escuela.

Ilegales, medicamentos recetados y de venta libre Medicamentos

Los estudiantes no deberán:

- poseer, usar, dar, o vender alcohol o una droga ilegal. (Véase también Asignación a un DAEP y Expulsión de consecuencias obligatorias y permisivas bajo la ley estatal.)
- Tener o vender semillas o pedazos de marihuana en menos de una cantidad utilizable. Poseer, usar, dar o vender parafernalia relacionada con cualquier sustancia prohibida. (Ver el glosario para “parafernalia”.)
- Poseer, uso, abuso, o vender sustancias parecidas o intentar pasar artículos como drogas o contrabando.
- Abuso de medicamentos con receta propia del estudiante, dar un medicamento recetado a otro estudiante o tener o estar bajo la influencia de drogas recetadas para otra persona en la escuela o en un evento relacionado con la escuela. (Ver el glosario para “abuso”.)
- Abuso de over-the-counter medicamentos. (Ver el glosario para “abuso”.) Estar bajo la influencia de la prescripción o medicamentos de venta libre que causan deterioro de las facultades físicas y mentales. (Ver el glosario para “bajo la influencia”.)
- Tener o tomar medicamentos recetados o de medicamentos de venta libre en la escuela de manera diferente a los reglamentos del distrito.

El mal uso de los recursos de tecnología y los de

no serán estudiantes Internet:

- Violar las normas, reglas o acuerdos firmados por el estudiante o el padre del estudiante con respecto al uso de los recursos tecnológicos.
- Intentar acceder o evadir contraseñas u otra información relacionada con la seguridad del distrito, estudiantes o empleados o cargar o crear virus informáticos, incluso fuera de la escuela si la conducta causa una perturbación considerable del entorno educativo.
- Intentar alterar, destruir o inhabilitar los recursos tecnológicos del distrito, incluyendo, pero no limitado a, computadoras y equipo relacionado, datos del distrito, datos de otros u otras redes conectadas al sistema del distrito, incluso fuera de la escuela si la conducta causa una sustancial interrupción al ambiente educativo.
- El uso de Internet u otras comunicaciones electrónicas para amenazar a los estudiantes del distrito, empleados, miembros de la junta, o voluntarios, incluso fuera de la escuela si la conducta causa una perturbación considerable del entorno educativo o infrinja los derechos de otro estudiante en la escuela.
- Enviar, publicar, entregar, o poseer mensajes electrónicos que son abusivos, de tipo sexual, amenazantes, acosadores, dañinos para la reputación de otro, o ilegales, incluyendo el acoso cibernético y “sexting”, ya sea dentro o fuera de la escuela, si la conducta causa una perturbación considerable del entorno educativo o infrinja los derechos de otro estudiante en la escuela.
- El uso de Internet u otras comunicaciones electrónicas para desarrollar o fomentar conductas ilegales o para amenazar la seguridad escolar, incluso fuera de la escuela si la conducta causa una perturbación considerable del entorno educativo o infrinja los derechos de otro estudiante en la escuela.

Las transgresiones de seguridad

estudiantes no deberán:

- Poseer publicaciones o material electrónico diseñado para promover o fomentar conductas ilegales o que podrían amenazar la seguridad escolar.
- Participar en intercambios verbales (orales o escritos) que amenazan la seguridad de otro estudiante, un empleado de la escuela o propiedad de la escuela.
- Hacer acusaciones falsas o engañosas con respecto a la seguridad escolar.
- Lleven a cabo actos que las autoridades escolares pueda razonablemente creer perturbará considerablemente los programas escolares o incitará a la violencia.
- Lanzar objetos que pueden causar lesiones corporales o daños materiales.
- Descargar un extintor de incendios, sin justificación.

