

**EANES
INDEPENDENT SCHOOL DISTRICT**

**STUDENT CODE OF CONDUCT
2017~~6~~-2018~~7~~**

Approved by the Eanes ISD Board of Trustees on _____ *August 9, 2016*

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GENERAL OVERVIEW

PURPOSE

All Eanes ISD students are entitled to basic rights of citizenship recognized and protected by law for persons of their age and maturity. In addition, students are expected to demonstrate respect for the rights, privileges, and property of others. The District supports the position that the benefits of education are dependent upon positive student attitudes toward learning and student adherence to high principles of behavioral conduct.

Students who violate the rights of others and/or who violate classroom, campus, or district rules and/or state and federal law will be subject to appropriate disciplinary measures. These actions are designed to correct misconduct and to promote adherence by all students to their responsibilities as citizens in the school community.

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

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

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

ADDITIONAL RULES

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

GENERAL STANDARDS OF CONDUCT

In order to promote a positive educational experience for all students, the District expects students to adhere to seven basic standards of conduct:

1. Exercise self-control, self-respect, and self-discipline,
2. Demonstrate a positive attitude,
3. Respect the rights and feelings of others,
4. Respect school property,
5. Support the learning process,
6. Adhere to rules, and
7. Promote a safe environment.

Among other things, this means each student is expected to be honest; attend all classes, regularly and on time; be prepared for each class; be appropriately dressed and groomed, as outlined in the campus student handbook; and to cooperate with and/or assist school staff in maintaining safety, order and discipline.

Because of significant variations in student conduct, it is not always possible for the SCC to address each and every act of student misbehavior. To that end, the District retains discretion to address student misconduct that is inconsistent with these seven standards even though the conduct may not be specifically included in the SCC.

**NOTICE OF
DISCIPLINARY
ACTION**

Teachers and administrators strive to notify parents/guardians of student conduct concerns as they occur. The campus principal/campus behavior coordinator or other administrator shall promptly notify a student's parent/guardian by phone or in person of any violation that may result in suspension, DAEP placement, or expulsion from school. The administrator shall also notify a student's parent/guardian 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 on the day the action was taken to provide to the student for delivery to the student's parent/guardian written notification of the disciplinary action. If the parent/guardian 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 administrator shall send written notification by U.S. Mail.

Before the principal or other administrator assigns a student under 19 to detention outside regular school hours, notice shall be given to the student's parent/guardian to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

**ELEMENTARY
STUDENTS**

Students younger than 10 must receive services in a DAEP if they commit an expellable offense. However, a student younger than 6 may not be sent to DAEP unless the student commits a firearm offense under Texas Education Code section 37.007(e)(2).

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

ANTI-DISCRIMINATION	The District does not discriminate against students on the basis of race, sex, sexual orientation, national origin, disability, religion, color, or ethnicity when enforcing the provisions of the SCC.
DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS	<p>Students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are subject to discipline in accordance with those laws. For more information about those specific procedures, please contact Molly May, Eanes ISD Director of Special Education.</p> <p>A student <u>who receives special education services enrolled in a special education program</u> may not be disciplined for bullying, <u>cyberbullying</u>, harassment, or making hit lists until an ARD meeting is conducted.</p>
DISCIPLINE APPEALS	<p>Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals of disciplinary measures should be addressed in accordance with Board policy FNG(LOCAL). A copy of the policy may be obtained at the campus or central administration office or on the District's website under the <i>Board Policy Online</i> page: http://www.eanesisd.net/boardhttp://www.eanesisd.net/school-board. Depending on the disciplinary consequence assigned, different complaint procedures may apply as described in this SCC.</p> <p>Timelines for filing appeals stated in the policy and this SCC will be enforced. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.</p>
EFFECT OF STUDENT WITHDRAWAL	Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence should the student re-enroll in the District.
ACADEMIC AND DISCIPLINE RECORDS	<p>Placement in in-school suspension, out-of-school suspension, or Disciplinary Alternative Education Program (DAEP) placement is not referenced or noted on a student's official transcript. If a student is placed in the Juvenile Justice Alternative Education Program (JJAEP) and receives credit during that placement, such credit is noted on a student's official transcript as earned through the JJAEP.</p> <p>If a student enrolls in another school district, Eanes ISD is required to transfer certain discipline records to the newly-enrolling district.</p>

SCOPE OF THE DISTRICT'S DISCIPLINARY AUTHORITY

GENERAL AUTHORITY

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

- At any time during the school day
- While traveling on district owned or operated transportation or during school-related travel
- While attending any school-sponsored or school-related activity, regardless of time or location
- As provided in extracurricular or organization handbooks, by-laws, or constitutions
- During lunch periods, including those in which a student leaves the campus
- While on District property at any time during or outside the school day
- For any school-related misconduct, regardless of time or location
- Other off campus conduct, including cyberbullying, as permitted by Chapter 37 of the Texas Education Code
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location
- If the student is a registered sex offender

