

SECTION III:

2018-2019 Student Code of Conduct

GENERAL OVERVIEW

Purpose

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code, and is intended to promote a safe, secure, and optimal learning environment for all students. The District does not discriminate against students on the basis of race, sex, national origin, disability, religion, color or ethnicity when enforcing the provisions of this Code.

This Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

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, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Judson ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding: standards of conduct; a description of prohibited conduct; the disciplinary options, methods, and consequences for preventing and addressing student misconduct; and the process the District will follow when administering disciplinary consequences. (As used in this Code, the term "parent" includes a guardian.) It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be posted on the district's Web site. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Because the Student Code of Conduct is adopted by the District's Board of Trustees, it has the force of policy. If there is a conflict between this Code and District policy, the more recent adopted item will control.

The campus behavior coordinator shall promptly notify a student's parent or guardian if the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer. Failure to provide any notice within this time period or as noted elsewhere in this Code does not preclude imposing a discipline consequence for the misconduct.

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.

School District Authority and Jurisdiction

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.

The district has disciplinary authority over a student:

- During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
- During lunch periods, including those in which a student is allowed to leave campus;

- While the student is in attendance at any school-related or school-sponsored activity, regardless of time or location;
- While on school property;
- For any school-related misconduct, regardless of time or location;
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
- When a student engages in cyberbullying, as provided by Education Code 37.0832;
- When criminal mischief is committed on or off school property or at a school-related event;
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
- When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
- When the student is required to register as a sex offender.

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.

The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district.

Reporting Crimes

School administrators shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus. Certain acts of misconduct may constitute criminal offenses in addition to violations of this Code. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding, and may not be affected by the outcome of any criminal proceeding.

Revoking Transfers

The district has the right to revoke the transfer of a nonresident student for violating the district's Code.

Participating in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating this Code.

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

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

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

See **DAEP-Restrictions During Placement** on page 84, for information regarding a student assigned to DAEP at the time of graduation.

Unauthorized Persons

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

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

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.
- Ensure that the student's personal property, mode of transportation or school property used by the student does not contain prohibited items.

Because of significant variations in student conduct, it is not always possible for this Code to address each and every act of student misbehavior; therefore, the District retains the discretion to address student misconduct that is inconsistent with these expectations, even though the conduct may not be specifically included in this Code.

General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any general conduct violation set out below, however, may result in Removal from the Regular Educational Setting as detailed in that section.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel or engage in other acts of insubordination.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on district vehicles.

- Refuse to accept discipline management techniques assigned by a teacher or principal or other administrator.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence. (See the glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See the glossary.)
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, written, physical, or sexual conduct directed toward another person, including a District student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage, destroy, or vandalize property owned by the District or by others. (For the consequences felony criminal mischief, see the sections on DAEP Placement or Expulsion.)
- Deface, mark or damage school property (including textbooks, technology and electronic resources, lockers, furniture, and other equipment) with graffiti or by other means. (This prohibition includes "tagging.")
- Steal from students, staff, or the school.
- Commit or assist in a robbery, burglary, or theft even if it does not constitute a felony according to the Texas Penal Code. (For consequences for felony robbery, aggravated robbery, and theft, see the DAEP Placement and Expulsion sections.)

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, razor blade, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A fake or "look-alike" weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;

- An air gun, stun gun, or BB gun;
- Ammunition;
- *A location-restricted knife;
- A hand instrument designed to cut or stab another by being thrown;
- *A firearm;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray; or any other small chemical dispenser sold commercially for personal protection;
- Material that is sexually-oriented, pornographic, obscene, or reveals a person's private body parts;
- Tobacco or nicotine products, including electronic cigarettes, vapor pens; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Poisons, caustic acids, or other materials that may be toxic to the human body;
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*For weapons and firearms, see DAEP Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunication or Other Electronic Devices

Students shall not:

- Possess CD or DVD players, cassette players, electronic games, MP3 players, stereo headsets, or other electronic equipment for other than approved use.
- Display, turn on, have in operational mode or use a telecommunication device, including a cellular telephone, pager, or other electronic device on school property during the school day other than approved use. (See the Glossary for the definition of Telecommunication Devices.)

