

# DESOTO ISD

## STUDENT CODE OF CONDUCT

2022-2023



The mission of DeSoto ISD is to ensure students, without exception, learn and grow at their highest levels.

# DESOTO ISD

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**2022-2023**  
**Student Code of Conduct**  
**Student and Parent Acknowledgement**

The DeSoto Independent School District shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and district personnel. The student's responsibilities for achieving a positive learning environment at school and/or school-related activities shall include the following:

- Attend all classes each day, and be on time
- Prepare for each class with appropriate materials and completed assignments
- Dress according to the dress code adopted by the district
- Know that the possession, use, and/or sale of illegal or unauthorized drugs, alcohol, and weapons are unlawful and prohibited
- Show respect toward others
- Conduct yourself in a responsible manner
- Know and obey all school rules in the *Student Code of Conduct*
- Cooperate with staff members in investigations of disciplinary matters
- Understand that all cell phones must not be visible and must be turned off during instruction time, unless given permission by a teacher or campus administrator.
- Report threats for the safety of students and staff members as well as misconduct on the part of any other students or staff members to the building principal, a teacher, or another adult
- Be familiar with and comply with the Acceptable Use Policy for Computers and Technology
- Understand that principals, coaches, and sponsors of extracurricular activities may develop and enforce standards of conduct that are higher than the district-developed *Student Code of Conduct*.

The *Student Code of Conduct* has been written to help your son or daughter gain the greatest possible benefit from his or her school experience. However, the school needs your help and cooperation to attain this goal. It is important that every student understand the *Code of Conduct* and be expected by his or her parent(s) or guardian(s) to follow the rules and regulations set forth in the *Code of Conduct*. Please read and discuss the *Code of Conduct* with your child. You and your child must sign this form and return it to the school. Signatures of parents and the student acknowledge receipt of a copy of the *Student Code of Conduct* and that the parent will discuss the content with your child. It is expected that parents and students accept their responsibilities as described in the *Student Code of Conduct*.

Student Signature	Date
Student Grade	Campus
Parent or Guardian Signature	Date

**Note 1: Place original form in student's cumulative folder.**

**Note 2: Failure to sign this acknowledgment does not take away the responsibility of the student to abide by the code of conduct or exempt him/her from the penalties enumerated herein.**

**Note 3: This acknowledgment is also included in the online enrollment forms.**

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## **DeSoto Independent School District Student Code of Conduct**

**2022-2023 School Year**

### **General Disclaimers**

#### **DISCRIMINATION PROHIBITED**

No person in the United States shall, on the grounds of race, creed, age, color, sex, disability, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which received or benefits from federal assistance.

#### **STUDENTS IN PROTECTIVE CUSTODY OF THE STATE**

The district strives to assist any student who has been placed in either temporary or permanent conservatorship (custody) of the state of Texas with the enrollment and registration process, as well as other educational services throughout the student's enrollment in the district. Please contact Student Support Services department to contact the district's liaison for children in the conservatorship of the state at 972-223-6666 with any questions.

**Title IX Coordinator** - for concerns regarding discrimination on the basis of sex: Student Support Services, 972-223-6666.

**Section 504 Coordinator** - for concerns regarding discrimination on the basis of disability: SPED Department, 972-223-6666.

**Services for the Homeless** – Student Support Services, 972-223-6666.

If you have difficulty accessing the information in this document because of disability, please contact [info@desotoisd.org](mailto:info@desotoisd.org) or 972-223-6666.

# DeSoto Independent School District Student Code of Conduct

## Student Code of Conduct

### Purpose

The Student Code of Conduct (“Code”), as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

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), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

The District’s *Student Code of Conduct* categorizes these infractions as Level 1, 2, 3, and 4 Offenses and Actions.

Level 1 – Violations of classroom rules

- *Offenses that generally occur in the classroom and can be corrected by the teacher or administrator.*

Level 2 – Optional removal to a Disciplinary Alternative Education Program (DAEP):

- *Offenses that seriously disrupt the educational process in the school, classroom, on school property, and/or at a school-related activity occurring on or off school property.*

Level 3 – Mandatory placement in a DAEP:

- *Criminal offenses as defined in Level 3. All offenses listed in Level 3 are according to TEC Chapter 37.006.*

Level 4 – Expulsion:

- *Offenses that include those which a student may be expelled under state law TEC 37.007.*

This Student Code of Conduct has been adopted by the DeSoto Independent School District board of trustees and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version 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 campus principal’s office. Additionally, the Code shall be available at the campus behavior coordinator’s office and posted on the district’s website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the district’s board of trustees, it has the force of policy. In the event of a conflict between the Code and the Student Handbook, the **Code shall prevail**.

**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.

**Overview of Responsibilities**

***Student Responsibilities***

The student's responsibilities for achieving a positive learning environment at school and/or school-related activities include the following:

- Adhere to the requirements of the Student Code of Conduct
- Attending all classes on-time and adhering to compulsory attendance laws of the State of Texas
- Conducting oneself in a responsible manner while being respectful and cooperative
- Dressing according to district and individual school dresscodes
- Knowing and obeying all campus and classroom rules
- Preparing for each class with appropriate materials and completed assignments
- Reporting threats to the safety of students and staff members as well as misconduct on the part of other students or staff members to an administrator, campus behavior coordinator, counselor, teacher, or other adult
- Respect the rights and privileges of students, teachers, and other district staff and volunteers
- Using District technology systems and computer related equipment appropriately and for school purposes only

***Parent Responsibilities***

The parent's responsibilities for ensuring a positive learning environment for their student(s) include the following:

- Ensuring students arrive at school on-time every day prepared to learn
- Ensuring students read and complete their homework each night
- Supporting school, district, classroom, and school-related activity rules for student behavior and ensuring that their children conduct themselves according to district standards
- Providing the school with their current address and phone numbers for effective communication
- Providing the appropriate school personnel with any student information that will affect the student's ability to learn and the student's behavior
- Reading, acknowledging, and understanding these rules and the rules applicable to their children's conduct while they are at school
- Parents/Guardians shall work with school officials to improve student behavior by supporting available district resources.

