

Agenda of Special Meeting

The Board of Trustees

San Elizario ISD: A Proud Community of Champions – Soaring to Excellence!

A Special Meeting of the Board of Trustees of San Elizario ISD will be held in person on Wednesday, August 23, 2023, beginning at 5:30 PM SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849.

Although one or more board members may participate by videoconference call, a quorum of the Board of Trustees will be physically present at this location for purposes of this meeting and in conformance with the Texas Open Meetings Act. All persons in physical attendance must comply with current state and local public health orders, including those regarding face masks/coverings, maintain at least 3 feet of social distance from one another, and remain in compliance with any other state and local public health orders issued in connection with the Covid-19 Pandemic. One or more of the vendors being considered at this meeting may appear through video conference call / Microsoft Teams / Zoom. Any such presentation will be visible and audible to anyone attending the open meeting.

Members of the public who desire to address the board regarding an item on this agenda must comply with the following registration procedures: Public comments may be submitted to acardonajr@seisd.net at any time prior to the board meeting time.

Public comment shall occur at the beginning of the meeting and shall follow all other requirements and limitations under SEISD Board Policy BED (Local).

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice. All items on the consent agenda shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration.

1. **GENERAL FUNCTIONS**

Mr. Eduardo Chavez, Board President

- A. Call Meeting to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. **San Elizario ISD Mission Statement**

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

Mr. Eduardo Chavez, Board President

2. **NEW BUSINESS / BOARD ACTION ITEMS**

- A. Public Hearing on Proposed Tax Rate for the 2023-2024 fiscal year
Mr. Norberto Rivas, Chief Financial Officer

- B. Consider and possible Board action on Adoption of Resolution Setting Tax Rate for the 2023-2024 School Year 14
Mr. Norberto Rivas, Chief Financial Officer
- 3. **CONSENT AGENDA** - Consider and possible Board action on
 - A. Financial Reports
Mr. Norberto Rivas, Chief Financial Officer
 - 1. Purchase Orders exceeding \$25,000.00 16
 - PO# 48722 - Barnes & Noble Education, Inc. - \$36,840.44
 - B. Consider and possible Board action to approve final payment to AREDi Enterprises, LLC for the construction of monument at Fernie Madrid Eagle Park PO# 47996 18
Mr. Norberto Rivas, Chief Financial Officer
 - C. Consider and possible board action on acceptance of certified values as Certified by the Chief Appraiser on July 25, 2023 20
Mr. Norberto Rivas, Chief Financial Officer
 - D. Consider and possible board action to approve Contract/off-duty Peace Officer's Pay Rate 27
Ms. Blanca Cruz, Executive Director - Human Resources
 - E. Consider and possible Board action to approve the Revised Student Code of Conduct 2023-2024 28
Dr. Rogelio Segovia, Associate Superintendent
 - F. Consider and possible board action to approve NCCER High School Builder Program Integrity Agreement 124
Ms. Sandra Sanchez, Career & Technical Education Administrator
- 4. **EXECUTIVE SESSION**
The Board will enter into a closed meeting to discuss personnel matters, to consult with attorney, to discuss real estate matters, to consider recommendations for hiring of personnel or termination of personnel and other personnel matters under Sec. 551.071, 551.072 and 551.074, Texas Gov. Code:
 - A. Discussion on Employee / Board / Superintendent Communication
 - B. Discussion regarding the Administration's recommendation for the Principal position at San Elizario High School
 - C. Discussion regarding adoption of resolution by SEISD to be in compliance with HB 3.
Dr. Rogelio Segovia, Associate Superintendent, and Mr. Jesus Martinez, Executive Director - Support Services
- 5. **THE BOARD WILL RETURN TO OPEN SESSION TO TAKE POSSIBLE ACTION ON THE MATTERS DISCUSSED IN EXECUTIVE SESSION**
 - A. Discussion and possible action to approve the Administration's recommendation for the Principal position at San Elizario High School
 - B. Discussion and possible action regarding adoption of resolution to be in compliance with HB 3.
Dr. Rogelio Segovia, Associate Superintendent, and Mr. Jesus Martinez, Executive Director - Support Services
- 6. **NEXT MEETING DATE:**
Special Board Meeting: Wednesday, September 20, 2023
- 7. **ADJOURNMENT**

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hours, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

- 551-071 Private consultation with the board's attorney.
- 551-072 Discussing purchases, exchange, leases, or value of real property.
- 551-073 Discussing negotiated contracts for prospective gifts or donations.
- 551-074 Discussing personnel or to hear complaints against personnel
- 551-076 Deliberation regarding security devices
- 551-082 Considering discipline of a public school child, or complaint or charge against personnel
- 551-083 Considering the standards, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups.
- 551-084 Excluding witnesses from a hearing.

Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.



San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Public Hearing on Proposed Tax Rate for the 2023-2024 Fiscal Year
Date: August 23, 2023

HISTORY:

A “Notice of Public Meeting to Discuss Budget and Proposed Tax Rate” was published in the West Texas County Courier on June 8, 2023 in accordance with TEC 44.004(b). A notice of ‘Public Hearing on Proposed Tax Rate for the 2023-2024 Fiscal Year’ was provided on the August 23, 2023 special meeting agenda.

RATIONALE:

The purpose of this agenda item is to allow for public input on the proposed tax rate.

BUDGET IMPACT:

There is no budget impact with this agenda item as it is for discussion only.

ADMINISTRATIVE RECOMMENDATION:

Please check one: For approval Report / Information only Recognition only

San Elizario ISD’s mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

Public Hearing on Proposed Tax Rate for Fiscal Year 2023-2024

August 23, 2023



Property Taxes

What are property taxes?

- Property taxes are local taxes that pay for schools, streets, police, fire protection and many other services depending on the governmental entity levying the tax.

What is the District's tax rate comprised of?

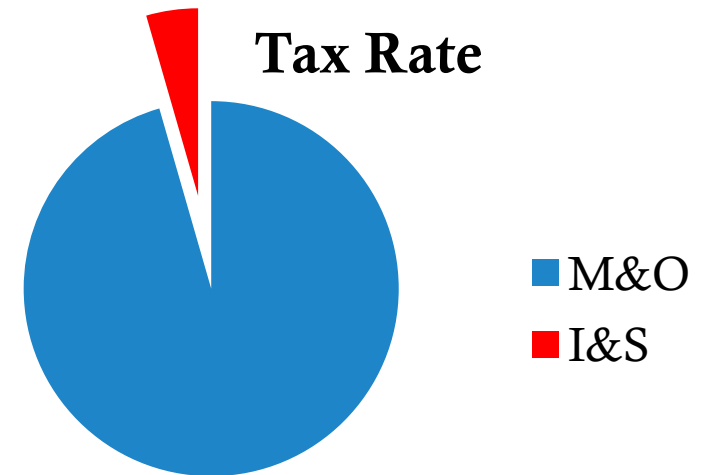
Maintenance & Operations (M&O)

- Teachers/Support Staff Salaries
- Supplies, Materials, & Equipment
- Transportation & Utilities

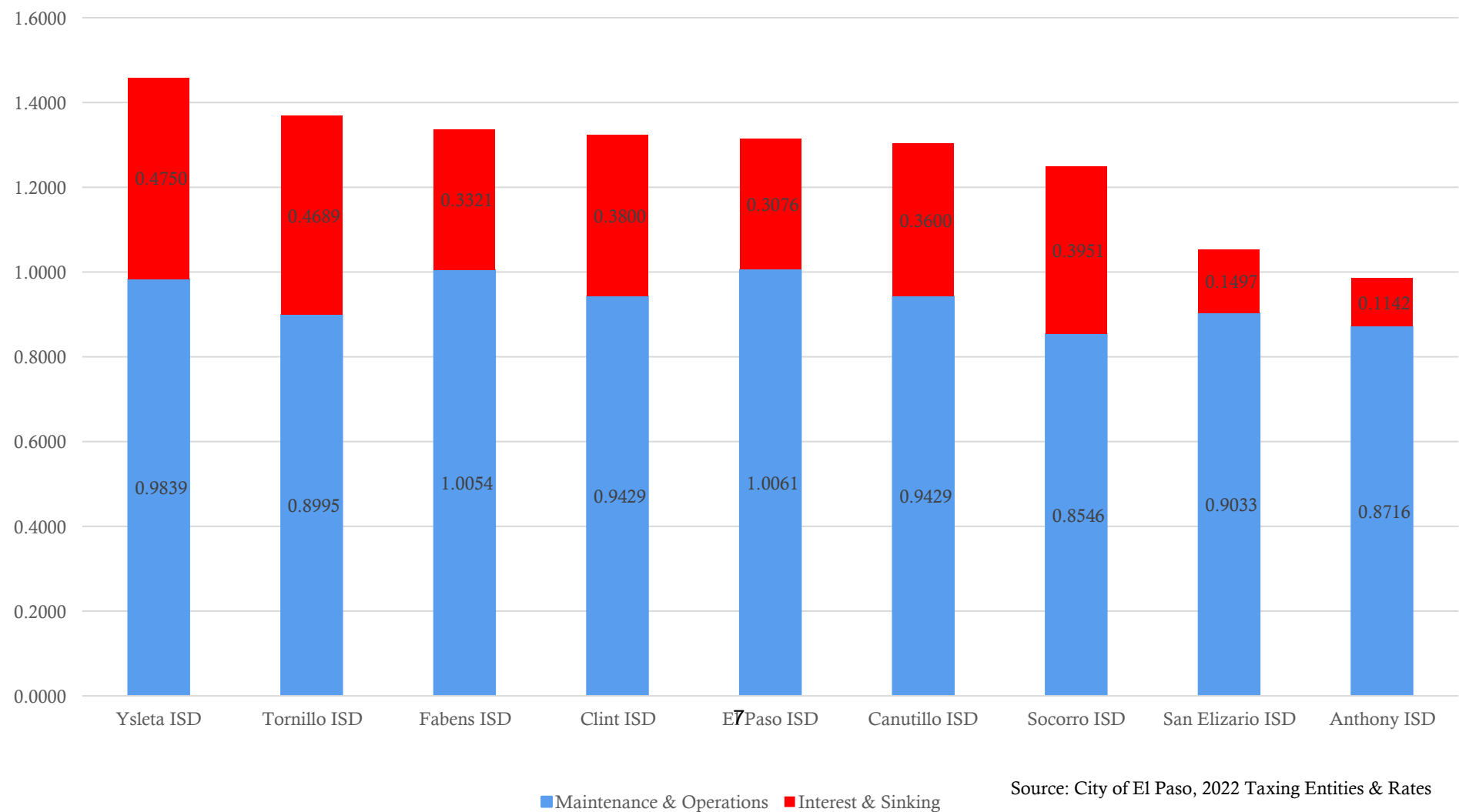
Interest & Sinking (I&S)

- Construction Projects
- School Buildings

- Bond proposition approved on November 4, 2014



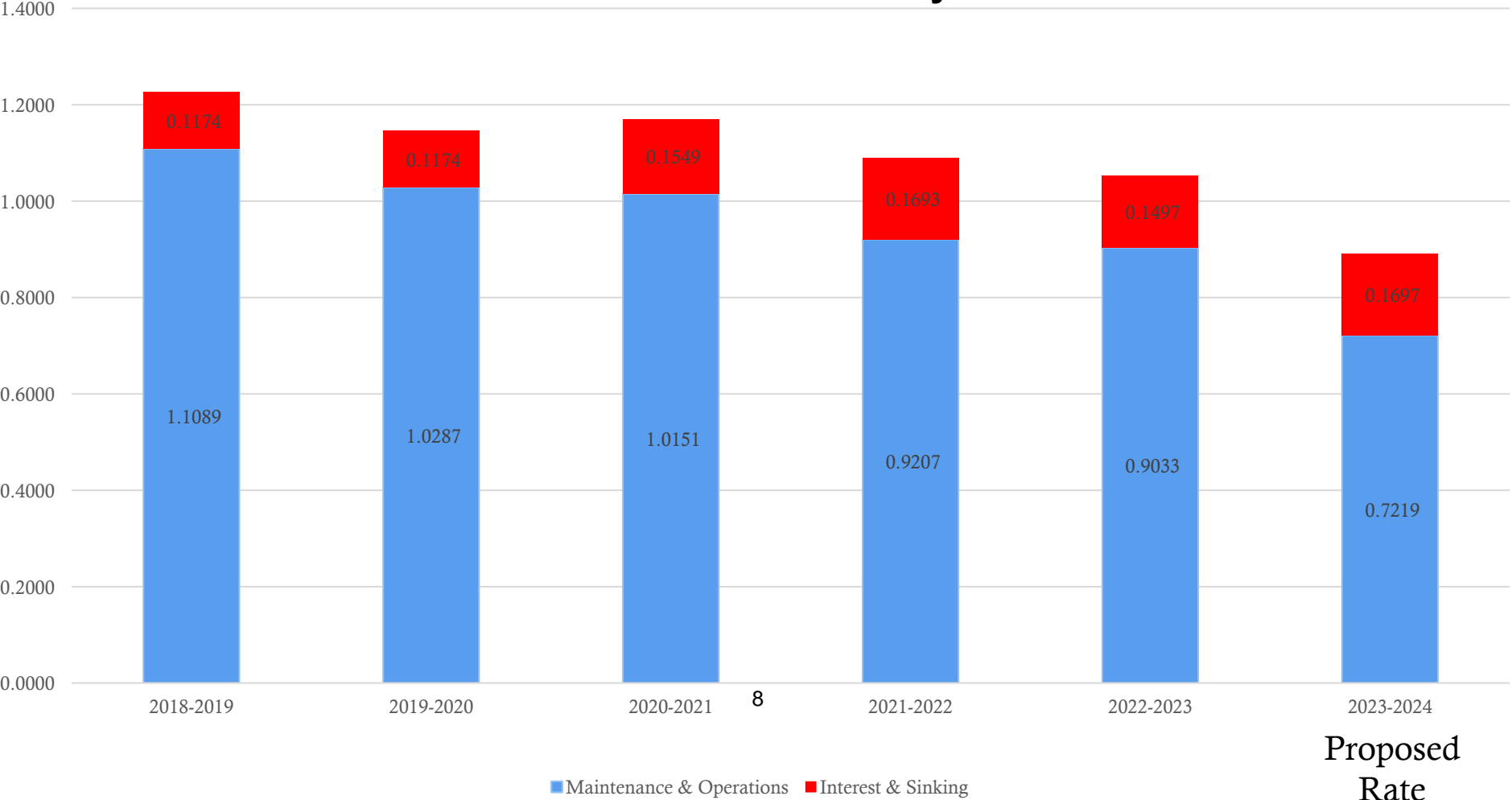
2022 Tax Rate Comparison



Source: City of El Paso, 2022 Taxing Entities & Rates

Tax Rate History

Tax Rate History



Legal Notice & Public Hearing

NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The San Elizario Independent School District will hold a public meeting at 5:30 P.M. on Wednesday, June 21, 2023 in the SEISD Administrative Office, 1050 Chicken Ranch Rd., San Elizario, Texas. The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited.