SEARCHES

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

CRIMINAL CONDUCT	School administrators will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity. Certain acts of misconduct may constitute criminal offenses in addition to violations of the SCC. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.
<u>EJECTION FROM CAMPUS</u>	<p><u>In accordance with Education Code 37.105, a school administrator or school resource officer (SRO) shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:</u></p> <ol style="list-style-type: none"><u>1. The person poses a substantial risk of harm to any person; or</u><u>2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.</u> <p><u>Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.</u></p>

DISCIPLINE CONSIDERATIONS & TECHNIQUES

DISCIPLINE CONSIDERATIONS

When deciding to order any mandatory or discretionary disciplinary consequence, including but not limited to, out-of-school suspension, DAEP placement, expulsion, or placement in JJAEP of a student, the District shall consider:

1. Self-defense (see *definitions*),
2. The student's intent (see *definitions*) or lack of intent at the time of the conduct, and
3. The student's disciplinary history, and
- ~~3.4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct to the extent required by state and federal law.~~

Additionally, using their professional judgment, District employees shall also consider a variety of factors when administering all disciplinary consequences and determining the duration of the consequence, including but not limited to:

- The degree of severity and the risk of danger,
- The effect of the misconduct,
- The frequency of the misconduct,
- The age and grade level of the student,
- The student's demeanor, and
- Legal requirements, including consistency, and
- ~~• A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct to the extent required by state and federal law.~~

DISCIPLINE MANAGEMENT TECHNIQUES

Discipline is designed to correct student behavior and encourage students to adhere to their responsibilities as members of the school community. The District may use any one or a combination of the following strategies or techniques to manage student behavior, prevent or intervene in discipline problems, or address violations of the SCC, campus, or classroom rules:

- Verbal correction
- Seating changes
- Parent conferences, including telephone calls
- Removal from the classroom
- Contracts to modify student behavior
- Sending the student to the office or other area
- Assignment of school-related tasks or duties
- Calming-down time
- Demerits or rewards
- Confiscation of items
- School probation
- Restitution to the District or an individual
- Transfer to a different classroom or campus
- Revocation or restriction of transportation privileges
- Loss or restriction of privileges, participation or membership in co-curricular or extracurricular activities, and seeking or holding honorary positions
- Counseling by teachers, counselors, or administrators
- In-school suspension
- Out-of-school suspension
- Placement in a Disciplinary Alternative Education Program (DAEP)

- Expulsion
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, or by-laws
- Detention
- Mediation
- Other strategies and consequences determined by school officials to be appropriate and designed to further the goals outlined in this SCC

Disciplinary consequences are not appropriate for failure to meet assigned academic requirements. However, teachers and administrators may impose academic consequences, including grade reductions, as permitted by policy regarding unexcused absences and academic dishonesty, and for the student's failure to meet assigned academic requirements consistent with grading standards and practices communicated to students at the beginning of the semester or school year.

By policy, Eanes ISD prohibits the use of corporal punishment for student discipline.

GENERAL TYPES OF PROHIBITED CONDUCT

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more *Discipline Management Techniques* if the behavior is committed at school, a school-sponsored or school-related activity, during school-related travel, while traveling on District owned or operated transportation or when the District has *Disciplinary Authority* as described in the SCC. The list below does not include the most serious offenses. In the following sections on *Suspension*, *DAEP Placement*, and *Expulsion*, severe offenses that require or permit certain consequences are listed. Any offense, however, may be serious enough to result in *Removal from Classroom by the Teacher* as detailed in that section.

MISCONDUCT INVOLVING OTHERS

- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm and threatens the safety of others
- Fighting (see *definitions*) or scuffling that does not result in physical pain, illness, or any impairment of a physical condition
- Engaging in conduct, including throwing objects, that can cause bodily injury (see *definitions*) or property damage
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student or District employee, official, or volunteer to physical harm, confinement or restraint
- Bullying or cyberbullying (see *definitions*)
- Name-calling, ethnic, racial or religious slurs, or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence
- Adding any substance, whether harmful or not, without permission to any food or beverages belonging to, in the possession of, or meant to be consumed by another student or District employee, official, or volunteer
- Engaging in harassment (see *definitions*) toward another student or a District employee, official, or volunteer, including harassment motivated by race, color, religion, national origin, disability, sex, sexual orientation, or age

**POSSESSING,
USING,
OFFERING,
GIVING,
SELLING, OR
BUYING
PROHIBITED
ITEMS**

- Engaging in sexual or gender-based harassment (see *definitions*) or sexual abuse
- Inappropriate verbal (oral or written), physical, or sexual contact toward another student or a District employee, official, or volunteer regardless of whether it is consensual
- Touching one's own private body parts in a sexual manner
- Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment
- Engaging in conduct that constitutes dating violence (see *definitions*)
- Engaging in oral or written threats to cause harm or bodily injury (see *definitions*) to another student, a District employee, official, or volunteer, or school property, including threats made using the Internet or other technology resources at school. Students may be disciplined for threats made outside of school, including website or internet postings, if the threat causes a material or substantial disruption at school.
- Wrongfully obtaining and using another person's identifying information or personal data without permission in order to mislead, defraud, or deceive.
- Hazing (see *definitions*)
- Retaliating against a student for (1) reporting either a violation of the Student Code of Conduct (SCC) or bullying, or (2) participating in an investigation of a violation of the SCC or bullying
- Tobacco products, electronic cigarettes, any component, part, or accessory for an e-cigarette device, and other smoking paraphernalia, including matches and lighters
- Fireworks or any other pyrotechnic device
- Smoke or stink bombs
- Laser pointers (unauthorized use)
- Pepper spray or other small chemical dispenser sold commercially for personal protection
- "Look-alike" drugs or items attempted to be passed off as drugs, non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy
- Razor blades, box cutters, or chains

