

ALEDO ISD

Student Code of Conduct

Discipline Management Procedures

2011-2012

ACKNOWLEDGMENT

Student Code of Conduct

Electronic Distribution Acknowledgment

Dear Student and Parent:

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

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

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

Thank you.

Dan Manning, Superintendent

We acknowledge that we have been offered the option to receive a paper copy of the Aledo ISD Student Code of Conduct for the 2011–2012 school year or to electronically access it on the district's Web site at <http://aledo.schoolfusion.us/>. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- ☐ Receive a paper copy of the Student Code of Conduct
- ☐ Accept responsibility for accessing the Student Code of Conduct on the district's Web site.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

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

ACKNOWLEDGMENT

Student Code of Conduct Acknowledgment

Dear Student and Parent:

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

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

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

Thank you.

Dan Manning, Superintendent

We acknowledge that we have received a copy of the Aledo IS Student Code of Conduct for the 2011–2012 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

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

Table of Contents

Aledo ISD Student Code of Contents

| | |
|--------------------------------------------------------------------------|------------|
| Aledo ISD Mission Statement..... | Page 1 |
| Purpose of Student Code of Conduct..... | Page 1 |
| General Information..... | Page 2 |
| School District Authority and Jurisdiction..... | Page 2 |
| Reporting Crimes..... | Page 3 |
| Student Responsibilities..... | Page 3, 4 |
| Parent/Legal Guardian Responsibilities..... | Page 4, 5 |
| Administrator Responsibilities..... | Page 5 |
| Teacher Responsibilities..... | Page 5 |
| School Procedures..... | Page 5, 6 |
| Law Enforcement (Procedures or Referral)..... | Page 6 |
| Classification of Code Violations..... | Page 6 |
| Level I Misbehaviors..... | Page 6, 7 |
| Level I Disciplinary Consequences..... | Page 7 |
| Level II Misbehaviors..... | Page 7, 8 |
| Level II Disciplinary Consequences..... | Page 9 |
| Level III Misbehaviors: Disruptive Activities..... | Page 9, 10 |
| Level III Disciplinary Consequences..... | Page 10 |
| Level IV Misbehaviors: Serious, Persistent Problems or Illegal Acts..... | Page 10-13 |
| Level IV Consequences..... | Page 13 |
| Students with Disabilities..... | Page 13 |
| Removal from the Regular Educational Setting..... | Page 13 |
| Notification..... | Page 14 |

| | |
|-------------------------------------------------------------------|-------------|
| Appeals..... | Page 14 |
| Routine Referrals..... | Page 14 |
| Formal Referrals..... | Page 14, 15 |
| Returning Student to Classroom | Page 15 |
| Out-of-School Suspension..... | Page 15 |
| Misconducts..... | Page 15 |
| Process..... | Page 15, 16 |
| Disciplinary Alternative Education Program (DAEP)..... | Page 16 |
| Placement..... | Page 16 |
| Misconduct Identified in State Law..... | Page 16, 17 |
| Mandatory Placement: Misconduct that Requires DAEP Placement..... | Page 17, 18 |
| Sexual Assault and Campus Assignment..... | Page 18 |
| Emergencies..... | Page 18 |
| Process..... | Page 18 |
| Conference | Page 18 |
| Placement Order..... | Page 19 |
| Coursework Notice..... | Page 19 |
| Length of Placement..... | Page 19 |
| Exceeds One Year..... | Page 19 |
| Exceeds School Year..... | Page 20 |
| Exceeds Sixty Days..... | Page 20 |
| Appeals..... | Page 20, 21 |
| Restrictions during DAEP Placement..... | Page 21 |
| Placement Review..... | Page 21 |
| Additional Misconduct..... | Page 21 |