Illegal, Prescription, and Over-the-Counter Drugs, and Analogues

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possess, give, buy, or sell seeds or pieces of marijuana in less than a usable amount.
- Offer to sell any amount of marijuana, a controlled substance, a dangerous drug, an abusable volatile chemical, a prescription drug, or an alcoholic beverage.
- Possess, use, give, buy, or sell paraphernalia related to any prohibited substance. (See the Glossary for the definition of "paraphernalia.")
- Possess, use, give, or sell look-alike drugs or attempt to pass items off as drugs or contraband. This prohibition includes possessing, using, selling buying, or giving any substance which is represented to be or looks like a narcotic drug, a hallucinogenic drug, an amphetamine, a barbiturate, a stimulant, a depressant or an intoxicant of any kind, including substances that contain chemicals which produce the same effect of illegal substances, including but not limited to substances known as Spice and K-2.

- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See the Glossary for the definition of “abuse.”)
- Abuse over-the-counter drugs. (See the Glossary.) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for the definition of “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.
- Possess, use, give, or sell analogues. (See the Glossary.)

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements regarding the use of computers, Internet access, technology or other electronic communications or imaging devices.
- Attempt or successfully access or circumvent passwords or other security-related information of the District, students, or employees, or upload or create computer viruses. If this conduct occurs off school property, while not at a school-related or school-sponsored activity, the student will be subject to discipline under this Code if the conduct causes a substantial disruption to the educational environment.
- Attempt or successfully alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district’s system. If this conduct occurs off school property, while not at a school-related or school-sponsored activity, the student will be subject to discipline under this Code if the conduct causes a substantial or material disruption at school.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

Safety Transgressions

Students shall not:

- Possess published or electronic material that promotes or encourages illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make or participate in false accusations or hoaxes regarding school safety.
- Add any substance, whether harmful or not, to any food or beverage belonging to, in the possession of, or meant to be consumed by another person, without that person’s permission.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.

- Throw objects that can cause bodily injury or property damage
- Discharge a fire extinguisher, pull a fire alarm, call 911, tamper with an Automated External Defibrillator, or cause a sprinkler system to activate when there is no smoke, fire, danger, or emergency.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the student handbook.
- Engage in academic dishonesty, including plagiarism, unauthorized collaboration in preparing or completing an assignment, cheating, or copying the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Code of Conduct

The district may impose campus or classroom rules in addition to those found in this Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of this Code.

Discipline Considerations and Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. It shall also take into account the safety of students, staff and visitors, as well as the need to provide a positive, safe, and effective educational setting. Using their professional judgment, District employees will consider a variety of factors when administering disciplinary consequences and determining the duration of the consequences, including but not limited to:

- The degree of severity and risk of danger;
- The effect of the misconduct on others as well as on the school environment;
- The age and grade level of the student;
- The student's disciplinary history;
- The frequency of the misconduct;
- The student's demeanor;
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, to the extent required by state and federal law; and
- Any legal requirements.

Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal may restrict or revoke a student's transportation privileges, in accordance with law.

In addition, when deciding to order the out-of-school suspension, DAEP placement, or expulsion of a student, the District will also consider (1) self-defense (see the Glossary) and (2) the student's intent (see the Glossary) or lack of intent at the time of the misconduct.

Because of these factors, discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Students with Disabilities

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 shall prevail.

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see the glossary) until and ARD committee meeting has been held to review the conduct.

As noted above, in deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used – alone or in combination- for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal or written correction.
- Cooling-off time or "time-out."
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reduction for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.

- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-school Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code
- Placement and/or expulsion in an alternative education setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

The campus behavior coordinator shall promptly notify a student’s parent by phone or in person and in writing of any violation that may result in a detention outside of regular school hours, out-of-school suspension, placement in a DAEP, or expulsion. Notification will be made the day the action is taken.