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed tax rate shown below unless the district publishes a revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice.

Maintenance Tax	\$0.823300/\$100 (Proposed rate for maintenance and operations)
School Debt Service Tax	
Approved by Local Voters	\$0.169700/\$100 (Proposed rate to pay bonded indebtedness)

Comparison of Proposed Budget with Last Year's Budget

The applicable percentage increase or decrease (or difference) in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins during the current tax year is indicated for each of the following expenditure categories:

Maintenance and Operations	5.59%	Increase
Debt Service	0.18%	Increase
Total Expenditures	5.37%	Increase

Total Appraised Value and Total Taxable Value (as calculated under Section 26.04, Tax Code)

	Preceding Tax Year	Current Tax Year
Total appraised value* of all property	\$ 529,859,196	\$ 655,518,178
Total appraised value* of new property**	\$ 12,788,406	\$ 9,175,584
Total taxable value*** of all property	\$ 337,280,116	\$ 390,271,895
Total taxable value*** of new property**	\$ 11,968,922	\$ 9,097,079

* "Appraised value" is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code.
 ** "New property" is defined by Section 26.012(17), Tax Code.
 *** "Taxable value" is defined by Section 1.04(10), Tax Code.

Bonded Indebtedness

Total amount of outstanding and unpaid bonded indebtedness* \$24,360,000

* Outstanding principal.

Comparison of Proposed Rates with Last Year's Rates

	Maintenance & Operations	Interest & Sinking Fund*	Total	Local Revenue Per Student	State Revenue Per Student
Last Year's Rate	\$ 0.903300	\$ 0.149700*	\$ 1.053000	\$ 1,260	\$10,871
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	\$ 0.875600	\$ 0.166000*	\$ 1.041600	\$ 1,328	\$10,310
Proposed Rate	\$ 0.823300	\$ 0.169700*	\$ 0.993000	\$ 1,279	\$10,937

*The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both.

The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.

Comparison of Proposed Levy with Last Year's Levy on Average Residence

	Last Year	This Year
Average Market Value of Residences	\$ 127,350	\$ 146,816
Average Taxable Value of Residences	\$ 61,973	\$ 75,719
Last Year's Rate Versus		
Proposed Rate per \$100 Value	\$ 1.053000	\$ 0.993000
Taxes Due on Average Residence	\$ 652.58	\$ 751.89
Increase (Decrease) in Taxes		\$ 99.31

Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in the tax rate or property value.

Notice of Voter-Approval Rate: The highest tax rate the district can adopt before requiring voter approval at an election is \$0.993000. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of \$0.993000.

Fund Balances

The following estimated balances will remain at the end of the current fiscal year and are not encumbered with or by a corresponding debt obligation, less estimated funds necessary for operating the district before receipt of the first state aid payment:

Maintenance and Operations Fund Balance(s)	\$ 11,994,396
Interest & Sinking Fund Balance(s)	\$ 305,883

A school district may not increase the district's maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

Visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 88th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the State.

Changes in Rates

Description of Rate	2022 Actual Tax Rate	2023 Proposed Tax Rate
Maintenance & Operations (M&O)	\$0.9033	\$0.7219
Interest & Sinking (I&S)	\$0.1497	\$0.1697
Total Tax Rate	\$1.0530	\$0.8916
Increase (Decrease) in Total Tax Rate		(\$0.1614)

The M&O rate is being decreased as a result of House Bill 3's tax rate compression (0.0744) and as a result of Senate Bill's 2 increase in the homestead exemption (0.1070).

The I&S rate is being increased to cover the debt payments for the year based on the certified values and projected average daily attendance.

Types of Rates

The tax rate that would generate the same amount of revenue in the current tax year as was generated by a taxing unit's adopted tax rate in the preceding tax year from property that is in both the current tax year and the preceding tax year.

Description of Rate	Tax Rate
No-New-Revenue Tax Rate	\$0.8534
No-New-Revenue M&O Rate	\$0.6532
Voter-Approval Tax Rate	\$0.8916
Proposed Tax Rate	\$0.8916

The highest tax rate a taxing unit may adopt before requiring voter approval at an election.

The tax rate that would generate the same amount of revenue for maintenance and operations in the current tax year as was generated by a taxing unit's maintenance and operations rate in the preceding tax year from property that is in both the current tax year and the preceding tax year.

The total proposed rate includes both the M&O and I&S rates

Description of Rate	Tax Rate
Maintenance & Operations (M&O)	\$0.7219
Interest & Sinking (I&S)	\$0.1697
Total Proposed Tax Rate	\$0.8916

Impact of Tax Rate

Impact of Tax Rate on Average Resident	This Year (2023)	Last Year (2022)
Average Taxable Value of Residences	\$13,622	\$61,827
Last Year's Rate Versus Proposed Rate per \$100 Value	\$0.8916	\$1.0530
Tax Due on Average Residence	\$121.45	\$651.04
Increase(Decrease) in Taxes	(\$529.59)	

Note: The homestead exemption was increased from \$40,000 to \$100,000 for the 2023 tax year.

- Questions
- Public input





San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Consider and possible Board action on Adoption of Resolution Setting Tax Rate for the 2023-2024 School Year
Date: August 23, 2023

HISTORY: A history of the District’s tax rates is seen below:

Fiscal Year	Maintenance & Operations	Interest & Sinking	Total
2020-2021	\$1.0151	\$0.1549	\$1.1700
2021-2022	\$0.9207	\$0.1693	\$1.0900
2022-2023	\$0.9033	\$0.1497	\$1.0530
2023-2024(proposed)	\$0.7219	\$0.1697	\$0.8916

RATIONALE: The purpose of this agenda item is to adopt a tax rate in accordance with CCG(LEGAL). The various types of rates that need to be calculated are as follows:

- \$0.8916 – Proposed Rate
- \$0.7219 – Maintenance & Operations Rate
- \$0.1697 – Debt Rate
- \$0.8916 – Voter-Approval Tax Rate
- \$0.8534 – No-New-Revenue Tax Rate
- \$0.6532 – No-New-Revenue Maintenance & Operations Rate

BUDGET IMPACT: The District’s tax rate and collection of levy is used in the State’s funding formulas which ultimately impact the budget.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to approve the enclosed resolution based on the proposed rate.

Please check one: For approval Report / Information only Recognition only
Even though the proposed rate is lower than last year’s adopted rate, the proposed rate is higher than the no-new-revenue tax rate and as a result CCG (LEGAL) is specifying this motion:

Motion: “I move that the property tax rate be increased by the adoption of a tax rate of \$0.8916, which is effectively a 4.48% percent increase in the tax rate.”

San Elizario ISD’s mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

RESOLUTION ADOPTING TAX RATES FOR THE SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT FOR THE 2023-2024 SCHOOL YEAR

1. Recitals.

The School District has adopted a fiscal year commencing July 1 and ending June 30.

The School District has received the certified totals of taxable property value within the School District from the El Paso County Appraisal District.

The Board of Trustees has published the Notice of Public Meeting to Discuss Budget and Proposed Tax Rate as required by Section 44.004, Texas Education Code, in the West Texas County Courier on June 8, 2023.

The Board of Trustees has conducted a public meeting to discuss budget and the proposed tax rate on June 21, 2023 and another public meeting to discuss the proposed tax rate on August 23, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the San Elizario Independent School District as follows:

2. The Maintenance and Operations Tax Rate per \$100.00 of valuation of property in the School District for the school year 2023-2024 shall be \$0.7219.

3. The Interest and Sinking Tax Rate per \$100.00 of valuation of property in the School District for the school year 2023-2024 shall be \$0.1697.

4. The total tax rate per \$100.00 of valuation of property in the School District for the 2023-2024 school year shall be \$0.8916.

5. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

6. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.48% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$38.20.

APPROVED AND ADOPTED on August 23, 2023.

BY:

ATTEST:

EDUARDO CHAVEZ, PRESIDENT
BOARD OF TRUSTEES

SANDRA LICON, SECRETARY
BOARD OF TRUSTEES



San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: April Marioni, San Elizario High School Principal
Subject: Approval of PO# 48722 – Barnes & Noble
Date: August 23, 2023

HISTORY: San Elizario Early College High School started an additional cohort for 2023-2024. The additional cohort, and the additional courses, require more textbooks for dual credit courses offered with credentialed instructors through El Paso Community College. In addition, SEHS continues to offer the opportunity for general students to take dual credit courses (even if they are not in the Early College High School).

RATIONALE: El Paso Community College requires textbooks for courses being offered on-site and online. E-books require repurchasing every semester; and some courses require more than two books per semester; other courses require books that are changed every two years. Altogether, San Elizario High School will have approximately 180 students earning college credit through dual credit courses during this academic year.

BUDGET: \$36,840.00

ADMINISTRATIVE RECOMMENDATION: The recommendation is that the purchase of textbooks be approved so San Elizario High School may continue providing dual credit courses to general students, and for students who are in the Early College High School.

Please check one: For approval Report / Information only Recognition only

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district



**San Elizario Independent School
District**

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

PURCHASE ORDER NUMBER

48722

Date: 08/08/2023

Page 1 of 1

VENDOR: 10770

**TO: Barnes & Noble Education, Inc.
120 Mountain View Blvd
BASKING RIDGE, NJ 07920**

**SHIP TO: San Elizario Independent School
200 N Herring
San Elizario, TX 79849-**

ATTN:

VENDOR PHONE:

VENDOR FAX:

VENDOR EMAIL:

REC. LOC: San Elizario High School

REC. GRP: San Elizario HS - G. Castro

LINE	ITEM	QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1		60.00000	EA	9780393884	86.66	0.00	5199.60
	Bullock: The Norton Field Guide to Writing with Reading 6th ed A.Garcia						
2		60.00000	EA	9781319453	114.06	0.00	6843.60
	Hacker: A Writer's Reference about Lit & Doc Sources in MLS style 10 ed						
3		60.00000	EA	9780393886	108.50	0.00	6510.00
	Mays: Norton Intro to Literature 14th ed						
4		50.00000	EA	9781324041	69.34	0.00	3467.00
	Forner: Give me Liberty Vol 1 7th Ed						
5		50.00000	EA	9781324041	69.34	0.00	3467.00
	Forner: Give me Liberty Vol 2 7th ed						
6		35.00000	EA	978-	93.32	0.00	3266.20
	Lial: Mathematics with Applications 13th ed INSTANT CODE						
7		44.00000	EA	9781319471	149.76	0.00	6589.44
	Exploring Psychology in Modules 12 ed						
8		10.00000	EA	9781319472	149.76	0.00	1497.60
	Berger: Invitation to Lifespan 5th Ed						
TOTAL							36840.44

P.O. Source	Account Number	Amount
Budget Requisition	199.11.6321.00.001.38	36,840.44

PO NOT VALID UNLESS APPROVED BY THE SAN ELIZARIO ISD BOARD

INSTRUCTIONS TO VENDORS

- Reference all packages & packing slips with PO Number
- Ship prepaid
- Tax Exempt No. 74 6002231
- Invoice in duplicate; Attn: Accounts Payable
- Do not fill order at higher price without Purchasing Dept. approval
- POs are cancelled if not shipped complete within 90 days.
- If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING
UNLESS SIGNED BY A PURCHASING AGENT.

Herberto Rivas



San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Jesus Martinez, Director- Support Services
Subject: Consider and possible Board action to approve final payment to AREDi Enterprises, LLC., for the construction of monument at Fernie Madrid Eagle Park PO# 47996
Date: August 23, 2023

HISTORY: AREDi Enterprises LLC., has completed all construction work regarding the construction of a memorial monument at the Fernie Madrid Eagle park. The construction of a smaller scale replica of the Pathway of Champions centerpiece structure was built in honor of Mr. Fernie Madrid. This is one of the items that was Board approved and is part of the improvements and renovations to the newly named Fernie Madrid Eagle Park.

RATIONALE: The purpose of this agenda item is to seek Board acceptance of the work and to approve the release of the remaining balance for the aforementioned project in accordance with CV (LOCAL).

BUDGET: The remaining amount of \$2,113.11 which includes any retainage owed to the contractor, will be paid from the allocated funds that were committed for this project.

ADMINISTRATIVE RECOMMENDATION: The recommendation is for the Board of Trustees to approve the final payment as presented.