| | |
|--------------------------------------------------------------|-------------|
| Notice of Criminal Proceedings..... | Page 22 |
| Withdrawal during Process..... | Page 22, 23 |
| Newly Enrolled Students..... | Page 23 |
| Emergency Placement Procedures..... | Page 23 |
| Placement and/or Expulsion for Certain Serious Offenses..... | Page 23 |
| Registered Sex Offenders..... | Page 23, 24 |
| Review Committee..... | Page 24 |
| Newly Enrolled Students..... | Page 24 |
| Appeals..... | Page 24 |
| Certain Felonies..... | Page 24, 25 |
| Hearings and Required Findings..... | Page 25 |
| Length of Placement..... | Page 25 |
| Newly Enrolled Students..... | Page 25 |
| Expulsion..... | Page 25 |
| Discretionary Expulsion..... | Page 26 |
| Any Location..... | Page 26 |
| At School, Within 300 feet or at a School Event..... | Page 26 |
| Within 300 feet of School..... | Page 27 |
| Property of Another District..... | Page 27 |
| While in DAEP..... | Page 27 |
| Mandatory Expulsion: Misconduct That Requires Expulsion..... | Page 27 |
| Federal Law..... | Page 27, 28 |
| Texas Penal Code..... | Page 28, 29 |
| Students under the Age of Ten..... | Page 29 |
| Emergency Expulsion..... | Page 29 |

| | |
|----------------------------------------------------|-------------|
| Process..... | Page 29 |
| Hearing..... | Page 29, 30 |
| Board Review of Expulsion..... | Page 30 |
| Expulsion Order..... | Page 30 |
| Length of Expulsion..... | Page 30, 31 |
| Withdrawal during Expulsion Process..... | Page 31 |
| Additional Misconduct..... | Page 31 |
| Restrictions during Expulsion..... | Page 31 |
| Newly Enrolled Students..... | Page 31, 32 |
| Emergency Expulsion Procedures..... | Page 32 |
| DAEP Placement of Expelled Students..... | Page 32 |
| Safe School Data..... | Page 33 |
| School Transfers..... | Page 33 |
| Transfer From a Persistently Dangerous School..... | Page 33 |
| Glossary..... | Page 34-38 |

Aledo ISD Student Code of Conduct

Mission Statement of the Aledo ISD

It is the purpose and mission of the Aledo Independent School District to provide all of its students with an educational program which will allow them to develop to their full potential intellectually, physically, and socially in order to be responsible citizens and contributing members of society. Inherent within this purpose and mission is the belief that all students can learn and that schools can make a difference in the lives of their students.

Purpose of the Aledo ISD Student Code of Conduct

The purpose of the Student code of Conduct is to communicate to students, parents, and other intended persons the expectations of the Aledo ISD Board of Trustees, administrators, staff, and community for student conduct. All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. It is the belief of this school district that the rights of students can be protected only so long as an atmosphere of organization and cooperation exists in the classroom and at school-related functions. Students are expected to respect the rights and privileges of other students, teachers, and district staff. This document contains the district's rules of conduct in an effort to fully inform students and parents of the expectations of the district.

Students who violate the rights of others or who violate district or school rules will be subject to appropriate behavioral management techniques for each violation as outline in this Code of Conduct. Parents shall be notified of major violations of this Code of Conduct. The student Code of Conduct promotes adherence by all students to their responsibilities as citizens in the school.

Education in this community represents a significant commitment of financial and human resources. The benefit a student derives from this investment depends 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 the requirements of Chapter 37 of the Texas Education Code. The law requires the district to define misconduct that may or must result in a range of specific disciplinary consequences. This Code is an outgrowth of collaboration among District and campus staff, parents and other community members. This Code, adopted by the Board of Trustees, provides information and direction to students and parents regarding standards of conduct, consequences of misconduct and procedures for administering discipline.

In case of conflict between the Student Code of Conduct and the student handbook, the Student Code of Conduct will prevail. The board has approved the Superintendent of Schools to act as their designee.

General Information

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be posted on the district's Web site.

The Aledo ISD 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 also constitute violations to the Student Code of Conduct.

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

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

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

Students have full responsibility for the security of their lockers and vehicles parked on school property and shall make certain they are locked and that the keys and combination are not given to others. Students shall not place, keep, or maintain any article or material in lockers or vehicles parked on school property that is forbidden by District policy.

Lockers, desk and vehicles parked on school property may be searched by school officials if there is reasonable cause to believe they contain articles or materials prohibited by District policy. Students shall be responsible for any prohibited items found in their lockers or vehicles parked on school property.