**MISUSE OF
PROPERTY**

- A location-restricted knife, pocketknife or any ~~other~~ small knife
- Fake or “look-alike” weapons that are intended to be used as a weapon or could reasonable be perceived as a weapon
- Poisons, caustic acids, or other materials that may be toxic to the human body
- BB gun, air gun, or stun gun
- Ammunition, shells, bullets, or gunpowder
- Material that is sexually-oriented, pornographic, or reveals a person’s private body parts
- Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety, or that falsely depicts wrongful, illegal, or inappropriate conduct by a student, volunteer or District staff member
- Articles not generally considered to be weapons when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another
- CD or DVD players, cassette players, electronic games, MP3 players, stereo head sets, or other electronic equipment for other than approved use
- Unless authorized, using, displaying, or having in operational mode a paging device, cellular telephone, or other telecommunications device (*see definitions*) at school during instructional time (includes texting during instructional time)
- Stealing from others, including the District
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony
- Damaging, destroying, or vandalizing property owned by others or the District
- Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means

**SAFETY/
DISRUPTION**

- Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the District, or District employees, officials, or volunteer that does not rise to the level of arson or criminal mischief
- Threatening to use or exhibiting a firearm
- Discharging a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator (AED) or causing the sprinkler system to activate when there is no emergency

TECHNOLOGY

- Making or participating in false statements or hoaxes regarding school safety
- Engaging in any misbehavior, actions, or demonstrations that substantially disrupts or materially interfere with school activities or that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Making false accusation or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer
- Sending, possessing, delivering, or posting electronic messages or images that are abusive, obscene, sexually oriented, harassing, threatening, intimidating, illegal, or that cause a material or substantial disruption at school or infringes on the rights of another student at school, including cyberbullying (see *definitions*) and “sexting”
- Using any device to copy or capture an image or the content of any District materials (such as tests or exams) without permission of a teacher or administrator
- Making, participating in the making of, transmitting to another via an electronic device, or posting to the Internet a digital video or audio recording of an actual or simulated act that involves a crime or conduct prohibited by the Code of Conduct. (Students who are not involved in the prohibited conduct will not be disciplined under this provision so long as they report the incident to a school employee, turn over the recording to a school employee as soon as possible after the incident, and do not provide a copy of the recording to anyone other than the law enforcement or school employees.)
- Using any device or technology that permits recording the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or without the prior consent of the individual being recorded
- Using any device or technology to take, disseminate, transfer, circulate, exhibit, present, or share audio, images, video, or photos that reveal private parts of the body that are normally covered by clothing (also known as “sexting”)
- Release or threaten or release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent
- Using the name, persona, or image of a student, District employee, or volunteer to create a web page or post one or more messages on a website without the other person’s consent for purposes of harassing, intimidating, embarrassing, or threatening another

**FAILURE TO
FOLLOW RULES**

- Using email, website, or electronic devices to engage in or encourage illegal conduct, violations of the SCC, or to threaten school safety
- Attempting to or successfully accessing or circumventing passwords or other security-related information of the District, officials, volunteers, employees, or other students by any means
- Attempting to or successfully altering, destroying, interrupting, or disabling District technology resources including but not limited to computers and related equipment, District data, the data of other users of the District's computer system, or other networks connected to the District's system, including uploading or creating computer viruses, worms, or other harmful material
- Copying, downloading, reproducing, distributing, retransmitting, redisplaying, or modifying items from the District's website
- Engaging in any of the above forms of technological misconduct outside of school when such conduct causes a material or substantial disruption at school as determined by school officials

NOTE: Students will not be disciplined for technological misconduct related to possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian.

- Violating dress and grooming criteria
- Failing to ensure that personal property, method of transportation, or school property used by the student does not contain prohibited items (See "Possessing, using, giving, selling, or buying prohibited items" above)
- Being insubordinate or otherwise failing to comply with lawful directives given by school personnel
- Attempting to or successfully evading, avoiding, or delaying questioning by a District employee
- Failing to provide proper identification upon request of a District employee
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Code of Conduct
- Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others
- Unexcused tardiness to class

**OTHER
MISCONDUCT**

- Skipping school or class without the District's or parent/guardian's permission
- Leaving class, the campus, or school events without permission
- Enticing or preventing another student from attending school, class, or a school activity that the student is required to attend
- Violating rules for conduct on school owned or operated transportation
- Violating rules for operating or parking a motor vehicle on school property
- Violating policies or rules, including the Eanes ISD Responsible Use Guidelines for Technology, regarding the use of technology resources and Internet access
- Violating the District's medications policy regarding prescription and over-the-counter drugs
- Academic dishonesty, including cheating, copying the work of another, plagiarism, or unauthorized collaboration with another person in preparing an assignment
- Failure to comply with guidelines applicable to student speakers who are speaking at school-sponsored or school-related events
- Violating other campus or classroom rules for behavior and/or safety or district policies
- Using profanity, vulgar language, or obscene gestures
- Loitering in unauthorized areas
- Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to District employees
- Gambling or betting money or other things of value
- Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as sexting, mooning, streaking, or flashing
- Taking one or more steps toward violating the SCC even if the student fails to complete the intended misconduct.