Please check one: For approval Report / Information only Recognition only
 Attachment Included

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

AREDI ENTERPRISES, LLC
 1002 W Missouri Ave
 TX 79902
 (915) 9153461181
 arediconstruction@gmail.com



Enterprises, LLC

Construction & Facilities Maintenance

INVOICE

BILL TO

San Elizario ISD
 1050 Chicken Ranch Road
 San Elizario, TX 79849-999
 El Paso

SHIP TO

San Elizario ISD
 1050 Chicken Ranch Road
 San Elizario, TX 79849-999
 El Paso

INVOICE # 1297

DATE 08/04/2023
DUE DATE 09/03/2023
TERMS Net 30

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
08/01/2023	Construction & Repairs	Fernie Madrid Monument for FM Dedication Alarcon Park /Ysleta ISD / CTPA# 223000RFP final payment to complete 100% of billing	0.05	42,262.25	2,113.11

Net 30 Terms. All overdue invoices will be subject to a 10% late fee after every 30 days

SUBTOTAL	2,113.11
TAX	0.00
TOTAL	2,113.11
BALANCE DUE	\$2,113.11 ✓

*FINAL PAYMENT
 (NEEDS BOARD APPROVAL)*



San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Acceptance of certified values as certified by the Chief Appraiser on July 25, 2023
Date: August 23, 2023

HISTORY: On July 25, 2023, the Chief Appraiser certified the 2023 property values.

RATIONALE: In accordance with section 44.004(i) of the Texas Education Code, a district may not adopt a tax rate before the district receives the certified appraisal roll for the district. The purpose of this agenda item is to accept the certified values as approved by the 2023 Appraisal Review Board and certified by the Chief Appraiser as follows:

Total 2023 taxable value on the 2023 certified appraisal roll today	\$289,630,571
Plus total value of properties under protest or not included on certified appraisal roll	\$2,277,934
Less 2023 tax ceilings	\$7,846,394
Equals 2023 total taxable value	\$284,062,111

This information is derived from lines 17-20 of the attached Form 50-859, 2023 Tax Rate Calculation Worksheets – School Districts.

BUDGET IMPACT: None.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to accept the certified values as presented.

Please check one: For approval Report / Information only Recognition only

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

School Districts without Chapter 313 Agreements

SAN ELIZARIO I.S.D.

915-872-3900

School District's Name

1050 Chicken Ranch Road, San Elizario, Texas, 79849

Phone (area code and number)

www.seisd.net

School District's Address, City, State, ZIP Code

School District's Website Address

GENERAL INFORMATION: Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the no-new-revenue tax rate and voter-approval tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll or certified estimate of value and the estimated values of properties under protest. The designated officer or employee shall certify that the officer or employee has accurately calculated the tax rates and used values shown for the certified appraisal roll or certified estimate. The officer or employee submit the rates to the governing body by Aug. 7 or as soon thereafter as practicable. Tax code Section 26.04(e-1) does not require school districts to certify tax rate calculations or comply with certain Tax Code notice requirements. School districts are required to provide notice regarding tax rate calculations pursuant to Education Code Chapter 44.

This worksheet is for **school districts without Chapter 313 agreements only**. School districts that have a Chapter 313 agreement should use Comptroller Form 50-884 *Tax Rate Calculation Worksheet, School Districts with Chapter 313 Agreements*.

Water districts as defined under Water Code Section 49.001(1) do not use this form. Use Comptroller Form 50-858 *Water District Voter-Approval Tax Rate Worksheet for Low Tax Rate and Developing Districts* or Comptroller Form 50-860 *Developed Water District Voter-Approval Tax Rate Worksheet*.

All other taxing units should use Comptroller Form 50-856 *Tax Rate Calculation, Taxing Units Other Than School Districts or Water Districts*.

The Comptroller's office provides this worksheet to assist taxing units in determining tax rates. The Texas Education Agency (TEA) provides detailed information on and guidance to school districts in calculating their tax rates. Please review and rely on information provided by TEA when completing this worksheet. Additionally, the information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

SECTION 1: No-New-Revenue Tax Rate

The no-new-revenue (NNR) tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of revenue if applied to the same properties that are taxed in both years (no new taxes). When appraisal values increase, the NNR tax rate should decrease.

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
1.	2022 total taxable value. Enter the amount of 2022 taxable value on the 2022 tax roll today. Include any adjustments since last year's certification; exclude one-fourth and one-third over-appraisal corrections made under Tax Code Section 25.25(d) from these adjustments. Exclude any property value subject to an appeal under Chapter 42 as of July 25 (will add undisputed value in Line 6). This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2). ¹	\$334,209,292
2.	2022 tax ceilings. Enter 2022 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. ²	\$25,887,903
3.	Preliminary 2022 adjusted taxable value. Subtract Line 2 from Line 1.	\$308,321,389
4.	2022 total adopted tax rate.	\$1.053000/\$100
5.	2022 taxable value lost because court appeals of ARB decisions reduced 2022 appraised value.	
	A. Original 2022 ARB values: \$6,146,103	
	B. 2022 values resulting from final court decisions: – \$4,539,455	
	C. 2022 value loss. Subtract B from A. ³	\$1,606,648
6.	2022 taxable value subject to an appeal under Chapter 42, as of July 25.	
	A. 2022 ARB certified value: \$448,450	
	B. 2022 disputed value: – \$314,918	
	C. 2022 undisputed value. Subtract B from A. ⁴	\$133,532
7.	2022 Chapter 42-related adjusted values. Add Line 5 and 6.	\$1,740,180
8.	2022 taxable value, adjusted for actual and potential court-ordered adjustments. Add Line 3 and Line 7.	\$310,061,569

¹ Tex. Tax Code § 26.012(14)

² Tex. Tax Code § 26.012(14)

³ Tex. Tax Code § 26.012(13)

⁴ Tex. Tax Code § 26.012(13)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
9.	2022 taxable value of property in territory the school deannexed after Jan. 1, 2022. Enter the 2022 value of property in deannexed territory. ⁵	\$0
10.	<p>2022 taxable value lost because property first qualified for an exemption in 2023. If the school district increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport goods-in-transit, or temporary disaster exemptions. Note that lowering the amount or percentage of an existing exemption in 2023 does not create a new exemption or reduce taxable value.</p> <p>A. Absolute exemptions. Use 2022 market value: \$277,432</p> <p>B. Partial exemptions. 2023 exemption amount or 2023 percentage exemption times 2022 value: + \$89,502,728</p> <p>C. Value loss. Add A and B. ⁶</p>	\$89,780,160
11.	<p>2022 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/ scenic appraisal or public access airport special appraisal in 2023. Use only properties that qualified in 2023 for the first time; do not use properties that qualified in 2022.</p> <p>A. 2022 market value. \$0</p> <p>B. 2023 productivity or special appraised value: - \$0</p> <p>C. Value loss. Subtract B from A. ⁷</p>	\$0
12.	Total adjustments for lost value. Add Lines 9, 10C and 11C.	\$89,780,160
13.	Adjusted 2022 taxable value. Subtract Line 12 from Line 8.	\$220,281,409
14.	Adjusted 2022 total levy. Multiply Line 4 by Line 13 and divide by \$100.	\$2,319,563
15.	Taxes refunded for years preceding tax year 2022. Enter the amount of taxes refunded by the district for tax years preceding tax year 2022. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2022. This line applies only to tax years preceding tax year 2022. ⁸	\$ <u>32,268</u>
16.	<p>Adjusted 2022 levy with refunds. Add Line 14 and Line 15. ⁹</p> <p>Note: If the governing body of the school district governs a junior college district in a county with a population of more than two million, subtract the amount of taxes the governing body dedicated to the junior college district in 2022 from the result.</p>	\$ <u>2,351,831</u>
17.	<p>Total 2023 taxable value on the 2023 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in line 19). These homesteads include homeowners age 65 or older or disabled. ¹⁰</p> <p>A. Certified values.¹¹ \$289,630,571</p> <p>B. Pollution control and energy storage system exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property: - \$0</p> <p>C. Total 2023 value. Subtract B from A.</p>	\$289,630,571

⁵ Tex. Tax Code § 26.012(15)

⁶ Tex. Tax Code § 26.012(15)

⁷ Tex. Tax Code § 26.012(15)

⁸ Tex. Tax Code § 26.012(13)

⁹ Tex. Tax Code § 26.012(13)

¹⁰ Tex. Tax Code §§ 26.012, 26.04(c-2)

¹¹ Tex. Tax Code § 26.012(6)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
18.	Total value of properties under protest or not included on certified appraisal roll. ¹²	
	A. 2023 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district’s value and the taxpayer’s claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value under protest. ¹³	\$2,277,934
	B. 2023 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives school districts a list of those taxable properties that the chief appraiser knows about but are not included in the appraisal roll certification. These properties are also not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value not on the roll. +	\$0
	C. Total value under protest or not certified. Add A and B.	\$2,277,934
19.	2023 tax ceilings. Enter 2023 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. ¹⁵	\$7,846,394
20.	2023 total taxable value. Add Lines 17C and 18C. Subtract Line 19.	\$284,062,111
21.	Total 2023 taxable value of properties in territory annexed after Jan. 1, 2022. Include both real and personal property. Enter the 2023 value of property in territory annexed by the school district.	\$0
22.	Total 2023 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2022. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the school district after Jan. 1, 2022, and be located in a new improvement.	\$8,464,304
23.	Total adjustments to the 2023 taxable value. Add lines 21 and 22.	\$8,464,304
24.	Adjusted 2023 taxable value. Subtract line 23 from line 20.	\$275,597,807
25.	2023 NNR tax rate. Divide line 16 by line 24 and multiply by \$100.	\$ <u>0.8534</u> / \$100

¹² Tex. Tax Code § 26.01(c) and (d)
¹³ Tex. Tax Code § 26.01(c)
¹⁴ Tex. Tax Code § 26.01(d)
¹⁵ Tex. Tax Code § 26.012(6)(B)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
20.	2023 total taxable value. Add Lines 17C and 18C. Subtract Line 19.	\$ <u>see previous page</u>
21.	Total 2023 taxable value of properties in territory annexed after Jan. 1, 2022. Include both real and personal property. Enter the 2023 value of property in territory annexed by the school district.	\$ <u>see previous page</u>
22.	Total 2023 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2022. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the school district after Jan. 1, 2022, and be located in a new improvement.	\$ <u>see previous page</u>
23.	Total adjustments to the 2023 taxable value. Add lines 21 and 22.	\$ <u>see previous page</u>
24.	Adjusted 2023 taxable value. Subtract line 23 from line 20.	\$ <u>see previous page</u>
25.	2023 NNR tax rate. Divide line 16 by line 24 and multiply by \$100.	see previous \$ <u>page</u> /\$100

SECTION 2: Voter-Approval Tax Rate

The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. Most school districts calculate a voter-approval tax rate that is split into three separate rates.¹⁸

- Maximum Compressed Tax Rate (MCR):** A district’s maximum compressed tax rate is defined as the tax rate for the current tax year per \$100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment.¹⁹
- Enrichment Tax Rate:**²⁰ A district’s enrichment tax rate is defined as any tax effort in excess of the district’s MCR and less than \$0.17. The enrichment tax rate is divided into golden pennies and copper pennies. School districts can claim up to 8 golden pennies, not subject to compression, and 9 copper pennies which are subject to compression with any increases in the guaranteed yield.²¹
- Debt Rate:** The debt rate includes the debt service necessary to pay the school district’s debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The MCR and Enrichment Tax Rate added together make up the school district’s maintenance and operations (M&O) tax rate. Districts cannot increase the district’s M&O tax rate to create a surplus in M&O tax revenue for the purpose of paying the district’s debt service.²²

If a school district adopted a tax rate that exceeded its voter-approval tax rate without holding an election to respond to a disaster in the prior year, as allowed by Tax Code Section 26.042(e), the school district may not consider the amount by which it exceeded its voter-approval tax rate (disaster pennies) in the calculation this year. This adjustment will be made in Section 4 of this worksheet.

A district must complete an efficiency audit before seeking voter approval to adopt a M&O tax rate higher than the calculated M&O tax rate, hold an open meeting to discuss the results of the audit, and post the results of the audit on the district’s website 30 days prior to the election.²³ Additionally, a school district located in an area declared a disaster by the governor may adopt a M&O tax rate higher than the calculated M&O tax rate during the two-year period following the date of the *declaration without conducting an efficiency audit*.²⁴

Districts should review information from TEA when calculating their voter-approval tax rate.