If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the District may turn the matter over to local law enforcement. See policy (FNF)(Local)

The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker or vehicle parked on school property, or on the student's person, as a result of a search conducted in accordance with policy FNF (LOCAL).

In general, discipline shall be designed to correct the misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action shall 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.

Reporting Crimes

School administrators shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus. (Education Code 37.015)

Student Responsibilities: Students shall:

1. Demonstrate honesty and integrity by telling the truth, by claiming credit for school work done only by the student, and by following rules and regulations of the school and its various organizations.
2. Demonstrate respect for other people both verbally and by their conduct.
3. Respect is broad-based, but must include respect for: a person's race, gender, ethnic origin, religion, appearance, and age.
4. Demonstrate respect for the life and liberty of themselves and others by avoiding physical conflict, threats of physical violence, carrying weapons, or using alcohol, tobacco or drugs of any kind.
5. Demonstrate respect for the campus and district policies dealing with the changing of rules or the posting of newspapers, leaflets, or similar materials.

6. Demonstrate respect for the property of the school and the property of others.
7. Demonstrate good attendance by attending school regularly and on time.
8. Demonstrate appropriate dress and grooming for school.
9. Demonstrate understanding that school jurisdiction for the maintenance of discipline belongs to the principal and/or assistant principal.
10. Demonstrate appropriate behavior and safety procedures while being transported by school buses.
11. Demonstrate responsibility by completing homework assignments on time and by being prepared for each class with appropriate materials and assignments.
12. Demonstrate appropriate behavior by not disrupting the classroom and other students' right to learn and the teacher's right to instruct.
13. Demonstrate responsibility by avoiding violations of the Student Code of Conduct.

Parent/Legal Guardian Responsibilities for working in partnership with the school to pursue educational excellence shall include:

1. Establishing and maintaining a positive working relationship with teachers and administrators.
2. Providing for the physical, emotional, and social needs of the child.
3. Signing the student and parent statement indicating that a copy of the Student Code of Conduct has been received.
4. Encouraging the student to adhere to the Student Code of Conduct and supporting the procedures outlined, including the Aledo ISD campus dress codes.
5. Ensuring the student's compliance with attendance requirements and promptly reporting and explaining absences and tardies to the school.
6. Attending scheduled conferences and/or initiating conferences to discuss academic progress and other concerns. (Bring to the attention of school authorities any learning problem or condition that may be related to the student's education.)
7. Cooperating with school administrators and teachers when the student is involved in a disciplinary problem. Respond promptly to school personnel contacts.
8. Supporting the academic and behavior goals of the child.

9. Actively participating in the overall school program.

Administrator Responsibilities to help students reach their maximum potential shall include:

1. Serving as an appropriate role model for students in accordance with the standards of the profession.
2. Providing for the safety and welfare of students and teachers.
3. Encouraging parent communication and active participation in the education of their children.
4. Assuming responsibility as campus instructional leader.
5. Supporting and administering the Student Code of Conduct.
6. Responding promptly to student discipline referrals.
7. Making a reasonable effort to notify parents of academic or conduct concerns.
8. Maintaining documentation of parent contacts and/or documenting by date and time attempts to contact.
9. Assuming responsibility for providing a positive school environment that is free of disruptions where students can pursue their studies in a manner most conducive to learning.

Teacher Responsibilities to support a classroom environment that promotes student success shall include:

1. Serving as an appropriate role model for students in accordance with the standards of the teaching profession.
2. Ensuring good student discipline by being in regular attendance and on time.
3. Being prepared to perform teaching duties with appropriate preparation, assignments, and instructional materials.
4. Complying with District and school policies, rule, regulations, and directives.
5. Maintaining an orderly classroom environment that is conducive to learning and enforcing rules and regulations outlined in the Student Code of Conduct.
6. Teaching to the standards of performance required by the District.
7. Establishing rapport and an effective working relationship with parents, students, and other staff members.
8. Teaching students to strive toward self-discipline and encouraging work habits that will lead to the accomplishment of personal goals.

School Procedures

School administrators are obligated to maintain discipline in the schools. Administrators have the right and responsibility to interview and question students without notifying parents and without one or both parents present. This would include students who are accused of conduct violations and students who may be witnesses to conduct violations. To require the administration to do otherwise would thwart its ability to investigate violations of the Student Code of Conduct. The administration may contact the parent after a student has been interviewed. Information obtained through this interview will be shared on request to applicable law enforcement agencies if a violation of the law is believed to have occurred.

