



Student Code of Conduct

Revised for School Year 2021-2022

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The Grand Prairie Independent School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.¹ The following person(s) has been designated to handle inquiries regarding the non-discrimination policies:

Title IX:
Rich Laffey
Director of Student Support
2602 S. Belt Line Rd.
Grand Prairie TX 75052
972-264-6141

Section 504/ADA:
Kimberly Wilson
Director of Special Services
2602 S. Belt Line Rd.
Grand Prairie, TX 75052
972-264-6141

All other nondiscrimination laws:
Linda Ellis
Superintendent of Schools
2602 S. Belt Line Rd.
Grand Prairie, TX 75052
972-264-614

STUDENT CODE OF CONDUCT

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact the campus principal or the office of Student Support Services.

The purpose of the Student Code of Conduct:

Education in this community represents a significant commitment of financial and human resources. The benefits a student derives from this investment depend very much on the student's attitude toward learning and the student's adherence to high standards of behavior.

The Student Code of Conduct that follows is the District's specific response to requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences including removal from a regular classroom or campus, 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. This Code is an outgrowth of collaboration among the district-level-committee and campus staff. This Code, adopted by the Grand Prairie ISD Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct. 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 general, discipline will be designed to improve the conduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw from the professional judgment of teachers and administrators and on a range of discipline management techniques. **Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.** Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses. The discipline of students with disabilities is subject to applicable State and Federal law in addition to the student Code of Conduct. To the extent any conflict exists, State and/or Federal law shall prevail.

In accordance with 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.

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

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 of the campus 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 Handbook, for each campus, the email address and telephone number of the persons serving as a campus behavior coordinator at www.gpisd.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 safe and supportive school 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 of Conduct.

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 on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. 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.

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.

STANDARDS FOR STUDENT CONDUCT

Expected Behaviors:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet District and campus standards of grooming and dress
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students, and of teachers, and other District staff and volunteers.
- Respect the property of others, including District property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order, and discipline.
- Keep parents informed regarding school assemblies, needed supplies, and written information sent home from the school.
- Exhibit principles of Character Counts: Trustworthiness, Responsibility, Respect, Caring, Fairness, and Citizenship.
- Students are provided with a Student I.D. free of charge. Students are required to wear their I.D. card. Failure to cooperate will result in disciplinary action. Replacement I.D.'s are available at a cost of \$4.00 which includes a lanyard. I.D. cards are required for participation in school events and for library use, lunch, etc.
- Adhere to the requirements of the Student Code of Conduct.

School District Authority and Jurisdiction:

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The District has disciplinary authority over a student:

- During the regular school day and while the student is going to and from school on District transportation, including bus stops, or a school sponsored or school related activity on District transportation.

- While the student is participating in any activity during the school day on school grounds.
- While the student is in attendance at any school related activity, regardless of time or location.
- For any school related misconduct, regardless of time or location.
- When retaliation or a threat against a school employee, Board member, or volunteer occurs, regardless of time or location.
- When the student commits a felony on or off school property, as provided by Texas Education Code 37.006 or 37.0081.
- When criminal mischief is committed on or off school property or at a school related event (refer to definition section).
- For certain offenses within 300 feet of school property as measured from any point on the school's real property boundary line.
- For students involved in extracurricular activities, any criminal activity or unbecoming conduct regardless of time or location.
- When the student is required to register as a sex offender.
- For certain criminal offenses, on or within 1,000 feet of property owned or leased by the District.
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity while at another District in Texas.
- When a student engages in cyberbullying, as provided by Education Code 37.0832.

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.

The District has the right to search a vehicle driven to school by a student and parked on school property and search a student's locker or desk whenever there is reasonable suspicion to believe that 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.

Security Personnel

To ensure sufficient security and protection of students, staff, and property, the board employs school resource officers (SROs). In accordance with the 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 school resource officers are, but not limited to: conducting investigations of criminal violations occurring on district property or at district-sponsored or school-related activities; patrolling the periphery of district facilities and campuses for the purpose of controlling narcotic/alcohol sale and use and other crimes; establishing good rapport with students to establish role models for good community/criminal justice system relationships; providing security on the various district campuses for prevention of theft, trespassing, and intrusion; in coordination with the district, acting as a liaison with public safety authorities on agreed-upon matters affecting school security; consulting with district and campus administration on methods of increasing security in and around the premises of each school; and preserving the peace within the Officer's jurisdiction by all lawful and appropriate means. The law enforcement duties of district security personnel are: protection of students, staff, and property.

The principal and other school administrators will report crimes as required by law and shall call law enforcement when an administrator suspects that a crime has been committed on campus. The District has the right to revoke the transfer of a transfer student for violating the District's Student Code of Conduct.

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

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

DISCIPLINE MANAGEMENT TECHNIQUES

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as 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.

The following discipline management techniques may be used alone or in combination for conduct violations:

- Oral or written correction.
- Cooling-off time or “time-out.”
- Seating changes in the classroom.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Temporary confiscation of items that disrupt the educational process. (Laser pointers will not be returned.)
- Behavior coaching.
- Anger management/work with Counselors.
- Family group conferencing.
- Rewards or demerits.
- Behavioral contracts.
- Sending the student to the office or other assigned area or to in-school suspension. (Parents must be notified of code of conduct violation.)
- Detention. (Parents of elementary students should be notified by telephone, and an attempt should be made to notify parents of secondary students; however, it will be the student’s responsibility to give a copy of the discipline referral to the parents as official notification.)
- Assigned school duties other than class tasks.
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Techniques or penalties identified in individual student organizations’ constitutions.
- Withdrawing or restricting bus privileges.
- School-assessed and school-administered probation.
- Vehicle parking privileges revoked.
- Vehicle can be towed.
- Corporal punishment - **per Dr. Alexander, do not administer corporal punishment.**
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Other strategies and consequences as determined by school officials.
- Peer mediation.
- Saturday or Evening School.
- Formal removal by the teacher will result if the student’s behavior has been documented by the teacher as repeatedly interfering with the teacher’s ability to teach his or her class or the behavior is so unruly, disruptive, or abusive that the teacher cannot teach.

- In-school suspension (ISS) - **students will not be allowed to attend or participate in extracurricular activities.** ISS is not appealable to Level 2.
- **Out-of-school suspension (OSS) – not to exceed 3 days** (State law) for any one offense and not more than 14 days during a school year for any student. OSS should only be used if the student is a danger to themselves or others. The student is counted absent. Any disciplinary action that removes a special education student more than ten cumulative days in a school year requires an ARD. The discipline of students with disabilities is subject to applicable State and Federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal law. Documentation must be maintained on attempts to contact parent. **Students will not be allowed to attend or participate in extracurricular activities.** (Note: OSS cannot be used for truancy). Students may be disciplined for any behavior listed in the Student Code of Conduct as a general conduct violation, DAEP offense, or expellable offense. OSS and ISS is not appealable to Level 2.
- Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged conduct. The student shall have the opportunity to respond to the allegation before the administrator~~s~~ makes a decision. The number of days of a student’s suspension shall be determined by the campus behavior coordinator, but shall not exceed three school days.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- **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 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.
 - 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 DAEP. The program shall meet the requirements of law.
- In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration: self- defense, intent or lack of intent at the time the student engaged in the conduct, and the student’s disciplinary history, or a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct. A student’s status in the conservatorship of the Department of Family and Protective Services (foster care) or a student’s status as homeless.
- Restitution (see Definitions section).
- **Place in a Disciplinary Alternative Education Program (DAEP), as specified in other section of the Student code of Conduct.**

Restrictions During Placement

- Students assigned to the DAEP will not be allowed to attend or participate in school sponsored or school related extracurricular and co-curricular activities, including seeking or holding honorary positions. (District does not permit). 30 Days DAEP – Secondary, 10 days DAEP- Elementary for violation of this rule.
- **Seniors assigned to DAEP at the end of the school year may not be allowed to participate in senior activities or the graduation ceremony.**
- Students placed in the DAEP will be provided transportation. This privilege may be revoked as a result of unacceptable behavior on the bus or at the bus stop.