Otras infracciones

Todo estudiante tiene prohibido:

- Desobedecer y normas de aseo personal detalladas en el Manual del Estudiante.
- Hacer trampa o copiar el trabajo de otro.
- Jugar.
- Falsificar datos, pases u otros documentos relacionados con la escuela.
- Participar en acciones o demostraciones que perturban considerablemente o interfieren con las actividades escolares.
- Desobedecer repetidamente las reglas de la escuela o del salón de clase de conducta.

El distrito puede imponer reglas de conducta en el aula, además de las que se encuentran en el Código. Estas reglas pueden ser expuestas en los salones o entregarse al estudiante y pueden o no constituir violaciones del Código.

Técnicas de Gestión de la disciplina

La disciplina estará diseñada para mejorar la conducta y para fomentar en los estudiantes el cumplimiento de sus responsabilidades como miembros de la comunidad escolar. Las medidas disciplinarias se basarán en el juicio profesional de maestros y administradores y en una gama de medidas disciplinarias, incluyendo prácticas de disciplina de restauración. La disciplina estará en proporción con la gravedad de la infracción, la edad y el grado del estudiante, la frecuencia del mal comportamiento, la actitud del estudiante, el efecto de la mala conducta en el ambiente escolar y los requisitos legales.

Debido a estos factores, la disciplina para una ofensa particular, incluyendo la mala conducta en un vehículo del distrito de propiedad u operados por el distrito, a menos que se especifique lo contrario por la ley, puede poner en diversas técnicas y respuestas consideración.

Estudiantes con Discapacidades

La disciplina de estudiantes con discapacidades está sujeta a las leyes estatales y federales, además del Código de Conducta del Estudiante. En la medida en que exista un conflicto, prevalecerá la ley estatal y / o federal.

De acuerdo con el Código de Educación, un estudiante que recibe servicios de educación especial no puede ser disciplinado por conducta que responda a la definición de la intimidación, el ciberacoso, el acoso, o hacer listas de ataque (ver glosario) hasta que una reunión del comité ARD ha llevado a cabo para revisar la conducta .

En Antes de ordenar la suspensión, colocación en DAEP, o expulsión, sin importar si la acción es obligatoria o discrecional, el distrito tomará en consideración una discapacidad que afecta sustancialmente la capacidad del estudiante para apreciar la ilicitud de la conducta del estudiante.

Técnicas

Las siguientes técnicas de manejo de disciplina se pueden usar solos, en combinación, o como parte de las intervenciones progresivas para controlar comportamientos prohibidos por el Código de Conducta Estudiantil o por las reglas de la escuela o del salón:

- Corrección oral o escrita.
- Tiempo de enfriamiento o “tiempo de espera”.
- Cambio de asiento en la clase o vehículos propiedad u operados por el distrito.
- Confiscación temporal de artículos que interrumpen el proceso educativo.
- Recompensas o deméritos.
- Contratos de comportamiento.
- Asesoramiento por parte de los maestros, consejeros escolares o personal administrativo.
- Conferencias de padres y profesores.
- Entrenador comportamiento.
- Clases de manejo de la ira.
- Mediación (entre víctimas y delincuentes).
- Círculos de aula.
- Conferencias en grupo familiar.
- Reducción de las calificaciones por copiar o plagiar, y según lo permitido por la política.
- Detención, en particular fuera de las horas regulares de la escuela.

- Envío del estudiante a la oficina o a un área designada, o suspensión dentro de la escuela.
- Asignación de labores en la escuela, como limpieza o recolección de basura.
- Pérdida de privilegios, tales como participar en actividades extracurriculares, ser candidato o desempeñar cargos honoríficos, o ser miembro de organizaciones y clubes patrocinados por la escuela.
- Castigos identificados en las normas extracurriculares de distintas organizaciones estudiantiles de la conducta.
- Restricción o revocación de los privilegios de transporte del distrito.
- Escuela Período probatorio dictado y administrado por la escuela.
- Fuera de la suspensión de la escuela, según se especifica en la sección titulada Suspensión Fuera de la Escuela de este Código.
- La colocación en un DAEP, según se especifica en la sección de DAEP de este Código.
- Colocación y / o expulsión en un ambiente educacional alternativo, según se especifica en la colocación y / o expulsión por ciertas infracciones sección de este Código.
- Expulsión, según se especifica en la sección de Expulsión de este Código.
- Remisión a una agencia externa o autoridad legal para la persecución penal, además de las medidas disciplinarias impuestas por el distrito.
- Otras estrategias y consecuencias determinadas por los oficiales de la escuela.

