

## MODEL STUDENT CODE OF CONDUCT

### INTRODUCTION

The *TASB Model Student Code of Conduct* is intended to assist your District in developing your local Student Code of Conduct, as required by Chapter 37 of the Education Code. This Model references the legal requirements and offers suggestions you may wish to include in your Student Code of Conduct.

While one document clearly cannot serve all the needs of all districts, this Model attempts to organize and harmonize the provisions of the law into a framework that, with fine-tuning by individual districts, can serve to communicate to students, parents, and the community exactly what is expected of students and how disciplinary offenses will be handled.

#### Significant Changes to Chapter 37

Significant changes were made to Chapter 37 during the 78<sup>th</sup> legislative session. Because these changes will go into effect with the start of the 2003-2004 school year, it is important they be incorporated into the District's Student Code of Conduct as soon as possible.

Most of the Chapter 37 changes arise from HB 1314, passed at the very end of the legislative session.

- Alternative Education Programs (AEPs) are now known as Disciplinary Alternative Education Programs (DAEPs). Other significant changes include requiring districts to provide parents with information regarding the District's Student Code of Conduct each year. We have added an acknowledgment page to this Model to assist districts in documenting that students and parents have received notice of the District's Student Code of Conduct.
  - HB 1314 removes the direct connection between suspension and placement in an Alternative Education Program.
- Some of the changes in HB 1314 will not directly affect your Student Code of Conduct, but do have an impact on your educational program.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for you to consult with your own attorneys in order to apply these legal principles to specific fact situations.

- Districts can no longer hire noncertified teachers for their DAEPs, whether on-campus or off-campus. To teach in a DAEP, teachers employed by a district during the 2003-2004 school year or earlier have until the beginning of the 2005-2006 school year to become certified.
- A district must offer a student who has been removed to a DAEP an opportunity to complete coursework before the beginning of the next school year by any method available, including correspondence courses, distance learning, or summer school. The District may not charge the student for a course taken for this purpose.
- A district must offer a student removed to in-school suspension or another alternative setting (other than a DAEP) the opportunity to complete each course in which the student was enrolled before the next school year.
- A new section has been added to Chapter 37 allowing a noncustodial parent to request in writing a copy of any written notification relating to a student's placement in a DAEP or expulsion from school that is generally provided by the District to a student's parent. The District must not unreasonably deny the request. The District must comply, however, with any applicable court order if the District has knowledge of one.
- HB 1314 rewrites the laws applicable to the use of confinement, restraint, seclusion, and time-out for students with disabilities.
- HB 2061 requires districts to send a transferring student's disciplinary order to the enrolling district or school. This requirement applies to independent school districts, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school. The enrolling district or school may choose to enforce the disciplinary order.
- Districts affiliated with a Juvenile Justice Alternative Education Program will want to take note of HB 469 and HB 1314.
- Several other bills added offenses and broadened districts' jurisdiction regarding discipline. HB 552 and HB 567 are explained in more detail in the editorial notes of this Model.

## TIPS FOR DEVELOPERS

- This document is copyrighted by TASB but may be reproduced by the District for internal use in the development of the District's Student Code of Conduct. Further use or copying is prohibited without the written consent of TASB Policy Service.
- This document contains material presented in three columns:
  - **Material in the left and center columns forms the substance of the Model Student Code of Conduct.** The first column defines standards of BEHAVIOR and identifies misconduct, some of which carries specific statutory consequences and some of which may be handled at the District's discretion. The second column defines disciplinary CONSEQUENCES, consistent with prevailing practice and legal requirements, and again includes areas where local control prevails.
  - The third column contains EDITORIAL NOTES that alert developers to statements and provisions required by law, additional items that may be appropriate, and policy manual codes that should be reviewed to ensure harmony with the adopted policies of the District.
- Please note that text appears in a shaded block when one or more alternatives are suggested for your consideration. Your Student Code of Conduct should reflect only the choices approved by the Board.
- **The legislative changes this year are significant. There are major changes throughout the Model. It is important to review your Student Code of Conduct very carefully.**
- **We suggest that developers begin by reviewing the entire document to get the scope of the project and to become familiar with the structure of the Model and the changes.**
- In accordance with state law, the Board must adopt changes to the Student Code of Conduct. The Student Code of Conduct stands as an authoritative document on its own and, once the Board has adopted it, has the force of policy. Its provisions need not be repeated in the local policy manual.
- We recommend that your local attorney review the District's completed Student Code of Conduct.
- The Education Code requires districts to post the Student Code of Conduct on each campus or—a new option added by HB 1314—to make it available for review at the office of the campus principal.
- HB 1314 now requires districts to provide parents with information regarding the District's Student Code of Conduct. TASB recommends that the District's Student Code of Conduct be reproduced and disseminated annually, either as a clearly labeled attachment to the student handbook or as a separate booklet. TASB also recommends that—as with the student handbook—parents and students be asked to sign and return an acknowledgment that they have received the Code. This practice will help districts document that parents and students have received a copy of the District's Student Code of Conduct. The next page contains a sample acknowledgment form you can customize and include in your Student Code of Conduct.

# ACKNOWLEDGMENT

## Student Code of Conduct Acknowledgment

Dear Student and Parent:

As required by state law, the District has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it among your family. If you have any questions about the behaviors and consequences, we encourage you to ask for an explanation from the student's teacher or campus administrator.

The student and parent should each sign this page in the space provided below, and then return the page to the student's school.

Thank you.

*(Name of Superintendent or appropriate administrator and title)*

We acknowledge that we have received a copy of the *(Name of District)* Student Code of Conduct for the 2003-2004 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of parent: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

Grade level: \_\_\_\_\_

**Please sign this page, remove it, and return it to the student's school. Thank you.**

# STUDENT CODE OF CONDUCT

## Editorial Notes

### THE PURPOSE OF THE STUDENT CODE OF CONDUCT

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, placement in or removal from a Disciplinary Alternative Education Program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the (*District name*) Board of Trustees with the advice of its District-level committee. The Student Code of Conduct provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Student Code of Conduct will be posted at each school campus or will be available for review at the office of the campus principal. Parents will be notified of any Student Code of Conduct violation that may result in a student being suspended, removed to a DAEP, or expelled from the District.