- Expulsion, as specified in the Expulsion section of this code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this code.
- **Students entering Grand Prairie ISD will be subject disciplinary consequences assigned from the previous school District, including a private or charter school. Student placement will be reviewed and may be subject to additional days of placement based upon a determination by Student Services. Any violation(s) from the previous school District will be subject to consequences according to the GPISD's Student Code of Conduct.**
- Students entering Grand Prairie ISD prior to discipline consequences being assigned by a previous school District, will be subject to discipline according to GPISD's Student Code of Conduct.
- The District has the right to limit a student's participation in graduation activities for violating the Student Code of Conduct. Participation might include a speaking role, as established by District policy and procedures. Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the District's Student Code of Conduct resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.
- The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the District's Student Code of Conduct resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.
- Other strategies and consequences as determined by school officials.

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 or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. 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.

Prohibited Aversive Techniques

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy.
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- 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.

- 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.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- 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 by the use of physical barriers.
- 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).

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 an out-of-school suspension, 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 or eject a person from District property if the person refuses to leave peaceably on request and:

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

Appeals regarding refusal of entry or ejection from District property may be filed in accordance with FNG(LOCAL) OR GF(LOCAL), as appropriate. 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 days, unless the complaint is resolved before a board hearing.

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.

Length of Placement

- The duration of a student's placement in a DAEP shall be determined by the Campus Behavior Coordinator with any modification from the office of Student Services and Safety.
- DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.
- The 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. 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 maximum period of DAEP placement shall be one calendar year except as provided below.
 - When a review by the District determines that the student is a threat to the safety of other student or to District employees.
 - The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the Superintendent designee'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.

Placement Review

- A student placed in a DAEP will be provided a review of the student's status by the Director of Student Services or the campus behavior coordinator at intervals not to exceed 120 days. At the review, the student or the student's parent or guardian must 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 the teacher who removed the student without the teacher's consent. 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.
- For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the School Board's designee must determine that:
 - The student is a threat to the safety of other students or District employees.
 - The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.
- Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

Notice of Criminal Proceedings

- When a student is placed in DAEP for certain offenses, the office of the prosecuting attorney shall notify the school district if:
 - Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated, or
 - 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's designee shall review the student's placement and schedule a review with the student's parent no later than the third day after the designee received 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 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 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 designee, and confirm or reverse the decision of the designee. The Board shall make a record of the proceedings.

If the Board confirms the decision of the 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 Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a placement order is completed, the District 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 appropriate administrator or the School 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.
- **Expulsion, as specified in the expulsion section of this Student Code of Conduct.**
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of the Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.

A student who violates campus or classroom rules that are not Student Code of Conduct violations may be disciplined by one or more discipline management techniques. For these violations, the teacher is not required to make a Student Code of Conduct violation report, and the principal is not required to notify parents.

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's designee.

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

Removal from the Regular Educational Environment:

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:

Routine referral occurs when a teacher sends a student to the campus behavior coordinator's office or other administrator's office as a discipline management technique. The campus behavior coordinator or other administrator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a 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. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's abilities to teach his or her class or
2. The student's behavior is so unruly, disruptive or abusive that the teacher cannot teach and the students in the room cannot learn.

Within 3 days of the formal removal, the campus behavior coordinator or other appropriate administrator shall schedule a conference with the student's parent or guardian, the teacher removing the student from class, if any, and any other appropriate administrator. At the conference, the campus coordinator or appropriate administrator shall inform the student of the alleged misconduct for which he or she is charged and the proposed consequences. The student shall have an opportunity to respond to the allegation. Following the conference, the principal or designee may impose the appropriate discipline, including removal consistent with this Student Code of Conduct.

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.

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, or 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.

Determining Consequences & Appeal Procedures:

A student whose behavior shows disrespect for others, including interference with their access to a public education and a safe environment, will be subject to disciplinary action.

School rules and the authority of the District to administer discipline apply whenever the interest of the school is involved on or off school grounds in conjunction with or independent of classes and school sponsored activities.

The School Board delegates to the principal the authority to remove a student from the regular education setting. Any removal of a student by a teacher requires that a Student Code of Conduct violation report be made by the teacher if the student's conduct is a violation of this Code. The campus behavior coordinator or appropriate administrator must send a copy of the report to the student's parent or guardian.

Returning a Student to the Classroom

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

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

Appeal Process:

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, the central administration office, or on the District's website: www.gpisd.org. Appeals shall begin at Level I.

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.

Level One:

A parent/guardian may request an appeal conference of the assistant principal's decision. This request should be made to the campus behavior coordinator or principal **with three days of receipt** of the assistant principal's decision. Within five days from receiving the request for review, an appeal conference will be scheduled. At the appeal conference, the assistant principal will present information regarding the placement, and the student and/or parent may present relevant information. Within three days of the appeal conference, a decision will be made and communicated to the parent whether it be to uphold the removal, reinstate the student in school or other disciplinary action.

Level Two:

A parent or guardian desiring to appeal an DAEP placement to the next level, must contact the office of Student Support Services and Safety within 3 days of the level 1 decision. The Superintendent or designee, both of whom are designated by the School Board, shall then hold a hearing for the student who is being recommended for placement in DAEP/JJAEP. When possible, this hearing shall be held within three days of the Level One decision. The following procedures shall be followed:

1. Advise the student of the conduct or offense with which he/she is charged.
2. Permit the student the opportunity to explain his/her version of the incident.
3. Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel.
4. Written statements from witnesses or parties may be introduced.
5. No formal rules of evidence will be observed. Each party in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence, and request appropriate action of the central hearing officer.
6. The central hearing officer shall be and remain impartial and assist the parties in developing all the facts and evidence in order to present a full account of the incident. The central hearing officer shall render a decision based upon a consideration of the preponderance of the credible evidence offered. If appropriate, not later than the second business day after the conference, the School Board's designee will deliver to the juvenile court a copy of the order placing a student in a DAEP and information required by Section 52.04 of the Family Code.

The Level Two decision may be appealed to the School Board. Notice of the appeal must be filed with the appropriate Deputy Superintendent within 10 days.

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

Other questions or complaints regarding disciplinary measures (not placement appeals) should be addressed to the teacher or campus administration, as appropriate and in accordance with School Board Policy FNG(Local).