Notificación

El director deberá notificar inmediatamente a los padres del estudiante por teléfono o en persona de cualquier violación que pueda resultar en dentro de la escuela o suspensión fuera de la escuela, la colocación en un DAEP, la colocación en el JJAEP o expulsión. El director también notificará a los padres del estudiante si el estudiante es detenido por un oficial de policía en virtud de las disposiciones disciplinarias del Código de Educación. Un esfuerzo de buena fe se hará en el día de realizado el acto de proporcionar al estudiante para la entrega de la notificación por escrito de los padres del estudiante de la acción disciplinaria. Si el padre no ha sido contactado por teléfono o en persona a las 5:00 pm del primer día hábil después del día en que se adopte la medida disciplinaria, el director deberá enviar una notificación escrita por correo. Si el director no es capaz de dar aviso a los padres, el director o persona designada deberá proporcionar el aviso.

Antes de que el director o administrador apropiado asigne un estudiante menor de 18 años a la detención fuera del horario escolar regular, deberá darse aviso a los padres del estudiante a él o ella de la razón de las disposiciones de detención y permisos para el transporte necesario informar.

Apelaciones

Las preguntas de padres sobre las medidas disciplinarias deberán ser dirigidas al maestro, administrador de la escuela, o el coordinador comportamiento campus, según corresponda. Apelaciones o quejas relacionadas con el uso de técnicas específicas de manejo de disciplina deben ser dirigidas de acuerdo con la política FNG (LOCAL). Una copia de la póliza se puede obtener de la oficina del director, o en la oficina central de administración o en el *enlace Policy On Line* en la siguiente dirección: www.premontisd.net

Las consecuencias no se diferirá dependiendo del resultado de una queja.

La eliminación del autobús escolar

Un conductor de autobús puede referir a un estudiante a la oficina del director para mantener una disciplina efectiva en el autobús. El director debe emplear técnicas disciplinarias adicionales, según corresponda, que pueden incluir la restricción o revocación de los privilegios de transportación de un estudiante.

Dado que la responsabilidad principal del distrito en el transporte de estudiantes en vehículos del distrito es hacerlo con la mayor seguridad posible, el conductor del vehículo debe centrarse en la conducción y no tener su atención distraída por el mal comportamiento de los estudiantes. Por lo tanto, cuando las técnicas de manejo de disciplina apropiadas no logran mejorar la conducta del estudiante o cuando la mala conducta específicos garantiza la eliminación inmediata, el director puede restringir o revocar los privilegios de transporte de un estudiante, de conformidad con la ley.

La eliminación del entorno escolar regular

Además de otras técnicas disciplinarias, la mala conducta puede resultar en la eliminación del entorno escolar regular, en forma de una remisión de rutina o mediante la remoción formal.

Remisión de rutina

Una remisión de rutina sucede cuando el maestro envía al estudiante a la oficina del coordinador de la conducta del campus como una técnica de manejo de la disciplina. El director deberá emplear técnicas de administración de disciplina alternativos, incluyendo intervenciones progresivas. Un maestro o administrador puede retirar a un estudiante de clase por un comportamiento que viola este Código para mantener una disciplina efectiva en el aula.

Traslado Formal

Un maestro **puede** también iniciar un retiro formal de la clase si:

1. El comportamiento del estudiante ha sido documentado por el maestro como interferir repetidamente con la capacidad del maestro para enseñar su clase o con la capacidad del resto de los alumnos de aprender; o
2. La conducta es tan rebelde, impertinente o abusiva, que el maestro no puede enseñar y los estudiantes en el salón no pueden aprender.