### CONTENTS

This code is organized into the following sections:

1. Standards for Student Conduct ..... pages 2-4
2. General Misconduct Violations ..... pages 5-8
3. Removal from the Regular Educational Setting:
  - a. Suspension ..... page 9
  - b. Placement in a Disciplinary Alternative Education Program ..... pages 10-17
  - c. Expulsion ..... pages 18-23

*Don't forget to change the page numbers to match your final text!*

The **Glossary** at the back of the Student Code of Conduct provides easy access to definitions of legal terms.

In case of conflict between the Student Code of Conduct and the student handbook, the Student Code of Conduct will prevail. The Student Code of Conduct is adopted by the District's Board of Trustees and has the force of policy.

**Please Note:** The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

**CONTENTS.** In the Model, the Contents topics listed are found on the pages shown. After your local Code is complete, replace the page numbers with those appropriate for your local Student Code of Conduct.

Coordinate this statement with your BP(LOCAL) and FN(LOCAL) policies.

**STUDENTS WITH DISABILITIES.** The District may want to contact its local attorney regarding the District's Student Code of Conduct and disciplining students with disabilities. HB 1314 includes some changes to laws related to the use of confinement, restraint, seclusion, and time-out for students with disabilities.

# STANDARDS FOR STUDENT CONDUCT

| Behaviors  | Consequences  | Editorial Notes   |
|--|---|---|
| <p>Each student is expected to:</p> <ul style="list-style-type: none"> <li>• Demonstrate courtesy even when others do not.</li> <li>• Behave in a responsible manner, always exercising self-discipline.</li> <li>• Attend all classes, regularly and on time.</li> <li>• Prepare for each class, take appropriate materials and assignments to class.</li> <li>• Meet District and campus standards of grooming and dress.</li> <li>• Obey all campus and classroom rules. <sup>1</sup>(See Editorial Notes)</li> <li>• Respect the rights and privileges of other students and of teachers and other District staff.</li> <li>• Respect the property of others, including District property and facilities.</li> <li>• Cooperate with and assist the school staff in maintaining safety, order, and discipline.</li> <li>• Avoid violations of the Student Code of Conduct.</li> </ul> | <p>A student whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.</p> <p>School rules and the authority of the District 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.</p> <p>The District has disciplinary authority over a student:</p> <ol style="list-style-type: none"> <li>1. During the regular school day and while the student is going to and from school on District transportation;</li> <li>2. During lunch periods in which a student is allowed to leave campus;</li> <li>3. For certain mandatory DAEP and discretionary expulsion offenses, within 300 feet of school property as measured from any point on the school's real property boundary line;</li> <li>4. While the student is in attendance at any school-related activity, regardless of time or location;</li> <li>5. For any school-related misconduct, regardless of time or location;</li> <li>6. For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas; <sup>2</sup>(See Editorial Notes)</li> <li>7. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;</li> <li>8. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081; and</li> <li>9. When criminal mischief is committed on or off school property or at a school-related event.</li> </ol> <p>The District has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the District. <sup>3</sup>(See Editorial Notes)</p> | <p>Chapter 37 requires the Student Code of Conduct to include behaviors that schools expect from students. <b>Modify or add to the list of expected student behaviors in the first column to emphasize behaviors the District would like to encourage.</b></p> <p>The material in the second column is intended to lay the groundwork for discipline and address the issue of the District's jurisdiction and authority.</p> <p><sup>1</sup><b>ROUTINE REFERRAL.</b> Teachers may refer a student to the principal's office for violations of campus or classroom rules that may be printed, perhaps in the student handbook, or posted in a classroom. For a routine referral, the principal may employ one of the discipline management techniques listed in the Consequences column. If a teacher repeatedly refers a student to the office for misconduct, the principal should alert the student's parents to the recurring misconduct and the possibility of placement in a DAEP if documented misconduct continues.</p> <p><sup>2</sup><b>OFFENSES AT OTHER DISTRICTS.</b> HB 552 extended the District's disciplinary authority to other Texas school districts' property and to all school-related or school-sponsored activities.</p> <p><sup>3</sup><b>LOCKER SEARCHES.</b> Searching lockers only when there is reasonable cause is a stricter standard than allowing for blanket searches. If the Board permits routine blanket locker searches, coordinate this statement with your FNF(LOCAL).</p> |

| Behaviors  | Consequences   | Editorial Notes  |
|--|--|--|
| <p>The District may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Student Code of Conduct.</p> | <p>A school administrator will report crimes as required by law. A school administrator who suspects that a crime has been committed on campus will call local law enforcement. <sup>4</sup>(See Editorial Notes)</p> <p>The District has the right to revoke the transfer of a transfer student for violating the District's Student Code of Conduct. <sup>5</sup>(See Editorial Notes)</p> <p>In general, discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.</p> <p>The District will take into consideration self-defense as a factor in a decision to order suspension, removal to a DAEP, or expulsion. (See glossary) <sup>6</sup>(See Editorial Notes)</p> <p>Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.</p> <p>The following discipline management techniques may be used—alone or in combination—for misbehavior violating the Student Code of Conduct or campus or classroom rules: <sup>7</sup>(See Editorial Notes)</p> <ul style="list-style-type: none"> <li>• Verbal correction.</li> <li>• Cooling-off time or "time-out."</li> <li>• Seating changes within the classroom.</li> <li>• Counseling by teachers, counselors, or administrative personnel.</li> <li>• Parent-teacher conferences.</li> <li>• Temporary confiscation of items that disrupt the educational process.</li> <li>• Grade reductions as permitted by policy. <sup>8</sup>(See Editorial Notes)</li> <li>• Rewards or demerits.</li> <li>• Behavioral contracts.</li> <li>• Detention. <sup>9</sup>(See Editorial Notes)</li> </ul> | <p><sup>4</sup><b>REPORTING CRIMES.</b> Education Code 37.015 requires principals to report certain offenses that occur on school property. HB 1314 added to the offenses that districts must report to law enforcement. School districts should not hesitate to call law enforcement for assistance in determining whether a crime has been committed.</p> <p><sup>5</sup><b>REVOCACTION OF TRANSFER.</b> Include this statement only if you have transfer students and have included a revocation provision in your transfer agreement and at F DA(LOCAL).</p> <p><sup>6</sup><b>SELF-DEFENSE.</b> HB 1314 requires districts to specify whether consideration is given to self-defense as a factor in a district's decision to order suspension, removal to a DAEP, or expulsion.</p> <p><sup>7</sup><b>DISCIPLINE MANAGEMENT TECHNIQUES.</b> A variety of techniques may be used for violations of campus or classroom rules and of the Student Code of Conduct. The list of the usual discipline management techniques in the second column is not exhaustive. Please add any other techniques appropriate for your District.</p> <p><sup>8</sup><b>GRADE REDUCTIONS.</b> Grade reductions are most commonly associated with cheating, plagiarism, and late work. If grade reductions are used as a discipline management technique, the reductions should be consistent with EIA(LOCAL) and EIAB(LOCAL). If grade reductions are not used, the technique should be deleted from the list.</p> <p><sup>9</sup><b>DETENTION.</b> When detention is used, notice should be given to the student's parents to explain the reason for the detention and to allow time for the parents to make transportation arrangements. All students in detention should be under the direct supervision of an adult employee of the District, such as a teacher or other professional. Refer to FO(LOCAL) to determine whether local policy imposes additional requirements on detention.</p> |