REMOVAL FROM DISTRICT OWNED OR OPERATED TRANSPORTATION

REASONS FOR REMOVAL

Appropriate student behavior is essential to the safe operation of District transportation. Students must comply with the expectations of the SCC while using District transportation. In addition to compliance with the SCC, students are expected to comply with the following transportation rules:

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

PROCEDURE FOR REMOVAL

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

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

REMOVAL FROM THE CLASSROOM

ROUTINE REFERRAL

A teacher may send a student to the administrator's office to maintain discipline in the classroom or when the student engages in behavior that violates the SCC. The administrator may use one or more discipline management techniques to address the behavior.

FORMAL REMOVAL

A teacher may remove a student from class when:

- The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach or with the learning of other students; or
- The behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach or with the learning of other students.

A teacher must remove a student from class if the student engages in conduct that requires or permits DAEP placement or expulsion under the Texas Education Code, in which case the procedures for DAEP placement or expulsion will apply.

PLACEMENT DURING REMOVAL

When a student is formally removed from the classroom, the administrator may place the student in another appropriate classroom, in-school suspension, out-of-school suspension, or DAEP.

PROCEDURES FOR FORMAL REMOVAL

No later than three school days after student's formal removal from class, an administrator will schedule a conference with the administrator, the student's parent/guardian, and the student. At the conference, the student will be provided an explanation of the basis for removal and be given an opportunity to respond. After the conference, the administrator will render a discipline decision and inform the student and parent/guardian of the consequences.

RETURN TO THE CLASSROOM

If a student was formally removed from class because the student engaged in assault resulting in bodily injury, aggravated assault, sexual assault, or aggravated sexual assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. For other formal removals, the student may only 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.

IN-SCHOOL SUSPENSION (ISS)

REASONS FOR ISS

Students may be placed in ISS for any misconduct listed in any category of the ISS, except for misconduct that requires mandatory placement in the DAEP or JJAEP.

PROCEDURE FOR ISS

The student will be informed of the reason for placement in ISS and be given an opportunity to respond before the administrator's decision is final. While in ISS, the student will complete assignments from his or her teachers.

OUT-OF-SCHOOL SUSPENSION (OSS)

REASONS FOR OSS

Students in grades 3 or above may be suspended from school for any misconduct listed in any category of the SCC.

PROCEDURE FOR OSS

The student will be informed of the reason for out-of-school suspension and be given an opportunity to respond before the administrator's decision is final. While the student is suspended, the student may not attend or participate in school-sponsored or school-related activities. Students may be suspended for a maximum of three school days per behavior violation.

MAKE-UP WORK

If a student is assigned out-of-school suspension, that student will be required to complete all class assignments, homework, tests, and other academic work covered during the time of suspension. The student will have the opportunity to receive full credit for completed academic work, when submitted in a timely manner and in accordance with the teacher's or administrator's instructions.

STUDENTS IN GRADES TWO OR BELOW

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

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

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)

REASONS FOR MANDATORY DAEP PLACEMENT

School-Related. A student must be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct punishable as a felony.
- Commits an assault (see *definitions*) resulting in bodily injury (see *definitions*) to another.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (see *definitions*), a dangerous drug (see *definitions*), or an alcoholic beverage (see *definitions*) in any amount not punishable as a felony. Students shall be expelled for a second infraction (occurring in the same school year). 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 with regard to possession or use.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not punishable as a felony. Students shall be expelled for the second infraction (occurring in the same school year).
- Engages in an offense relating to abusable volatile chemicals (see *definitions*). Students shall be expelled for the second infraction (occurring in the same school year).
- Engages in public lewdness (see *definitions*).
- Engages in indecent exposure (see *definitions*).
- Possesses or uses a knife with a blade over 3 inches up to 5 ½ inches.
- Engages in expellable conduct if the student is between six and nine years of age.
- Engages in a federal firearm offense if the student is six years of age or younger.

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

- The student receives deferred prosecution.
- A court or jury finds the student engaged in delinquent conduct, ~~or-~~
- The administrator reasonably believes that the student engaged in the misconduct.

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

- Issues a false alarm or report (see *definitions*) or a terroristic threat (see *definitions*) involving a public school. Students shall be expelled for a second infraction (occurring in the same school year).
- Retaliates (see *definitions*) against any school employee.
- Is involved with a public school fraternity, sorority, secret society, or gang (see *definitions*), including participating as a member or pledge, or soliciting another person to become a member or pledge.
- Is involved with a criminal street gang (see *definitions*) or encourages, solicits, enables, or causes another to become a member of a criminal street gang.
- Engages in criminal mischief if the damage is equal to or greater than \$500 but less than \$1,500.
- Is a registered sex offender (see *definitions*) under court supervision, probation, community supervision, or parole.