Dentro de los tres días escolares del traslado formal, el director o administrador apropiado programará una conferencia con los padres del estudiante; el estudiante; el maestro, en el caso de la eliminación de un maestro; y cualquier otro administrador.

En la conferencia, el director o administrador apropiado informará al estudiante de la mala conducta que se le imputa y las consecuencias. El estudiante tendrá la oportunidad de dar su versión del incidente.

Cuando un estudiante es retirado de la clase regular por un maestro y está pendiente una conferencia, el director u otro administrador puede colocar al estudiante en:

- Otro salón de clases apropiado.
- Suspensión en la escuela.
- Fuera de la escuela de suspensión.
- DAEP.

Un maestro o administrador **debe** remover a un estudiante de la clase si el estudiante participa en conducta que bajo el Código de Educación, requiere o permite que el estudiante sea colocado en un DAEP o expulsado. Al retirar por esas razones, se seguirán los procedimientos en las secciones siguientes sobre DAEP o expulsión.

La devolución de un estudiante a la clase

cuando un estudiante ha sido formalmente removido de la clase por un maestro por conducta en contra del maestro que contiene los elementos de asalto, asalto agravado, asalto sexual, asalto sexual agravado, homicidio, asesinato o intento de homicidio o asesinato capital, el estudiante no puede regresar a la clase del maestro sin el consentimiento del maestro.

Cuando un estudiante ha sido retirado formalmente por un maestro por cualquier otra conducta, el estudiante puede regresar a la clase del maestro sin el consentimiento del maestro si el comité

de revisión de colocación determina que la clase del maestro es la mejor o la única alternativa disponible. **Expulsión de un persona de la Propiedad del Distrito**

medida SB 1553 del Código de Educación Sección 37.105: modificado para permitir que un administrador de la escuela, oficial de recursos escolares, o un oficial de policía del distrito escolar para negarse a permitir o expulsar a una persona de la propiedad del distrito si:

- La persona se niega a salir pacíficamente en la solicitud;
- La persona presenta un riesgo sustancial de daño a cualquier persona; o
- La persona se comporta de una manera inapropiada para un entorno escolar; un administrador o funcionario emite el individuo una advertencia verbal; y el individuo persiste en el comportamiento.

Con efecto inmediato

* Un individuo puede apelar la eliminación de acuerdo con FNG (Local) o GF (local)

fuera de la escuela Suspensión

Mala Conducta

Los estudiantes pueden ser suspendidos por cualquier comportamiento que se detalla en el código como una violación general de conducta, ofensa DAEP, o expulsión ofensa.

El distrito no hará uso de la suspensión fuera de la escuela para los estudiantes de grado 2 o inferior a menos que la conducta cumple con los requisitos establecidos en la ley.

Un estudiante de grado 2 o abajo, no se coloca en suspensión fuera de la escuela a menos, mientras que en la propiedad escolar o mientras asiste a una actividad patrocinada o relacionada con la escuela dentro o fuera de la escuela, el estudiante participa en:

- conducta que contiene los elementos de una ofensa de armas, según lo dispuesto en el Código Penal Sección 46.02 o 46.05;
- Conducta que contiene los elementos de asalto, asalto sexual, asalto agravado, o asalto sexual agravado, según lo dispuesto por el Código Penal; o
- Vender, dar o entregar a otra persona o poseer, usar o estar bajo la influencia de cualquier cantidad de marihuana, una bebida alcohólica, o una sustancia controlada o droga peligrosa según lo define la ley federal o estatal.

El distrito debe utilizar un programa de comportamiento positivo como una alternativa disciplinaria para los estudiantes de grado 2 o inferior que cometen violaciones de conducta generales en lugar de la suspensión o la colocación en un DAEP. El programa deberá cumplir con los requisitos de la ley.