When the student is believed to have violated a provision of the Student Code of Conduct which may require an assignment to an Alternative Education Program, expulsion, or referral to any law enforcement agency, the administrator shall make all reasonable attempts to contact the parent. Lesser violations may involve no parental contact during the investigation or administration of consequences. Such determination is within the discretion of the administrator.

Law Enforcement (Procedures or Referral)

After completing the school procedures and in the event that a conduct violation may also constitute a criminal law violation, the administrator will contact the law enforcement officer, School Resource Officer, or call 911. Once the law enforcement officer has cause to believe that a criminal offense has been committed, the officer will take charge of any interview or investigation. During the investigation the student may be interviewed by law enforcement agencies without notifying parents and without one or both parents present. The administrator may describe to the law enforcement officer what information has been acquired in the school investigation.

Once the law enforcement agency has been contacted, the investigation is solely under the control of that agency. If the student is taken into custody, the administrator shall make all reasonable attempts to contact the student's parents.

Classification of Code Violations

The categories of conduct below are prohibited at school and all school-related activities. In subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Serious Offenses, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in Removal from the Regular Educational Setting as detail in that section.

Level I MISBEHAVIORS

Discipline infraction may include, but are not limited to:

- Actions or misbehaviors interrupting a student's right to learn
- Failure to abide by published district, campus, or classroom rules and procedures
- Failure to have supplies and/or assignments
- Misconduct: May include, but not limited to:
 - Chewing gum, eating candy or food, not being on task, bothering other students, inappropriate or loud talking, cutting in line, throwing paper wads, note writing, sleeping, minor defacing of school property.
- Running or making excessive noise
- Tardiness

- Violation of rules and/or procedures established by teacher

Level I DISCIPLINARY CONSEQUENCES

For the routine referral, the teacher is not required to write a student code of conduct violation report. The principal is not required to notify the student's parents.

The following discipline management techniques may be used--alone or in combination for misbehavior violating the Student Code of Conduct or campus or classroom rules:

- Oral correction
- Cooling-off time or "time-out"
- Seating changes within the classroom
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conference or phone contact/written message
- Temporary confiscation of items that disrupt the educational process
- Grade reductions as permitted by policy (cheating, plagiarism, and late work) (policy EIA and EIAB local)
- Rewards or demerits
- Behavioral contracts
- Sending student to office or other assigned area or to in-school suspension after excessive misconduct
- Detention (parent notification required due to transportation arrangements)
- Assigned school duties other than class tasks
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations
- Techniques or penalties identified in individual student organizations' extra-curricular standards of behavior
- Withdrawal or restriction of bus privileges
- School-assessed and school-administered probation
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District
- Penalties identified in individual student organizations' extracurricular standards of behavior

Level II MISBEHAVIORS

State law requires that the violation be reported to the principal or other appropriate administrator, who will send notification to the parent or guardian within three (3) days of receiving the report for Level II, III, and IV Misbehaviors.

- Scholastic dishonesty which includes, but is not limited to, cheating on a test, plagiarism, or unauthorized collaboration with another person in preparing written work
- Throwing objects that can cause bodily injury or damage property
- Leaving school grounds or events without permission
- Directing profanity, vulgar language, or obscene gestures toward others.
- Engaging in verbal abuse (oral or written), i.e., name-calling, ethnic or racial slurs, or derogatory remarks addressed publicly to others
- Engaging in inappropriate physical or sexual contact disruptive to other students or the school environment
- Engaging in offensive conduct of a sexual nature, whether verbal or physical, that may include requests for sexual favors or other intimidating sexual conduct directed toward another student
- Causing or attempting to cause damage to school property, including textbooks, furniture, and other equipment, or stealing or attempting to steal school property of value in an amount under \$1,500.
- Causing or attempting to cause damage to private property or stealing or attempting to steal private property owned by another student or district employees in an amount under \$1,500.
- Hazing
- Failing to comply with lawful directives issued by school personnel or school policies, rules, and regulations
- Committing or assisting in a robbery or theft that does not rise to the level of felony
- Committing extortion, coercion, or blackmail, i.e., obtaining another object of value from an unwilling person, or forcing an individual to act through the use of force or threat of force
- Engaging in misconduct as defined by District policies and regulations on school buses
- Possession or use of matches, lighters, etc.
- Cellular phones or other telecommunications device may not be in operation during class time. Violation will result in confiscation of the phone or telecommunication device.
- Causing or participating in classroom disturbances or engaging in any other conduct that disrupts the school environment or educational process
- Violating safety rules
- Dress code violations
- Repeated violations of other communicated campus standards of behavior
- Persistent misbehavior
- Violating computer use policies and rules
- Discharging a fire extinguisher without a valid cause.
- Refusing to accept discipline management techniques assigned by a teacher or principal.