GENERAL MISCONDUCT VIOLATIONS

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement but may result in a routine referral, formal removal, or the use of any other discipline management technique. 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.

Behaviors:

Students are prohibited from:

- Throwing objects that can cause bodily injury or property damage.
- Leaving school grounds or school sponsored events without permission.
- Leaving school grounds before getting on the bus after school to go home, or after getting off the bus before going to school.
- Directing profanity, vulgar language, unacceptable language, or obscene gestures toward other students or adults.
- Fighting or scuffling.
- Electronically recording a fight on school grounds or at a school activity.
- Stealing from students, staff, or the school – over \$50 value - 30 days DAEP, if felony – 60 days DAEP, plus restitution, Elementary – 10 days DAEP, 30 days if felony.
- Damaging or vandalizing school property including technology and electronic resources, or property owned by others - 30 days DAEP. (Damage to property in excess of \$1,500 is felony criminal mischief which may result in expulsion plus restitution.) Elementary 10 days DAEP, 30 days if felony.
- Disobeying school rules about conduct on District vehicles.
- Failing to comply with directives given by school personnel.
- Bullying, cyberbullying, name-calling, uttering ethnic or racial slurs, or derogatory statements, intimidating, hazing (to harass, humiliate, or play pranks, often with some physical abuse as part of initiation), that school officials have reason to believe will substantially disrupt the school program or incite violence - 45 days DAEP. A student enrolled in special education programs cannot be disciplined for bullying, harassment, or making hit lists until an ARD committee meets to review the student’s conduct. Elementary – 10 days DAEP.
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in conduct that constitutes sexual or gender-based harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, directed toward another person, including a District student, employee, Board member or volunteer - 60 days DAEP, Elementary – 30 days DAEP.
- Engaging in inappropriate verbal, physical, or sexual conduct directed toward another person, including a District student, employee, or volunteer – 60 days DAEP, Elementary 30 days DAEP.
- Possessing or using matches or a lighter.
- Possessing look-alike substance as drugs - 30 days DAEP, Elementary 10 days DAEP.
- Abusing 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 – 60 days DAEP, Elementary 30 days DAEP.

- Abusing over-the-counter drugs or being under the influence of over-the-counter drugs that cause impairment of the physical or mental faculties – 30 days DAEP, Elementary 10 days DAEP.
- Selling look-alike drugs or items attempted to be passed off as drugs and contraband - 30 days DAEP, Elementary – 10 days DAEP.
- Activating, having visible, or using electronic devices, including cell phones, during school hours. Electronic devices, including cell phones, are not to be used inside the school building or during an extended instructional school day or program. Such devices shall not be visible and shall remain off or silenced any time that academic instructional activities are taking place. All visible electronic devices, including cell phones, will be confiscated.- If confiscated more than once, the item will be returned to the parent/guardian at a fee of \$15.00 for each offense or will be kept until the last day of the school year. **If a student refuses to give the electronic device, including cell phones, to the administrator or teacher, it is subject not to be returned to the student or parent until the last day of the school year, and the student will receive discipline consequences. Use of any other electronic device, including cell phones, during the instructional day or motivational activity must have approval from an administrator or teacher unless the user agreement is completed and the use is for instructional or motivational purposes – see student handbook.**
- Behaving in any way that disrupts the school environment or educational process.
- Violating safety rules.
- Violating dress and grooming standards as communicated in the Student Handbook.
- Repeatedly violating other communicated campus or classroom standards of behavior.
- Misbehaving at school sponsored activities.
- Discharging a fire extinguisher.
- Possessing ammunition.
- Possessing a stun gun.
- Committing extortion, coercion, or blackmail.
- Being insubordinate.
- Possessing, using, giving, selling, or being under the influence of alcohol or an illegal drug - 60 days DAEP for possession, expulsion for selling, Elementary 30 days DAEP.
- Inappropriately or indecently exposing a student’s private body parts – 60 days DAEP, Elementary 30 days DAEP.
- Excessive tardies - DAEP not an option.
- Truancy - DAEP not an option.
- Loitering in unauthorized areas.
- Possessing a device that creates noxious odors.
- Falsifying a document.
- Misusing a permanent marker.
- Possessing a box cutter or razor blade or any other object that can be used in a way that threatens or inflicts bodily injury to another person.
- Possessing a firework, smoke or stink bomb, or another other pyrotechnic device.
- Gambling.
- Copying, removing, altering, damaging, or destroying any computer, network, or associated technology.
- Possessing stolen property.
- Posting or distributing material without prior approval.
- Engaging in any gang related activity (flashing gang signs/gang graffiti).
- Engaging in any act that, in the judgment of the Superintendent or her designee, is not in keeping with the mission of the school District.
- Parking on campus without a parking permit (high school).

- Possessing a laser pointer, or utilizing an application for laser pointers on an electronic device including but not limited to cell phones.
- Calling 911 without probable cause-false alarm-60 days DAEP, Elementary 10–30 days DAEP.
- Possessing mace or pepper spray.
- Possessing anything that promotes violence or illegal behavior, or that could threaten school safety – 30 days DAEP, Elementary 10-20 days.
- Committing or assisting in a robbery or theft, even if it does not constitute a felony according to the Texas Penal Code – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in academic dishonesty - OSS or DAEP not an option.
- Possessing a look-alike weapon, air gun, BB gun, etc.
- Threatening behavior with a look-alike weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon, air gun, BB gun, etc. - 30 days DAEP.
- Giving or misusing over-the-counter medication, or prescription drugs.
- Defacing or damaging school property – including textbooks, technology and electronic resources, lockers, furniture, and other equipment – with graffiti or by other means. – 30 to 60 days DAEP based on damage, plus restitution, Elementary 10 to 30 days DAEP based on damage, plus restitution.
- Being on campus after early release or before late arrival.
- Engaging in actions or demonstrations that substantially disrupt or materially interfere with school activities. – 60 days DAEP, Elementary 20-30 days DAEP.
- Possessing a hand instrument designed to cut or stab another by being thrown. - 60 days DAEP, Elementary 30 days DAEP.
- Possessing a club - 60 days DAEP, Elementary 30 days DAEP.
- Possessing knuckles. – 60 days DAEP
- Using 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 – 60 days DAEP, Elementary 30 days DAEP.
- A firearm silencer or suppressor.
- Sending or posting 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.
- Making hit lists – 60 days DAEP or as long as danger exists. Elementary 30 days DAEP.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent – 30-60 days DAEP, Elementary 10-30 days DAEP
- Using the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including on or off school property in the conduct causes a substantial disruption to the educational environment or infringes on the rights of another a student at school – 60 days DAEP, Elementary 30 days.
- Possessing, using, giving, or selling drug paraphernalia related to any prohibited substance – 30 days DAEP, Elementary 10 days.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount – 45 days DAEP, Elementary 20 days DAEP.