Proceso

La ley estatal permite que un estudiante sea suspendido por no más de tres días escolares por violación de comportamiento, sin límite en el número de veces que un estudiante puede ser suspendido en un semestre o año escolar.

Antes de ser suspendido un estudiante tendrá una conferencia informal con el director o administrador apropiado, quien le informará al estudiante de la conducta de que se le acusa. El estudiante se le dará la oportunidad de explicar su versión del incidente antes de que la decisión del administrador.

El número de días de suspensión de un estudiante será determinado por el coordinador del comportamiento del campus, pero no excederá de tres días escolares.

En Antes de ordenar la suspensión fuera de la escuela, el director deberá tener en cuenta:

1. en defensa propia (ver glosario),
2. intención o falta de intención en el momento en que el estudiante participó en la conducta,
3. la historia de disciplina del estudiante, o
4. una discapacidad que afecta sustancialmente la capacidad del estudiante para apreciar la ilicitud de la conducta del estudiante.

El personal administrativo autorizado determinará las restricciones en la participación en actividades escolares extracurriculares y co-patrocinado por la escuela o relacionadas con la escuela.

Programa Disciplinario de Educación Alternativa (DAEP)

El DAEP ocurrirá en un ambiente que no sea la clase regular del estudiante. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the principal shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student **may** be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The principal **may**, but is not required to, 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.

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following offenses on school property or 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:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. 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. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence.”)
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 - The student receives deferred prosecution (see glossary),
 - 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) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

Process

Removals to a DAEP shall be made by the campus behavior coordinator.

Conference

When a student is removed from class for a DAEP offense, the principal or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

At the conference, the principal or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the principal shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Placement Order

After the conference, if the student is placed in the DAEP, the principal shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The duration of a student's placement in a DAEP shall be determined by the campus behavior coordinator.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the principal or the board's designee 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 has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through *Policy On Line* at the following address: www.premontisd.net.

Appeals shall begin at Level One with the principal.

Disciplinary consequences shall not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Restrictions During Placement

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program shall continue through graduation, and the student shall not be allowed to participate in the graduation ceremony and related graduation activities.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the principal or the 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 be given the opportunity to present arguments 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.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or

2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the principal may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the principal or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Placement and/or Expulsion for Certain Offenses

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the district's students.

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Student

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or principal makes

certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. The student completes the term of the placement or is assigned to another program.

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the principal shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See DAEP Placement)

Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Asesinato.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- Breach of computer security. (See glossary)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or 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:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. 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.”)

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

Within 300 Feet of School

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student's person a handgun, a location-restricted knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

Property of Another District

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

A student **may** be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Penal Code;
 - b. Indecent exposure under Section 21.08, Penal Code;
 - c. Criminal mischief under Section 28.03, Penal Code;
 - d. Personal hazing under Section 37.152; or

- e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

Under Federal Law

Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.)

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Texas Penal Code

- Carrying on or about the student's person the following, as defined by the Texas Penal Code:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
 - A location-restricted knife, as defined by state law. (See glossary.)
 - A club, as defined in state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a

controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.

- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

Process

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the principal or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the *Superintendent* authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order

Before ordering the expulsion, the board or principal shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the *Superintendent* shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

Length of Expulsion

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

An expulsion may not exceed one 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.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal During Process

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the principal or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

Glossary

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Texas 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.

Armor-piercing ammunition is defined by Texas 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 Texas Penal Code 28.02 as:

1. A crime that involves 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:
 - i. Knowing that it is within the limits of an incorporated city or town,
 - ii. Knowing that it is insured against damage or destruction,
 - iii. Knowing that it is subject to a mortgage or other security interest,
 - iv. Knowing that it is located on property belonging to another,
 - v. Knowing that it has located within it property belonging to another, or
 - vi. 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.
1. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
2. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part by Texas Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

Breach of Computer Security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas 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 is defined in Section 37.0832 of the Education Code as 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 engaging in written or verbal expression, expression through electronic means, or physical conduct 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.