***District Responsibilities***

- Teachers shall establish classroom management procedures that concentrate on good student conduct and support school and district policies and procedures.
- Administrators shall work with students, parents, staff and the community to develop an effective school behavior management plan that promotes and maintains the support of good student behavior. Campus Behavior Coordinators shall support students and staff in maintaining a positive learning environment.
- A Campus Behavior Coordinator, which has to be a campus administrator, is primarily responsible for maintaining student discipline and the implementation of any



## *School District Authority and Jurisdiction*

disciplinary actions under the Chapter 37, Texas Education Code. The campus behavior coordinator shall be responsible for maintaining student discipline and implementing any duties assigned by law and as established by campus or district policy. They must have a review process in place for reviewing campus level discipline data monthly, in order to see what changes need to be made in reducing disciplinary infractions as they may occur. [Texas Education Code Sec. 37.0012]

- Central Administration shall provide services and support to campuses in maintaining a positive learning environment.

### **School District Authority and Jurisdiction**

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

1. During the regular school day;
2. While the student is traveling in district transportation;
3. During lunch periods in which a student is allowed to leave campus;
4. At any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
7. When a student engages in cyberbullying, as defined by Education Code 37.0832;
8. When criminal mischief is committed on or off school property or at a school-related event;
9. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
10. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
11. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
12. When the student is required to register as a sex offender.

### **Campus Behavior Coordinator**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district shall post on its website and in the Student Code of Conduct the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found at [www.desotoisd.org](http://www.desotoisd.org).

### **Threat Assessment and Safe and Supportive School Team**

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code.

### **Searches**

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted

in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

### **Reporting Crimes**

The principal and/or campus behavior coordinator and other school administrators as appropriate 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. You can make anonymous reports to administrators via email at [report@styalert.info](mailto:report@styalert.info) or call or text 1-206-406-6485.

### **Security Personnel**

To ensure the security and protection of students, staff, and property, the board employs resource officers (SROs), *and* security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL).

The law enforcement duties of school resource officers (SROs) are:

- Develop contacts with all principals on all district campuses and assist in providing proactive responses to any school crime problems;
- Assist the district with its Gang Resistance Prevention Program (GREAT) and comprehensive safety program;
- Work closely with and coordinate with the Youth Services Investigator;
- Provide law enforcement services to include, but not limited to, the investigation, detection and enforcement of State and local criminal laws at district campuses and facilities;
- Provide assistance in the intervention of failure to attend school issues, including residence verification;
- Provide assistance, but not perform, student or administrative searches of district facilities, students or personnel;
- Monitor campuses during transition periods and lunch as often as possible; and
- Be visible during class transition times where students are in hallways, corridors, and other commons areas as often as possible.
- Build positive relationships with students, parents, and district personnel to serve as a resource for the school community.

The law enforcement duties of district security personnel are:

- Patrol assigned area of campus;
- Respond promptly and correctly in emergency situations;
- Inform supervisor, other security guards, or SROs of issues or incidents happening; and
- Have ability to handle multiple tasks concurrently.

**“Parent” Defined**

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

**Participating in Graduation Activities**

The district has the right to limit a student’s participation in graduation activities for violating the district’s 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 eligible, a student shall not have engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct that resulted in removal to a DAEP or expulsion during the semester immediately preceding 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 to or eject a person from district property if the person refuses to leave peaceably on request and:

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

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district’s grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 calendar days, unless the complaint is resolved before a board hearing.

**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 offense, however, may be severe enough to 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.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

**Mistreatment of Others**

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP—Placement and/or 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 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, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, 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 individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

**Property Offenses**

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement and/or Expulsion.)
- Deface or damage school property, including textbooks, technology and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see DAEP Placement and/or Expulsion.)
- Enter, without authorization, district facilities that are not open for operations.

**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, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;

## General Conduct Violations

- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- \*A location-restricted knife;
- \*A club;
- \*A firearm;
- A stun gun;
- Knuckles;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

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

### **Possession of Telecommunications or Other Electronic Devices**

- Students shall not use a telecommunications device, including a cell phone, or other electronic device in violation of district and campus rules.
- Students who use cell phones/tablets/laptops/camera to film fights will receive consequences based on the Level of Violation in the Student Code of Conduct. Also, students who participate in fights that are filmed and do not occur in the presence of adults will receive consequences based on the Level of Violation in the Student Code of Conduct.

### **DeSoto ISD Cell Phone Use Policies**

- For safety purposes, the district permits students to possess cell phones.
- Cell phones must remain turned off and not visible before school and during school hours.
- The use of headphones/earbuds is NOT allowed.
- If a student uses or displays a cell phone, the phone, including the SIM card, will be confiscated by the staff and turned in to the front office personnel.
- Any student who does not comply with directions or requests by the DeSoto ISD

staff regarding cellphones or other prohibited items will be subject to further discipline, including suspension.

**Confiscation Procedures for Telecommunications Devices**

District employees may confiscate any telecommunications device used in violation of this policy and the Student Handbook.

***First Offense***

The student's parent shall be notified within two (2) days after the telecommunications device is confiscated. The device shall be returned to the student's parent/designee.

***Second and Subsequent Offenses***

The student's parent shall be notified within two (2) days after the telecommunications device is confiscated. A **fee of \$15** shall be assessed to the student or parent for the return of the device. If the student or parent does not pay the required fee, the device shall be returned to the parent/designee or student at the end of the school year.

***Disposal***

Unless the District releases the device to the parent/designee or student after payment of the required fee or at the end of the school year, notification shall be made to the telecommunications company whose name and address or telephone number appear on the device 30 days prior notice of its intent to dispose of that device. The notice shall include the serial number of the device and may be made by telephone or in writing. The company may obtain the release of the telecommunications device for a \$15 fee. [TEC Sec. 37.082]

Parents shall be notified prior to the disposal of the device.

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

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 or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for "paraphernalia.")
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- 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 glossary for "abuse.")
- Abuse over-the-counter drugs. (See glossary for "abuse.")
- Be under the influence of prescription or over-the-counter drugs that cause impairment to body or mind. (See glossary for "under the influence.")
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

**Misuse of Technology Resources and the Internet**

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to 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, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- 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, 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.
- Students are not permitted to use the internet, recording devices, mobile or other electronic form of communication to engage in or encourage illegal or prohibited behavior, threaten school safety, causes substantial disruption to the educational environment or infringes on the right o privacy (FERPA) of another student at school or off-campus.