Appeals

There is no appeal to the imposition of disciplinary consequences that do not involve a DAEP placement or an expulsion. (See the sections of this Code dealing with DAEP placements and expulsions for the applicable appeal process relating to those consequences.) However, questions from parents regarding disciplinary measures other than DAEP placements or expulsions should be addressed to the campus behavior coordinator. Grievances or complaints regarding the use or application of specific discipline management techniques or the process followed in imposing them should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal’s office or the central administration office or through Policy On-Line at the following address: (www.judsonisd.org).

Disciplinary consequences shall not be deferred pending the outcome of a grievance or complaint.

Removal from the School Bus

A bus driver may refer a student to the campus behavior coordinator to maintain effective discipline on the bus. The campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student’s bus riding privileges.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the campus behavior coordinator’s office as a discipline management technique. The campus behavior coordinator may then employ additional techniques.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

1. 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 with the student’s classmates’ ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

A teacher or campus behavior coordinator **must** remove a student from class if the student engages in behavior that under the Texas Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for

those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the campus behavior coordinator shall schedule a conference with the student's parent, the student, the teacher, (in the case of removal by a teacher) and any other administrator.

At the conference, the campus behavior coordinator shall inform the student of the misconduct for which he or she is charged and the consequences. The behavior coordinator shall give the student an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator may place the student in:

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

Returning Student to Classroom

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent, if the Placement Review Committee determines that the teacher's class is the best or only alternative available.

In-School Suspension (ISS)

Students may be placed in ISS by a campus administrator for any misconduct listed in any category of this Code.

The student will be informed of the reason for placement in ISS and given an opportunity to respond before the campus behavior coordinator's decision is final.

While in ISS, the student will complete assignments from his or her teachers.

Out-of-School Suspension

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student in grade 2 or below shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students in grade 2 or below who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

State law allows a student to be suspended for no more than 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.

Before being suspended a student shall have an informal conference with the campus behavior coordinator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the behavior coordinator's decision is made.

The number of days of a student's suspension shall be determined by the behavior coordinator but shall not exceed three school days.

The campus behavior coordinator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

The student will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension. The student will have the opportunity to receive full credit for completed academic work.

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. 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.

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

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 district shall take into consideration:

1. Self-defense (see the Glossary);
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history; and
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 engaging in any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property.

- Possessing, giving, buying, or selling less than a useable amount of stems, seeds, or other pieces of marijuana.
- Possessing, using, selling buying, or giving paraphernalia related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.
- Abusing the student's own prescription drug or using it in a way other than as prescribed.
- Giving, buying, or selling a prescription drug.
- Possessing, using, or being under the influence of another person's prescription drug.
- Offering to sell any amount of marijuana, a controlled substance, a dangerous drug, an abusable volatile chemical, a prescription drug, or an alcoholic beverage.
- Preparing a hit list.

- Engaging in persistent (see the Glossary) misbehavior that violates this Code.
- Engaging in a major fight
- Committing any offense included 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 the Glossary)
- Involvement in criminal street gang activity. (See the Glossary)
- Criminal mischief, not punishable as a felony.

In accordance with state law, a student **may** be placed in a DAEP if the appropriate administrator has a reasonable belief (See the 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 the Glossary) of the Texas Penal Code) that occurs off school property and not at a school-sponsored or school-related event, and reasonably believes that 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 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 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 the 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:
 1. Engages in conduct punishable as a felony.
 2. Commits an assault (see glossary) under Texas Penal Code 22.01 (a)(1).
 3. 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.) (See glossary for “under the influence”.)
 4. Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of an alcoholic beverage, if the conduct is not punishable as a felony offense (School-related felony alcohol offenses are addressed in the Expulsion section of this Code.)
 5. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 6. Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.

7. Possesses a knife with a blade over 3 inches but less than 5 ½ inches. (The length of a blade will be determined by measuring from the hilt of the knife to the tip of the blade.)
- 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:
 1. The student receives deferred prosecution (see glossary),
 2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
 3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assaults 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 other 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.

Procedure for DAEP Placement

Removals to a DAEP shall be made by the Director of Pupil Services.

Conferences

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

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

Following reasonable attempts to require attendance, the campus administrator may hold the initial conference and make a placement recommendation decision regardless of whether the student or the student's parents attend the initial conference.