- Possessing or using tobacco products (all GPISD campuses are tobacco free).
- Possessing, smoking or using tobacco products in any form including nicotine based electronic cigarettes, or e-cigarettes, and any component, part, or accessory for an e-cigarette device on school property or school related/sponsored activities, also vaping.
- Energy drinks are banned.
- Students are not allowed to bring beverage containers of any kind into the school building during the school day. Beverage containers and energy drinks must be disposed of in trash, except unopened beverage containers in lunch boxes or lunch bags that will be consumed only during lunchtime.
- **Loitering on school campus after school has been dismissed for the day. Students not involved in after school activities or extracurricular activities must leave the campus within 30 minutes after dismissal.**
- Congregating to watch a fight on campus is subject to disciplinary consequences.
- Engaging in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship – 30 to 60 days DAEP.
- Recording the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Attempting 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 - 30 days DAEP, Elementary 10 days DAEP.
- Attempting to alter, destroy, or disable District computer 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 - 30 days DAEP, Elementary 10 days DAEP.
- Possessing any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that danger exists.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety – 30 to 60 days DAEP, Elementary 10 to 30 days DAEP.
- Engaging in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property – 30 to 60 days DAEP, Elementary 10 to 30 days DAEP.
- Falsify records, passes, or other school-related documents.
- Possessing pornographic material – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in inappropriate touching of a student.
- Sending, posting, delivering or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal (also sexting), including off school property if the conduct causes a substantial disruption to the educational environment - 30 days DAEP, Elementary 10 days DAEP.
- Wearing sagging pants that expose any under garment (removal from extra-curricular activities and may be assigned ISS).
- Engaging in behaviors off campus, such as but not limited to, street fighting that has the effect of substantially disrupting the school environment – 30 days DAEP, Elementary 10 days DAEP.
- Slap boxing / sparring.
- Possessing a location restricted knife.
- A hand instrument designed to cut or stab another by being thrown.
- Possessing a fire arm - Expulsion.
- Possessing a pocket knife or another small knife.

- Repeatedly violating other communicated campus or classroom standards of conduct.
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence – 30 days DAEP, Elementary 10 days DAEP.
- Being out of their seats during athletic competition. If the student fails to comply, the student will be subject to disciplinary action.
- Violating policies, rules or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Committing aggravated robbery.
- Retaliating against a student.
- Threatening a District student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment – 60 days DAEP, Elementary 30 days DAEP.
- Using E-cigarettes. All forms of E-cigarettes are prohibited.
- Driving Recklessly.
- Driving in a way that puts someone else in harm’s way or results in bodily injury – 30 to 60 days DAEP.
- Having or taking prescription drugs or over-the-counter drugs at school other than as provided by District policy.
- Electronic posting on social media of a fight occurring on school property.
- Making false accusations or perpetrate hoaxes regarding school safety. – 60 days DAEP, Elementary 20-30 days DAEP
- Causing an individual to act through the use of or threat of force (coercion).
- Damaging or vandalizing property owned by others.
- Enter without authorization, district facilities that are not open for operations.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.

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

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT

For the purpose of DAEP, elementary classification shall be kindergarten through 5th grade, and secondary classification shall be 6th grade through 12th grade.

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

Students may be suspended for any reason that also requires placement in a Disciplinary Alternative Education Program (DAEP). **A student under age six will not be placed in a DAEP unless the student commits a Federal firearm offense.** In deciding DAEP placement or out-of-school suspension, the District will take into consideration self-defense, intent or lack of intent at the time of the student engaged in the conduct, and the student’s disciplinary history. The privilege of self-defense is limited. A claim of self-defense in the use of physical force will not exempt a student from discipline when:

- The student has an opportunity to avoid physical force or to inform school staff of the threatened use of force.
- The student provokes, invites, or encourages the use of physical force by another person.
- The student uses physical force after the other party abandons or attempts to abandon a fight or confrontation.
- The student meets to fight.

A determination of whether self-defense is justified shall be left to the judgment of the campus administrators. Campus administrators shall make such judgment after careful investigation of the facts and circumstances surrounding the confrontation or fight.

A student may be assigned one 30 day placement in DAEP for the school year. If the student continues to violate the Student Code of Conduct after returning to the home campus, the student will be assigned a 45 day placement in DAEP for persistent misbehavior. A third assignment will result in a 60 day placement at DAEP. Elementary (3rd grade and above) will be a 10 day placement. If student continues to violate the student code of conduct after returning to the home campus, the student will be reassigned for a 20 day placement and a third assignment will result in a 30 day placement. While assigned to DAEP, a student may not visit or be on the grounds of another school in the District for the time he/she is assigned to DAEP unless approved by the principal – 30 days DAEP, 10 days DAEP Elementary for violation of this rule.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the District will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

In deciding whether to place a student in DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration self-defense, intent or lack of intent at the time the student engaged in the conduct, and the student's disciplinary history, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. A student's status in the conservatorship of the Department of Family and Protective Services (foster care) or a student's status as homeless.

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

Student with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal law.

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.

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.

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

Coursework Notice

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

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 the teacher, in the case of a teacher removal.

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

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

Placement Order

After the conference, if the student is placed in the 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.

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

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

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 on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00pm 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.

Before the principal or appropriate administrator assigns a student under 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.

Threats against the School District

Threats against the school district, students, and/or staff will not be tolerated. This includes but is not limited to threatening words, images, memes, gifs, or any other social media posts, including

reposts of content originally from others. Any such incident will be investigated and consequences will be assigned based on the outcome of the district's findings. Consequences may include any appropriate disciplinary action including ISS, OSS, assignment to DAEP (30-90 days DAEP, Elementary 10-30 days DAEP), and/or expulsion.

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.
- Involvement in criminal street gang activity.

Students may be placed in a Disciplinary Alternative Education Program who are found to be, and/or have been:

- Involved in street gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in bullying that encourages a student to commit or attempt to commit suicide – 60 days DAEP, Elementary 30 days DAEP.
- Inciting violence against a student through group bullying – 60 days DAEP, Elementary 20 days DAEP.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 year of age of older without the student's consent – 30-60 days DAEP, Elementary 10-30 days DAEP.
- Involved in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
- Engaging in sexual harassment toward another student – 60 days DAEP, Elementary 10 to 30 days DAEP.
- Threatening imminent bodily injury – 30 days DAEP, Elementary 10 to 30 days DAEP.
- Engaging in harassment – racial, ethnic, religious, etc. - 30 days DAEP, Elementary 10 days.
- Participating in a second fight – 30 days DAEP, Elementary 10 days.
- Starting or participating in serious fights which disrupt the school environment - 30 days DAEP.
- Committing continuous violations of the Student Code of Conduct or campus rules. Before a student may be assigned to DAEP for persistent misbehavior, at least one documented student session with the counselor and at least two parent conferences must be documented/scheduled - 30 days DAEP, Elementary 10 days DAEP.
- Engaging in assault (no bodily injury) with threat of imminent bodily injury.
- Engaging in assault by offensive or provocative physical contact.
- Committing an act which causes a major disruption at school, interferes or threatens to interfere with the operation of school or school sponsored activities – 60 days DAEP, Elementary 20 to 30 days DAEP.
- Directing profanity at school personnel - 30 days DAEP, Elementary 10 days.
- In accordance with Education Code 37.0081, after an opportunity for a hearing before the School Board or its designee, a student may be placed in DAEP if the Superintendent or designee has a reasonable belief that the student has engaged in conduct away from school which is defined as a felony other than those set in Title 5 of the Penal Code, and the Superintendent determines that

the continued presence of the student in the regular classroom threatens the safety of other students or staff or will be detrimental to the educational process - 60 days DAEP or as long as danger exists, Elementary 20 to 30 days DAEP.