| Behaviors | Consequences   | Editorial Notes   |
|-----------|--|---|
|           | <ul style="list-style-type: none"> <li>• Sending the student to the office or other assigned area, or to in-school suspension. <sup>10</sup>(See Editorial Notes)</li> <li>• Out-of-school suspension, as specified in the suspension section of this Student Code of Conduct.</li> <li>• Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of this Student Code of Conduct.</li> <li>• Expulsion, as specified in the expulsion section of this Student Code of Conduct.</li> <li>• Assignment of school duties such as scrubbing desks or picking up litter.</li> <li>• Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.</li> <li>• Techniques or penalties identified in individual student organizations' extracurricular standards of behavior. <sup>11</sup>(See Editorial Notes)</li> <li>• Withdrawal or restriction of bus privileges. <sup>12</sup>(See Editorial Notes)</li> <li>• School-assessed and school-administered probation.</li> <li>• Corporal punishment. <sup>13</sup>(See Editorial Notes)</li> <li>• Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.</li> <li>• Other strategies and consequences as specified by the Student Code of Conduct.</li> </ul> <p>Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of a grievance. <sup>14</sup>(See Editorial Notes)</p> | <p><sup>10</sup><b>IN-SCHOOL SUSPENSION.</b> This is considered a discipline management technique and does not have the same three-day limit associated with out-of-school suspension, addressed later in the Model. Parents should be notified, however, of the removal to in-school suspension and should be offered the opportunity for a conference. HB 1314 added a new section to Chapter 37 that impacts a student's placement in in-school suspension or any other setting other than a DAEP. Section 37.021 requires districts to offer a student the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of the removal. The District may provide the opportunity to complete courses by any method available, including correspondence courses, distance learning, and summer school.</p> <p><sup>11</sup><b>EXTRACURRICULAR STANDARDS OF BEHAVIOR.</b> Principals, Superintendents, and/or the Board may approve extracurricular standards of behavior that are developed by sponsors and coaches of extracurricular activities. The extracurricular standards of behavior may set higher standards than the District's Student Code of Conduct. Students may be denied participation in an activity for violating the extracurricular standards of behavior. Refer to FO(LOCAL) for your District's policy. In light of numerous legal challenges around the state to various aspects of stricter standards of behavior as a condition of participation, the District is advised that such codes be in writing, be approved by the Superintendent or principal, and be signed by the students and their parents.</p> <p><sup>12</sup><b>TRANSPORTATION.</b> A student's transportation privileges may be revoked or restricted. However, transportation privileges may be taken away from a student with disabilities only in accordance with state and federal law.</p> <p><sup>13</sup><b>CORPORAL PUNISHMENT.</b> Refer to policy FO(LOCAL) to review any restrictions on the use of corporal punishment, if permitted. If corporal punishment is not permitted, delete this item from the list of discipline management techniques in the Consequences column on this page.</p> <p><sup>14</sup><b>GRIEVANCE OF A DISCIPLINARY ACTION.</b> Districts have had problems with parents who grieve disciplinary action in an effort to delay or avoid their child's consequences. Districts are not required to delay a consequence while a parent pursues a grievance.</p> |