**Safety Transgressions**

Students shall not:

- Possess published or electronic material that is designed to promote or encourage 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 false accusations or perpetrate hoaxes regarding school safety.
- 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 without valid cause.

**Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in the *Student Handbook*.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- 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.

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



### **Discipline Management Techniques**

Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on 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.

### **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. In the event of any conflict, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

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

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, in combination, or as part of progressive interventions for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Anger management classes.
- Assignment of school duties, such as cleaning or picking up litter.
- Behavior coaching.
- Behavioral contracts.
- Classroom circles.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Counseling by teachers, school counselors, or administrative personnel.
- Detention, including outside regular school hours.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Mediation (victim-offender).
- Mentoring program.
- Parent-teacher conferences.

## *Discipline Management Techniques*

- Peer mediation.
- Penalties identified in student organizations' extracurricular standards of behavior.
- Referral to Positive Behavior Intervention Support Team (PBIS)
- Referrals to support/intervention agencies.
- Restriction or revocation of district transportation privileges.
- Rewards or demerits.
- School-assessed and school-administered probation.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Sending the student to the office, another assigned area, or to in-school suspension.
- Temporary confiscation of items that disrupt the educational process.
- Verbal correction, oral or written.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Out-of-school suspension, as specified in Out-of-School Suspension on page 27.
- Placement in a DAEP, as specified in DAEP on page 28.
- Expulsion and/or placement in an alternative educational setting, as specified in Placement and/or Expulsion for Certain Offenses on page 36.
- Expulsion, as specified in Expulsion on page 38.
- 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.

### Level 1 Offenses and Actions

37.0012 TEC. The campus behavior coordinator is primarily responsible for maintaining effective discipline in the school environment. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct adopted under Section 37.001 (Student Code of Conduct) that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the Student Code of Conduct.

#### Investigation Process:

1. The campus behavior coordinator/administrator should thoroughly investigate all behavioral incidents within a timely manner.
2. This investigation should involve all parties to ensure evidence (i.e. details and information) are collected in order to make the appropriate behavioral decision.
3. This decision should be determined in the best interest of the students involved and the school environment.
4. The campus behavior coordinator shall schedule the conference/hearing within three (3) days (Texas Education Code Sec. 37.009).
5. The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort and exhaust all reasonable means to contact the parent or guardian to provide written notice of the disciplinary action to the student, on the day the action is taken. The campus behavior coordinator shall document their contact efforts. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.
6. Considerations: Before ordering the removal from the regular classroom setting, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the campus behavior coordinator must consider the following: seriousness of the offense, student's age, grade level, ability and functioning level, student's apparent mindset, effect of the misconduct on the school environment, statutory requirements, whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history (frequency of misbehavior), whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action, a student's status in the conservatorship of the Department of Family and Protective Services, or a student's status as a student who is homeless [Texas Education Code Sec. 37.001 (a) (4)].
7. In the event the offense is not a DAEP or JJAEP removal, please utilize additional behavioral supports which are required in conjunction with other non-punitive actions listed:
  - Referral to School Counselor
  - Implementation of individualized MTSS/Engagement Plan(s)
  - Behavior Intervention Plan under Section 504 or IDEA is required
  - School Counselor may refer student(s) to intensive support service; example: Care Solace, Student Support Services

*Note:* Please consult with a School Resource Officer (SRO) for Assaults, Major School Altercations (fights), Pellet/BB Gun or Stun Gun, BrassKnuckles or Club and Level 3 & Level 4 Offenses.

Removals from the regular classroom setting are not permissible for PK – 2<sup>nd</sup> grade students that commit any Level 1 Offenses.

Level 1 Offenses	Level 1 Disciplinary Actions
<p><i>Level 1 – A</i></p> <ul style="list-style-type: none"> <li>• Bus misconduct (not defined as a Level 2, 3, or 4 Offense)</li> <li>• Cheating or copying the work of another</li> <li>• Computer system violations</li> <li>• Directing profanity, vulgar language, or obscene gestures toward other students</li> <li>• Dress and grooming code violations</li> <li>• Electronic Cigarette - (smoking, using, or possessing)</li> <li>• Failure to comply with directives given by school personnel, which is considered insubordination</li> <li>• Falsifying school records</li> <li>• Gambling</li> <li>• Leaving school grounds or school-sponsored events without permission</li> <li>• Possessing a laser pointer</li> <li>• Possessing a toy gun or look-alike gun</li> <li>• Possessing, smoking or using tobacco or related products</li> <li>• Possessing any unauthorized electronic devices (i.e., CD players; MP3 players; or other video, listening or entertainment device) during school hours</li> <li>• Refusing to give a cell phone to school personnel</li> <li>• Safety rule violation</li> <li>• Scuffling</li> <li>• Secret society</li> <li>• Threats (student on student)</li> <li>• Using a paging device or cellular phone during class time or in the locker room and bathroom.</li> </ul> <p><i>Level 1 – B</i></p> <ul style="list-style-type: none"> <li>• Classroom disruption</li> <li>• Extortion/blackmail</li> <li>• Offensive language</li> <li>• Possessing or distributing pornographic materials</li> <li>• Throwing objects that may cause bodily injury or property damage</li> </ul>	<ul style="list-style-type: none"> <li>• Assignment of school duties such as scrubbing desks or picking up litter</li> <li>• Behavioral contracts or individually developed behavior management plans</li> <li>• The cell phone is confiscated and a fee of \$15 may be charged for the return of the phone. The district is not responsible for lost or stolen cell phones. All confiscated phones must be turned in to the principal’s office immediately, if possible, or as soon as practicable the day the phone is confiscated.</li> <li>• Classroom self-management techniques</li> <li>• Cooling-off time (on campus)</li> <li>• Counseling by teachers, counselors, or administrative personnel</li> <li>• Detention before school, after school or Saturday school</li> <li>• Electronic devices will be confiscated if used during instructional day. The District is not liable for lost or stolen electronic devices.</li> <li>• Parent/guardian observations in student’s classes</li> <li>• Parent/guardian conference with teacher or campus behavior coordinator</li> <li>• Peer mediation</li> <li>• Positive Intervention Support Referral</li> <li>• Referral to outside agency</li> <li>• School-assessed and school-administered probation</li> <li>• Seating changes within the classroom</li> <li>• Teacher removal or referral (consistent with <i>Student Code of Conduct</i>)</li> <li>• Temporary confiscation of items that disrupt the educational process</li> <li>• Verbal correction</li> <li>• Voluntary peer mediation</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>• Withdrawal or restriction of bus privileges</li> </ul>
<p><i>Note:</i></p> <ul style="list-style-type: none"> <li>• A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct or for students not yet identified as having a disability shall be processed in accordance to FOF(LEGAL).</li> </ul>	