- Accessing pornographic material on the Internet - 30 days DAEP, Elementary 10 days.
- Possessing pornographic material - 30 days DAEP.
- Committing an assault resulting in bodily injury – 45 to 60 days DAEP depending on extent of injury, Elementary 20 to 30 days DAEP.
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force - 30 days DAEP, Elementary 10 to 20 days DAEP.
- Using electronic message to threaten employees, or cause disruption to the educational program – 60 days DAEP, Elementary 30 days DAEP.
- Making threats, hoaxes, or accusations regarding school safety – 60 days DAEP, Elementary 20 to 30 days.
- Bullying, cyberbullying, name-calling, ethnic or racial slurs, or derogatory statements that school officials have reason to believe will substantially disrupt the school program or incite violence – 45 days DAEP, Elementary 10 days DAEP. For consideration of early release, the parent and child must attend an after school seminar concerning the negative effects of bullying.
- Using profanity which substantially disrupts the learning environment – 30 days DAEP, Elementary 10 days.
- Making bomb threats – 60 days DAEP, or JJAEP. Elementary 20 to 30 days DAEP.
- Engaging in graffiti on school District facility/property – 30 days DAEP, if felony 60 days DAEP. Elementary 10 days DAEP, if felony 30 days DAEP
- Possessing a knife (other than an illegal knife) – 30 days DAEP, Elementary 10 days.
- Using pepper spray or mace – 30 days DAEP, Elementary 10 days.
- Intimidating or threatening an employee on school property – 60 days DAEP or as long as danger exists, Elementary 30 days or as long as danger exists.
- Intimidating or threatening an employee off school property which causes a substantial disruption to the educational environment – 60 days DAEP or as long as danger exists, Elementary 30 days or as long as danger exists.
- Possessing or downloading from any computer device inappropriate nudity – 30 days DAEP, Elementary 10 days DAEP.
- Damaging or vandalizing property owned by others - 30 days DAEP. (Damage to property in excess of \$1,500 is felony criminal mischief which may result in expulsion.) Elementary 10 days DAEP, if felony 30 days DAEP.
- Possessing or threatening behavior with a look-alike weapon, air gun, BB gun, etc. - 45 days DAEP, Elementary 10 days DAEP.
- Threatening, possessing, or using a stun gun or Taser – 30 days DAEP.
- Stealing from students, staff, or the school over \$50 value – 30 days DAEP (60 days DAEP if felony), Elementary 10 days DAEP, if felony 30 days DAEP.
- Reporting a false accusation against a Grand Prairie ISD employee that is damaging to his or her reputation – DAEP Placement.
- Engaging in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship – 30 to 60 days DAEP.
- Attempting 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 - 60 days DAEP or expulsion, Elementary 30 days DAEP.
- Attempting to alter, destroy, or disable District computer 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 – 60 days DAEP or expulsion, Elementary 30 days DAEP.

- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal (also sexting), including off school property if the conduct causes a substantial disruption to the educational environment - 30 days DAEP, Elementary 10 days DAEP.
- Using e-mail or websites 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 – 60 days DAEP, Elementary 30 days DAEP.
- Engaging in behavior that has the potential to disrupt the school environment – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in inappropriate touching of a student – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in inappropriate touching of staff members – 60 days DAEP, Elementary 30 days DAEP.
- Engaging in inappropriate behavior on school property, or at a school event, or on a school-sponsored trip – 30 to 60 days DAEP, Elementary 10 to 20 days DAEP.
- Engaging in assault on school personnel resulting in no bodily injury – 60 days to 90 days DAEP with no early release, Elementary 20 days DAEP.
- A student may be placed in DAEP for any behaviors prohibited in the General Conduct Violations section of this Code.
- Selling look-alike drugs or items attempted to be passed off as drugs and contraband – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in behaviors off campus, such as but not limited to, street fighting that has the effect of substantially disrupting the school environment – 30 days DAEP, Elementary 10 days DAEP.
- Second offense of using, possessing, or smoking tobacco products in any form including nicotine based electronic vaping, cigarettes, or e-cigarettes on school property or school event a second time– 30 days DAEP, Elementary 10 days DAEP.
- Promoting illegal activity or serious violations of the Code of Conduct – 30 days DAEP, Elementary 10 days DAEP.
- Retaliating against a student – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in assault (no bodily injury) with threat of imminent bodily injury – 30 days DAEP, 10 days DAEP.
- Engaging in criminal mischief not punishable as a felony – 30 days DAEP, Elementary 10 days DAEP.
- Repeated violations of the Student Dress Code – 30 days DAEP, Elementary 10 days DAEP.
- Wearing an ankle monitor.
- Any student expelled from another public, private, or charter school who enrolls in the District may be subject to an assignment of 90 days DAEP.
- Refusing to obey a direct order of a school official.
- Possessing a hand instrument designed to cut or stab another by being thrown. - 60 days DAEP, Elementary 30 days DAEP.
- Possessing a club - 60 days DAEP, Elementary 30 days DAEP.
- First time vaping in the classroom – 30 days DAEP, Elementary 10 days DAEP.
- Engaging in conduct that constitutes sexual or gender-based harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, directed toward another person, including a District student, employee, Board member or volunteer – 60 days DAEP, Elementary 30 days DAEP.
- 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.

A student must be placed in a disciplinary Alternative Education program if the student commits any of the following offenses on school property, within 300 feet of school property, or while attending a school sponsored or school related activity on or off school property. The student may be placed in ISS or OSS for up to 3 days pending a hearing for the following offences:

- Engaging in conduct punishable as a felony - 60 days DAEP, Elementary - 30 days DAEP.
- Committing an assault - 30 days DAEP, Elementary - 10 days DAEP.
- Committing an assault with bodily injury – 45 to 60 days DAEP, Elementary 20 to 30 days.
- Making a terroristic threat on or off campus - 60 days DAEP or as long as danger exists, Elementary 20 to 30 days DAEP.
- Making a false alarm or report (including a bomb threat or a terroristic threat involving a public school) - 60 days DAEP, Elementary 20 to 30 days DAEP. If a district receives a bomb threat or terroristic threat involving a facility where students are present, SB 11 requires providing notice “as soon as possible” to parents of students who are assigned to or who regularly use the facility.
- Giving, possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug if such conduct is **not** punishable as 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. - 60 days DAEP, Elementary 30 days DAEP. Upon completion of a second placement at DAEP, a review of the educational placement of the student will be considered by a committee of District administrators.
- Selling or giving to another person an alcoholic beverage or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony offense. - 60 days DAEP. Early release can be considered after both parent and student participate in a drug awareness District sanctioned program, one time only per school career. Elementary 30 days DAEP.
- Possessing, using, or being under the influence of an alcoholic beverage or beverage containing alcohol, if the conduct is not punishable as a felony offense - 60 days DAEP. Early release can be considered after both student and parent participate in a drug awareness District sanctioned program, one time only per school career. Elementary 30 days DAEP.
- Behaving in a manner that contains the elements of an offense relating to an abusable volatile chemical - 60 days DAEP, Elementary 30 days DAEP.
- Behaving in a manner that contains the elements of the offense of public lewdness - 60 days DAEP, Elementary 30 days DAEP.
- Behaving in a manner that contains the elements of the offense of indecent exposure - 60 days DAEP, Elementary 30 days DAEP.
- Engaging in conduct containing the elements of the offense of retaliation against any school employee, or volunteer on or off campus - 60 days DAEP, Elementary 30 days DAEP.
- Receiving deferred prosecution for conduct defined as a Title 5 felony - 60 days DAEP or as long as a threat exists to the safety of others or is detrimental to educational process, or 90 days at JJAEP. Elementary 30 days DAEP or as long as danger exists.
- 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). – 60 Days DAEP, Elementary 30 Days DAEP
- A court or jury finds the student has engaged in delinquent conduct, or the Superintendent or designee has a reasonable belief that the student engaged in the conduct - 60 days DAEP or as long as a threat exists to the safety of others or is detrimental to educational process. Elementary 30 days DAEP or as long as danger exists.
- A principal or other appropriate administrator **may, but is not required to, place a student** in a DAEP for off-campus conduct for which DAEP placement is required by State law if the principal or other appropriate administrator does not have knowledge of the conduct before the first year anniversary of the date the conduct occurred.
- A finding by the Superintendent or designee that he or she has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5 of the Penal Code - 60 days DAEP, Elementary 30 days.