Level II DISCIPLINARY CONSEQUENCES

Consequences for each general misconduct violation and the range of discipline management techniques that can be used include:

- Counseling of the student by teachers, special services, or administrative personnel
- Teacher-to-parent telephone calls, letters, and/or conferences
- Cooling-off or time-out
- Behavioral contracts
- Assigned school duties other than class tasks
- Oral correction
- Restrictions or removal of bus privileges
- Withdrawal of privileges, including participation in extracurricular activities and honorary positions
- Sending the student to the office or other assigned area
- Detention before, after, or during school or Friday Night School
- School assessed and administered probation
- Temporary confiscation of items that disrupt the educational process
- Teacher removal to a principal's office
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District
- Out-of-school suspension
- In-school suspension
- Grade reductions in cases of: unexcused absences, scholastic dishonesty
- Alternative Education Placement in DAEP
- Seating changes
- Parent-teacher contacts
- Penalties identified in individual student organizations' extracurricular standards of behavior

Level III MISBEHAVIORS: DISRUPTIVE ACTIVITIES

Disruptive activities may include, but are not limited to:

- Excessive repetitive problems from Group II
- Failure to comply with reasonable request of school personnel
- Failure to comply with school policies
- Gambling
- Hazing
- Obscene gestures or actions
- Possession or distribution of published material that is pornographic or obscene or which threatens others or incites others to violence. (Pornographic is defined as explicit depiction or description of sexual acts.)
- Profane language

- Racial, religious, ethnic demeaning statements or acts
- Serious acts of disobedience or disorderly conduct
- Sexual harassment
- Smoking, use of tobacco products or possession of tobacco, in any form
- Stealing from students, staff, or the school
- Threats to students – causing an individual to act through the use of or threat of force (coercion)
- Defiance of authority of school personnel
- Exhibiting disrespect or directing profanity, vulgar language, or obscene gestures toward teachers or other school employees
- Fighting or scuffling. The District will take into consideration self-defense as a factor in a decision to order suspension, removal to a DAEP, or expulsion.
- Inappropriate or indecent exposure of a student's private body parts

Level III DISCIPLINARY CONSEQUENCES

- Denial of extracurricular activities
- Detention Hall
- Emergency Removal from school
- In-school suspension
- Referral to law enforcement agencies
- Restitution/Restoration
- Friday Night School
- Suspension (may be suspended for a period not to exceed three school days)
- Any other disciplinary action deemed appropriate by the principal or assistant principal
- Alternative Education Placement in DAEP
- Penalties identified in individual student organizations' extracurricular standards of behavior

Level IV MISBEHAVIORS: SERIOUS, PERSISTENT PROBLEMS OR ILLEGAL ACTS

Serious, persistent problems or illegal acts may include, but are not limited to:

- Activities relating to an unapproved organizations (gangs, fraternities, sororities or secret societies)
- Assault or Fighting
- Blocking any building entrance, exit, or passageway
- Bullying, harassment, and making hit lists
- Excessive repetitive problems from Level III
- Extortion or blackmail (obtaining money or an object of value from an unwilling person.)