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
26.	2023 maximum compressed tax rate (MCR). TEA will publish compression rates based on district and statewide property value growth. Enter the school districts’ maximum compressed rate based on guidance from TEA. ²⁵	\$ _____ /\$100
27.	2023 enrichment tax rate. Enter the greater of A and B. ²⁶ A. Enter the district’s 2022 enrichment tax rate, minus any required reduction under Education Code Section 48.202(f) \$ _____ /\$100 B. \$0.05 per \$100 of taxable value \$ _____ /\$100	\$ _____ /\$100
28.	2023 maintenance and operations (M&O) tax rate. Add Lines 26 and 27. Note: M&O tax rate may not exceed the sum of \$0.17 and the district’s maximum compressed rate. ²⁷	\$ _____ /\$100

¹⁶ [Reserved for expansion]
¹⁷ [Reserved for expansion]
¹⁸ Tex. Tax Code §26.08(n)
¹⁹ Tex. Edu. Code §48.2551(a)(3)
²⁰ Tex. Tax Code §26.08(i) and Tex. Edu. Code §45.0032
²¹ Tex. Edu. Code §§48.202(a-1)(2) and 48.202(f)
²² Tex. Edu. Code §45.0021(a)
²³ Tex. Edu. Code §11.184(b)
²⁴ Tex. Edu. Code §11.184(b-1)
²⁵ Tex. Edu. Code §§48.255, 48.2551(b)(1) and (b)(2)
²⁶ Tex. Tax Code §26.08(n)(2)
²⁷ Tex. Edu. Code §45.003(d)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
29.	<p>Total 2023 debt to be paid with property tax revenue. Debt means the interest and principal that will be paid on debts that:</p> <ul style="list-style-type: none"> (1) Are paid by property taxes; (2) Are secured by property taxes; (3) Are scheduled for payment over a period longer than one year; and (4) Are not classified in the school district's budget as M&O expenses. <p>A. Debt includes contractual payments to other school districts that have incurred debt on behalf of this school district, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. If the governing body of a taxing unit authorized or agreed to authorize a bond, warrant, certificate of obligation, or other evidence of indebtedness on or after Sept. 1, 2021, verify if it meets the amended definition of debt before including it here.²⁸ Enter debt amount: \$ _____</p> <p>B. Subtract unencumbered fund amount used to reduce total debt. - \$ _____</p> <p>C. Subtract state aid received for paying principal and interest on debt for facilities through the existing debt allotment program and/or instructional facilities allotment program. - \$ _____</p> <p>D. Adjust debt: Subtract B and C from A.</p>	\$ _____
30.	Certified 2022 excess debt collections. Enter the amount certified by the collector. ²⁹	\$ _____
31.	Adjusted 2023 debt. Subtract line 30 from line 29D.	\$ _____
32.	<p>2023 anticipated collection rate. If the anticipated rate in A is lower than actual rates in B, C and D, enter the lowest rate from B, C and D. If the anticipated rate in A is higher than at least one of the rates in the prior three years, enter the rate from A. Note that the rate can be greater than 100%.³⁰</p> <ul style="list-style-type: none"> A. Enter the 2023 anticipated collection rate certified by the collector.³¹ _____ % B. Enter the 2022 actual collection rate _____ % C. Enter the 2021 actual collection rate _____ % D. Enter the 2020 actual collection rate _____ % 	_____ %
33.	<p>2023 debt adjusted for collections. Divide Line 31 by Line 32.</p> <p>Note: If the governing body of the school district governs a junior college district in a county with a population of more than two million, add the amount of taxes the governing body proposes to dedicate to the junior college district in 2023 to the result.</p>	\$ _____
34.	2023 total taxable value. Enter the amount on Line 20 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ _____
35.	2023 debt rate. Divide Line 33 by Line 34 and multiply by \$100.	\$ _____ /\$100
36.	<p>2023 voter-approval tax rate. Add Lines 28 and 35.</p> <p>If the school district received distributions from an equalization tax imposed under former Chapter 18, Education Code, add the NNR tax rate as of the date of the county unit system's abolition to the sum of Lines 28 and 35.³²</p>	\$ _____ /\$100

SECTION 3: Voter-Approval Tax Rate Adjustment for Pollution Control

A school district may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The school district's expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The school district must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a school district that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
37.	<p>Certified expenses from the Texas Commission on Environmental Quality (TCEQ). Enter the amount certified in the determination letter from TCEQ.³³ The school district shall provide its tax assessor with a copy of the letter.³⁴</p>	\$ _____

²⁸ Tex. Tax Code §26.012(7)
²⁹ Tex. Tax Code §§26.012(10) and 26.04(b)
³⁰ Tex. Tax Code §§26.04(h), (h-1) and (h-2)
³¹ Tex. Tax Code §26.04(b)
³² Tex. Tax Code §26.08(g)
³³ Tex. Tax Code §26.045(d)
³⁴ Tex. Tax Code §26.045(i)

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
38.	2023 total taxable value. Enter the amount on Line 20 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ _____
39.	Additional rate for pollution control. Divide line 37 by line 38 and multiply by \$100.	\$ _____/\$100
40.	2023 voter-approval tax rate, adjusted for pollution control. Add line 36 and line 39.	\$ _____/\$100

SECTION 4: Voter-Approval Tax Rate Adjustment in Year Following Disaster

If a school district adopted a tax rate that exceeded its voter-approval tax rate without holding an election to respond to a disaster in the prior year, as allowed by Tax Code Section 26.042(e), the school district may not consider the amount by which it exceeded its voter-approval tax rate in the calculation this year.³⁵ As such, it must reduce its voter-approval tax rate for the current tax year.

This section applies to a school district in a disaster area that adopts a tax rate greater than its voter-approval tax rate without holding an election in the prior year, as provided for by Tax Code Section 26.042(e).

Line	Prior Year Disaster Adjustment Worksheet	Amount/Rate
41.	2022 adopted tax rate. Enter the rate in Line 4 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ _____/\$100
42.	2022 voter-approval tax rate. If the school district adopted a tax rate above the 2022 voter-approval tax rate without holding an election due to a disaster, enter the voter-approval tax rate from the prior year's worksheet.	\$ _____/\$100
43.	Increase in 2022 tax rate due to disaster (disaster pennies). Subtract Line 42 from Line 41.	\$ _____/\$100
44.	2023 voter-approval tax rate, adjusted for prior year disaster. Subtract Line 43 from one of the following lines (as applicable): Line 36 or Line 40 (school districts with pollution control).	\$ _____/\$100

SECTION 5: Total Tax Rate

Indicate the applicable total tax rates as calculated above.

No-New-Revenue Tax Rate \$ _____/\$100

Enter the 2023 NNR tax rate from Line 25.

Voter-Approval Tax Rate \$ _____/\$100

As applicable, enter the 2023 voter-approval tax rate from Line 36, Line 40 or Line 44. Indicate the line number used: _____

SECTION 6: School District Representative Name and Signature

Enter the name of the person preparing the tax rate as authorized by the governing body of the school district. By signing below, you certify that you are the designated officer or employee of the school district and have calculated the tax rates in accordance with requirements in Tax Code and Education Code.³⁶

print here ▶

Printed Name of School District Representative

sign here ▶

Norberto Rivas

School District Representative

Date

³⁵ Tex. Tax Code §26.042(f) and Tex. Edu. Code §45.0032(d)
³⁶ Tex. Tax Code §26.04(c)



San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Blanca I. Cruz, Human Resources Director
Subject: Contract/off-duty Peace Officer's Pay Rate
Date: August 23, 2023

HISTORY: Currently, law enforcement officers who work for SEISD are compensated according to industry rates published by the US Bureau of Labor Statistics not exceeding 90% of the national hourly wage average. Law enforcement officers' services are sought during High School Graduation. In addition, due to the passing of House Bill 3 addressing school safety and security, effective September 1, 2023, the Board of Trustees is required to provide commissioned peace officers for each district campus.

RATIONALE: The Texas Education Code 37.0814 requires an armed security officer at each campus during regular school hours, and each armed security officer must be either a school district peace officer, school resource officer, or commissioned peace officer employed as security (referred to collectively as "commissioned peace officer"). The current hourly wage for law enforcement officers is \$50 p/hour. Given the need to attract peace officers to our district, the administration recommends increasing the hourly rate to \$60 per hour for a 4-hour minimum.

BUDGET: Dependent on the district's need and the number of off-duty Peace Officers contracted by the district.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to approve the change to the miscellaneous pay chart to compensate off-duty Peace Officers \$60 p/hour for a minimum of 4 hours. This rate will replace the law enforcement pay rate.

Please check one: For approval Report / Information only Recognition only
 Attachment Included

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.



San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Associate Superintendent
Subject: Revised Student Code of Conduct 2023 -2024
Date: August 23, 2023

HISTORY:

As per Legal Policy FO, the Board shall adopt a Student Code of Conduct for a district. The Code of Conduct is an informational document and does not supersede any Board policies already in place by the Board of Trustees. When in question, Board policy will always be referenced as the primary guide in addition to TEA guidelines and the Texas Education Code. Note: The student code of conduct is subject to change based on legislative updates.

RATIONALE:

In accordance with Education Code Chapter 37, rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin. At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be: Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and made available on the District's website and/or as a hard copy to students, parents, teachers, administrators, and others on request. Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students, parents, teachers, administrators, and others. A major change to the Student Code of Conduct is that e-cigarettes (tobacco) are now a mandatory alternative education placement.

BUDGET:

There is no budget impact.

ADMINISTRATIVE RECOMMENDATION:

The Administrative recommendation is that the Board of Trustees approve the 2023 - 2024 SEISD Code of Conduct.

Please check one: For approval Attachment Report / Information only
 Recognition only

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

2023-2024



Student Code of Conduct

Adopted August 23, 2023

Contents

San Elizario Independent School District Student Code of Conduct1

Student Code of Conduct.....2

 Accessibility2

 Purpose.....2

School District Authority and Jurisdiction3

 Campus Behavior Coordinator.....3

 Threat Assessment and Safe and Supportive School Team3

 Searches3

 Reporting Crimes4

 Security Personnel.....4

 “Parent” Defined.....4

 Participating in Graduation Activities4

 Unauthorized Persons5

Standards for Student Conduct6

General Conduct Violations7

 Disregard for Authority7

 Mistreatment of Others7

 Property Offenses8

 Possession of Prohibited Items.....8

 Possession of Telecommunications or Other Electronic Devices.....9

 Illegal, Prescription, and Over-the-Counter Drugs9

 Misuse of Technology Resources and the Internet.....9

 Safety Transgressions10

 Miscellaneous Offenses.....10

Discipline Management Techniques11

 Students with Disabilities11

 Techniques11

 Prohibited Aversive Techniques12

 Notification13

 Appeals13

Removal from the School Bus14

Removal from the Regular Educational Setting15

 Routine Referral15

 Formal Removal.....15

Student Code of Conduct

Returning a Student to the Classroom	15
Out-of-School Suspension	16
Misconduct	16
Process	16
Coursework During Suspension	17
Disciplinary Alternative Education Program (DAEP) Placement.....	18
Discretionary Placement: Misconduct That May Result in DAEP Placement	18
Mandatory Placement: Misconduct That Requires DAEP Placement	19
Sexual Assault and Campus Assignments	20
Process	20
Length of Placement	22
Appeals	22
Restrictions During Placement.....	23
Placement Review	23
Additional Misconduct	24
Notice of Criminal Proceedings.....	24
Withdrawal During Process.....	24
Newly Enrolled Students	25
Emergency Placement Procedure	25
Transition Services	25
Placement and/or Expulsion for Certain Offenses.....	26
Registered Sex Offenders.....	26
Certain Felonies	26
Expulsion	29
Discretionary Expulsion: Misconduct That May Result in Expulsion.....	29
Mandatory Expulsion: Misconduct That Requires Expulsion	31
Under Age Ten.....	32
Process	32
Length of Expulsion	34
Withdrawal During Process.....	34
Additional Misconduct	34
Restrictions During Expulsion	34
Newly Enrolled Students	34
Emergency Expulsion Procedures	35
DAEP Placement of Expelled Students	35
Transition Services	35

Glossary.....36

San Elizario Independent School District Student Code of Conduct

2023-24 School Year

If you have difficulty accessing the information in this document because of disability, please contact Mrs. April Marioni at amarioni@seisd.net or call 915-872-3900.

Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Mrs. April Marioni at amarioni@seisd.net or call 915-872-3900.

Purpose

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

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences, including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Code of Conduct has been adopted by the *SEISD* board of trustees and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code of Conduct remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version for the next school year.

In accordance with state law, the Code of Conduct shall be posted at each school campus or shall be available for review at the campus principal’s office. Additionally, the Code of Conduct shall be available at the campus behavior coordinator’s office and posted on the district’s website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

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

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

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

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

Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal or any other campus administrator selected by the principal. The CBC is primarily responsible for maintaining student discipline. The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at www.seisd.net and at <https://www.seisd.net/domain/247>

Threat Assessment and Safe and Supportive School Team

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

Searches

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

School District Authority and Jurisdiction

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

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

Reporting Crimes

The CBC and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

Security Personnel

The board utilizes school resource officers (SROs), *and* security personnel to ensure the security and protection of students, staff, and property. In accordance with law, the board has coordinated with the CBC and other district employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the CKE policy series.

The law enforcement duties of school resource officers and district security personnel are: A district peace officer, a school resource officer, and security personnel shall perform law enforcement duties for the school district that must include protecting the safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and the property of the school district.

“Parent” Defined

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

Participating in Graduation Activities

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code of Conduct.

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

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

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

Unauthorized Persons

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

School District Authority and Jurisdiction

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

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

See **DAEP—Restrictions During Placement** on page 23 for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-School Suspension** on page 16, **DAEP Placement** on page 17, **Placement and/or Expulsion for Certain Offenses** on page 26, and **Expulsion** on page 29, those offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in **Removal from the Regular Educational Setting** as detailed on page 15.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 26.)
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See **glossary**.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See **glossary**.)
- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail.
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 26.)
- Deface or damage school property, including textbooks, technology and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 26.)
- Enter, without authorization, district facilities that are not open for operations.

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- *A location-restricted knife;
- *A club;
- *A firearm;
- A stun gun;
- Knuckles;
- A pocketknife or any other small knife;
- Pornographic material;
- Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*For weapons and firearms, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 26. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cell phone, or other electronic device in violation of district and campus rules.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** on page 17 and **Expulsion** on page 29 for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See **glossary** for “abuse.”)
- Abuse over-the-counter drugs. (See **glossary** for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment to body or mind. (See **glossary** for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

General Conduct Violations

- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Truancy/Persistent tardies/Unexcused Absences: No more than 5 parent/guardian notes allowed for habitual offenders.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Discipline Management Techniques

Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Code of Conduct. In the event of any conflict, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

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

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

Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.