# GENERAL MISCONDUCT VIOLATIONS

| Behaviors  | Consequences  | Editorial Notes   |
|--|---|---|
| <p>The following behaviors are prohibited at all school and school-related activities:</p> <ul style="list-style-type: none"> <li>Cheating or copying the work of another.</li> <li>Throwing objects that can cause bodily injury or property damage.</li> <li>Failing to comply with directives given by school personnel.</li> <li>Leaving school grounds or school-sponsored events without permission.</li> <li>Disobeying rules for conduct on school buses.</li> <li>Directing profanity, vulgar language, or obscene gestures toward another student or District employee.</li> <li>Fighting or scuffling. <sup>1</sup>(See Editorial Notes)</li> <li>Hazing. (See glossary)</li> <li>Stealing from students, staff, or the school.</li> <li>Damaging or vandalizing property owned by others. <sup>2</sup>(See Editorial Notes)</li> <li>Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means. (See glossary)</li> <li>Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.</li> <li>Discharging a fire extinguisher.</li> <li>Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.</li> <li>Possessing or selling a "look-alike" weapon.</li> <li>Possessing an air gun or BB gun.</li> <li>Possessing ammunition.</li> <li>Possessing a stun gun. <sup>3</sup>(See Editorial Notes)</li> <li>Possessing mace or pepper spray.</li> <li>Possessing or using any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.</li> </ul> | <p>General misconduct identified in the list of prohibited behaviors will result in application of one or more discipline management techniques consistent with law and the Student Code of Conduct.</p> <p>The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation of the Student Code of Conduct that may result in a suspension, removal to a Disciplinary Alternative Education Program (DAEP), or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation. <sup>4,5</sup>(See Editorial Notes)</p> <p>The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.</p> <p><b>DISCRETIONARY REMOVAL</b></p> <p>General misconduct violations will not necessarily result in the formal removal of the student from class or another placement but may result in a routine referral, formal removal, or the use of one or more discipline management techniques.</p> <p><b>FORMAL REMOVAL</b></p> <p>Formal removal from class will be initiated by a teacher if:</p> <ol style="list-style-type: none"> <li>The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class, or</li> <li>The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.</li> </ol> <p>A teacher or administrator <b>must</b> 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. <sup>6</sup>(See Editorial Notes)</p> <p>A teacher or administrator may remove a student from class for a behavior that the District has determined is a violation of the Student Code of Conduct.</p> <p><i>Within three school days, the principal will schedule a conference with the student's parent, the student, and the teacher in the case of a teacher, principal, or administrator removal.</i></p> | <p>The District should add, delete, or modify the list of behaviors listed in the Behaviors column to reflect the District's decisions on what are unacceptable student behaviors. Edit and supplement the list as necessary to reflect District practice. The District may want to move some of the general misconduct violations to the list of offenses for which a student may be placed in a DAEP. Be sure to add and delete behaviors and consequences as appropriate.</p> <p><sup>1</sup> <b>FIGHTING.</b> Keep in mind that not all fighting constitutes assault and may not require placement in a DAEP. [See FNCH(LEGAL)]</p> <p><sup>2</sup> <b>VANDALISM.</b> Damage to property equal to or in excess of \$1,500 is felony criminal mischief and requires placement in a DAEP or expulsion.</p> <p><sup>3</sup> <b>STUN GUNS.</b> Stun guns are not included in Texas law as a prohibited weapon.</p> <p><sup>4</sup> <b>NOTICE AND REPORT.</b> The requirement for a written teacher report and 24-hour notice was repealed in HB 1314.</p> <p><sup>5</sup> <b>ADMINISTRATOR RESPONSIBILITY.</b> HB 1314 requires the Student Code of Conduct to address notification to a student's parent when a student violates the Student Code of Conduct by committing a behavior that could result in the student being suspended, removed to a DAEP, or expelled. This bill deleted the 24-hour notification requirement; however, a district may continue to practice the 24-hour notification. We have included in this Model three school days for notification to give administrators more time to investigate and decide what course of action is required. The three school day requirement is not a legal requirement, but rather a suggestion to ensure consistency and best practice.</p> <p><sup>6</sup> <b>WRITTEN TEACHER REPORTS.</b> HB 1314 repealed Education Code 37.001(d), which required teachers to make written reports to administrators when they had knowledge of a Student Code of Conduct violation. A district may still require teachers to make written reports if it chooses to continue that practice.</p> |



| Behaviors   | Consequences  | Editorial Notes |
|---|---|-----------------|
| <ul style="list-style-type: none"> <li>• Gambling.</li> <li>• Making false accusations or hoaxes regarding school safety.</li> <li>• Falsifying records, passes, or other school-related documents.</li> <li>• Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).</li> <li>• Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.</li> <li>• Being insubordinate.</li> <li>• Refusing to accept discipline management techniques assigned by a teacher or principal.</li> <li>• Forcing an individual to act through the use of force or threat of force.</li> <li>• Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)</li> <li>• Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.</li> <li>• Engaging in threatening behavior toward another student or District employee on or off school property.</li> <li>• Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee. (See glossary)</li> <li>• Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.</li> <li>• Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.</li> <li>• Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee.</li> <li>• Inappropriate or indecent exposure of a student's private body parts.</li> </ul> | <p><i>At the conference, the principal or appropriate administrator will inform the student of the misconduct for which he or she is charged and will give the student an opportunity to give his or her version of the incident. The principal or administrator will notify the student of the consequences of the Student Code of Conduct violation.</i></p> <p>When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place a student in:</p> <ul style="list-style-type: none"> <li>• Another appropriate classroom.</li> <li>• In-school suspension.</li> <li>• Out-of-school suspension.</li> <li>• A Disciplinary Alternative Education Program.</li> </ul> <p>When a student has been formally removed from class by a teacher, the principal may not return the student to the teacher's class without the teacher's consent, unless the placement review committee determines that the teacher's class is the best or only alternative available.</p> |                 |

| Behaviors  | Consequences | Editorial Notes  |
|--|--------------|--|
| <ul style="list-style-type: none"> <li>• Possessing or using matches or a lighter.</li> <li>• Possessing, smoking, or using tobacco products.</li> <li>• Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.</li> <li>• Possessing or selling seeds or pieces of marijuana in less than a usable amount.</li> <li>• Possessing, using, giving, or selling paraphernalia related to any prohibited substance. (See glossary)</li> <li>• Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.<sup>7</sup>(See Editorial Notes)</li> <li>• Violating the District's policy on taking prescription drugs and over-the-counter drugs at school.</li> <li>• Possessing a cellular telephone or other telecommunications device at school or at a school-related or school-sponsored event.<sup>8</sup>(See Editorial Notes)</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>• Possessing a cellular telephone or other telecommunications device at school during the school day.</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>• Using a cellular telephone or other telecommunications device at school during the school day.</li> <li>• Possessing or using a laser pointer for other than an approved use.<sup>9</sup>(See Editorial Notes)</li> <li>• Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.<sup>10</sup>(See Editorial Notes)</li> </ul> <ul style="list-style-type: none"> <li>• Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the educational program.</li> <li>• Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.</li> </ul> |              | <p><sup>7</sup><b>PRESCRIPTION DRUGS.</b> We have revised this bullet to include possessing someone else's prescription drug.</p> <p><sup>8</sup><b>TELECOMMUNICATIONS DEVICES.</b> State law does not prohibit a student from possessing a cellular telephone or other telecommunications device at school. Districts, however, are empowered to adopt and enforce a local prohibition. If the District wants to prohibit possession of a cellular telephone or other telecommunications device, it must coordinate this prohibition with FNCE(LOCAL). Some districts prohibit cellular telephones and other telecommunications devices only during the school day but not at extracurricular activities. Whatever your District's practice, make sure your Student Code of Conduct and FNCE(LOCAL) both reflect it accurately.</p> <p><sup>9</sup><b>LASER POINTERS.</b> Laser pointers are not addressed in Chapter 37. Some laser pointers can cause injury to eyes, however, and districts should decide whether they want to prohibit or allow these items in school and/or at school-related activities. HB 831 made knowingly directing a light from a laser pointer at a uniformed safety officer, including a peace officer, security guard, firefighter, emergency medical service worker, or other uniformed municipal, state, or federal officer, a Class C misdemeanor.</p> <p><sup>10</sup><b>COMPUTER USE POLICIES OR RULES.</b> Coordinate with your CQ(LOCAL) policy, regulations, user agreements, and rules related to computer use. Refer to <a href="http://www.tasb.org/policy">http://www.tasb.org/policy</a> for the latest <b>Starting Points</b> addressing this issue.</p> |