### Level 2 Offenses and Actions – Discretionary

37.0012 TEC. The campus behavior coordinator is primarily responsible for maintaining effective discipline in the school environment. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct adopted under Section 37.001 (Student Code of Conduct) that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the Student Code of Conduct.

#### Investigation Process:

1. The campus behavior coordinator/administrator should thoroughly investigate all behavioral incidents within a timely manner.
2. This investigation should involve all parties to ensure evidence (i.e. details and information) are collected in order to make the appropriate behavioral decision.
3. This decision should be determined in the best interest of the students involved and the school environment.
4. The campus behavior coordinator shall schedule the conference/hearing within three (3) days (Texas Education Code Sec. 37.009).
5. The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort and exhaust all reasonable means to contact the parent or guardian to provide written notice of the disciplinary action to the student, on the day the action is taken. The campus behavior coordinator shall document their contact efforts. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.
6. Considerations: Before ordering the removal from the regular classroom setting, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the campus behavior coordinator must consider the following: seriousness of the offense, student's age, grade level, ability and functioning level, student's apparent mindset, effect of the misconduct on the school environment, statutory requirements, whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history (frequency of misbehavior), whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action, a student's status in the conservatorship of the Department of Family and Protective Services, or a student's status as a student who is homeless [Texas Education Code Sec. 37.001 (a) (4)].
7. In the event the offense is not a DAEP or JJAEP removal, please utilize additional behavioral supports which are required in conjunction with other non-punitive actions listed:
  - Referral to School Counselor
  - Implementation of individualized MTSS/Engagement Plan(s)
  - Behavior Intervention Plan under Section 504 or IDEA is required
  - School Counselor may refer student(s) to intensive support service; example: Care Solace, Student Support Services

*Note:* Please consult with a School Resource Officer (SRO) for Assaults, Major School Altercations (fights), Pellet/BB Gun or Stun Gun, Brass Knuckles or Club and Level 3 & Level 4 Offenses.

Removals from the regular classroom setting are not permissible for PK – 2<sup>nd</sup> grade students that commit any Level 2 Discretionary Offenses.

**ACTIONS WILL NOT BE DEFERRED PENDING THE OUTCOME OF AN APPEAL.**

Level 2 Offenses	Level 2 Disciplinary Actions
<p><i>Level 2 – A</i></p> <ul style="list-style-type: none"> <li>• Electronic Cigarette - (selling, giving, or causing to be sold or given to a child under 18 years of age) Class C misdemeanor</li> <li>• False accusation of conduct that would constitute a misdemeanor</li> <li>• Gang activity</li> <li>• Harassment (student on student)</li> <li>• Hazing</li> <li>• Hit list</li> <li>• Knife possession, not an illegal knife (pocket knives, razorblade, box cutter, etc.)</li> <li>• Mace or pepper spray (not defined as a Level 4)</li> <li>• Non-Title 5 felonies: A felony offense committed off-campus that is not against another person. The school is notified by the police.</li> <li>• Online impersonation</li> <li>• Possessing/selling over the counter drugs/dispensing medicine violation (not defined as a Level 1, 3, or 4 Offense)</li> <li>• Possession or use of fireworks of any kind, smoke or stinkbombs, live ammunition or any other pyrotechnic device</li> <li>• Profanity/obscene gestures toward personnel</li> <li>• Repetitive Level 1 Offenses</li> <li>• Resisting arrest</li> <li>• Setting off the fire alarm (not defined as a Level 4 Offense)</li> <li>• Stealing/theft</li> <li>• Suspicious drug activity</li> <li>• Threats (student on personnel/facility)</li> <li>• Vandalism/criminal mischief (not a felony)</li> <li>• Video or audio recording of students or employees for disruptive purposes</li> </ul> <p><i>Level 2 – B</i></p> <ul style="list-style-type: none"> <li>• Assault (Class C) (student on personnel, volunteer or visitor/parent) (student may be removed on the first offense at the discretion of the campus behavior coordinator)</li> <li>• Assault (Class C) (student on student)</li> <li>• Bullying</li> <li>• Fighting</li> <li>• Major disruptive school behavior</li> <li>• Possession of a pellet/BB gun or stun gun, brass knuckles or club (student may be removed on the first offense at the discretion of the campus behavior coordinator).</li> </ul>	<ul style="list-style-type: none"> <li>• Counseling in lieu of other disciplinary actions (parent consent required)</li> <li>• Law enforcement notification</li> <li>• Detention before school, after school, or Saturday school</li> <li>• Mandated after school counseling sessions with the school counselor and/or a psychologist with the student receiving a behavior contract (parent consent required)</li> <li>• Parent/Guardian observation of student in class</li> <li>• Parent/Guardian conference with teacher or campus behavior coordinator</li> <li>• Positive Behavior Intervention Support Referral</li> <li>• Referral to Counselor</li> <li>• Referral to outside agency</li> <li>• ISS maximum of three days</li> <li>• Restitution/restoration, if applicable</li> <li>• Verbal Correction</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>• Withdrawal or restriction of bus privileges</li> </ul>

## Discipline Management Techniques

*Notes:*

- Off-Campus Disciplinary Alternative Education Program (DAEP) is permissible for: students that commit the same offense two or more times and a minimum of one intervention plan (with documented strategies) to change the behavior in an appropriate format. A student may be placed in a DAEP any time the offense is a Class C Assault (student on personnel), major disruptive school behavior, and possession of a pellet/BB gun or stun gun, brass knuckles or club at the discretion of the campus behavior coordinator.
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct or for students not yet identified as having a disability shall be processed in accordance to FOF(LEGAL).
- For all bullying allegations, a thorough investigation must be conducted before an offense and consequence may be assigned.