Discipline Management Techniques

- Detention, including outside regular school hours.
- Sending the student to the office, another assigned area, or to in-school suspension (ISS).
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in **Out-of-School Suspension** on page 16.
- Placement in a DAEP, as specified in **DAEP** on page 17.
- Expulsion and/or placement in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses** on page 26.
- Expulsion, as specified in **Expulsion** on page 29.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Prohibited Aversive Techniques

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.

Discipline Management Techniques

- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Notification

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

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

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or CBC, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the CBC's office, or the central administration office or through Policy Online® at the following address:
<https://pol.tasb.org/PolicyOnline?key=439>

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

Removal from the School Bus

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

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

Removal from the Regular Educational Setting

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

Routine Referral

A routine referral occurs when a teacher sends a student to the CBC's office as a discipline management technique. The CBC shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code of Conduct to maintain effective discipline in the classroom.

Formal Removal

A teacher may initiate a formal removal from class if:

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

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

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

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

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

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

Returning a Student to the Classroom

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

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

Out-of-School Suspension

Misconduct

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

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

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

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

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

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

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

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

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

Coursework During Suspension

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

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

Disciplinary Alternative Education Program (DAEP) Placement

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 6 and secondary classification shall be grades 7–12.

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

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

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary Placement: Misconduct That May Result in DAEP Placement

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

Misconduct Identified in State Law

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

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)
- Criminal mischief, not punishable as a felony.
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.

Disciplinary Alternative Education Program (DAEP) Placement

- Assault by offensive or provocative physical contact.

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

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

Mandatory Placement: Misconduct That Requires DAEP Placement

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- Commits the following offenses on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see **glossary**) under Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in **Expulsion** on page 29.) (See **glossary** for "under the influence", "controlled substance," and "dangerous drug.")
 - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
 - 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.
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Sells, gives, or delivers to another person or possesses or uses an e-cigarette.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
 - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is six to nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in **Expulsion** on page 29.)

Disciplinary Alternative Education Program (DAEP) Placement

- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 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

A student shall be transferred to another campus if:

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

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

Process

Removals to a DAEP shall be made by the CBC.

Conference

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

At the conference, the CBC or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

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

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,

Disciplinary Alternative Education Program (DAEP) Placement

5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Placement Order

After the conference, if the student is placed in a DAEP, the CBC shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services 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 a DAEP and the length of placement is inconsistent with the guidelines included in this Code of Conduct, the placement order shall give notice of the inconsistency.

DAEP at Capacity

If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

Coursework Notice

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

Length of Placement

The CBC shall determine the duration of a student's placement in a DAEP.

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

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

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

Disciplinary Alternative Education Program (DAEP) Placement

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

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

Exceeds School Year

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

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

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

Exceeds 60 Days

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

Appeals

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

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the CBC's office, the central administration office, or through Policy Online® at the following address: <https://pol.tasb.org/PolicyOnline?key=439>

Appeals shall begin at *Level One* with the *principal*.

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

Restrictions During Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

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

Disciplinary Alternative Education Program (DAEP) Placement

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony subject to a review. The student will not be permitted to participate in related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

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

Additional Misconduct

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

Notice of Criminal Proceedings

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

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

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

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

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

Disciplinary Alternative Education Program (DAEP) Placement

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

Newly Enrolled Students

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

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

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

Emergency Placement Procedure

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

Transition Services

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

Placement and/or Expulsion for Certain Offenses

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Students

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

Appeal

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

Certain Felonies

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

Placement and/or Expulsion for Certain Offenses

- Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- 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;
- Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- 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
- Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Placement Review

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

Placement and/or Expulsion for Certain Offenses

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 CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement** on page 17.)

Any Location

A student **may** be expelled for:

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

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

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

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See **glossary** for "under the influence.")
- Selling, giving, or delivering another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See **glossary**.)

Within 300 Feet of School

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See **glossary**.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Manslaughter.
- Criminally negligent homicide.
- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony controlled substance or dangerous drug offenses, not including THC.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)

Property of Another District

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

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

While in a DAEP

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

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

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

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

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

Under the Penal Code

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

- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See **glossary**.)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See **glossary**.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or disabled individual.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

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

Process

If a student is believed to have committed an expellable offense, the CBC 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 CBC or other administrator may place the student in:

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

Hearing

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

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,

2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

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

The board of trustees delegates to the associate superintendent authority to conduct hearings and expel students.

Board Review of Expulsion

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

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

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

Expulsion Order

Before ordering the expulsion, the board or CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

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

Not later than the second business day after the hearing, the associate superintendent shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

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

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

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

Withdrawal During Process

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

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

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

Additional Misconduct

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

Restrictions During Expulsion

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

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

Newly Enrolled Students

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

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

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

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

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

Emergency Expulsion Procedures

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

DAEP Placement of Expelled Students

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

Transition Services

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

Glossary

Abuse is improper or excessive use.

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

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

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

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

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

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

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

school district property or information or commits a breach of any other computer, computer network, or computer system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Such term does not include an antique firearm.

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

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

Harassment includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Education Code 37.001(b)(2); or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
 - c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
 - d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
 - e. Making a telephone call and intentionally failing to hang up or disengage the connection;
 - f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
 - g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

- h. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or
- i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

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

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated. **Hit list** is defined in Education Code 37.001(b)(3) as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

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

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

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

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

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

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

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

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

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

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

1. Clothing, purse, or backpack;
2. A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;
3. Telecommunications or electronic devices; or
4. Any school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapon under Penal Code 46.05(a) means:

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

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

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

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

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

Serious misbehavior means:

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

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

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

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

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

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

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

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

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

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

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

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

2023-2024



Código de Conducta Estudiantil

Adoptado el 23 de agosto

Tabla de Contenidos

Código de Conducta Estudiantil de San Elizario	iii
Código de Conducta Estudiantil.....	1
Accesibilidad	1
Propósito.....	1
Autoridad y jurisdicción del distrito escolar	2
Coordinador de conducta del campus	2
Equipo escolar de evaluación de amenazas y de seguridad y apoyo	2
Registros.....	3
Denuncia de delitos	3
Personal de seguridad	3
Definición de “padre”	3
Participación en actividades de graduación.....	3
Personas no autorizadas	4
Estándares de conducta estudiantil.....	5
Infracciones generales de conducta	6
Desobediencia a la autoridad	6
Maltrato a otras personas	6
Infracciones a la propiedad.....	7
Posesión de artículos prohibidos	7
Posesión de dispositivos de telecomunicaciones u otros dispositivos electrónicos	8
Drogas ilegales, medicamentos recetados y de venta libre.....	8
Mal uso de recursos de tecnología e internet.....	8
Transgresiones de seguridad	9
Infracciones varias	9
Técnicas de administración disciplinaria	11
Estudiantes con discapacidades.....	11
Técnicas.....	11
Técnicas aversivas prohibidas.....	12
Notificación	13
Apelaciones	13
Remoción del autobús escolar	14
Remoción del entorno educativo regular	15
Derivación de rutina	15
Remoción formal.....	15
Regresar a un estudiante al salón de clase.....	15
Suspensión fuera de la escuela.....	17

Mala conducta.....	17
Proceso.....	17
Trabajo de clase durante la suspensión	18
Asignación al Programa Disciplinario de Educación Alternativa (DAEP)	19
Asignación discrecional: Mala conducta que puede dar como resultado la asignación a un DAEP	19
Asignación obligatoria: Mala conducta que requiere asignación a un DAEP	20
Agresión sexual y asignaciones de campus	21
Proceso.....	21
Duración de una asignación	23
Apelaciones	24
Restricciones durante la asignación	24
Revisión de asignación	25
Mala conducta adicional	25
Aviso de actuaciones penales	25
Baja durante el proceso	26
Estudiantes recién matriculados	26
Procedimiento de asignación de emergencia	26
Servicios de transición	27
Asignación y/o expulsión por ciertas infracciones	28
Delincuentes sexuales registrados	28
Determinados delitos mayores	28
Expulsión	31
Expulsión discrecional: Mala conducta que puede dar como resultado la expulsión	31
Expulsión obligatoria: Mala conducta que requiere expulsión	33
Menos de diez años.....	34
Proceso.....	34
Duración de la expulsión.....	36
Baja durante el proceso	36
Mala conducta adicional	36
Restricciones durante la expulsión	37
Estudiantes recién matriculados	37
Procedimientos de expulsión de emergencia	38
Asignación a un DAEP de estudiantes expulsados	38
Servicios de transición	38
Glosario.....	39

Código de Conducta Estudiantil de San Elizario

Año escolar 2023-2024

Si tiene dificultad para acceder a la información de este documento debido a una discapacidad, comuníquese con Mrs. April Marioni at amarioni@seisd.net o hable al 915-872-3900.

Código de Conducta Estudiantil

Accesibilidad

Si tiene dificultad para acceder a la información en este documento debido a una discapacidad, comuníquese con Mrs. April Marioni at amarioni@seisd.net o hable al 915-872-3900.

Propósito

El Código de Conducta Estudiantil (“Código de Conducta”), como lo requiere el Capítulo 37 del Código de Educación de Texas, provee métodos y opciones para manejar la conducta de los estudiantes, prevenir e intervenir en los problemas de disciplina de los estudiantes e imponer disciplina.

La ley exige que el distrito defina la mala conducta que pueda, o deba, dar como resultado consecuencias disciplinarias específicas, incluida la remoción de un salón de clase regular o de la escuela, suspensión fuera de la escuela, asignación a un programa disciplinario de educación alternativa (DAEP), asignación en un programa de educación alternativa de la justicia juvenil (JJAEP), o expulsión de la escuela.

Este Código de Conducta ha sido adoptado por la junta escolar de *SEISD* desarrollado con el asesoramiento del comité de planificación y toma de decisiones a nivel del distrito. Provee información a padres y estudiantes referente a las normas de conducta, consecuencias de la mala conducta y procedimientos para administrar disciplina. Este Código de Conducta continúa en efecto durante la escuela de verano y en todos los eventos y actividades relacionados con la escuela fuera del año escolar hasta que la junta adopte una versión actualizada para el siguiente año escolar.

En conformidad con la ley estatal, el Código de Conducta se publicará en cada campus escolar o estará disponible para revisión en la oficina del director de la escuela. Adicionalmente, el Código de Conducta estará disponible en la oficina del coordinador de conducta del campus y se publicará en el sitio web del distrito. Bajo el Capítulo 37 del Código de Educación, se notificará a los padres sobre cualquier infracción de conducta que pueda dar como resultado la suspensión de un estudiante, asignación a un DAEP o JJAEP, expulsión o arresto por un oficial de la ley.

Dado que la junta escolar del distrito adoptó el Código de Conducta, éste tiene la fuerza del reglamento. En caso de que haya conflicto entre el Código de Conducta y el Manual para Estudiantes, el Código de Conducta prevalecerá.

Advierta que: La disciplina de los estudiantes discapacitados que reúnen los requisitos para recibir servicios bajo la ley federal (Ley de Educación de Estudiantes Discapacitados y la Sección 504 de la Ley de Rehabilitación de 1973) está sujeta a las disposiciones de esas leyes.

Autoridad y jurisdicción del distrito escolar

Las reglas de la escuela y la autoridad del distrito para administrar disciplina se aplican siempre que haya interés del distrito, dentro o fuera de la propiedad escolar, junto o independientemente de las clases y actividades patrocinadas por la escuela.

El distrito tiene autoridad disciplinaria sobre un estudiante:

1. Durante el día escolar regular;
2. Mientras el estudiante viaja en transporte del distrito;
3. Durante los periodos de almuerzo cuando un estudiante tenga permitido salir del campus;
4. En cualquier actividad relacionada con la escuela, sin importar la hora o el lugar;
5. Por cualquier mala conducta relacionada con la escuela, sin importar la hora o el lugar;
6. Cuando ocurra una represalia o amenaza en contra de un empleado de la escuela, miembro de la junta o voluntario, sin importar la hora o el lugar;
7. Cuando un estudiante participe en intimidación cibernética (cyberbullying), como se define en el Código de Educación 37.0832;
8. Cuando se cometa mala conducta delictiva dentro o fuera de la propiedad escolar o en un evento relacionado con la escuela;
9. Por ciertas infracciones cometidas dentro de 300 pies desde la propiedad escolar según lo medido desde cualquier punto del límite del inmueble escolar;
10. Por ciertas infracciones cometidas en la propiedad escolar o mientras asiste a una actividad patrocinada por la escuela o relacionada con la escuela de otro distrito en Texas;
11. Cuando el estudiante cometa un delito mayor, de acuerdo al Código de Educación 37.006 o 37.0081; y
12. Cuando el estudiante deba registrarse como delincuente sexual.

Coordinador de conducta del campus

En conformidad con la ley, se debe designar a una persona en cada escuela que tenga la función de coordinador de conducta del campus (CBC). La persona designada puede ser el director del campus u otro administrador seleccionado por el director. El CBC es el principal responsable de mantener la disciplina de los estudiantes. El distrito publicará en su sitio web y en el Manual para Estudiantes, para cada campus, la dirección de correo electrónico y el número de teléfono de la persona que actúa como CBC. La información de contacto se encuentra en www.seisd.net y en <https://www.seisd.net/domain/247>

Equipo escolar de evaluación de amenazas y de seguridad y apoyo

El CBC u otro administrador adecuado trabajará estrechamente con el equipo escolar de evaluación de amenazas y de seguridad y apoyo del campus para implementar el reglamento y los procedimientos de evaluación de amenazas del distrito, según lo requerido por la ley, y tomará la medida disciplinaria adecuada en conformidad con el Código de Conducta.

Registros

Los oficiales del distrito pueden realizar registros de estudiantes, sus pertenencias y sus vehículos en conformidad con la ley estatal y federal y el reglamento del distrito. Los registros

Autoridad y jurisdicción del distrito escolar

de estudiantes serán realizados en una manera razonable y no discriminatoria. Para obtener más información sobre investigaciones y registros, ver los reglamentos del distrito en FNF(LEGAL) y FNF(LOCAL).