- Any student returning to DAEP for the same offense will not be eligible for early release.
- **Engages in expellable conduct and is between six and nine years of age - 45 days DAEP or 1 year (gun).**
- **Commits a Federal firearms violation and is younger than six years of age.**
- The student received deferred prosecution – if felony 60 days DAEP, Elementary 30 days DAEP.
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student received deferred prosecution.
 2. A court or jury finds that the student has engaged in delinquent conduct.
 3. The Superintendent or designee has a reasonable belief that the student engaged in the conduct.

The Superintendent or designee shall schedule a review of the student’s placement within three days of receiving official notice from the law enforcement agency.

Sexual Assault and Campus Assignment:

If a 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 if the parent of another person with the authority to act on behalf of the victim requests that the School Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the District.

Placement and/or Expulsion for Certain Serious Offenses:

Registered Sex Offenders:

- Upon receiving notification in accordance with State law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.
- If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be either a semester at DAEP or JJAEP for at least 90 days. Elementary 30 days DAEP or JJAEP for 90 days.
- If the student is not under any form of court supervision, the placement may be a semester at DAEP or JJAEP for 90 days or the placement may be in a regular classroom. Elementary may be 30 days at DAEP or JJAEP for 90 days. The placement may not be in the regular classroom if the School 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 interest 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 School Board or its designee must follow the committee’s recommendation. **The placement review of a student with a disability who receives special education services must be made by the ARD committee.**

Newly Enrolled Student:

- If a student enrolls in the District during a mandatory placement as a registered sex offender, the District may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.
- The district shall continue the DAEP placement of a student who enrolls in the District and was assigned to a DAEP in an open-enrollment charter school or another district.

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

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

Appeal:

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

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 the classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP.

Process:

Removal to a DAEP shall be made by the campus behavior coordinator or principal.

A student who exhibits certain conditions or behaviors may be suspended from the regular classroom, campus, or disciplinary Alternative Education Program. Such conditions may include:

- Being highly agitated.
- Being under the influence of alcohol or drugs.
- Suffering from any condition that temporarily threatens the student's welfare, other individuals' welfare, or the efficient operation of the school.

Students whose behavior warrants suspension will be released to the student's parent, parent's representative, medical providers, or law enforcement authorities. The suspension can be up to three days pending a hearing.

Placement – 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 designee 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.

EXPULSION

Students under the age of ten (10) shall not be expelled. If a student under the age of ten engages in expellable conduct, the student must be assigned to a DAEP setting. A student younger than six years of age shall not be placed in a DAEP unless the student commits a Federal firearm offense.

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration: self-defense, intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, or the student's status in the conservatorship of the department of family and protective services or a student's status as homeless.

Any Location:

A student may be expelled for:

- Engaging in the following, no matter where it takes place:
 - Conduct that contains the elements of assault under the Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
 - Criminal mischief, if punishable as a felony.

Behaviors:

The campus administrator shall recommend, to the Superintendent's designee, expulsion for students that engage in conduct involving a public school that contains the elements of a terroristic threat under Section 22.07, Penal Code.

The campus administrator may recommend, to the Superintendent's designee, expulsion **for students who commit the following offenses within 300 feet of school property boundary line:**

- Committing aggravated assault, sexual assault, or aggravated sexual assault.
- Committing arson.
- Committing murder, capital murder, or criminal attempt to commit murder or capital murder.
- Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Committing a felony drug or alcohol related offense.
- Continues sexual abuse of a young child or children.
- Felony drugs or alcohol related offense.
- Carrying on or about the student's person a handgun, an illegal knife, or a club, as these terms are defined by State law.
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon as defined by State law.
- Possession of firearm as defined by Federal law.

The campus administrator **may** recommend to the Superintendent's designee, expulsion **for students who commit the following on or within 300 feet of school property, or while attending a school sponsored or school related activity on or off school property:**

- Selling, giving or delivering to another person, or possessing, using or being under the influence of marijuana, a controlled substance, or a dangerous drug whether such conduct is a felony offense or not. 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.

- Selling an alcoholic beverage whether such conduct is a felony offense or not.
- Assault on a school District employee or volunteer under Penal Code (Section 22.01(a)(1)).
- Engages in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engages in deadly conduct as defined under Section 22.05 of the Penal Code.
- Continuous sexual abuse of a young child or children.

Within 300 Feet of School:

Students expelled for discretionary reasons for 90 days are eligible for early release at 60 days if they meet specific guidelines established by JJAEP.

A student **may** be expelled if the student engages in conduct that contains the elements of one of the following offenses while within 300 feet of school property, as measured from any point on the school’s real property boundary line:

- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.
- Breach of computer security
- Aggravated assault.
- Aggravated sexual assault.
- Sexual assault.
- Aggravated robbery.
- False Alarm or report, bomb threat, or a terroristic threat involving a public school.
- Continuous sexual abuse of a young child or children.
- Felony drug or alcohol related offense.
- Unlawful carrying on or about the student’s person a handgun, or location-restricted knife, or a club as these terms are defined by state law.
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law.
- Possession of a firearm, as defined by federal law.
- Arson.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.

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 School Board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 of the Texas Penal Code. The student must:
 - ♦ Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
 - ♦ Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
 - ♦ Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
 - ♦ Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
 - ♦ Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

- The District may expel the student and order placement under these circumstances regardless of:
 - ♦ The date on which the student’s conduct occurred,
 - ♦ The location at which the conduct occurred,
 - ♦ Whether the conduct occurred while the student was enrolled in the District, or
 - ♦ 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 School 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.
 - ♦ Threatens the safety of other students or teachers,
 - ♦ Will be detrimental to the educational process, or
 - ♦ Is not in the best interest of the District’s students.
- Any decision of the School Board or the School Board’s designee under this section is final and may not be appealed.