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

1. Bullying 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;
2. Bullying that occurs 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
3. Cyberbullying 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 the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Chemical dispensing device is defined by Texas 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 Texas Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

Criminal street gang is 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 is defined by Section 37.0832 of the Education Code as 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 communication tool.

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 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.

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. 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 Texas 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.

False alarm or report occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is 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, or place of assembly.

Firearm is defined by federal law (18 USC § 921(a)) as:

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, or grenade.

Such term does not include an antique firearm.

Firearm silencer is defined by Texas Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a firearm.

Graffiti are 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 Texas Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code.

Hazing is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit list is defined in Section 37.001(b)(3) of the Education Code 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 Texas 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 Texas Penal Code 21.08 as an offense that occurs when a person exposes his or her anus or any part of his or her 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.

Intimate visual material is defined by Texas Civil Practices and Remedies Code 98B.001 and Texas Penal Code 21.16 as 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.

Location-restricted knife is defined by Texas Penal Code 46.01 as a knife with a blade over five and one-half inches.

Knuckles as defined by Texas Penal Code 46.01 are 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.

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 Texas 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.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Possession means to have an item on one's person or in one's personal property, including, but not limited to, clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including, but not limited, to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapon under Texas Penal Code 46.05(a) means:

1. The following items unless registered with the US Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the US Department of Justice:
 - a. An explosive weapon;
 - b. A machine gun;
 - c. A short-barrel firearm;
2. Knuckles;
3. Armor-piercing ammunition;
4. A chemical dispensing device;
5. A zip gun;
6. A tire deflation device;
7. An improvised explosive device; or
8. A firearm silencer, unless classified as a curio or relic by the US Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

Public Lewdness is defined by Texas 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, 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 Section 37.121(d) of the Education Code are excepted from this definition. **Reasonable belief** is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Texas Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Texas Penal Code;
 - b. Indecent exposure under Section 21.08; Texas Penal Code;

- c. Criminal mischief under Section 28.03, Texas Penal Code;
- d. Personal hazing under Section 37.152, Education Code; or
- e. Harassment under Section 42.07(a)(1), Texas Penal Code, of a student or district employee.

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 school work 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.

Short-barrel firearm is defined by Texas 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.

Terroristic threat is defined by Texas Penal Code 22.07 as a threat of violence to any person or property with intent to:

1. Cause a reaction of any type 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, or 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).

Tire deflation device is defined in part by Section 46.01 of the Texas Penal Code 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 are those crimes listed in Title 5 of the Texas Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02, – .05, Texas Penal Code;
- Kidnapping under Section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06, Texas Penal Code;
- Assault under Section 22.01, Texas Penal Code;
- Aggravated assault under Section 22.02, Texas Penal Code;
- Sexual assault under Section 22.011, Texas Penal Code;

- Aggravated sexual assault under Section 22.021, Texas Penal Code;
- Unlawful restraint under Section 20.02, Texas Penal Code;
- Continuous sexual abuse of a young child or children under Section 21.02, Texas Penal Code;
- Bestiality under Section 21.09, Texas Penal Code;
- Improper relationship between educator and student under Section 21.12, Texas Penal Code;
- Voyeurism under Section 21.17, Texas Penal Code;
- Indecency with a child under Section 21.11, Texas Penal Code;
- Invasive visual recording under Section 21.15, Texas Penal Code;
- Disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- Sexual coercion under Section 21.18, Texas Penal Code;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Texas Penal Code;
- Abandoning or endangering a child under Section 22.041, Texas Penal Code;
- Deadly conduct under Section 22.05, Texas Penal Code;
- Terroristic threat under Section 22.07, Texas Penal Code;
- Aiding a person to commit suicide under Section 22.08, Texas Penal Code; and
- Tampering with a consumer product under Section 22.09, Texas Penal Code.

[See FOC(EXHIBIT).]

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 Texas Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

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