El distrito tiene el derecho de registrar un vehículo conducido a la escuela por un estudiante y estacionado en la propiedad escolar siempre que exista una sospecha razonable para creer que contiene artículos o materiales prohibidos por el distrito.

Los escritorios, los casilleros, la tecnología provista por el distrito y artículos similares son propiedad del distrito y se proveen para uso del estudiante a efectos de la comodidad. La propiedad del distrito está sujeta a registro o inspección en cualquier momento sin previo aviso.

Denuncia de delitos

El director o CBC y otros administradores escolares, según corresponda, denunciarán delitos de acuerdo a lo que exige la ley y llamarán a la policía cuando un administrador sospeche que se ha cometido un crimen en el campus.

Personal de seguridad

La junta utiliza oficiales de recursos escolares (SRO por sus siglas en inglés), y personal de seguridad] para garantizar la seguridad y protección de los estudiantes, el personal y la propiedad. En conformidad con la ley, la junta se ha puesto de acuerdo con el CBC y otros empleados del distrito para garantizar la asignación de funciones de orden público adecuadas a estas personas. Las disposiciones que abordan los diversos tipos de personal de seguridad se pueden encontrar en la serie de reglamentos CKE.

Los deberes de aplicación de la ley de los oficiales de recursos escolares y del personal de seguridad son: Un oficial de paz del distrito, un oficial de recursos escolares y el personal de seguridad realizarán tareas de aplicación de la ley para el distrito escolar que deben incluir la protección de la seguridad y el bienestar de cualquier persona bajo la jurisdicción del oficial de paz, oficial de recursos o personal de seguridad; y la propiedad del distrito escolar.

Definición de “padre”

En todo el Código de Conducta y reglamentos de disciplina relacionados, el término “padre” incluye padre, madre, tutor legal u otra persona que tiene control legal del menor.

Participación en actividades de graduación

El distrito tiene derecho de limitar la participación de un estudiante en actividades de graduación por violar el Código de Conducta del distrito.

La participación podría incluir una función de orador, de acuerdo a lo establecido por el reglamento y los procedimientos del distrito.

Los estudiantes que cumplen con los requisitos de elegibilidad para dar los comentarios de apertura y cierre en la graduación serán notificados por el director del campus. No obstante cualquier otro requisito de elegibilidad, para ser considerado elegible, un estudiante no debe haber sido partícipe en ninguna mala conducta que dé como resultado una suspensión fuera de la escuela, la remoción a un DAEP o expulsión durante el semestre inmediatamente anterior a la graduación.

El valedictorian y el salutatorian también pueden tener roles de orador en la graduación. Ningún estudiante será elegible para tener un rol de orador si participó en una mala conducta que

Autoridad y jurisdicción del distrito escolar

resultó en una suspensión fuera de la escuela, la remoción a un DAEP o expulsión durante el semestre inmediatamente anterior a la graduación.

Personas no autorizadas

En conformidad con el Código de Educación 37.105, un administrador escolar, SRO, u oficial de policía del distrito tendrán autoridad de negar la entrada o sacar a una persona de la propiedad del distrito si la persona se niega a salir pacíficamente cuando se le pide y:

1. La persona plantea un riesgo sustancial de daño a alguna persona, o
2. La persona se comporta de una manera inapropiada para el entorno escolar y continúa con dicha conducta después de que se le ha advertido verbalmente que la conducta es inapropiada y puede ocasionar que se le deniegue la entrada o que se le pida que se retire.

En conformidad con los reglamentos FNG(LOCAL) o GF(LOCAL), se pueden presentar apelaciones referentes a la negativa de entrada o peticiones de abandonar la propiedad escolar, según corresponda. Sin embargo, los plazos para los procedimientos de queja del distrito serán ajustados según sea necesario para permitirle a la persona dirigirse a la junta en persona dentro de los 90 días calendario, a menos que la queja se resuelva antes de una audiencia con la junta.

Ver DAEP – Restricciones durante la asignación en la página 24, para obtener información referente a un estudiante asignado a un DAEP al momento de la graduación.

Estándares de conducta estudiantil

Se espera que cada estudiante:

- Demuestre cortesía, incluso cuando otros no la demuestran.
- Se comporte de una manera responsable.
- Ejercer autodisciplina.
- Asista a todas las clases, con regularidad y puntualmente.
- Lleve los materiales adecuados y las tareas a clase.
- Cumpla las normas de aseo y vestimenta del distrito y de la escuela.
- Obedezca todas las reglas de la escuela y del salón de clase.
- Respete los derechos y privilegios de los estudiantes, maestros y otro personal y voluntarios del distrito.
- Respete las pertenencias de los demás, incluida la propiedad e instalaciones del distrito.
- Coopere y asista al personal de la escuela para mantener la seguridad, el orden y la disciplina.
- Cumpla con los requisitos del Código de Conducta Estudiantil.

Infracciones generales de conducta

Las categorías de conducta a continuación están prohibidas en la escuela, en vehículos que sean propiedad del distrito u operados por el distrito, y en todas las actividades relacionadas con la escuela, pero la lista no incluye las infracciones más graves. En las secciones subsiguientes de **Suspensión fuera de la escuela** en la página 17, **Asignación a un DAEP** en la página 19, **Asignación y/o expulsión por ciertas infracciones** en la página 28, y **Expulsión** en la página 31, se incluyen esas infracciones que requieren o permiten consecuencias específicas. Sin embargo, cualquier infracción puede ser lo suficientemente grave para dar como resultado la **Remoción del entorno educativo regular** según se detalla en la página 15.

Desobediencia a la autoridad

Los estudiantes no deben:

- Incumplir las instrucciones dadas por el personal de la escuela.
- Abandonar el terreno escolar ni los eventos patrocinados por la escuela sin autorización.
- Desobedecer las reglas de conducta en los vehículos del distrito.
- Negarse a aceptar la disciplina o consecuencia asignada por un maestro o director.

Maltrato a otras personas

Los estudiantes no deben:

- Usar lenguaje profano o vulgar ni hacer gestos obscenos.
- Pelearse o reñir. (Para agresiones, ver **Asignación a un DAEP y/o expulsión por ciertas infracciones** en la página 28).
- Amenazar a un estudiante, empleado o voluntario del distrito, incluso fuera de la propiedad escolar, si la conducta da como resultado una interrupción considerable al entorno educativo.
- Participar en intimidación escolar (bullying), intimidación cibernética (cyberbullying), acoso o hacer listas negras. (Ver los cuatro términos en el **glosario**).
- Publicar o amenazar con publicar material visual íntimo de un menor o de un estudiante de 18 años de edad o mayor sin el consentimiento del estudiante.
- Participar en acoso sexual o acoso basado en género, o abuso sexual, ya sea mediante palabras, gestos, o cualquier otra conducta, dirigida a otra persona, incluido un estudiante, empleado, miembro de la junta o voluntario del distrito.
- Participar en conducta que constituya violencia en la pareja. (Ver **glosario**).
- Exponer inadecuada o indecentemente las partes íntimas del cuerpo.
- Participar en novatadas maliciosas (hazing). (Ver **glosario**).
- Coaccionar a un individuo para que actúe mediante el uso o la amenaza de fuerza.
- Cometer extorsión o chantaje.
- Participar en una conducta inadecuada de naturaleza verbal, física o sexual dirigida a otra persona, incluido un estudiante, empleado o voluntario del distrito.

Infracciones generales de conducta

- Grabar la voz o imagen de otros sin el consentimiento previo de los individuos que se graban o que interrumpa el entorno educativo o invada la privacidad de otros.

Infracciones a la propiedad

Los estudiantes no deben:

- Dañar ni destruir pertenencias de otros. (Para delitos criminales mayores, ver **Asignación a un DAEP y/o expulsión por ciertas infracciones** en la página 28).
- Desfigurar o dañar la propiedad escolar, incluidos libros de texto, tecnología y recursos electrónicos, casilleros, muebles y otro equipo, con grafiti u otros medios.
- Robar objetos de estudiantes, del personal o de la escuela.
- Cometer o asistir en un hurto o robo, incluso si no constituye un delito mayor en conformidad con el Código Penal. (Para delito de robo mayor, robo agravado y hurto, ver **Asignación a un DAEP y/o expulsión por ciertas infracciones** en la página 28).
- Ingresar, sin autorización, a las instalaciones del distrito que no estén abiertas para las operaciones.

Poseción de artículos prohibidos

Los estudiantes no deben poseer ni usar:

- Armas de fuego de ningún tipo, bombas de humo o fétidas, ni ningún otro artefacto pirotécnico;
- Rastrillo, navaja para cortar cajas, cadena ni ningún otro objeto usado de alguna manera que amenace o cause lesiones físicas a otra persona;
- Un arma de “imitación” con la intención de ser usada como un arma o que se podría percibir como un arma;
- Una pistola de aire o de postas;
- Munición;
- Un instrumento manual diseñado para cortar o penetrar a otra persona al ser lanzado;
- Un silenciador o supresor de arma de fuego;
- *Una navaja restringida en la ubicación;
- *Un garrote;
- *Un arma de fuego;
- Un arma paralizante;
- Manoplas;
- Una navaja de bolsillo u otro tipo de navaja pequeña;
- Material pornográfico;
- Productos de tabaco, cigarrillos, cigarrillos electrónicos, y cualquier componente, pieza o accesorio para un dispositivo de cigarrillo electrónico;
- Fósforos o un encendedor;

Infracciones generales de conducta

- Apuntador láser, a menos que sea para uso aprobado; o
- Cualquier artículo que generalmente no se considera armas, incluidos artículos escolares, cuando el director o su representante determina que existe un peligro.

*Para armas y armas de fuego, ver **Asignación a un DAEP y/o expulsión por ciertas infracciones** en la página 28. En muchas circunstancias, la posesión de estos artículos es sancionable mediante expulsión obligatoria bajo la ley federal o estatal.

Posesión de dispositivos de telecomunicaciones u otros dispositivos electrónicos

Los estudiantes no deben:

- Usar un dispositivo de telecomunicaciones, incluido un teléfono celular u otro dispositivo electrónico, que infrinja las reglas del distrito y de la escuela.

Drogas ilegales, medicamentos recetados y de venta libre

Los estudiantes no deben:

- Poseer, usar, regalar ni vender alcohol o drogas ilegales. (Ver también en **Asignación a un DAEP** en la página 19 y en **Expulsión** en la página 31 las consecuencias obligatorias y permisibles bajo la ley estatal).
- Poseer ni vender semillas ni piezas de marihuana en cantidad menor a la utilizable.
- Poseer, usar, dar o vender parafernalia relacionada con cualquier sustancia prohibida. (Ver “parafernalia” en el **glosario**).
- Poseer, usar, abusar o vender sustancias parecidas a las drogas o intentar pasar artículos como drogas o contrabando.
- Abusar de un medicamento recetado propio, dar un medicamento recetado a otro estudiante, o poseer o estar bajo los efectos del medicamento recetado de otra persona en la propiedad escolar o en un evento relacionado con la escuela. (Ver “abuso” en el **glosario**).
- Abusar de medicamentos de venta libre. (Ver “abuso” en el **glosario**).
- Estar bajo los efectos de medicamentos recetados o de venta libre que causen trastorno corporal o mental. (Ver “bajo los efectos” en el **glosario**).
- Tener o tomar medicamentos recetados o de venta libre en la escuela fuera de lo permitido por el reglamento del distrito.

Mal uso de recursos de tecnología e internet

Los estudiantes no deben:

- Violar los reglamentos, reglas o acuerdos firmados por el estudiante o el padre del estudiante referentes al uso de los recursos de tecnología.
- Intentar acceder o evadir contraseñas u otra información relacionada con seguridad del distrito, estudiantes o empleados, o subir o crear virus computacionales, incluso fuera de la propiedad escolar si la conducta causa una interrupción importante al entorno educativo.
- Intentar alterar, destruir o deshabilitar recursos tecnológicos del distrito, incluidos, entre otros, computadoras y equipo relacionado, datos del distrito, datos de otras personas u

Infracciones generales de conducta

otras redes conectadas al sistema del distrito, incluso fuera de la propiedad escolar si la conducta causa una interrupción importante al entorno educativo.

- Usar el internet u otras comunicaciones electrónicas para amenazar o acosar a los estudiantes, empleados, miembros de la junta o voluntarios del distrito, incluso fuera de la propiedad escolar si la conducta causa una interrupción importante al entorno educativo o infringe los derechos de otro estudiante en la escuela.
- Enviar, publicar o poseer mensajes electrónicos abusivos, obscenos, orientados sexualmente, amenazadores, acosadores, que dañen la reputación de una persona, o ilegales, como intimidación cibernética y “sexting”, dentro o fuera de la propiedad escolar, si la conducta causa una interrupción importante al entorno educativo o infringe los derechos de otro estudiante en la escuela.
- Usar el internet u otras comunicaciones electrónicas para participar o fomentar una conducta ilegal o amenazar la seguridad de la escuela, incluso fuera de la propiedad escolar si la conducta causa una interrupción importante al entorno educativo o infringe los derechos de otro estudiante en la escuela.

Transgresiones de seguridad

Los estudiantes no deben:

- Poseer material publicado o electrónico que está diseñado para promover o estimular una conducta ilegal o que podría amenazar la seguridad de la escuela.
- Participar en intercambios verbales (orales o escritos) que amenacen la seguridad de otro estudiante, un empleado de la escuela o la propiedad escolar.
- Hacer acusaciones falsas o engaños respecto de la seguridad de la escuela.
- Participar en cualquier conducta que los directivos de la escuela consideren de manera razonable que interrumpirá sustancialmente el programa escolar o incitará a la violencia.
- Arrojar objetos que puedan causar lesiones físicas o daños a la propiedad.
- Activar un extintor de fuego sin una razón válida.