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

**REASONS FOR
DISCRETIONARY
DAEP
PLACEMENT**

School-Related. A student may be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Possessing, giving, buying, or selling less than a usable amount of stems, seeds, or other pieces of marijuana.*
- Possessing, using, selling, buying, or giving paraphernalia (see *definitions*) related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.*

NOTE: A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate the above two provisions with regard to possession or use.

- Offering to sell marijuana, a controlled substance (see *definitions*), a dangerous drug (see *definitions*), abusable volatile chemicals (see *definitions*), a prescription drug, or an alcoholic beverage (see *definitions*) in any amount.
- Abusing the student's own prescription drug or using it in a way other than prescribed; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug.
- Abusing over-the-counter drugs.
- Preparing a hit list (see *definitions*).
- Committing any offense included in the list of "General Types of Prohibited Misconduct" in this SCC.
- Engaging in serious (see *definitions*) or persistent misbehavior (see *definitions*) that violates this SCC.

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

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

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

- If the student is a registered sex offender (see *definitions*) who is not under any form of court supervision. A registered sex offender who is not under any form of court supervision will be placed in regular classes if the student is not a threat to the safety of others, is not detrimental to the educational process, and such placement is not contrary to the best interests of the District's students.
- Engages in criminal mischief if the damage is less than \$500.

Bullying. A student may be removed from class and placed in DAEP or expelled if the student:

- Engages in bullying (see *definitions*) that encourages a student to commit or attempt to commit suicide;
- Incites violence against a student through group bullying; or
- Releases or threatens to release intimate visual material (see *definitions*) of a minor or a student who is 18 years of age or older without the student's consent.

**EMERGENCY
DAEP
PLACEMENT**

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

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

**PROCEDURE
FOR DAEP
PLACEMENT**

Conference. No later than three school days after the student is removed from class, the administrator will schedule a conference with the administrator, the student's parent/guardian, and the student. At the conference, the administrator shall inform the student, orally or in writing, of the reasons for the removal, shall give the student an explanation of the basis for the proposed DAEP placement, and give the student an opportunity to respond to the reasons for the removal.

Following valid and reasonable attempts to require attendance, the District may conduct the conference and make a discipline decision regardless of whether the student or the student's parent/guardian attends the conference. Unless the administrator is provided 24 hours prior notice that the parent/guardian shall be represented by legal counsel at the conference, the administrator may reschedule the conference to a time when the District's legal counsel may also participate.

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

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

DAEP Placement Order. If the outcome of the conference is to place the student in DAEP, the administrator will issue a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student's parent/guardian.

If the length of placement differs from the guidelines included in this SCC, the DAEP placement order will

**LENGTH OF
DAEP
PLACEMENT**

give notice of the inconsistency.

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

Length of Placement. The length of a student’s placement in DAEP will be determined on a case-by-case basis using the criteria identified in the *Discipline Considerations* section of this SCC.

Mandatory DAEP placements will result in placement for up to 120 school days. Discretionary DAEP placements will result in placement for up to 60 school days.

In order for a day to successfully count toward the DAEP assignment, the student must be present for the entire day, arrive on time, complete all assignments, follow all rules, and engage in no additional violations of the SCC.

Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year.

Drug and Alcohol Offenses. Eanes ISD believes that all students have a right to participate in learning, extra-curricular, and all other activities in a drug and alcohol-free environment. Drug and alcohol offenses are serious, and disciplinary actions are intended to discourage drug and alcohol use by students.

The minimum mandatory DAEP placements for selling, giving, delivering, possessing, using, or being under the influence of marijuana, a controlled substance (see *definitions*), a dangerous drug (see *definitions*), or an alcoholic beverage (see *definitions*) in any amount not punishable as a felony will be 45 days. Students may reduce this placement to 30 days by successfully completing a District-approved drug abuse program. Students may also further reduce this placement for successful compliance with DAEP policies and Campus expectations.

Students shall be expelled for multiple infractions.

APPEALS

Exceeds One Year. The length of DAEP placement may not exceed one year unless, after review, the District determines that the student is a threat to the safety of other students or to district employees.

Exceeds School Year. For DAEP placement to extend beyond the end of the school year, the administrator must determine that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student has engaged in serious or persistent misbehavior (see *definitions*) that violates the SCC.

Exceeds 60 Days/Grading Period. If the DAEP placement extends beyond 60 days or the end of the next grading period, whichever is sooner, the student and the student's parent/guardian may participate in a proceeding before the Superintendent or designee. The decision of the Superintendent or designee is final and may not be appealed.

Appeals. Student or parent appeals regarding a student's placement in the DAEP should be addressed in accordance with Board policy FNG(LOCAL). A copy of the policy may be obtained at the campus office or on the District's website under the *Board Policy Online* page: <http://www.eanesisd.net/school-board>~~http://www.eanesisd.net/school-board~~<http://www.eanesisd.net/board>. Appeals shall begin at Level One with the principal or designee. The decision of the Superintendent or designee at Level Two is final and may not be appealed.