- Fireworks or other explosive devices (some explosive devices are expellable offenses)
- Improper use of aerosols
- Look-alike weapons presented as authentic weapons such as stun guns, air guns, BB guns or other look-alike weapons (starter pistols are an expellable offense)
- Major group student disruption
- Possession, use or sale of controlled substance or look-alike controlled substances or attempt to pass items off as drugs or contraband.
- Possession or use of pepper spray or mace
- Possession or use of weapons
- Possession or use of any type of pocket knife, razor, or switchblade
- Rioting, group disobedience, or disturbance
- Sexual conduct
- Sexual harassment
- Solicitation of immoral or illegal acts
- Stink bombs
- Tampering/setting off a fire alarm
- Theft, robbery, or burglary
- Threats to teacher/staff
- Vandalism (Criminal mischief as defined by Penal Code § 28.03) Students may be subject to criminal penalties. If damage exceeds \$1,500, it is an expellable offense of felony criminal mischief.
- Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, and for which the superintendent or designee has reasonable belief that the student's presence in the regular classroom threatens the safety of other students or teachers or will hinder the education of students
- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang or engaging in gang signs
- Possessing or using articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists
- Making bomb threats
- Making false threats, hoaxes, or accusations regarding school safety
- Possessing or selling seeds or pieces of marijuana in less than a useable amount
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance
- Possessing or using a laser pointer for other than an approved use

- Using the Internet or other electronic communications to threaten students, employees, or volunteers, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Sending or posting 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.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety
- Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person
- Possessing ammunition
- Possessing a stun gun
- Falsifying records, passes, or other school-related documents
- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- Abusing the student's own prescription drug, giving a prescription drug to another student or possessing or being under the influence of another person's prescription drug on school property or at a school-sponsored event
- Violating the district's policy on taking prescription drugs and over-the-counter drugs at school.
- Engage in conduct that constitutes dating violence (see glossary)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gestures, or any other conduct directed toward another person including a district student, employee, or volunteer.
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.

- Use e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the education environment.

Level IV DISCIPLINARY CONSEQUENCES

- Special Education Student – Refer to Behavior Intervention Plan in Individual Educational Plan (IEP) and Special Education Discipline Handbook
- Confiscation of inappropriate article
- In-school suspension
- Referral to appropriate law enforcement agency or other agencies (such as Child Protective Services) for appropriate action
- Restitution/Restoration
- Out-of-school suspension
- Alternative Education Placement in DAEP
- Expulsion
- Any other disciplinary action deemed appropriate by the principal or assistant principal
- Penalties identified in individual student organizations' extracurricular standards of behavior

Students with Disabilities

Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

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

In deciding whether to order suspension, DAEP placement or expulsion the district shall take into consideration a disability the substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Removal from the Regular Educational Setting

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

Notification

The principal or appropriate administrator shall notify a student's parent by phone or in writing of any violation that may result in an out-of-school suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, 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 or central administration office or through Policy On Line at <http://aledo.schoolfusion.us>

Consequences shall not be deferred pending the outcome of a grievance.

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques. If a teacher repeatedly refers a student to the office for misconduct, the principal should alert the student's parent to the recurring misconduct and the possibility of placement in a DAEP if the documented misconduct continues.

Formal Referral

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

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class; or with the student's classmates' ability to learn or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

A teacher or 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 will followed. Otherwise, within three days of the formal removal, the appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

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

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

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

Returning Student to Classroom

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

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

Out-of-School Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as level II, III, IV violations, DAEP offense, or expellable offense.

In deciding whether to order out-of-school suspension, the district shall take into consideration:

1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year. The Aledo ISD will limit the number of days suspended to 6 during a semester. After the student has been suspended 6 days, DAEP placement may be required.

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

The number of days of a student's suspension shall be determined by the appropriate administrator, but will not exceed three school days.

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

Disciplinary Alternative Education Program (DAEP)

Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. For the purposes of DAEP, elementary classification shall be kindergarten – grade 5 and secondary classification shall be grades 6-12.

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

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

In deciding whether to order placement in a DAEP, the district will take into consideration:

1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history

Discretionary Placement: Misconduct that may result in DAEP placement are listed in Level II, III, IV behaviors of this code.

Misconduct Identified in State Law

In accordance with state law, a student may be placed in a DAEP for any one of the following offenses:

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (see glossary)
- Involvement in criminal street gang activity. (see glossary)

- Criminal mischief, not punishable as a felony.