| <b>Behaviors</b>   | <b>Consequences</b> | <b>Editorial Notes</b>   |
|--|---------------------|--|
| <ul style="list-style-type: none"> <li>• Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.</li> <li>• Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety; using e-mail or Web sites at school to encourage illegal behavior; or threatening school safety. <sup>11</sup>(See Editorial Notes)</li> <li>• Possessing material that is pornographic.</li> <li>• Violating dress and grooming standards as communicated in the student handbook.</li> <li>• Repeatedly violating other communicated campus or classroom standards of behavior.</li> </ul> |                     | <p><sup>11</sup><b>WRITTEN OR ELECTRONIC MATERIAL.</b> Districts may want to consider prohibiting students from possessing or acquiring at school magazines and information from the Internet promoting violence and illegal behavior. Districts have expressed concern regarding students' use of e-mail to send information that could be a threat to school safety.</p> |

# REMOVAL FROM THE REGULAR EDUCATIONAL SETTING SUSPENSION

| Behaviors  | Consequences   | Editorial Notes  |
|--|--|--|
| <p>Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation, Disciplinary Alternative Education Program placement, or expellable offense.<br/><small>(See Editorial Notes)</small></p> | <p>State law allows a student to be suspended for as many as three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.</p> <p>A student who is to be suspended will have an informal conference with the principal or appropriate administrator advising the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.</p> <p>The number of days of a student's suspension will be determined by the principal or other appropriate administrator, but will not exceed three school days.</p> <p>The principal or other appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.</p> <p>Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.</p> | <p>Districts may add to the list of offenses for which students may be suspended or removed to a DAEP, but all such offenses <b>must</b> be listed in the Student Code of Conduct. If the District adds to the list of offenses, the District should add the appropriate definitions.</p> <p><b>SUSPENSION.</b> HB 1314 changed Education Code 37.005(a) to state that a principal or other administrator may suspend a student for any conduct that has been identified in the Student Code of Conduct as conduct for which a student may be suspended.</p> <p>The three-day suspension rule was <u>not</u> changed. Suspension cannot exceed three days for one offense. Chapter 37 does not place any limits on the number of times a student can be suspended in a semester or year, although case law prior to the 1995 revisions to the Education Code suggests the need for limiting the number of days a student may be suspended in a semester. A district may be challenged if it suspends a student for so many days during a semester that the suspension has the effect of depriving a student of his or her right to an education.</p> |

# PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM

| Behaviors   | Consequences   | Editorial Notes   |
|---|--|---|
| <p><b>A student must be placed in a Disciplinary Alternative Education Program (DAEP)</b>, if the student engages in conduct relating to a false alarm or report, (including a bomb threat) or a terrorist threat involving a public school. <sup>1</sup>(See Editorial Notes)</p> <p><b>A student must be placed in a DAEP</b> for any of the following offenses, if the student commits these 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:</p> <ul style="list-style-type: none"> <li>• Engages in conduct punishable as a felony.</li> <li>• Commits an assault under Penal Code 22.01(a)(1). (See glossary)</li> </ul> | <p>Removals to a DAEP will be made by <u>(fill in the blank with the appropriate title or position for the District)</u>. <sup>2</sup>(See Editorial Notes)</p> <p>The duration of a student's placement in a DAEP will be determined by the <u>(fill in the blank with the appropriate title or position for the District)</u>.</p> <p>The duration of a student's placement in a DAEP will be determined on a case-by-case basis. The maximum period of DAEP placement is as follows: <sup>3</sup>(See Editorial Notes)</p> <p style="text-align: center;"><b>Conduct</b>                      <b>Maximum length of time</b></p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol> <p>DAEP placement will 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. <sup>4</sup>(See Editorial Notes)</p> <p>Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.</p> | <p><sup>1</sup><b>MAKING A FALSE ALARM OR REPORT OR A TERRORISTIC THREAT.</b> This includes behaviors such as calling in a bomb threat or pulling a fire alarm without cause. Districts also have the discretion to expel for these offenses. If the District decides that it will always expel for these offenses, delete the text here in favor of the text on page 18. A district may want to list bomb threats as an expellable offense and the pulling of a fire alarm as a DAEP placement. List the offenses under the appropriate category. The District may also want to take age and grade level into consideration when determining consequences.</p> <p><sup>2</sup><b>AUTHORITY TO REMOVE.</b> The Board must delegate the authority to place a student in a DAEP to either the campus principal or another appropriate administrator. The Board may want to designate specific hearing officers or a review committee for placement hearings.</p> <p><sup>3,4</sup><b>GUIDELINES.</b> HB 1314 requires districts to have guidelines for setting the term of a DAEP placement. Districts may list categories of offenses rather than each individual offense. Your District may want to specify in its list the length of a placement for a student who repeats an offense.</p> |