Disciplinary consequences shall not be deferred pending the outcome of an appeal.

OTHER DAEP ISSUES

Report to Law Enforcement. Suspected drug or alcohol use, including inappropriate use of prescription drugs, and a report to law enforcement required by law, shall be made by the District.

No Participation in Activities While in DAEP. Students placed in DAEP are not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district. A student placed in the DAEP may not visit any district campus unless arrangements have been made with the campus principal.

Impact on Extracurricular Code of Conduct. The administration of consequences under the Eanes ISD Extra Curricular Code of Conduct (“ECC”) is separate from the administration of any discipline under the Eanes ISD Student Code of Conduct (“SCC”). Discipline imposed under the SCC will not limit or prevent the imposition of consequences in accordance with the ECC. Moreover, the modification of any discipline imposed under the SCC shall not affect the consequences that may have been imposed under the ECC.

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

Impact on Other Privileges. Exemptions from exams and other privileges shall be determined by the principal. The modification of any discipline imposed under the SCC does not automatically constitute a basis for restoring an exemption or other privileges. Summer programs provided by the district may serve students assigned to the DAEP in conjunction with other students.

Impact on Academics. While every effort is made for students to continue to perform at grade level, the DAEP setting is not intended to replicate a regular classroom, including the manner in which instruction is delivered. Texas Education Code 37.008(a)(4) requires each school district to provide a disciplinary alternative education program that focuses on English language arts, mathematics, science, history, and self-discipline.

A student's four-year graduation plan may not be altered when the student is assigned to a DAEP. The District will offer a student removed to a DAEP an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The parent or

guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation, at no cost to the student.

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 administrative procedures for administering other diagnostic or benchmark assessments.

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

Periodic Review. The District will review a student's DAEP placement and academic status every 120 calendar days. In the case of a high school student, the student's progress toward graduation will be reviewed and a graduation plan will be established. At the review, the student or the parent/guardian will have an opportunity to present reasons for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct. If during the term of DAEP placement the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional conferences may be conducted and additional discipline may be imposed.

Effect of Student Withdrawal. When a student withdraws from school before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student re-enrolls in the District during the same or subsequent school year, the District may enforce the DAEP placement order at that time, minus any portion of the placement that was served by the student during enrollment in another district. If the administrator does not issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.

Student Transfers. Students assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district at the time of enrollment into the District will be placed into the District's DAEP to complete the term of their DAEP placement. In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the District. If the out-of-state DAEP placement period exceeds one year, the District will reduce the period of placement so that the total placement does not exceed one year unless the District determines that the student is a threat to

the safety of others or extended placement is in the best interests of the student.

Review After Receiving Notice of Criminal Proceedings. The review and appeal process described below does not apply if the student was placed in DAEP as required by law for conduct occurring on or within 300 feet of school property, at a school-sponsored or school-related activity, or for a false alarm or report or terroristic threat involving a public school.

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

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

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

**PARTICULAR
RULES FOR
REGISTERED
SEX OFFENDERS**

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

Placement. Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement. The placement shall be in DAEP unless: (1) the student is ordered to attend a Juvenile Justice Alternative Education Program (JJAEP) by a court, or (2) if permitted by agreement between the District and the JJAEP.

Length of Placement. Registered sex offenders under court supervision will be placed in DAEP for a minimum of 90 school days, which is the equivalent of one semester. Registered sex offenders who are not under any form of court supervision but are assigned to DAEP must serve a minimum of 90 school days, which is the equivalent of one semester.

Transfers. Registered sex offenders (whether under court supervision or not) that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district, but will receive credit for any time already spent in DAEP. In making a decision regarding the placement of a registered sex offender that transfers into the District, the District will consider the recommendation of the review committee as described in the *Periodic Review* section described below.

Periodic Review. After 80 school days in DAEP, a review committee will determine by majority vote and recommend to the Superintendent or designee whether the student should remain in DAEP or be returned to the regular classroom. The District will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, the District will follow the committee's decision to continue the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the District's students.

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

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

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

EXPULSION

REASONS FOR MANDATORY EXPULSION

School-Related. A student must be expelled for any of the following misconduct that occurs on school property or while attending a school-sponsored or school-related activity on or off school property:

- Brings to school or possesses 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 *definitions*).
- Carries on or about the student's person the following items, as defined by state law: (1) a handgun*, (2) a ~~an~~ location-restricted illegal knife, or (3) a club. (see *definitions*)
**Firearm note:* A student will not be expelled solely for using, exhibiting, or possessing a firearm in the following circumstances: (1) at an approved target range facility not located at a school campus, (2) while participating in or preparing for a school-sponsored shooting sports competition, or (3) while participating in or preparing for a shooting sports educational activity sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization with the Department so long as the firearm is not brought on school property.
- Possesses, manufactures, transports, repairs, or sells a prohibited weapon, as defined by state law. (see *definition*)
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (see *definitions*), a dangerous drug (see *definitions*), or an alcoholic beverage (see *definitions*) if the behavior is punishable as a felony.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony.