In accordance with state law, a student may be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

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

Mandatory Placement: Misconduct that Requires DAEP Placement

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 1. Engages in conduct punishable as a felony
 2. Commits an assault under Penal Code 22.01(a)(1)
 3. Sells, gives or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section)
 4. Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section)
 5. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 6. Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing

- retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student receives deferred prosecution (see glossary)
 2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
 3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parents or another person with the authority to act on behalf of the victim requests that the board transfer the offending student, the student shall be transferred to DAEP.

Emergencies

In an emergency, the principal or the principal's designee may order the immediate placement of a student in DAEP for any reason for which placement in DAEP may be made on a non-emergency basis.

Process

Removals to DAEP shall be made by the appropriate campus administrator. If a student is assigned to a Disciplinary Alternative Education Program for a term which extends beyond the next grading period and for a minimum period greater than ten (10) days, the student is entitled to this process.

Conference

When a student is removed from class for a DAEP offense, the 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 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 appropriate administrator 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.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The duration of a student's placement in DAEP shall be determined by the appropriate campus administrator.

The duration of a student's placement shall be on a case-by-case basis. 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 maximum length of DAEP assignment for Level II behaviors will be thirty (30) days. The maximum length of DAEP assignment for Level III behaviors will be ninety (90) days. The maximum length of DAEP placement will be 180 days with a review held in 120 days.

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.

Exceeds One Year

Placement in DAEP may exceed one year when a review by the district determines that:

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

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

Exceeds School Year

Students who commit offenses requiring placement in 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.

For placement in a DAEP to extend beyond the end of the school year, the appropriate administrator must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

Exceeds 60 Days

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

Appeals

The student or parent may request a review of the campus administrator's decision. Such request should be sent within three (3) days of receipt of the campus administrator's decision to the principal. Within five (5) school days from receiving the request for review, a conference will be scheduled. At the informal conference, the campus administrator will present information regarding the placement. The student and parent may give relevant information. Within three (3) days of the informal conference, a decision shall be made and communicated to the student and parent to maintain the removal, reinstate the student in school, or take other appropriate disciplinary action.

The student or parent may request a review of the principal's decision. Such request should be sent within three (3) days of receipt of the principal's decision to Office of the Superintendent, 1008 Bailey Ranch Road, Aledo, TX 76008. Within five (5) school days from receiving the request for review, a conference will be scheduled and held with the superintendent or designee. At the informal conference, a school representative will present information regarding the placement. The student and parent may give relevant information. Within three (3) days of the informal conference, a decision shall be made and communicated to the student and parent to maintain the removal, reinstate the student in school, or take other appropriate disciplinary action. The superintendent or designee

may determine that the placement is to be maintained, the student reinstated in school, or take any other action that the superintendent deems appropriate.

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in DAEP cannot be appealed beyond the board.

Restrictions during DAEP Placement

State law prohibits a student placed in DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities. While assigned to DAEP, the student is not allowed to appear on any other school campus or district property.

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

For seniors who are eligible to graduate and are assigned to DAEP at the time of graduation, the last day of placement in the program will be the last instructional day, and the student will be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

The district has the right to limit a student's participation in graduation activities for violating the district's Code. (see Board Policy FMH(Local))

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status by the Principal of the DAEP at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional conduct for which placement in DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator may enter an additional disciplinary order as results of those proceedings.

Notice of Criminal Proceedings

The office of the prosecuting attorney shall notify the district if a student was placed in DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses or possession of a weapon, and:

1. 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
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

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

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

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

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

Withdrawal during Process

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

next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

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

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 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.

Emergency Placement Procedures

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to DAEP.

Placement and/or Expulsion for Certain Serious Offenses

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

Registered Sex Offenders

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

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

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

1. Threatens the safety of other students or teachers
2. Will be detrimental to the educational process, or

3. Is not in the best interests of the district's students.

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled or placed in DAEP if the board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history

Discretionary Expulsion: Misconduct That May Result in Expulsion

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 Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer,
 - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one or the following offenses against another student, without regard to where the conduct occurs.
 - 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. See notes on TASB model

At School, Within 300 feet or at a School Event

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

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. (See glossary for "under the influence.")
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary)]

Within 300 Feet of School

A student may be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson
- Murder, capital murder, or criminal attempt to commit murder or capital murder
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug-or alcohol-related offense.
- Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

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 serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP.