| Behaviors  | Consequences   | Editorial Notes   |
|--|--|---|
| <ul style="list-style-type: none"> <li>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. (School-related felony drug offenses are addressed in the expulsion section of this Student Code of Conduct.) (See glossary) <sup>5,6,7</sup>(See Editorial Notes)</li> <li>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 in this Student Code of Conduct.) <sup>8</sup>(See Editorial Notes)</li> <li>Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals. <sup>9</sup>(See Editorial Notes)</li> </ul> | <p>A student who, on or within 300 feet of school property or at a school-related event on or off school property,</p> <ol style="list-style-type: none"> <li>sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or</li> <li>engages in conduct punishable as an offense relating to an abusable volatile chemical</li> </ol> <p>will be placed in a DAEP on the first offense if the conduct is not punishable as a felony.</p> <p>However, if the student sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs, alcohol, or an abusable volatile chemical of any amount a second time in the same school year, the student will be expelled. <sup>8</sup>(See Editorial Notes)</p> <p><b>OR</b></p> <p>A student who, on or within 300 feet of school property or at a school-related event on or off school property,</p> <ol style="list-style-type: none"> <li>sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or</li> <li>engages in conduct punishable as an offense relating to an abusable volatile chemical</li> </ol> <p>will be placed in a DAEP if the conduct is not punishable as a felony.</p> <p><b>OR</b></p> <p>A student who, on or within 300 feet of school property or at a school-related event on or off school property,</p> <ol style="list-style-type: none"> <li>sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or</li> <li>engages in conduct punishable as an offense relating to an abusable volatile chemical of any amount</li> </ol> <p>will be expelled.</p> <p><b>OR</b></p> <p>The District will decide on a case-by-case basis whether to place in a DAEP or expel a student who</p> <ol style="list-style-type: none"> <li>sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or</li> <li>engages in conduct punishable as an offense relating to an abusable volatile chemical</li> </ol> <p>if the conduct is not punishable as a felony.</p> | <p><sup>5,6,7</sup> <b>DRUGS, ALCOHOL, AND ABUSABLE VOLATILE CHEMICALS.</b> Chapter 37 allows districts to choose expulsion or mandatory placement in a DAEP for drug, alcohol, or abusable volatile chemical offenses involving amounts that are less than felony violations. If the District wishes to have the option of punishing these offenses with DAEP placements, the District should retain the shaded material in the Behaviors column. If the Board decides to always expel for these lesser-amount offenses, these three bullets should be deleted from the DAEP section of the Student Code of Conduct and added to the expulsion section. Districts also have the option to place a student who has engaged in a first-time drug, alcohol, or abusable volatile chemical offense in a DAEP. A student may be expelled if the same conduct is repeated a second or third time. The District may also decide on a case-by-case basis whether to place a student in a DAEP or to expel the student. If the District chooses this last option, it should do so after consulting its school attorney. In whatever manner the District decides to treat these offenses, the decision should be clearly spelled out in the Student Code of Conduct. The language in the Behaviors and Consequences columns should be modified to reflect District practice, and should correspond.</p> <p>In the Consequences column, delete the shaded options that do not apply.</p> <p><sup>9</sup> <b>ABUSABLE VOLATILE CHEMICALS.</b> HB 1314 deleted the phrase "glue or aerosol paint" and replaced it with "volatile chemical." A volatile chemical includes aerosol paint and other abusable substances.</p> |

| Behaviors  | Consequences  | Editorial Notes   |
|--|---|---|
| <ul style="list-style-type: none"> <li>Behaves in a manner that contains the elements of the offense of public lewdness.</li> <li>Behaves in a manner that contains the elements of the offense of indecent exposure.</li> <li>Engages in expellable conduct, if the student is between six and nine years of age. <sup>§(See Editorial Notes)</sup></li> <li>Engages in conduct that contains the elements of the offense of retaliation against any school employee on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.)</li> <li>Engages in conduct punishable as 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:             <ol style="list-style-type: none"> <li>The student receives deferred prosecution. (See glossary)</li> <li>A court or jury finds that the student has engaged in delinquent conduct. (See glossary)</li> <li>The Superintendent or designee has a reasonable belief that the student engaged in the conduct. (See glossary) <sup>10(See Editorial Notes)</sup></li> </ol> </li> </ul> <p>A principal or other appropriate administrator 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 principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.</p> <p>In accordance with state law, a student <b>may be placed</b> in a DAEP for any one of the following offenses:</p> <ul style="list-style-type: none"> <li>Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 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.</li> </ul> | <p>When a student is removed from class by a teacher (formal removal) or an administrator for a mandatory or discretionary DAEP offense, the principal or other appropriate administrator will schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.</p> <p>Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal may place the student in:</p> <ul style="list-style-type: none"> <li>Another appropriate classroom.</li> <li>In-school suspension.</li> <li>Out-of-school suspension.</li> <li>A Disciplinary Alternative Education Program.</li> </ul> <p>At the conference, the principal or appropriate administrator will inform the student, orally or in writing, of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal.</p> <p>Following valid attempts to require their attendance, the District may hold the conference and make a placement decision regardless of whether the student or the student's parent attends the conference.</p> <p>After the conference, if the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in the Student Code of Conduct, the DAEP placement order will give notice of the inconsistency.</p> <p>Placement in a DAEP may not exceed one year unless a review by the District determines that:</p> <ol style="list-style-type: none"> <li>The student is a threat to the safety of other students or to District employees; or</li> <li>Extended placement is in the best interest of the student.</li> </ol> | <p><sup>9</sup><b>STUDENTS UNDER THE AGE OF TEN.</b> The law regarding young students is as follows:</p> <ul style="list-style-type: none"> <li>Students under age six cannot be removed from class and placed in a DAEP unless they commit a federal firearms offense. HB 1314 added this exception.</li> <li>Students between six and nine years of age who commit expellable offenses must be placed in a DAEP.</li> <li>Elementary students cannot be placed in a DAEP with students not in elementary school.</li> </ul> <p><sup>10</sup><b>DETERMINATION OF OFFENSE.</b> To determine whether a violation includes elements of an offense under the Penal Code, the District may rely on reports from law enforcement authorities in accordance with Article 15.27 of the Code of Criminal Procedure. Article 15.27 requires law enforcement officers and officers of juvenile courts to provide information to districts when a young person gets into trouble. The Superintendent or designee can use such a report to determine whether or not to remove a student from the regular classroom and place him or her in a DAEP. When a student is convicted or found guilty of a felony offense, the office of the prosecuting attorney acting in the case must orally notify the principal or designee within 24 hours or by the next school day. The Superintendent must then notify all instructional and support staff who have regular contact with the student. Even in the absence of a conviction, the student may be disciplined at school if the school determines that the conduct occurred. HB 1314 amended Article 15.27 of the Code of Criminal Procedure to require the office of a prosecuting attorney to notify the principal or designee when a student is given deferred prosecution or deferred adjudication. The prosecuting attorney's office must verbally notify the principal or designee within 24 hours or by the next school day.</p> |