Age/Grade Range	1 <sup>st</sup> DAEP Placement	2 <sup>nd</sup> DAEP Placement
<b>Discretionary Offenses</b>		
Age 6 – 3 <sup>rd</sup>	0	0
4 <sup>th</sup> – 5 <sup>th</sup>	15 Days	20 Days
6 <sup>th</sup> – 12 <sup>th</sup>	15 Days	20 Days
<b>Mandatory Offenses</b>		
Age 6 - 5 <sup>th</sup>	15 Days	20 Days
6 <sup>th</sup> – 12 <sup>th</sup>	20 Days	30 Days
<b>Discretionary Expellable Offenses</b>		
Ages 6 – 9	20 Days	30 Days
Ages 10 – 12 <sup>th</sup>	30 Days	40 Days
<b>Mandatory Expellable Offenses</b>		
Ages 6 – 9	30 Days	40 Days
Ages 10 – 12 <sup>th</sup>	90 DCJJAEP Days	

\*Credit for good days will not count for additional DAEP Placements.

### Level 3 Offenses and Actions – Mandatory

37.0012 TEC. The campus behavior coordinator is primarily responsible for maintaining effective discipline in the school environment. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct adopted under Section 37.001 (Student Code of Conduct) that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the Student Code of Conduct.

#### Investigation Process:

1. The campus behavior coordinator/administrator should thoroughly investigate all behavioral incidents within a timely manner.
2. This investigation should involve all parties to ensure evidence (i.e. details and information) are collected in order to make the appropriate behavioral decision.
3. This decision should be determined in the best interest of the students involved and the school environment.
4. The campus behavior coordinator shall schedule the conference/hearing within three (3) days (Texas Education Code Sec. 37.009).
5. The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort and exhaust all reasonable means to contact the parent or guardian to provide written notice of the disciplinary action to the student, on the day the action is taken. The campus behavior coordinator shall document their contact efforts. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.
6. Considerations: Before ordering the removal from the regular classroom setting, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the campus behavior coordinator must consider the following: seriousness of the offense, student's age, grade level, ability and functioning level, student's apparent mindset, effect of the misconduct on the school environment, statutory requirements, whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history (frequency of misbehavior), whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action, a student's status in the conservatorship of the Department of Family and Protective Services, or a student's status as a student who is homeless [Texas Education Code Sec. 37.001 (a) (4)].
7. In the event the offense is not a DAEP or JJAEP removal, please utilize additional behavioral supports which are required in conjunction with other non-punitive actions listed:
  - Referral to School Counselor
  - Implementation of individualized MTSS/Engagement Plan(s)
  - Behavior Intervention Plan under Section 504 or IDEA is required
  - School Counselor may refer student(s) to intensive support service; example: Care Solace, Student Support Services

*Note:* Please consult with a School Resource Officer (SRO) for Assaults, Major School Altercations (fights), Pellet/BB Gun or Stun Gun, Brass Knuckles or Club and Level 3 & Level 4 Offenses.

The offense can be committed 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 event on or off school property (except for aggravated robbery).

**ACTIONS WILL NOT BE DEFERRED PENDING THE OUTCOME OF AN APEAL.**



Level 3 Offenses	Level 3 Disciplinary Actions
<ul style="list-style-type: none"> <li>• Abuse of a volatile chemical</li> <li>• Alcohol (non-felony) – Includes possession, delivery, under the influence, or use. (See the definition in the glossary for “under the influence” and “use”).</li> <li>• Assault (Class A) (student on student)</li> <li>• Drugs (non-felony) (i.e., marijuana, K-2, and prescription) – Includes possession, delivery, under the influence, or use. (See the definition in the glossary for “under the influence” and “use”).</li> <li>• Felony conduct (if not expellable)</li> <li>• Harassment (student on personnel)</li> <li>• Indecent exposure</li> <li>• Public lewdness</li> <li>• Retaliation against a school employee any place (if not expellable)</li> <li>• Students enrolling from another school district’s Disciplinary Alternative Education Program (student will be assigned to DAEP to complete the required assignment).</li> </ul>	<ul style="list-style-type: none"> <li>• Dallas County Juvenile Department (DCJJAEP) referral</li> <li>• Law enforcement notification</li> <li>• Emergency placement at the Disciplinary Alternative Education Program (DAEP)</li> <li>• Mandatory extracurricular activities restriction</li> <li>• Mandatory Off-Campus DAEP following a hearing</li> <li>• Outside social services agencies referral</li> <li>• Restitution/restoration, if applicable</li> <li>• Completion of the required DAEP assignment for a student who owes time from another district</li> </ul>
<p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct or for students not yet identified as having a disability shall be processed in accordance to FOF (LEGAL).</li> <li>• Students under the age of 6 cannot be placed in a DAEP (Texas Education Code 37.006).</li> <li>• The DAEP principal will determine the date of return.</li> <li>• Graduating seniors assigned to a DAEP prior to the month of May must complete their assigned amount of time through graduation, if applicable. The student will not be allowed to attend any senior activities, except graduation rehearsal and the graduation ceremony.</li> <li>• Graduating seniors, who commit a Level 3 Offense after May 15, cannot participate in any graduation activities including graduation rehearsal or the graduation ceremony. The referral must be approved by the Office of Student Support Services.</li> <li>• Students who have been removed for a Level 3 Offense may not return to any DeSoto ISD facility, including extracurricular activities, except the alternative school during the assigned term. Students will be permitted to return to their home campus for student appeals with the approval of the principal.</li> <li>• Graduating seniors will be allowed to receive the minimum coursework required for graduation. The home school will provide AP course work and elective courses not taught at the DAEP.</li> </ul>	

Level 3 Mandatory DAEP		
Age/Grade Range	1 <sup>st</sup> DAEP Placement	Additional DAEP Placements
Age 6 – 5 <sup>th</sup> Grade	15 Days	20 Days
6 <sup>th</sup> – 12 <sup>th</sup> Grade	20 Days	30 Days

### Level 4 Offenses and Actions – Expellable

37.0012 TEC. The campus behavior coordinator is primarily responsible for maintaining effective discipline in the school environment. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct adopted under Section 37.001 (Student Code of Conduct) that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the Student Code of Conduct.