Length of Placement:

- The student is subject to the placement until:
 - ♦ The student graduates from high school,
 - ♦ The charges are dismissed or reduced to a misdemeanor offense, or
 - ♦ 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 these circumstances 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 or whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:
 1. Self defense
 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 a mandatory placement in a DAEP, whether or not a student is expelled.

- A student **may** be expelled for, **regardless of the location of the offense**:
 - ♦ Conduct that contains the element of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or school volunteer.
 - ♦ Criminal mischief, if punishable as a felony.
 - ♦ Engaging in bullying that encourages a student to commit or attempt to commit suicide.
 - ♦ Inciting violence against a student through group bullying.
 - ♦ Releasing or threatening to release intimate visual material of a minor or a student who is 18 year of age or older without the student’s consent.

- 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.

Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

Property of Another District:

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

While in DAEP:

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

- Deliberate violent behavior that poses a direct threat to the health or safety of others.
- Extortion, meaning the gaining of money or other property by force or threat.
- Conduct that constitutes coercion, as defined by Section 1.07, Penal Code,
- Harassment under Penal Code 42.07 (a)(1), of a student or District employee.
- Conduct that constitutes the offense of public lewdness under Penal Code 21.07,
- Conduct that constitutes the offence of indecent exposure under Penal Code 21.08.
- Criminal mischief under Penal Code 28.02.
- Hazing under Education Code 37.152.

A Student **must** be expelled **for any of the following offenses if committed 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.
- Mandatory expulsion under the Federal Gun free Schools Act does not apply to a firearm that is lawfully stored inside a lock 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. 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. (Expulsion to JJAEP and 90 days at DAEP = a school calendar year)
 - A location-restricted knife, which includes a knife with a blade over 5½ inches;
 - Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon as defined in state law.
 - A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; knuckles; armor-piercing ammunition; a chemical dispensing device; a zip gun; or a tire deflation device.

- Behavior containing the elements of the following under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson.
 - Murder, capital murder, or criminal attempt to commit murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Behavior related to an alcohol or drug offense that could be 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; committing a serious act or offense while under the influence of alcohol.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide under Section 19.05, Penal Code.
 - Continuous sexual abuse of a young child or disabled individual.
 - Retaliation against a District employee or volunteer while engaged in expellable conduct on school property or at a school-related activity.

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.

When a student engages in any violation listed in this section, the school District shall inform each of the student's teachers of the violation.

In addition to any notice required under article 15.27, Code of Criminal Procedure, a principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of any educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the

information with the student's parent or guardian as provided for by State or Federal law. The State School Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

Emergency Expulsion Procedures:

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

Consequences:

The School Board delegates to the Superintendent or Superintendent's designee the authority to expel students.

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 Level One hearing. Until the 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 (not to exceed three days).
- DAEP.

The Board of Trustees delegates to the Campus Behavior Coordinator and Principal the authority to conduct hearings and expel students.

The parent may request a Level Two appeal hearing (see Appeal Process) within ten days of the Level One decision.

After the due process hearing, the parent may request that the School Board review the expulsion decision. The student or parent must submit a written request to the Superintendent within seven days after receipt of the written decision. The Superintendent or the Superintendent's designee must provide the parent written notice of the date, time, and place of the meeting at which the School Board will review the decision.

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

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

Hearing

A student facing expulsion will be given appropriate due process as required by the Federal constitution. The student may be entitled to:

- Prior written notice of charges and proposed sanctions and an invitation for parents to attend.
- The right to an adult representative or the student's parent or another adult who is not a District employee who can provide guidance to the student.
- An opportunity to testify and to present evidence and witnesses in the student's defense.
- An opportunity to question the witnesses called by the District at the hearing.

- An opportunity to examine the District's evidence.

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 ten 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 School Board shall make and communicate its decision verbally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of 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.

Expulsion Order

Before ordering the expulsion, the Board or Campus Behavior Coordinator shall take into consideration:

- Self-defense.
- Intent or lack of intent at the time the student engaged in the conduct.
- The student's disciplinary history
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
- A student's status is in the conservatorship of the Department of Family and Protective Services (foster care), or
- 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.

The following notifications are required:

- The School Board's designee must deliver, not later than the second business day after a hearing, a copy of the order expelling a student to the authorized officer of the juvenile court in the county in which the student resides, the information required by Section 52.04 of the Family Code.
- The principal or designee must report to the school District's resource officer or city police, students suspected of the following types of criminal misconduct on school property or at school sponsored or school related activities: deadly conduct; terroristic threat; use, selling or possession of a controlled substance; drug paraphernalia; or marijuana; possession of illegal weapons or devices; or organized criminal activity.
- The School Board's designee must deliver to the parent or guardian a copy of the order expelling a student.
- The District must inform each teacher of the student being expelled of his offense. The teachers must keep such information confidential.

Length of Expulsion:

The duration of an expulsion may not exceed a calendar year; however, unusual circumstances may result in a longer expulsion. The District may determine that the student is a threat to the safety of other students and/or District employees, or extended expulsion is in the best interest of the student. 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.

State and Federal law requires 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.

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.

Students returning to the District from DCJJAEP may be subject to placement in DAEP.

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.

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

Newly Enrolled Students:

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

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

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

If the student is expelled by a District in another State of 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 of 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 employees, or
2. Extended placement is in the best interest of the student.

No District academic credit will be earned for work missed during the period of expulsion (unless the student is enrolled in a Juvenile Justice Alternative Education Program or another District approved program).

Emergency Expulsion Procedures

When an emergency expulsion occurs, the student shall be given oral notice of the reason for the action. Within ten days after the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion. If an emergency expulsion involves a student with disabilities who received special education services, the term of the student's emergency expulsion is subject to the requirements of Federal law.

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 designee may issue an additional disciplinary order as a result of those proceedings.

Withdrawal during process:

When a student has violated the District’s code in a way that requires or permits expulsion from the District and the student withdraws from the District before the expulsion hearing takes place, the District may conduct the hearing after sending written notice to the parent and student. If the student then re-enrolls in the District during the same or subsequent school year, the District may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another District. If the Campus Behavior Coordinator or the School Board fails to issue an expulsion order after that student withdraws, the next District in which the student enrolls may complete the 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.

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 Services

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP.

PLACEMENT IN A JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

The School Board of Trustees has entered into an agreement with the Dallas County Juvenile School Board outlining the Juvenile School Board’s responsibilities concerning the establishment and operation of the Juvenile Justice Alternative Education Program and conditions on payments from the District to the Juvenile School Board. Details of this relationship are defined in agreements available for public inspection upon request to the Superintendent.

Students who are expelled from regular schools for infractions under Texas Education Code, Chapter 37, will be afforded due process within the respective school Districts as provided by school District policy and Federal and State law.

Students shall also be placed in the Dallas County Juvenile Justice Alternative Education Program (DCJJAEP) by order of the juvenile court when the student is expelled from school pursuant to the provisions of the Texas Education Code and the relevant Student Code of Conduct and a) the student is found to have engaged in delinquent conduct under Title 3 of the Texas Family code; or b) the juvenile court orders such placement and such order is properly within the court’s discretion pursuant to the Texas Family Code.