Until a placement conference is held by the Director of Pupil Services, the student will be placed in out-of-school suspension (for a maximum of three school days), in-school suspension, or another appropriate classroom; the student shall not be returned to the regular classroom pending the placement conference.

DAEP Placement Order

After the placement conference with the Director of Pupil Services, if the student is to be placed in the DAEP, the Director 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 Director of Pupil Services or his 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 student and 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 Director of Pupil Services.

The duration of a student's placement shall be determined on a case-by-case basis, using the criteria identified in the Discipline Consideration and Management Techniques section of this Code, including but not limited to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and legal 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 school days or longer in accordance with established District administrative procedures for administering other diagnostic or benchmark assessments.

Possible Placements Exceeding One Year

A placement in a DAEP may exceed one year when the Director of Pupil Services 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 placed in a DAEP at the end of one school year may be required to complete that placement at the start of the next school year.

For placement in a DAEP to extend beyond the end of the school year, the Director of Pupil Services must determine that:

1. The student's presence in the regular classroom or campus 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 the Glossary) that violates this Code.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, which-ever 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

Appeals regarding the decision to place a student in a DAEP or the length of the placement must be in writing and delivered to the Executive Director of Student Support Services by no later than two school days from the date the student or parent receives the written DAEP placement order. The written appeal must be filed with the Executive Director and must set out every reason the parent believes the placement decision was wrong or the length of the

placement too long, and must have attached to it a copy of the placement order and a copy of any document the student or parent believes supports the appeal. Within three school days of the receipt of the appeal, the Executive Director will contact student and the parents and schedule an appeal conference. Within two school days of the appeal conference, the Executive Director will send a written decision denying or granting the appeal.

If the student or parent is not satisfied with the appeal ruling of the Executive Director, the student or the parent may appeal that ruling to the Board by filing with the Superintendent a written request to do so, and must attach to that request a copy of the placement order, a copy of the written appeal, and a copy of the Executive Director's decision. The Board will not consider any reason or argument not presented to the Executive Director, and will have the Superintendent inform the student and the parent of the date, time and place of the appeal to the Board. The Board's decision on the appeal will be final.

As previously noted, the disciplinary consequences imposed by the DAEP placement order shall not be delayed or deferred pending the outcome of any appeal.

Grievances or complaints regarding any issue concerning placement in a DAEP other than the placement itself or the length of the placement must be addressed in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: www.judsonisd.org.

As previously noted, disciplinary consequences shall not be deferred pending the outcome of an appeal or a grievance and the decision to place a student in a DAEP or the length of the placement cannot be appealed beyond the Board.

Restrictions during Placement

The District does not permit a student who is placed in a DAEP for any reason to attend or participate in any school-sponsored or school-related extracurricular or co-curricular activity during the term of the placement. This restriction applies until the student fulfills the DAEP assignment in this District or another school District. In addition, a student in a DAEP may not seek or hold any honorary or elected positions and/or membership in any school-sponsored clubs and/or organizations.

The district shall provide transportation to students in a DAEP.

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 Judson Secondary Alternative School Principal 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 or a teacher who removed the student without the 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 Director of Pupil Services may enter an additional disciplinary order as a result of those proceedings.

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 the 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 class 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 district may complete the proceedings and issue a 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 appropriate administrator 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 or Transfer Students

The District shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the District and was assigned to a DAEP in another Texas school district, a Texas open-enrollment charter school, or an out-of-state school district. The District may place the student in the District DAEP or a regular classroom setting. This decision shall be made by the Superintendent or the Superintendent's designee.

In order to continue an out-of-state DAEP placement, the basis for the placement must also be a reason for DAEP placement in this 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. This review will be conducted by the Superintendent or the Superintendent's designee.

Emergency Placement Procedure

When an emergency DAEP 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 conference as required for regular 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

The general rules for DAEP placement set out in this Code apply to registered sex offenders except as modified below.

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 or if such placement is permitted by agreement between the District and the JJAEP.