#### Investigation Process:

1. The campus behavior coordinator/administrator should thoroughly investigate all behavioral incidents within a timely manner.
2. This investigation should involve all parties to ensure evidence (i.e. details and information) are collected in order to make the appropriate behavioral decision.
3. This decision should be determined in the best interest of the students involved and the school environment.
4. The campus behavior coordinator shall schedule the conference/hearing within three (3) days (Texas Education Code Sec. 37.009).
5. The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort and exhaust all reasonable means to contact the parent or guardian to provide written notice of the disciplinary action to the student, on the day the action is taken. The campus behavior coordinator shall document their contact efforts. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.
6. Considerations: Before ordering the removal from the regular classroom setting, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the campus behavior coordinator must consider the following: seriousness of the offense, student's age, grade level, ability and functioning level, student's apparent mindset, effect of the misconduct on the school environment, statutory requirements, whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history (frequency of misbehavior), whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action, a student's status in the conservatorship of the Department of Family and Protective Services, or a student's status as a student who is homeless [Texas Education Code Sec. 37.001 (a) (4)].
7. In the event the offense is not a DAEP or JJAEP removal, please utilize additional behavioral supports which are required in conjunction with other non-punitive actions listed:
  - Referral to School Counselor
  - Implementation of individualized MTSS/Engagement Plan(s)
  - Behavior Intervention Plan under Section 504 or IDEA is required
  - School Counselor may refer student(s) to intensive support service; example: Care Solace, Student Support Services

*Note:* Please consult with a School Resource Officer (SRO) for Assaults, Major School Altercations (fights), Pellet/BB Gun or Stun Gun, Brass Knuckles or Club and Level 3 & Level 4 Offenses.

Level 4 Offenses are either violations of state law or behaviors that seriously disrupt the educational process. Every illegal act will require notification of law enforcement or whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student. Students ages 6 through 9 are removed from class and placed in a Disciplinary Alternative Education Program (DAEP) for committing expellable offenses.

Expulsions: The offenses listed below shall be Level 4 Offenses. These offenses may be committed on school property or at a school-related event on or off school property or another school district's property. The 300-foot rule applies to these offenses.

**ACTIONS WILL NOT BE DEFERRED PENDING THE OUTCOME OF AN APPEAL.**

<b>Level 4 Offenses</b>	<b>Level 4 Disciplinary Actions</b>
<p><b>DISCRETIONARY EXPULSIONS</b></p> <ul style="list-style-type: none"> <li>• Aggravated Robbery Off Campus and not a school-sponsored event or related activity</li> <li>• Assault with bodily injury (student on personnel/volunteer)</li> <li>• Breach of computer security</li> <li>• Criminal mischief (felony = \$2500+)</li> <li>• Deadly conduct</li> <li>• Exhibition of Firearm</li> <li>• False alarm or report (Penal Code 42.06)</li> <li>• Serious misbehavior in an off-campus Disciplinary Alternative Education Program (see definition)</li> <li>• Terroristic threat (Penal Code 22.07)</li> <li>• Title 5 felonies: A felony offense committed off-campus against another person.</li> </ul> <p><b>MANDATORY EXPULSIONS</b></p> <ul style="list-style-type: none"> <li>• Aggravated assault (student on personnel/volunteer)</li> <li>• Aggravated assault (student on student) *</li> <li>• Aggravated kidnapping*</li> <li>• Aggravated robbery *</li> <li>• Aggravated sexual assault (student on personnel/volunteer)*</li> <li>• Aggravated sexual assault (student on student)*</li> <li>• Alcohol punishable as a felony</li> <li>• Arson*</li> <li>• Attempt to commit murder *</li> <li>• Criminally negligent homicide*</li> <li>• Firearm (including starter gun) as defined 18 U.S.C. § 921(a)(3),(4).*</li> <li>• Illegal knife *</li> <li>• Indecency with a child*</li> <li>• Manslaughter *</li> <li>• Murder and capital murder*</li> <li>• Possession of drugs punishable as a felony (i.e., heroin, cocaine, cheese, LSD, methamphetamine)</li> <li>• Prohibited weapon *</li> <li>• Retaliation against school employee or volunteer any place in association with one of the above offenses committed on or off school property or at a school-related activity on or off school property*</li> <li>• Sexual assault (student on personnel/volunteer) *</li> <li>• Sexual assault (student on student) *</li> <li>• Terroristic threat (Penal Code 22.07)</li> </ul> <p>*The consequence changes from a mandatory expulsion to a discretionary expulsion if the offense occurs off campus, within 300 feet of school property.</p>	<ul style="list-style-type: none"> <li>• Dallas County Juvenile Department (DCJJAEP) referral</li> <li>• Law enforcement notification</li> <li>• Referral to outside social services agencies</li> <li>• Restitution/restoration, if applicable</li> <li>• Restriction from attending any public school in the state of Texas until the expulsion period or the obligation to the Off- Campus DAEP/DCJJAEP is over, except when receiving school district agrees to enroll student.</li> </ul> <p style="text-align: center;"><b>Students age 6 through 9</b></p> <ul style="list-style-type: none"> <li>• Placement to the DAEP for committing discretionary expulsion offenses for 20 or 30 days</li> <li>• Placement to the DAEP for committing mandatory expulsion offenses for 30 or 40 days</li> <li>• Mandatory Expulsion to the DAEP for possessing a firearm inschool (all students under the age of 10) for one year</li> </ul> <p style="text-align: center;"><b>Students age 10 through 12<sup>th</sup> grade</b></p> <ul style="list-style-type: none"> <li>• Discretionary Expulsion and juvenile court referral to the DAEP for 30 or 40 good days.</li> <li>• Discretionary Expulsion from the DAEP to JJAEP for 60 good days</li> <li>• Mandatory Expulsion and juvenile court referral to Dallas County Juvenile Justice Alternative Education Program (DCJJAEP) for 90 days or one year for firearms.</li> <li>• Mandatory restriction from being on school grounds or extracurricular activities.</li> <li>• Students age 10 and older will be assigned to the Dallas County Juvenile Justice Alternative Education Program (DCJJAEP) for committing Mandatory Level 4 Expulsion Offenses.</li> <li>• Students under the age of 10 will not be expelled for committing Level 4 Offenses but they will be placed in the Off-Campus Disciplinary Alternative Education Program for 20 to 40 days or one year for firearms.</li> </ul>
<p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct or for students not yet identified as having a disability shall be processed in accordance to FOF (LEGAL).</li> <li>• Students under the age of 6 cannot be placed in a Disciplinary Alternative Education Program, (Texas Education Code 37.006), unless the student commits a federal firearm offense (Public Law 103-382 Sec. 14601).</li> </ul>	