Infracciones varias

Los estudiantes no deben:

- Violar las normas de vestimenta y aseo que se indican en el Manual para Estudiantes.
- Incurrir en deshonestidad académica, lo que incluye hacer trampa o copiar el trabajo de otro estudiante, el plagio y la comunicación no autorizada entre estudiantes durante un examen.
- Hacer trampa o copiar el trabajo de otra persona.
- Participar en juegos de azar.
- Falsificar registros, pases u otros documentos relacionados con la escuela.
- Participar en acciones o demostraciones que interrumpan sustancialmente o interfieran materialmente con las actividades escolares.
- Absentismo escolar/tardanzas persistentes/ausencias injustificadas: No se permiten mas de 5 notas de los padres/tutores para los infractores habituales.
- Infringir reiteradamente las normas de conducta de otras escuelas o salones de clase.

Infracciones generales de conducta

El distrito puede imponer reglas del campus o salón de clase además de las que se encuentran en el Código de Conducta. Estas reglas pueden publicarse en los salones de clase o entregarse al estudiante, y pueden o no constituir violaciones del Código de Conducta.

Técnicas de administración disciplinaria

Se diseñará la disciplina de manera que mejore la conducta y aliente a los estudiantes a ser miembros responsables de la comunidad escolar. La medida disciplinaria será a consideración profesional de maestros y administradores y mediante una variedad de técnicas de administración disciplinaria, incluidas las prácticas restaurativas. La disciplina debe basarse en la gravedad de la infracción, edad y nivel de grado del estudiante, frecuencia de la mala conducta, actitud del estudiante, efecto de la mala conducta en el ámbito escolar y requisitos estatutarios.

Estudiantes con discapacidades

La disciplina de los estudiantes con discapacidades está sujeta a la ley federal y estatal aplicable además del Código de Conducta. En caso de algún conflicto, el distrito cumplirá con la ley federal. Para obtener más información respecto de la disciplina de estudiantes con discapacidades, ver el reglamento FOF(LEGAL).

En conformidad con el Código de Educación, un estudiante que reciba servicios de educación especial no puede ser disciplinado por conductas que sean parte de la definición de intimidación escolar, intimidación cibernética, acoso o hacer listas negras (ver **glosario**) hasta que un comité de admisión, revisión y retiro (ARD) se reúna y revise la conducta.

Para decidir si se ordenará la suspensión, asignación a un DAEP o expulsión, sin importar si la medida es obligatoria o discrecional, el distrito tomará en cuenta una discapacidad que imposibilite considerablemente la capacidad del estudiante para distinguir la ilicitud de la conducta del estudiante.

Técnicas

Se pueden usar las siguientes técnicas de administración de disciplina por sí solas, en combinación o como parte de intervenciones progresivas a causa de conductas prohibidas por el Código de Conducta o por las reglas del campus o del salón de clase:

- Corrección verbal, oral o escrita.
- Tiempo para tranquilizarse o un breve periodo de reflexión, en conformidad con la ley.
- Cambio de asiento en el salón de clase o vehículos operados por o pertenecientes al distrito.
- Confiscación temporal de artículos que interrumpan el proceso de instrucción.
- Recompensas o deméritos.
- Contratos de conducta.
- Consejería por parte de maestros, consejeros escolares o personal administrativo.
- Reuniones de padres y maestros.
- Asesoría en conducta.
- Clases de control del enojo.
- Meditación (víctima-ofensor).
- Círculos en el salón de clase.
- Conferencias de grupos familiares.

Técnicas de administración disciplinaria

- Reducciones de calificación por hacer trampa, plagio y de otra manera permitida por la ley.
- Detención, incluso fuera del horario escolar.
- Enviar al estudiante a la dirección, a otra área asignada, o a en suspensión escolar (ISS).
- Asignación de labores escolares, como limpiar o recoger basura.
- Retiro de privilegios, como participación en actividades extracurriculares, elegibilidad para postularse y ocupar cargos honorarios, o membresía en clubes y organizaciones patrocinados por la escuela.
- Sanciones identificadas en las normas de conducta de las actividades extracurriculares de organizaciones estudiantiles.
- Restricción o revocación de privilegios de transporte del distrito.
- Periodo de prueba evaluado y administrado por la escuela.
- Suspensión fuera de la escuela, de acuerdo a lo especificado en **Suspensión fuera de la escuela** en la página 17.
- Asignación a un DAEP, de acuerdo a lo especificado en **DAEP** en la página 19.
- Expulsión y/o asignación a un entorno educativo alternativo, de acuerdo a lo especificado en **Asignación y/o expulsión por ciertas infracciones** en la página 28.
- Expulsión, de acuerdo a lo especificado en **Expulsión** en la página 31.
- Traslado a una agencia externa o autoridad legal para proceso penal además de medidas disciplinarias impuestas por el distrito.
- Otras estrategias y consecuencias de acuerdo a lo determinado por los directivos de la escuela.

Técnicas aversivas prohibidas

Está prohibido el uso de técnicas aversivas con estudiantes y se definen como técnicas o intervenciones con el propósito de reducir la repetición de una conducta a través de infligir intencionalmente considerable molestia o dolor físico o emocional. Las técnicas aversivas incluyen:

- Usar técnicas diseñadas para causar dolor físico o que probablemente lo causen. [Ver el reglamento FO(LOCAL).]
- Usar técnicas diseñadas para causar dolor físico o que probablemente lo causen a través del electrochoque o cualquier procedimiento que incluye puntos de presión o inmovilización de articulaciones.
- Liberación dirigida de un espray, rocío o sustancia nocivo, tóxico o desagradable cerca del rostro de un estudiante.
- Privar de sueño adecuado, aire, alimentos, agua, albergue, cama, comodidad física, supervisión o acceso a un baño.
- Ridiculizar o denigrar a un estudiante de manera que perjudique o ponga en peligro el aprendizaje o la salud mental del estudiante o constituya abuso verbal.
- Emplear un dispositivo, material u objeto que inmovilice todas las cuatro extremidades de un estudiante, incluso sujeción en el suelo en posición prona o supina.

Técnicas de administración disciplinaria

- Alterar la respiración de un estudiante, incluyendo la aplicación de presión sobre el torso o cuello del estudiante o colocar algo dentro, sobre o encima de la boca o nariz del estudiante o tapan la cara del estudiante.
- Restringir la circulación del estudiante.
- Sujetar al estudiante a un objeto inmóvil mientras el estudiante está de pie o sentado.
- Inhibir, reducir o entorpecer la capacidad del estudiante para comunicarse.
- Usar sujeciones químicas.
- Usar el tiempo de reflexión de una manera que evite que el estudiante pueda participar y avanzar como corresponde en el currículo requerido o en cualesquier metas programa de educación individualizada (IEP) que correspondan, incluso aislando al estudiante usando barreras físicas.
- Privar al estudiante de uno o más de los sentidos del estudiante, a menos que la técnica no cause incomodidad al estudiante o cumpla con el plan de intervención conductual (BIP) o IEP del estudiante.

Notificación

El CBC notificará inmediatamente al padre del estudiante por teléfono o en persona cualquier violación que pueda dar como resultado suspensión en la escuela o fuera de la escuela, asignación a un DAEP, asignación a un JJAEP, o expulsión. El CBC también notificará al padre del estudiante si el estudiante ha sido detenido por un oficial de la policía bajo las disposiciones disciplinarias del Código de Educación.

Se hará un esfuerzo de buena fe para proporcionar una notificación escrita de la medida disciplinaria al estudiante, el día en que se tomó la medida, para entregarla al padre del estudiante. Si se contacta al padre por teléfono o en persona antes de las 5:00 p.m. del primer día hábil después de que se haya seguido la medida disciplinaria, el CBC enviará una notificación escrita por correo postal de EE.UU. Si el CBC no puede informar al padre, el director o su representante le darán el aviso.

Antes de que el director o administrador adecuado asigne a un estudiante menor de 18 años a detención fuera del horario escolar regular, se informará al padre del estudiante el motivo de la detención y se permitirán arreglos para el transporte necesario.

Apelaciones

Las preguntas de los padres acerca de las medidas disciplinarias deberían dirigirse al maestro, a la administración del campus o al CBC, según corresponda. Las apelaciones o reclamos con respecto al uso de técnicas específicas de administración de disciplina se deben dirigir en conformidad con el reglamento FNG(LOCAL). Se puede obtener una copia del reglamento en la oficina del director, la oficina del CBC, o en la oficina de administración central o a través de Policy Online® en la siguiente dirección: <https://pol.tasb.org/PolicyOnline?key=439>

El distrito no demorará una consecuencia disciplinaria mientras un estudiante o padre tramita una queja. En el caso de que se acuse a un estudiante de haber tenido una conducta que coincida con la definición de acoso sexual según se define en el Título IX, el distrito cumplirá con la ley federal correspondiente, que incluye el proceso de quejas formales del Título IX. Vea los reglamentos FFH(LEGAL) y (LOCAL).

Remoción del autobús escolar

Un conductor de autobús puede derivar a un estudiante a la oficina del director o a la oficina del CBC para mantener una disciplina efectiva en el autobús. El director o CBC debe emplear técnicas adicionales de administración de disciplina, según corresponda, las cuales pueden incluir la restricción o revocación de los privilegios de viajar en autobús de un estudiante.

Para transportar a los estudiantes de manera segura, el operador del vehículo debe concentrarse en conducir y no distraerse con la mala conducta de algún estudiante. Por lo tanto, cuando las técnicas apropiadas de administración de disciplina no mejoran la conducta del estudiante o cuando una mala conducta específica justifica la remoción inmediata, el director o el CBC puede restringir o revocar los privilegios de transporte del estudiante, en conformidad con la ley.

Remoción del entorno educativo regular

Además de otras técnicas de administración de disciplina, la mala conducta puede dar como resultado la remoción del entorno educativo regular mediante un traslado de rutina o una remoción formal.

Derivación de rutina

Una derivación de rutina ocurre cuando un maestro envía a un estudiante a la oficina del CBC como técnica de administración de disciplina. El CBC empleará técnicas alternativas de administración de disciplina, incluyendo intervenciones progresivas. Un maestro o administrador puede remover a un estudiante de la clase por una conducta que infrinja este Código de Conducta para mantener una buena disciplina en el salón de clase.

Remoción formal

Un maestro puede iniciar una remoción formal de la clase si:

1. El maestro ha documentado que la conducta de un estudiante interfiere repetidamente con la capacidad del maestro de enseñar la clase o con la capacidad de aprender de otros estudiantes; o
2. La conducta es tan rebelde, perturbadora o abusiva que el maestro no puede enseñar y los estudiantes del salón de clase no pueden aprender.

En un plazo de tres días escolares de la remoción formal, el CBC o el administrador correspondiente programará una reunión con el padre del estudiante, el estudiante, el maestro que retiró al estudiante de la clase y cualquier otro administrador que corresponda.

En la reunión, el CBC o el administrador correspondiente informará al estudiante la supuesta mala conducta y las consecuencias propuestas. El estudiante tendrá una oportunidad para responder a las acusaciones.

Cuando un maestro remueva a un estudiante del salón de clase regular y esté pendiente una reunión, el CBC u otro administrador puede asignar al estudiante a:

- Otro salón de clase adecuado.
- ISS.
- Suspensión fuera de la escuela.
- DAEP.

Un maestro o administrador debe remover a un estudiante de la clase si el estudiante tiene una conducta que bajo el Código de Educación requiera o permita que el estudiante sea asignado a un DAEP o expulsado. Al ser removido por esos motivos, se seguirán los procedimientos de las secciones subsiguientes sobre DAEP o expulsión.

Regresar a un estudiante al salón de clase

Un estudiante que haya sido retirado formalmente de la clase por un maestro por conducta en contra del maestro que contenga elementos de agresión, agresión agravada, agresión sexual, o agresión sexual agravada no puede regresar a la clase el maestro sin el consentimiento del maestro.

Un estudiante que haya sido retirado formalmente por un maestro por alguna otra conducta puede regresar a la clase del maestro sin el consentimiento del maestro si el comité de revisión

Remoción del entorno educativo regular

de asignaciones determina que la clase el maestro es la mejor alternativa o la única alternativa disponible.

Suspensión fuera de la escuela

Mala conducta

Se puede suspender a los estudiantes por conducta incluida en el Código de Conducta como infracción general de conducta, infracción de DAEP o infracción que amerita expulsión.

El distrito no utilizará la suspensión fuera de la escuela para los estudiantes en el segundo grado o inferior a menos que la conducta cumpla con los requisitos establecidos por la ley.

Un estudiante en un grado inferior al tercer grado o un estudiante que no tiene hogar no será suspendido fuera de la escuela a menos que, mientras se encuentre en la propiedad escolar o mientras asista a una actividad patrocinada por la escuela o relacionada con la escuela dentro o fuera de la propiedad escolar, el estudiante:

- Participe en una conducta que incluya los elementos de una infracción con armas, en conformidad con la Sección 46.02 o 46.05 del Código Penal.
- Participe en una conducta que incluya los elementos de agresión, agresión sexual, agresión agravada o agresión sexual agravada, según lo dispuesto por el Código Penal; o
- Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de cualquier cantidad de marihuana, una bebida alcohólica o una sustancia controlada o una droga peligrosa, según lo definido por la ley federal o estatal.

El distrito utilizará un programa de conducta positiva como alternativa disciplinaria para los estudiantes en grados inferiores al tercer grado que cometan violaciones de conducta general en lugar de suspensión o asignación a un DAEP. El programa deberá cumplir con los requisitos de la ley.