| Behaviors  | Consequences  | Editorial Notes   |
|--|---|---|
| <p>In accordance with Education Code 37.0081, after an opportunity for a hearing before the Board or its designee, a <b>student may be placed</b> in a DAEP if:</p> <ul style="list-style-type: none"> <li>The student receives deferred prosecution for conduct defined as a felony offense in Title 5 of the Texas Penal Code; or</li> <li>The student has been found by a court to have engaged in delinquent conduct for conduct defined as a felony offense in Title 5 of the Texas Penal Code.</li> </ul> <p>The Board or the Board's designee must determine that the student's presence in the regular classroom:</p> <ol style="list-style-type: none"> <li>Threatens the safety of other students or teachers;</li> <li>Will be detrimental to the educational process; or</li> <li>Is not in the best interest of the District's students.</li> </ol> <p>A student's placement in the DAEP as a result of receiving deferred prosecution or delinquent conduct, as described above, may occur regardless of:</p> <ol style="list-style-type: none"> <li>The date on which the student's conduct occurred;</li> <li>The location at which the conduct occurred;</li> <li>Whether the conduct occurred while the student was enrolled in the District; or</li> <li>Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.</li> </ol> <ul style="list-style-type: none"> <li>Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang. <sup>11(See Editorial Notes)</sup></li> <li>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, or secret society.</li> <li>Any criminal mischief.</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>Criminal mischief not punishable as a felony. <sup>12(See Editorial Notes)</sup></li> <li>A federal firearms violation, for a student six years of age or younger. <sup>13(See Editorial Notes)</sup></li> </ul> | <p>A DAEP placement in accordance with Education Code 37.0081 may be for any length of time determined necessary by the Board or its designee in light of the factors considered before placement. A student placed under this section is entitled to periodic status reviews by the Board or designee at intervals not to exceed 120 days.</p> <p>The Board's designee will send the student and the parents a copy of the DAEP order. Not later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the order placing the student in a DAEP and all information required by Section 52.04 of the Family Code.</p> <p>After the conference, if the student is placed in a DAEP, the appropriate administrator will write a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student's parent. Parental questions or complaints regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG(L,OCAL). A copy of this policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board. <sup>14(See Editorial Notes)</sup></p> <p>The District does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. <sup>15(See Editorial Notes)</sup></p> | <p><sup>11</sup><b>GANGS.</b> Districts having problems with gang activity should consult their school attorneys to define gang-related activity and should discipline consistently for such activity.</p> <p><sup>12</sup><b>FELONY CRIMINAL MISCHIEF.</b> Criminal mischief constitutes a felony if the property damage meets or exceeds \$1,500. A district may either place a student in a DAEP or expel the student. The District must decide whether to make this an offense for which a student will be placed in a DAEP or expelled and indicate this choice in the Student Code of Conduct.</p> <p><sup>13</sup><b>STUDENTS UNDER SIX YEARS OF AGE.</b> A student under 6 may not be removed from class and placed in a DAEP unless he or she has committed a federal firearms offense.</p> <p><sup>14</sup><b>GRIEVANCE OF A DISCIPLINARY ACTION.</b> Some districts have had problems with parents who grieve disciplinary action in an effort to delay or avoid the consequence assigned to their child. Districts are not required to delay a consequence while a parent submits a grievance.</p> <p><sup>15</sup><b>SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITIES.</b> State law prohibits students placed in a DAEP for state-mandated removal reasons from attending or participating in school-sponsored or school-related extracurricular or cocurricular activities during the period of placement. The District is also required to enforce this prohibition when a Superintendent or designee has a reasonable belief that the student committed a non-Title 5 (nonviolent) felony and the student's continued presence in the classroom threatens the safety of other students or teachers or will be detrimental to the educational process. For other violations that result in a DAEP placement, a student may be restricted or prohibited—at the District's discretion—from participating in school-sponsored or school-related extracurricular or cocurricular activities and may be ineligible to seek or hold honorary positions and/or membership in school-sponsored clubs or organizations. You may modify the Model statement to address other DAEP discretionary offenses for which your District does not prohibit participation in school-sponsored or school-related extracurricular or cocurricular activities.</p> |



| Behaviors  | Consequences  | Editorial Notes   |
|--|---|---|
| <p>In addition, the District has determined that the following behaviors <b>may result in a student's placement in a DAEP</b>.<sup>16</sup>(See Editorial Notes)</p> <ul style="list-style-type: none"> <li>• Cheating or copying the work of another.</li> <li>• Throwing objects that can cause bodily injury or property damage.</li> <li>• Failing to comply with directives given by school personnel.</li> <li>• Leaving school grounds or school-sponsored events without permission.</li> <li>• Disobeying rules for conduct on school buses.</li> <li>• Directing profanity, vulgar language, or obscene gestures toward other students or a District employee.</li> <li>• Fighting.</li> <li>• Hazing.</li> <li>• Stealing from students, staff, or the school.</li> <li>• Damaging or vandalizing property owned by others.</li> <li>• Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.</li> <li>• Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.</li> <li>• Discharging a fire extinguisher.</li> <li>• Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.</li> <li>• Possessing or selling a "look-alike" weapon.</li> <li>• Possessing an air gun or BB gun.</li> <li>• Possessing ammunition.</li> <li>• Possessing a stun gun.</li> <li>• Possessing a mace or pepper spray.</li> <li>• Possessing or using any articles not generally considered to be a weapon, including school supplies, when the principal or designee determines that a danger exists.</li> <li>• Gambling.</li> </ul> | <p>A student placed in a DAEP will 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.<sup>17</sup>(See Editorial Notes)</p> <p>The District will provide transportation to students in a DAEP.</p> <p>If during the term of placement in a DAEP 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 other appropriate administrator, or the Board may enter an additional disciplinary order as a result of those proceedings.</p> <p>A student placed in a DAEP will be provided a review of his or her status, including academic status, by <u>(fill in the blank with the Board or the appropriate title or position of the Board's designee)</u> 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 will also be reviewed. At the review, the student or the student's parent will 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.</p> <p>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 will be given notice and the opportunity to participate in a proceeding before the Board or the Board's designee. Any decision is final and may not be appealed beyond the Board.</p> <p>For placement in a DAEP to extend beyond the end of the school year, <u>(fill in the blank with the Board or the appropriate title or position of the Board's designee)</u> must determine that:</p> <ol style="list-style-type: none"> <li>1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or</li> <li>2. The student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct.</li> </ol> <p>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.</p> | <p><sup>16</sup><b>ADDITIONAL DAEP PLACEMENTS.</b> List any behaviors that could result in a DAEP placement beyond the list of state-required reasons. We have provided you with a sample list; however, your list should include only those offenses the District has decided warrant a DAEP placement.</p> <p><sup>17</sup><b>TRANSPORTATION.</b> A student's transportation privileges may be taken away or restricted. However, the removal of transportation privileges from students with disabilities must be consistent with state and federal law.</p> |