## Discipline Management Techniques

- Graduating seniors assigned to a Dallas County Juvenile Justice Alternative Education Program (DCJJAEP) prior to May 1 must complete their assigned days through graduation, if applicable. The student will not be allowed to attend any senior activities, except graduation rehearsal and the graduation ceremony.
- Graduating seniors, who commit a Level 4 Offense after May 15, cannot participate in any graduation activities, including graduation rehearsal or the graduation ceremony. The referral must be approved by the Office of Student Support Services.
- Students who have been expelled may not return to any DeSoto ISD facility or attend any extracurricular activities of DeSoto ISD.
- The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student’s parent or guardian. The campus behavior coordinator shall document their effort(s).
- If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent’s or guardian’s last known address.
- A student shall be removed for any felony drug offense. If laboratory results performed by or obtained by the school district are negative, the student will be returned to the home campus.
- A student who is a victim of sexual assault or aggravated assault may exercise mandatory transfer rights. A student convicted or adjudicated for sexual assault or aggravated assault may be subject to a mandatory transfer at the victim’s request per FDB(LOCAL).
- Students assigned to the Dallas County Juvenile Justice Alternative Education Program (DCJJAEP) will remain at home under the parent or guardian supervision until they are notified by the DCJJAEP.
- Graduating seniors assigned to the DCJJAEP will be allowed to receive the minimum coursework required for graduation. The home school will provide AP course work and elective courses not taught at the DCJJAEP.

<b>Discretionary Expellable Offenses</b>		
Age 6 – 9	20 Days	30 Days
Age 10 – 12 <sup>th</sup> Grade	30 Days	40 Days
<b>Mandatory Expellable Offenses</b>		
Age 6 – 9	30 Days	40 Days
Age 10 – 12 <sup>th</sup> Grade	90 JJAEP Days	

### Prohibited Aversive Techniques

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the re occurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Depriving the student of one or more of the student’s senses, unless the technique does not cause the student discomfort or complies with the student’s IEP or behavior intervention plan (BIP).

- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Restricting the student's circulation.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Securing the student to a stationary object while the student is standing or sitting.
- Using chemical restraints.
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.

### **Physical Restraint**

The district utilizes non-violent Crisis Prevention Institute (CPI) techniques for restraints. A trained employee at each campus should be the initial contact to assist with the physical restraint of a student in emergency situation if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury,
2. Obtain possession of a weapon or other dangerous object,
3. Protect property from serious damage,
4. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures, or
5. Restrain an irrational student who is in imminent danger of harming themselves or others.

The use of force, but not deadly force, against a person is justified [Tex. Pen. Code §9.62]:

1. if the actor is entrusted with the care, supervision, or administration of the person for special purpose; and
2. when and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group

Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within thirty (30) school days following the use of restraint [Texas Administrative Code §89.1053].

### **Notification**

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code.

A good-faith effort shall be made to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice. Campus behavior coordinators shall document their contact effort(s).

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through *Policy On Line* at the following address: ([www.desotoisd.org](http://www.desotoisd.org)).

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

**Removal from the School Bus**

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

Since the district's primary responsibility in transporting students in district, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

Consequences for bus misbehavior include the following in progressive order. **Administrators may accelerate the consequence based on the incident:**

1. Verbal conference with student
2. Assigned seat
3. Lunch detention
4. After school detention
5. ISS up to 3 days
6. OSS up to 3 days
7. Bus suspension, 3 days, 1-week, 6-weeks, year

Parents will be notified by the campus administrator regarding bus discipline.

### **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 shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code to maintain effective discipline in the classroom.

#### **Formal Removal**

A teacher **may** initiate a formal removal from class if:

1. A student's behavior has been **documented** by the teacher as repeatedly interfering with the teacher's ability to teach the class or with another students' 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.

Within three (3) school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

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

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

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

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

Once 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, or aggravated sexual assault, the student may not be returned to the teacher's class without the teacher's consent.

Once 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.



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

### **Misconduct**

Students may be suspended for 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 below grade 3 or a student who is homeless 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 sections 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 below grade 3 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 or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator decides.

The campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-school suspension, the 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,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities.

**Coursework During Suspension**

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension (ISS) or another setting, other than a DAEP, will have an opportunity before the beginning of the next school year to complete each course the student was enrolled in at the time of removal. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

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

### **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 separately from those students who are not assigned to the program.

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 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,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

### **Discretionary Placement: Misconduct That May Result in DAEP Placement**

A student **may** be placed in a DAEP for the following conduct violations:

#### **Misconduct Identified in State Law**

In accordance with state law, a student **may** be placed in a DAEP for any 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 of 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, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public-school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see glossary) of the 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.

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

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

### **Mandatory Placement: Misconduct That Requires DAEP Placement**

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following offenses on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see glossary) under Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in Expulsion on page 38.) (See glossary for "under the influence" "controlled substance," and "dangerous drug.")
  - 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 Expulsion on page 38.)
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See glossary.)
  - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- 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 Expulsion on page 38.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  - The student receives deferred prosecution (see glossary),
  - A court or jury finds that the student has engaged in delinquent conduct (see glossary), or

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

- The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

### **Sexual Assault and Campus Assignments**

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and
- The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

### **Process**

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

### ***Conference***

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

At the conference, the campus behavior coordinator or appropriate administrator shall provide the student:

- Information, 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.