**REASONS FOR
DISCRETIONARY
EXPULSION**

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

- Sells, gives, delivers, possesses, uses, or is under the influence of any amount of marijuana, a controlled substance, dangerous drug, or alcoholic beverage, if it is the second infraction in the same school year and 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 with regard to possession and use.
- Commits a serious act while under the influence of an alcoholic beverage if it is the second infraction in the same school year and the conduct is not punishable as a felony.
- Engages in misconduct that contains the elements of an offense relating to abusable volatile chemicals (see definitions) if it is the second infraction in the same school year.

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

- Retaliates against a school employee or volunteer by committing a state-mandated expellable offense.
- Issues a false alarm or report (see *definitions*) or a terroristic threat (see *definitions*) involving a public school and it is the second infraction.

At School. A student may be expelled for engaging in documented serious misbehavior (see *definitions*) while the student is placed in DAEP or on the DAEP site/campus despite documented behavioral interventions.

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

- Commits an assault (see *definitions*) resulting in bodily injury to a school employee or volunteer.
- Engages in deadly conduct (see *definitions*).
- Engages in a second or multiple infraction(s) that are reasons for mandatory DAEP placement.

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

- Possesses a firearm, as defined by federal law (see *definitions*).
- Carries on or about the student's person any of the following items, as defined by state law: (1) a handgun, (2) an location-restricted illegal knife, or (3) a club. (see *definitions*)
- Possesses, manufactures, transports, repairs, or sells a prohibited weapon, as defined by state law (see *definitions*).
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault (3) aggravated sexual assault (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (see *definitions*), a dangerous drug (see *definitions*), or an alcoholic beverage (see *definitions*) if the behavior is punishable as a felony.
- Commits a serious or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony.

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

- Commits aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder, or aggravated robbery against another student.
- Retaliates against a school employee or volunteer by committing an assault (see *definitions*) resulting in bodily injury.
- Engages in criminal mischief if the damage is \$1,500 or more.
- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.
- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of a school district and knowingly alters, damages, or deletes school district property or information or breaches any other computer, computer network, or computer system.

Bullying. A student may be removed from class and placed in DAEP or expelled if the student:

- Engages in bullying (see *definitions*) that encourages a student to commit or attempt to commit suicide;
- Incites violence against a student through group bullying; or
- Releases or threatens to release intimate visual material (see *definitions*) of a minor or a student who is 18 years of age or older without the student's consent.

Title 5 Felonies Regardless of Location. In addition to the expellable conduct listed above, a student may also be expelled and placed in Juvenile Justice Alternative Education Program if the student:

- Is arrested for, charged with, or convicted of a Title 5 felony offense (see *definitions*) or aggravated robbery,
- Received deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery,
- Is on probation for a Title 5 felony offense or aggravated robbery,
- Was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery, or
- Has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery, and in addition, if
- The administrator determines the student's presence in the regular classroom threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students.

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

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

**EMERGENCY
EXPULSION**

An administrator may order the immediate expulsion of a student if the administrator reasonably believes the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for the emergency expulsion must also be a reason for which expulsion could be ordered on a non-emergency basis. At the time of the emergency expulsion, the student will be told the reason for the action.

No later than the tenth day after the date of emergency expulsion, the student will be given a hearing as required for a regular expulsion; see below.

**PROCEDURE
FOR EXPULSION**

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

- Representation by an adult, including the student’s parent/guardian, who can provide guidance to the student and who is not an employee of the District;
- An opportunity to question the District’s witnesses; and
- An opportunity to testify and to review and present evidence and witnesses in the student’s defense.

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

Expulsion Order. If the outcome of the expulsion hearing is that the student will be expelled, the campus behavior coordinator or other administrator will issue an expulsion order and provide a copy to the student and the student’s parent/guardian. If the duration of the expulsion differs from the guidelines in this SCC, the expulsion order will give notice of the inconsistency.

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

**LENGTH OF
EXPULSION**

Length of Expulsion. The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the *Discipline Considerations* section of this SCC.

Mandatory expulsions will result in expulsion for up to 180 school days. Discretionary expulsions will result in expulsion for up to 90 school days.

Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the administrator on a case-by-case basis.

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

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

**EXPULSION
APPEALS**

Appeals. Student/parent appeals regarding a student's expulsion should be addressed in accordance with Board policy FNG(LOCAL). A copy of the policy may be obtained at the campus office or on the District's website under the *Board Policy Online* page: <http://www.eanesisd.net/school-board>. Appeals shall begin at Level Three with the Board. Consequences will not be delayed pending the outcome of the appeal.

Academic Impact. Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP) or other District-approved program or as required by IDEA or Section 504.

**OTHER
EXPULSION
ISSUES**

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

Additional Misconduct. If during the term of 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 additional discipline may be imposed.

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

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

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

Student Transfers. The District will continue the expulsion of students expelled from either another Texas school district or from an out-of-state school district for behavior that is also a reason for expulsion in the District, until the term of expulsion has been served. If the out-of-state expulsion exceeds one year, the District will reduce the period of the expulsion so that the total expulsion does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interest of the student.

DEFINITIONS

ABUSING: Using improperly or excessively.