Any student who has been expelled from school may be referred for placement in either the DCJJAEP or in the appropriate school District alternative educational program upon recommendation of the Case Review Committee and as further outlined below. The Case Review Committee may recommend to the Dallas County Juvenile School Board (DCJB), a juvenile court or a school District that any student who has been expelled from school be placed in a school alternative education program or the DCJJAEP.

Students who are expelled from school pursuant to the Texas Education Code 37.007 and are placed in the DCJJAEP by order of the juvenile court must remain the program for the full period ordered by the juvenile court unless the student’s school District agrees to accept the student before the date ordered by the juvenile

court. The juvenile court may not order a period of placement in the DCJJAEP that exceeds the term of any probation ordered by the juvenile court. At the conclusion of the student's term of probation, and any other requirement imposed by the juvenile court and if the student meets the requirement imposed by the juvenile court and if the student meets the requirements for admission into the public schools established by law, the school District in which the student resides must readmit the student, but may assign such student to the school District alternative education program.

Students who are placed in the DCJJAEP upon recommendation of the Case Review Committed shall remain in the DCJJAEP until such time as the DCJB may withdraw such consent, but in no event shall the student remain in the DCJJAEP past the expiration of the period of expulsion from school.

When students return to Grand Prairie ISD from placement in the DCJJAEP, their progress will be evaluated. Depending on the results of the evaluation, the students will either be placed in our District DAEP or returned to the home campus.

The School Board of Trustees may only adopt changes to the Student Code of Conduct during the school year that does not affect the DCJJAEP.

DEFINITIONS

DAEP

Alternative Education Program:

- 5 and 10 Day Placement = 5 to 10 School Days – 1st and 2nd Grade Only
- 10 and 20 Day Placement = 10 to 20 School Days - Elementary Only
- 30 Day Placement = 30 School Days
- 45 Day Placement = 45 School Days
- 60 Day Placement = 60 School Days

ASSAULT

Intentionally, knowingly, or recklessly causing bodily injury to another person. Intentionally or knowingly threatening another person with imminent bodily injury. Intentionally or knowingly causing physical contact with another person when the student knows or should reasonably believe that the other person will regard the contact as offensive or provocative.

An assault becomes an aggravated assault when a weapon is used or when the person causes serious bodily injury.

BULLYING

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- 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;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive education environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school;
- Infringes on the rights of the victim at school.

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

- 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;
- 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;
- 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.

CORPORAL DISCIPLINE

Corporal discipline is physical discipline that is limited to spanking or paddling and shall be administered only in accordance with School Board Policy FO (Local).

CRIMINAL MISCHIEF

Elements of criminal mischief constituting a felony are defined as intentionally or knowingly damaging or destroying the tangible property of an owner, or intentionally or knowingly tampering with such property in a manner which causes monetary loss or substantial inconvenience to the owner or a third person or, intentionally or knowingly marking the property of an owner without the effective consent of the owner;

and the monetary loss exceeds \$1,500, or the property is a habitation and the damage is caused by a firearm or explosive weapon, or the damage is to a fence used in the production or containment of farm animals.

CRIMINAL STREET GANG

Criminal Street Gang is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

CYBERBULLYING

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

DATING VIOLENCE

Dating Violence is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship or marriage, as defined by Section 71.0021 of the Family Code.

DEFERRED ADJUDICATION

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

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

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.

DETENTION

[See School Board Policy FO(Local)] For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours on one or more days. Before being assigned to detention, a student and the student's parent/guardian, if the student is a minor, shall be given notice of the reason for the detention. The student's parent/guardian will be required to provide transportation.

DUE PROCESS

Before expulsion, each student must be provided a "due process" hearing which includes prior notice of charges and proposed sanctions, right to an adult representative or legal counsel, opportunity to testify and present evidence and witnesses, and an opportunity to examine the evidence.

FIREARM

Firearm is defined (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 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.

GANG-FREE ZONES

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the District, a gang-free zone includes a school bus and a location in, on, or within 1000 feet of any District-owned or leased property or campus.

GRAFFITI

A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings on the tangible property of the owner with aerosol paint, an indelible marker, or an etching or engraving device. Graffiti on a school building is a felony.

HARASSMENT

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

- Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
- 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;
- 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; and
- Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

HAZING

Defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others 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; and
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.

INDECENT EXPOSURE

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

INTIMATE VISUAL MATERIAL

Intimate visual material is defined by Texas Civil Practices and Remedies Code 98B.001 and Texas Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, videotape, 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.

ISS

In-school suspension

OSS

Out-of-school suspension

INAPPROPRIATE CONTACT

Inappropriate contact includes contact that is unwelcome, meaning the other person has asked the offender to stop touching them in a certain manner and the offender continues to do so. Inappropriate contact also includes contact that can be reasonably perceived as sexual in nature and/or contact that exceeds the boundaries of normal social interaction such as a handshake. The Administration shall, when determining discipline, consider the context of the touching as well as the relationship between the two parties.

PERSISTENT MISBEHAVIOR

Two or more violations of the Student Code of Conduct as listed below, or three or more violations of the Student Code of Conduct not listed below, where there are documented interventions of these behaviors.

- Engaging in conduct that constitutes criminal mischief
- Vandalism
- Extortion, coercion or blackmail
- Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities
- Hazing
- Profanity, vulgar language or obscene gestures directed toward school employee(s)
- Fighting
- Sexual harassment of a student or school employee(s)
- Falsification of records, passes or other school-related documents
- Possession or distribution of pornographic materials

PUBLIC LEWDNESS

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

RESTITUTION

Compensation for any loss or damage to school property.

SELF DEFENSE

Using force against another when and to the degree a person reasonably believes that it is immediately necessary to protect himself or herself.

SERIOUS MISBEHAVIOR

Includes, but not limited to, the following conduct:

- Assault of a teacher or other individual
- Retaliation against a school employee
- The unlawful or prohibited use, gift, sale, delivery, possession or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs or abuse of glue or volatile chemicals
- Aggressive action that poses a direct threat to the health or safety of others
- Public lewdness
- Indecent exposure
- Continuous sexual abuse, sexual assault or aggravated sexual assault committed against another student (either on or off campus), who, at the time of the offense occurred, was assigned to the same campus as the student or alleged to have committed the serious misbehavior

SUSPENSION

Suspension is a disciplinary action provided by Texas Education Code 37.005. A student may be suspended from school for a total of 3 days for each disciplinary infraction. The number of days the student has to make up the work after returning to school is equal to the length of the suspension. The student must be given the opportunity to explain his/her version of the facts, must be told what he/she is being accused of doing, and be informed of the basis of the accusation.

TERRORISTIC THREAT

A person commits an offense if he/she threatens to commit any offense involving violence to any person or property with intent to:

- Cause a reaction of any type, due to his/her threat, by an official or volunteer agency organized to deal with emergencies.
- Place any person in fear of imminent serious bodily injury.
- 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.
- Cause impairment or interruption of public communications, public transportation, public water, gas or power supply or other public service.

TIRE DEFLATION DEVICE

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

TITLE 5 OF THE PENAL CODE

This includes offenses against people such as murder, sexual offenses (i.e. public lewdness, indecency with a child, sexual assault), aggravated assault, terroristic threat, injury to a child, or elderly individual.