Any Level IV Offense

A student may be expelled for any behaviors listed under Level IV Misbehaviors.

Mandatory Expulsion: Misconduct That Requires Expulsion

Federal Law

A student must be expelled for bringing to school a firearm, as defined by federal law, when the offense occurs on school property or while attending a school sponsored or school related activity on or off school property. "Firearm" under federal law includes:

- 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.
- The frame or receiver of any such weapon

- Any firearm muffler or firearm weapon
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas Penal Code

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

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or 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.
 - An illegal knife, such as a knife with a blade over 5 ½ inches; hand instrument, designed to cut or stab another by being thrown: dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear
 - A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun or a tire deflation device. (see glossary)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault
 - Arson
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child
 - Aggravated kidnapping
 - Aggravated robbery
 - Manslaughter
 - Criminally negligent homicide
 - Continuous sexual abuse of a young child or children.

- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Students under the Age of 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 DAEP. A student under age six shall not be placed in DAEP unless the student commits a federal firearm offense.

Emergency

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion may be made on a non-emergency basis.

Process

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the principal may place the student in:

1. Another appropriate classroom.
2. In-school suspension.
3. Out-of-school suspension.
4. DAEP.

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the district's witnesses.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The Board of Trustees delegates to the appropriate campus administrator authority to conduct hearings and expel students

Board Review of Expulsion

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

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

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

Expulsion Order

After the due process hearing, 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.

No later than the second business day after the hearing, the superintendent or his designee shall deliver to the juvenile court a copy of the order expelling the student and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements. The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

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

- (1) the student is a threat to the safety of other students or District employees; or
- (2) Extended expulsion is in the best interest of the student.

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

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

Withdrawal during Process

When a student 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 appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

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

Restrictions during Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion. No district credit shall be earned for work missed during the period of expulsion unless the student is enrolled in another district-approved program.

Newly Enrolled Students

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

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

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

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

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

Emergency Expulsion Procedures

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student **shall** be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, the educational services in the DAEP must be provided if the student is less than ten years of age.

Safe Schools Data

The Superintendent or designee shall ensure that the District complies with TEA guidelines for the collection and maintenance of data regarding;

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property, and
2. Any student who becomes a victim of one of the following violent criminal offenses, as defined by the Penal Code, while in or on the grounds of the school the student attends:
 - a) Attempted murder;
 - b) Indecency with a child;
 - c) Aggravated kidnapping;
 - d) Assault resulting in bodily injury or aggravated assault or
 - e) Sexual assault or aggravated sexual assault

School Safety Transfers

The parent of a student who becomes a victim of a violent criminal offense as described above or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the district.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

Transfer From a Persistently Dangerous School

The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent or designee an application for transfer. The Superintendent or designee shall complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of the notification to parents of the transfer option, transfer applications submitted, and action taken.

Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

Abuse is improper or excessive use

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

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

Armor-piercing ammunition is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is a crime that involves starting a fire or causing an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
 - a. Knowing that it is within the limits of an incorporated city or town;
 - b. Knowing that it is insured against damage or destruction;
 - c. Knowing that it is subject to a mortgage or other security interest;
 - d. Knowing that it is located on property belonging to another;
 - e. Knowing that it has located within it property belonging to another; or
 - f. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
3. A Crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation or vehicle; or
4. A crime that involves intentionally starting a fire or causing an explosion and in doing so:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying is written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines:

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to

the student's property; or

2. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening or abusive educational environment for a student.

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

Club is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

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.

Cyber bullying is the use of any electronic communication device to engage bullying or intimidation.

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

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

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

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

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

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

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

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

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

Firearm Silencer means any device designed, made, or adapted to muffle the report of a firearm.

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

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, 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.

Hazing is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit list is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

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

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

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

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

Persistent misbehavior is two or more violations of the Code in general or repeated occurrences of the same violation.

Possession means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunication or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

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

Reasonable belief is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

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

Serious offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

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

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or

centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

Terroristic threat is a threat of violence to any person or property with intent to:

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

Tire deflation device is defined in part by 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 offenses are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]

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

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

Zip gun is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.