| Behaviors   | Consequences  | Editorial Notes   |
|---|---|---|
| <ul style="list-style-type: none"> <li>• Making false accusations or hoaxes regarding school safety.</li> <li>• Falsifying records, passes, or other school-related documents.</li> <li>• Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).</li> <li>• Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.</li> <li>• Being insubordinate.</li> <li>• Refusing to accept discipline management techniques assigned by a teacher or principal.</li> <li>• Forcing an individual to act through the use of force or threat of force.</li> <li>• Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed elsewhere in the Student Code of Conduct.)</li> <li>• Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.</li> <li>• Engaging in threatening behavior toward another student or District employee, on or off school property.</li> <li>• Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or a District employee.</li> <li>• Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.</li> <li>• Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.</li> <li>• Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee.</li> <li>• Inappropriate or indecent exposure of a student's private body parts.</li> </ul> | <p>When a student violates the District's Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student then reenrolls 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 other appropriate administrator, or the Board fails to 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.</p> <p>A student assigned to a DAEP placement in another district or open-enrollment charter school at the time he or she enrolls in the District will be placed directly into the District's DAEP. <sup>(181526 Editorial Note)</sup></p> <p><b>OR</b></p> <p>The District will decide on a case-by-case basis the placement of a student who enrolls in the District and was assigned to a DAEP in another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district), or an open-enrollment charter school. The District may place the student in the District's DAEP or a regular classroom setting.</p> <p>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, will reduce the period of the placement so that the total placement does not exceed one year unless, after a review, 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.</p> <p><b>OR</b></p> <p>A student who enrolls in the District and was previously assigned to a DAEP placement in another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district), or in an open-enrollment charter school will be placed directly into a regular classroom setting.</p> | <p><sup>18</sup><b>STUDENTS FROM OTHER DISTRICTS, STATES, OR OPEN-ENROLLMENT CHARTER SCHOOLS.</b> HB 1314 allows districts to place a student enrolling from an open-enrollment charter school in the District's DAEP if the student was in the charter school's DAEP, and the charter school provides a copy of the placement order to the District.</p> <p>HB 1314 allows a district to place an enrolling student who was in a DAEP in another state in the District's DAEP if the student's placement was for a reason that is a DAEP placement in the receiving district, and the sending district provides a copy of the placement order.</p> <p>If a student was placed in a DAEP by a district in another state for a period that exceeds one year, a district in Texas must count the student's time spent in the DAEP in the other state so that the student's total placement time does not exceed one year unless, after a review, the District determines that:</p> <ol style="list-style-type: none"> <li>1. The student is a threat to the safety of other students or to District employees; or</li> <li>2. Extended placement is in the best interest of the student.</li> </ol> |

| Behaviors   | Consequences   | Editorial Notes  |
|---|--|--|
| <ul style="list-style-type: none"> <li>• Possessing or using matches or a lighter.</li> <li>• Possessing, smoking, or using tobacco products.</li> <li>• Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.</li> <li>• Possessing or selling seeds or pieces of marijuana in less than a usable amount.</li> <li>• Possessing, using, giving, or selling paraphernalia related to any prohibited substance.</li> <li>• Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.</li> <li>• Violating the District's policy on taking prescription drugs and over-the-counter drugs at school.</li> <li>• Possessing a cellular telephone or other telecommunications device at school or at a school-related or school-sponsored event.</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>• Possessing a cellular telephone or other telecommunications device at school during the school day.</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>• Using a cellular telephone or other telecommunications device at school during the school day.</li> <li>• Possessing or using a laser pointer for other than an approved use.</li> <li>• Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.</li> <li>• Using the Internet or other electronic communications to threaten students, employees, or cause disruption to the educational program.</li> <li>• Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.</li> </ul> | <p>For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program will be the last instructional day, and the student will be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order. <small>(Please Editorial Note)</small></p> <p style="text-align: center;"><b>OR</b></p> <p>For seniors assigned to a DAEP who are eligible to graduate, the placement will not be allowed to participate in the graduation ceremony and related graduation activities.</p> <p>The office of the prosecuting attorney will notify the District if a student was placed in a DAEP and:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <p>If a student was placed in a DAEP for conduct other than a false alarm or report or terrorist threat involving a public school or conduct on or within 300 feet of school property for which DAEP placement is required by law, on receiving the notice from the prosecutor, the Superintendent or designee will review the student's placement in the DAEP and schedule a review of the student's placement 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.</p> <p>After reviewing the notice and receiving information from the student's parent, the Superintendent or designee may continue the student's placement in the DAEP 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.</p> | <p><sup>19</sup><b>GRADUATION.</b> The Education Code prohibits students in a DAEP for certain reasons from participating in school-sponsored or school-related activities. Districts should decide and communicate clearly to parents and students whether a DAEP placement in the second semester ends on the last day of instruction or continues through graduation and graduation-related activities.</p> |



| <b>Behaviors</b>   | <b>Consequences</b>   | <b>Editorial Notes</b>  |
|--|---|---|
| <ul style="list-style-type: none"> <li>Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.</li> <li>Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.</li> <li>Possessing material that is pornographic.</li> <li>Violating dress and grooming standards as communicated in the student handbook.</li> <li>Repeatedly violating other communicated campus or classroom standards of behavior.</li> </ul> <p>In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.</p> | <p>The Board will, 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 will make a record of the proceedings.</p> <p>If the Board confirms the decision of the Superintendent or designee, the Board will inform the student and the student's parent of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.</p> <p>When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for placement in a DAEP. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.<br/><small>20/See Editorial Notes</small></p> | <p><sup>20</sup><b>EMERGENCY PLACEMENT.</b> The Education Code allows administrators to place a student in a DAEP in an emergency situation. HB 1314 revised the emergency placement provision of Chapter 37.</p> |