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

### ***Consideration of Mitigating Factors***

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the 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,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

### ***Placement Order***

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

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

Not later than the second (2<sup>nd</sup>) business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

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

### ***Coursework Notice***

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

### **Length of Placement**

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

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

The maximum period of DAEP placement shall be one (1) calendar year, except as provided below.

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

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

*Note:* Refer to the DAEP placement charts above under the Level 2 and 3 Offenses section.

### ***Exceeds One Year***

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

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

### ***Exceeds School Year***

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

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or

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

2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

### ***Exceeds 60 Days***

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

### **Appeals**

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

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

Appeals shall begin at Level 1 with the principal.

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

### **Restrictions During Placement**

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.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan.

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 campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### **Additional Misconduct**

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

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

### **Notice of Criminal Proceedings**

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

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

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

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

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

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

### **Withdrawal During Process**

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

### **Newly Enrolled Students**

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



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

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement **may** be extended beyond a year **if** the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

### **Emergency Placement Procedure**

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth (10<sup>th</sup>) day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

### **Transition Plan and Services**

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

**Placement and/or Expulsion for Certain Offenses**

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

**Registered Sex Offenders**

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

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

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

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

***Review Committee***

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

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

***Newly Enrolled Students***

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

***Appeal***

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

**Certain Felonies**

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

## *Placement and/or Expulsion for Certain Offenses*

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

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

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

### ***Hearing and Required Findings***

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

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

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

### ***Length of Placement***

The student is subject to the placement until:

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

### ***Placement Review***

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

### ***Newly Enrolled Students***

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

## **Expulsion**

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the 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,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

### **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 on page 28.)

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

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

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

- 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 Penal Code 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)
- Selling, giving, or delivering another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for “under the influence.”)

***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.
- Aggravated kidnapping.
- Aggravated robbery.
- Arson. (See glossary.)
- Continuous sexual abuse of a young child or disabled individual.
- Criminally negligent homicide.
- Felony drug- or alcohol-related offense.
- Indecency with a child.
- Manslaughter.
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)
- Unlawfully carrying on or about the student’s person a handgun or a location-restricted knife, as these terms are defined by state law. (See glossary.)

***Property of Another District***

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

***While in a DAEP***

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

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;

3. Conduct that constitutes coercion, as defined by Penal Code 1.07; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Penal Code 21.07;
  - b. Indecent exposure under Penal Code 21.08;
  - c. Criminal mischief under Penal Code 28.03;
  - d. Hazing under Education Code 37.152; or
  - e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

**Mandatory Expulsion: Misconduct That Requires Expulsion**

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

***Under Federal Law***

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

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

***Under the Penal Code***

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.)
  - *Note:* A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
  - A location-restricted knife, as defined by state law. (See glossary.)
- 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 Penal Code:
    - Aggravated assault, sexual assault, or aggravated sexual assault.
    - Arson. (See glossary.)
    - Murder, capital murder, or criminal attempt to commit murder or capital murder.
    - Indecency with a child.
    - Aggravated kidnapping.
    - Aggravated robbery.
    - Manslaughter.

- Criminally negligent homicide.
- Continuous sexual abuse of a young child or disabled individual.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol, or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses

### **Under Age Ten**

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

### **Process**

If a student is believed to have committed an expellable offense, the campus 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. 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 appropriate designee the authority to conduct hearings and expel students.

### **Board Review of Expulsion**

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

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

The board shall consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation.

Consequences shall not be deferred pending the outcome of the hearing.

### ***Expulsion Order***

Before ordering the expulsion, the board or 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,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

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

After a school district notifies the parents or guardians of a student that the student has been expelled, **the parent or guardian shall provide adequate supervision of the student** during the period of expulsion since the student shall remain at home until they are notified by the DCJJAEP [TEC 37.009(h)(2)].

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

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

### **Length of Expulsion**

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

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

An expulsion may not exceed one year unless, after review, the district determines that:

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

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



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

### **Withdrawal During Process**

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

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

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

### **Additional Misconduct**

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

### **Restrictions During Expulsion**

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

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

### **Newly Enrolled Students**

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

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

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

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

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

### **Emergency Expulsion Procedures**

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten (10) 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.

**Transition Plan and Services**

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

## Glossary

*The terms and definitions are general in nature. The interpretation and application of the terms and definitions are within the sole discretion of the school district.*

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Penal Code 29.03(a) as when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
  - a. 65 years of age or older, or
  - b. A disabled person.

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

**Arson** is defined in part by Penal Code 28.02 as a crime that involves:

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

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

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

**Bullying** is defined as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

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

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

*Note:* You can make anonymous reports to administrators via email at [report@stayaalert.info](mailto:report@stayaalert.info) or call or text +1-206-406-6485.

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

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

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

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

**Cyberbullying** is defined by Education Code 37.0832 as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

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

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

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

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

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

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

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

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

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

**False alarm or report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

4. Cause action by an official or volunteer agency organized to deal with emergencies;
5. Place a person in fear of imminent serious bodily injury; or
6. Prevent or interrupt the occupation of a building, room, or place of assembly.

**Firearm** is defined by federal law (18 U.S.C. 921(a)) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

*Note:* Such term does not include an antique firearm.

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

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

**Harassment** includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Education Code 37.001(b)(2); or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
  - d. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
  - e. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

**Hazing** is defined by Education Code 37.151 as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

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

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

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

**Intimate visual material** is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

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

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

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

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

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

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

**Possession** means to have an item on one's person or in one's personal property, including, but not limited to:

1. Clothing, purse, or backpack;
2. A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;

3. Telecommunications or electronic devices; or
4. Any school property used by the student, including, but not limited to, a locker or desk.

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

1. The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice: An explosive weapon;
  - a. A machine gun;
  - b. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device.

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

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

**Reasonable belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Code of Criminal Procedure Article 15.27.

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

**Serious misbehavior** means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Penal Code 21.07;
  - b. Indecent exposure under Penal Code 21.08;
  - c. Criminal mischief under Penal Code 28.03;
  - d. Hazing under Education Code 37.152; or
  - e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

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



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

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

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

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

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

**Title 5 felonies** are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;

- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

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

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

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