Registered sex offenders (whether under court supervision or not) who transfer into the District will be required to complete the DAEP assignment assessed by the previous school district. Prior to the end of that placement, the review committee as described in the Periodic Review of Sex Offenders section below will convene to determine whether to recommend to the Executive Director whether the student should be returned to the regular classroom.

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 a 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 Executive Director 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 interest of the district's students.

Periodic Review for Registered Sex Offender

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 to the Executive Director whether the student should return to the regular classroom or remain in the placement. The Executive Director will follow the committee's recommendation to return the student to the regular classroom unless the Executive Director finds that the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, if the committee recommends continuing the student's placement in a DAEP, the Executive Director will follow that recommendation unless the Executive Director finds that the student's presence in the regular classroom is **not** a threat to the safety of others, is **not** detrimental to the educational process, or is **not** contrary to the best interests of the District's students.

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 for Registered Sex Offender Placement

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 campus behavior coordinator 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 the above 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 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

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 campus behavior coordinator shall take into consideration:

1. Self-defense (see the Glossary);
2. Intent or lack of intent at the time the student engaged in the conduct;

3. The student's disciplinary history; and
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the 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:
 1. Aggravated assault;
 2. Sexual assault;
 3. Aggravated sexual assault;
 4. Murder;
 5. Capital murder;
 6. Criminal attempt to commit murder or capital murder; or
 7. Aggravated robbery.
- Engaging in breach of computer security by accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and knowingly altering, damaging, or deleting school property or information, or breaching any other computer, computer network, or computer system.
- 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, delivering to another person, 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 the Glossary for "under the influence.")
- Selling, giving, delivering, or possessing, using, or being under the influence of, 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 the 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 the 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.)
- Possess of a firearm as defined by federal law. (See glossary.)

On 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 Texas school district or while the student is attending a school-sponsored or school-related activity of another in Texas school district.

While in DAEP

A student **may** be expelled for engaging in documented serious misbehavior (see the Glossary) while the student is placed in DAEP, despite documented behavioral interventions. For purposes of discretionary expulsion under this provision, 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, Texas Penal Code;
 - c. Criminal mischief under section 28.03, Texas Penal Code;
 - d. Personal hazing under Section 37.152 of the Texas Education Code; or
 - e. Harassment under Section 42.07(a)(1), Texas 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

- Brining 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 sport 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:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault;
 - b. Arson;
 - c. Murder, capital murder, or criminal attempt to commit murder or capital murder;
 - d. Indecency with a child;
 - e. Aggravated kidnapping;
 - f. Aggravated robbery;
 - g. Manslaughter;
 - h. Criminally negligent homicide; or
 - i. Continuous sexual abuse of a young child or children.
 - j. 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

The Board of Trustees delegates to the Director of Pupil Services authority to conduct hearings and expel students.

If a student is believed to have committed an expellable offense, the behavior coordinator 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 campus behavior coordinator 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. At the hearing, 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 Director of Pupil Services authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing conducted by the Director of Pupil Services, 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 expulsion order or 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 expulsion will not be delayed pending the outcome of the appeal.

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 will 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, and will send written notice of its decision to the student and parent.

Expulsion Order

Before ordering the expulsion, the board or campus behavior coordinator 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.

After the due process hearing, if the student is expelled, the Board's 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 expulsion hearing, the Board's designee shall deliver to the authorized officer of juvenile court in the county in which the student resides a copy of the expulsion order and the information required by Section 52.04 of the Family Code. In addition, a written copy of the expulsion order shall be sent to the JJAEP's designated representative. This notification shall also be made no later than two business days following the expulsion hearing.

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 using the criteria identified in the Discipline Considerations and Management Techniques section of this Code. 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 employee, 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 expelled at the end of one school year may be required to complete the term of expulsion at the beginning of the next school year.

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

If the appropriate administrator 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 and issue an expulsion order.

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 appropriate administrator 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, or as required by IDEA or Section 504.

Newly Enrolled or Transfer Students

The district shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another Texas school district or an open-enrollment charter school upon enrollment in the district.

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 this District.

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.