ABUSABLE VOLATILE CHEMICALS: Those substances as defined in Texas Health and Safety Code § 485.001.

ALCOHOLIC BEVERAGE: Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

ARMOR-PIERCING AMMUNITION: Handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers or other firearms.

ASSAULT: For discipline purposes, intentionally, knowingly, or recklessly causing bodily injury to another.

BODILY INJURY: Physical pain, illness, or impairment of a physical condition.

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

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; ~~or~~
2. Is sufficiently severe, persistent, and 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.

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
- 1-3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interfered with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

See District policy FFI for additional information regarding bullying.

CLUB: An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

CONTROLLED SUBSTANCE: Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq. This definition includes synthetic drugs such as synthetic cannabinoids (a.k.a. “Spice” or “K2”) and substituted cathinones (a.k.a. “bath salts”).

CRIMINAL STREET GANG: Three or more persons having a common identifying sign or symbol or an identifiable leadership which continuously or regularly associate in the commission of criminal activities.

CYBERBULLYING: Bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. ~~to engage in bullying or intimidation.~~

DANGEROUS DRUG: Substances as defined in Chapter 483 of the Texas Health and Safety Code.

DATING VIOLENCE: 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: Recklessly engaging in conduct that places another in imminent danger of serious bodily injury, such as by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

E-CIGARETTE: 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. Includes any device that is manufactured, distributed or sold as an e-cigarette, e-cigar, or e-pipe or under another name or description, and a component, part or accessory for the device.

EXPLOSIVE WEAPON: Any explosive or incendiary bomb, grenade, rocket, or mine 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. It includes a device designed, made or adapted for delivery or shooting an explosive weapon.

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

FIGHTING: Two or more persons engaged in any mutually violent or physically aggressive contact toward each other such as scuffling, pushing, shoving, or hitting.

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

FIREARM SILENCER: Any device designed, made, or adapted to muffle the report of a firearm.

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

GENDER-BASED HARASSMENT: Physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity, if the conduct is so severe, persistent, or pervasive that the conduct affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or otherwise adversely affects the student's educational opportunities.

GRAFFITI: Making marks of any kind on the tangible property of another without the effective consent of the owner.

HANDGUN: Handgun is defined by Texas Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

HARASSMENT: Threatening to cause harm or bodily injury to another, engaging in sexually intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, or other conduct prohibited by District policy FFH or DIA that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

HAZING: Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a school administrator in writing. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

HIT LIST: List of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm.

INDECENT EXPOSURE: Those acts defined in Texas Penal Code section 21.08.

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

INTIMATE VISUAL MATERIAL: Visual material defined by Texas Civil Practice and Remedies Code 98B.001 and Texas Penal Code 21.16.

KNIFE: A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing.

KNUCKLES: Any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

LOCATION-RESTRICTED KNIFE: A knife with a blade over 5 ½ inches.

MACHINE GUN: Any firearm capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger

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

PERSISTENT MISBEHAVIOR: Two or more violations of the SCC or repeated occurrences of the same violation.

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

PROHIBITED WEAPONS: A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, zip gun, improvised explosive device, or a tire deflation device.

PUBLIC LEWDNESS: Those acts defined in Texas Penal Code § 21.07.

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

RETALIATION: Harming or threatening to harm another: (1) on account of their service as a District employee or volunteer, (2) to prevent or delay another's service to the District, or (3) because the person intends to report a crime

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

SERIOUS MISBEHAVIOR: To engage in (1) deliberate violent behavior that poses a direct threat to the health or safety of others, (2) extortion to gain money or other property by force or threat, (3) coercion, meaning to threaten to either commit an offense; inflict bodily harm; accuse a person of any offense; expose a person to hatred, contempt, or ridicule; or to harm the credit of any person, (4) public lewdness as defined in Texas Penal Code § 21.07, (5) indecent exposure as defined in Texas Penal Code § 21.08, (6) criminal mischief as defined in Texas Penal Code § 28.03, (7) personal hazing as defined in Texas Education Code § 37.152, or (8) harassment of a student or District employee as defined in Texas Penal Code § 42.07 (a)(1).

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

SEXTING: The electronic transfer of a sexually suggestive or sexually explicit photo, video, or message by using a telecommunications or electronic device

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's performance; creates an intimidating, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; otherwise adversely affects the students educational opportunities, or is prohibited by District policy FFH or FNC.

SHORT-BARREL FIREARM: 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 if, as altered, has an overall length of less than 26 inches.

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

TELECOMMUNICATIONS DEVICE: Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images, or information in any format or media, electronic or otherwise. It does not include an amateur radio under control of someone with an amateur radio license.

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

TITLE 5 OFFENSES: Those crimes listed in Title 5 of the Texas Penal Code that **typically** involve injury to a person **and** may include: murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; **sexual coercion; bestiality;** improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; and tampering with a consumer product.

UNDER THE INFLUENCE: When in the employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use, including but not limited to an odor of alcohol on a student's breath or other abnormal or erratic behavior or by the student's admission. The student need not be legally intoxicated.

USE: With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, puffing into action or service or carrying out an action or purpose with the object or device.

ZIP GUN: 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.