Proceso

La ley estatal permite que un estudiante sea suspendido un máximo de tres días escolares por violación de conducta, sin límite del número de veces que puede ser suspendido en un semestre o año escolar.

Antes de ser suspendido, un estudiante tendrá una reunión informal con el CBC o el administrador correspondiente, quien informará al estudiante la supuesta mala conducta.

El CBC determinará el número de días de la suspensión de un estudiante, pero no excederá tres días escolares.

Para decidir si se debe ordenar suspensión fuera de la escuela, el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Suspensión fuera de la escuela

El administrador correspondiente determinará las restricciones de la participación en actividades extracurriculares y paralelas patrocinadas por la escuela o relacionadas con la escuela.

Trabajo de clase durante la suspensión

El distrito se asegurará de que un estudiante reciba acceso al trabajo de la clase de los cursos del currículo básico mientras el estudiante está en suspensión dentro o fuera de la escuela, incluso al menos un método de recepción de este trabajo de clase que no requiera del uso de internet.

Un estudiante que se traslade del salón de clase regular a ISS u otro programa de educación, además de DAEP, tendrá una oportunidad, antes del inicio del siguiente año escolar, de completar un curso básico del plan de estudio en el cual el estudiante estaba matriculado al momento de la remoción. El distrito puede dar la oportunidad a través de cualquier método disponible, incluido un curso por correspondencia, otra opción de aprendizaje a distancia o la escuela de verano. El distrito no hará ningún cargo al estudiante por el método para completar el trabajo provisto por el distrito.

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

El DAEP se ofrecerá en un entorno distinto al salón de clase regular del estudiante. Un estudiante de primaria no puede ser asignado a un DAEP con un estudiante que no sea un estudiante de primaria.

Para propósitos del DAEP, la clasificación de primaria será de kindergarten a 6o. grado y la clasificación de secundaria será de 7o. a 12o. grado.

Los programas de verano provistos por el distrito darán servicio a los estudiantes asignados a un DAEP en conjunto con otros estudiantes.

Un estudiante expulsado por una infracción que de otra manera habría dado como resultado la asignación a un DAEP no tiene que asignarse a un DAEP además de la expulsión.

Para decidir si se debe asignar a un estudiante a un DAEP, sin importar si la acción es obligatoria o discrecional, el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Asignación discrecional: Mala conducta que puede dar como resultado la asignación a un DAEP

Se puede asignar a un estudiante a un DAEP por conductas prohibidas en la sección de Violaciones generales de conducta de este Código de Conducta.

Mala conducta identificada en la ley estatal

En conformidad con la ley estatal, **se puede** asignar a un estudiante a un DAEP por alguna de las siguientes infracciones:

- Participación en intimidación escolar que anime a un estudiante a cometer o intentar cometer suicidio.
- Incitación de violencia en contra de un estudiante a través de intimidación escolar grupal.
- Publicación o amenaza de publicación de material visual íntimo de un menor o de un estudiante de 18 años de edad o mayor sin el consentimiento del estudiante.
- Participación en una fraternidad, hermandad, sociedad secreta o pandilla de una escuela pública, incluida la participación como miembro o bajo juramento, o solicitar a otra persona que tome juramento o sea miembro de una fraternidad, hermandad, sociedad secreta o pandilla de una escuela pública. (Ver **glosario**).
- Participación en una actividad delictiva de pandilla callejera delincuente. (Ver **glosario**).

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

- Travesura delictiva, no sancionable como delito mayor.
- Cualquier travesura delictiva, incluido un delito mayor.
- Agresión (sin lesión corporal) con amenaza de lesión corporal inminente.
- Agresión mediante contacto físico ofensivo o provocativo.

En conformidad con la ley estatal, se **puede** asignar a un estudiante a un DAEP si el superintendente o su representante cree de manera razonable (ver **glosario**) que el estudiante participó en una conducta sancionable como delito mayor, además de robo agravado o aquellos delitos descritos como ofensas con lesión a una persona en el Título 5 (ver **glosario**) del Código Penal, que ocurra fuera de la propiedad escolar y no en un evento patrocinado por la escuela o relacionado con la escuela, si la presencia del estudiante en el salón de clase regular amenaza la seguridad de otros estudiantes o maestros, o se considera peligroso para el proceso educativo.

El CBC **puede** asignar a un estudiante a un DAEP por conducta fuera de la escuela para la cual la ley estatal exija la asignación a un DAEP si el administrador no tiene conocimiento de la conducta antes del primer aniversario de la fecha en que ocurrió la conducta.

Asignación obligatoria: Mala conducta que requiere asignación a un DAEP

Se **debe** asignar a un estudiante a un DAEP si:

- Participa en una conducta relacionada con una falsa alarma o informe (incluida una amenaza de bomba) o una amenaza terrorista que incluya una escuela pública. (Ver **glosario**).
- Comete las siguientes infracciones en propiedad de la escuela, dentro de 300 pies de la propiedad escolar según lo medido desde cualquier punto del límite de la propiedad escolar, o mientras asiste a una actividad patrocinada por la escuela o relacionada con la escuela dentro o fuera de la propiedad escolar:
 - Participa en una conducta sancionable como delito mayor.
 - Comete una agresión (ver **glosario**) bajo el Código Penal 22.01(a)(1).
 - Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de una sustancia controlada o droga peligrosa en una cantidad que no constituya un delito mayor. (Las infracciones de drogas consideradas delito mayor relacionadas con la escuela se incluyen en **Expulsión** en la página 31). (Ver en el **glosario** “bajo los efectos”, “sustancia controlada” y “droga peligrosa”).
 - Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de la marihuana o THC. Un estudiante con una receta válida de cannabis de bajo THC según lo autorizado por el Capítulo 487 del Código de Salud y Seguridad no infringe esta disposición.
 - Vende, da o entrega a otra persona una bebida alcohólica; comete una infracción grave mientras está bajo los efectos del alcohol; o posee, usa o está bajo los efectos del alcohol.
 - Se comporta de tal manera que sus actos contienen los elementos de una infracción relacionada con abuso de sustancias químicas volátiles.
 - Vende, da o entrega a otra persona o posee o utiliza un cigarrillo electrónico.

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

- Se comporta de tal manera que sus actos contienen los elementos de lascivia o exhibicionismo público. (Ver **glosario**).
- Participa en una conducta que contiene los elementos de una infracción de acoso contra un empleado bajo 42.07(a)(1), (2), (3) o (7) del Código Penal.
- Participa en una conducta que amerita expulsión y tiene de seis a nueve años de edad.
- Comete una violación federal con armas de fuego y es menor de seis años.
- Participa en una conducta que contiene los elementos de la infracción de represalia contra algún empleado o voluntario de la escuela dentro o fuera de la propiedad escolar. (Cometer represalia en combinación con otra infracción que amerite expulsión se incluye en **Expulsión** en la página 31).
- Participar en una conducta sancionable como robo agravado o un delito mayor bajo el Título 5 (ver **glosario**) del Código Penal cuando la conducta ocurre fuera de la propiedad escolar y en un evento no patrocinado por la escuela ni relacionado con la escuela y:
 1. El estudiante recibe enjuiciamiento diferido (ver **glosario**),
 2. Un tribunal o jurado determina que el estudiante ha participado en una conducta delictiva (ver **glosario**), o
 3. El superintendente o su representante cree de manera razonable (ver **glosario**) que el estudiante participó en la conducta.

Agresión sexual y asignaciones de campus

Se transferirá a un estudiante a otro campus si:

- El estudiante ha sido convicto de abuso sexual continuo de un niño pequeño o de una persona discapacitada, o convicto o asignado a una adjudicación diferida por agresión sexual o agresión sexual agravada en contra de otro estudiante de la misma escuela; y
- El padre de la víctima u otra persona con autoridad de actuar en nombre de la víctima solicita que la junta transfiera al estudiante ofensor a otro campus.

Si no hay otra escuela en el distrito que brinde servicio al nivel de grado del estudiante ofensor, entonces se transferirá a un DAEP.

Proceso

Las remociones a un DAEP las debe hacer el CBC.

Reunión

Cuando se remueve a un estudiante de una clase por una infracción de DAEP, el CBC o el administrador correspondiente programará una reunión dentro de tres días escolares con el padre del estudiante, el estudiante y, en caso de la remoción por un maestro, el maestro.

En la reunión, el CBC o el administrador correspondiente brindará al estudiante:

- Información, oral o escrita, de las razones de la remoción;
- Una explicación de las bases de la remoción; y
- Una oportunidad para responder a las razones de la remoción.

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

Después de intentos válidos de pedir la asistencia, el distrito puede detener la reunión y tomar una decisión de la asignación sin importar si el estudiante o los padres del estudiante asisten a la reunión.

Consideración de factores de mitigación

Para decidir si se debe asignar a un estudiante a un DAEP, sin importar si la acción es obligatoria o discrecional, el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Orden de asignación

Después de la reunión, si se asigna al estudiante a un DAEP, el CBC escribirá una orden de asignación. Se enviará una copia de la orden de asignación a un DAEP e información para el padre o la persona designada en la relación de padre con el estudiante sobre el proceso de solicitar una evaluación individual e inicial completa del estudiante para propósitos de servicios de educación especial al estudiante y al padre del estudiante.

A más tardar el segundo día hábil después de la reunión, el representante de la junta entregará al tribunal de menores una copia de la orden de asignación y toda la información requerida por la Sección 52.04 del Código de Familia.

Si se asigna al estudiante a un DAEP y el periodo de asignación no coincide con las pautas incluidas en este Código de Conducta, la orden de asignación dará aviso de la incoherencia.

DAEP con cupo lleno

Si un DAEP tiene cupo lleno al momento que el CBC decide la asignación por una conducta relacionada con marihuana, THC, un cigarrillo electrónico, alcohol o una sustancia química volátil, se asignará al estudiante a ISS y luego se le transferirá a un DAEP por el resto del período cuando haya cupo disponible antes del vencimiento del período de asignación.

Si un DAEP tiene cupo lleno al momento en que el CBC está decidiendo la asignación de un estudiante que participó en una conducta violenta, un estudiante asignado en un DAEP por una conducta relacionada con marihuana, THC, un cigarrillo electrónico, alcohol o una sustancia química volátil se puede asignar a ISS para disponer de espacio en el DAEP para el estudiante que participó en una conducta violenta. Si hay un lugar disponible en un DAEP antes del vencimiento del período de la asignación para el estudiante sacado de la escuela, el estudiante deberá regresar a un DAEP por el resto del período.

Aviso del trabajo del curso

Se dará un aviso escrito al padre o tutor de un estudiante asignado a un DAEP sobre la oportunidad del estudiante de completar, sin costo para el estudiante, un curso base del plan de estudios en el que el estudiante estaba matriculado al momento de la remoción y que se

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

requiere para graduación. El aviso incluirá información referente a todos los métodos disponibles para completar el trabajo del curso.

Duración de una asignación

El CBC determinará la duración de la asignación de un estudiante a un DAEP.

La duración de la asignación de un estudiante será determinada según cada caso en base a la gravedad de la infracción, la edad y nivel de grado del estudiante, la frecuencia de la mala conducta, la actitud del estudiante y los requisitos legales.

El periodo máximo de la asignación a un DAEP será de un año calendario, salvo lo estipulado a continuación.

A menos que se especifique de otra manera en la orden de asignación, los días ausentes de un DAEP no deberán contar para completar el número de días requeridos en la orden de asignación a un DAEP de un estudiante.

El distrito administrará las evaluaciones previas y posteriores requeridas para los estudiantes asignados a un DAEP durante un periodo de 90 días o más en conformidad con los procedimientos administrativos establecidos del distrito para administrar otras evaluaciones de diagnóstico o de punto de referencia.

Excede un año

La asignación a un DAEP puede exceder un año cuando una revisión del distrito determina que el estudiante es una amenaza para la seguridad de otros estudiantes o empleados del distrito.

Las limitaciones estatutarias sobre el periodo de una asignación a un DAEP no se aplican a la asignación resultante de la decisión de la junta para asignar a un estudiante que participó en una agresión sexual de otro estudiante para que no se asigne a los estudiantes al mismo campus.

Excede el año escolar

A los estudiantes que cometen infracciones que requieren la asignación a un DAEP al final del año escolar se les puede exigir que continúen en esa asignación al inicio del siguiente año escolar para completar el término de la asignación.

Para una asignación a un DAEP que se extienda más allá del final del año escolar, el CBC o el representante de la junta debe determinar que:

1. La presencia del estudiante en el salón de clase regular o escuela presenta un peligro de daño físico para el estudiante o los demás, o
2. El estudiante ha participado en una mala conducta grave o persistente (ver **glosario**) que viola el Código de Conducta del distrito.

Excede 60 días

Para la asignación a un DAEP de más de 60 días o del final del siguiente periodo de calificaciones, lo que ocurra primero, se dará aviso al padre del estudiante y la oportunidad de participar en un proceso ante la junta o el representante de la junta.

Apelaciones

Las preguntas de los padres acerca de las medidas disciplinarias se deben dirigir a la administración escolar.

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

Las apelaciones de un estudiante o padre de la asignación a un DAEP se gestionarán en conformidad con el reglamento FNG(LOCAL). Se puede obtener una copia de este reglamento en la oficina del director, la oficina del CBC, la oficina de administración central o a través de Policy Online®™ en la siguiente dirección: <https://pol.tasb.org/PolicyOnline?key=439>

Las apelaciones comenzarán en Nivel I con el principal.

El distrito no demorará consecuencias disciplinarias en espera del resultado una apelación. La decisión de asignar a un estudiante a un DAEP no se puede apelar más allá de la junta.

Restricciones durante la asignación

El distrito no permite a ningún estudiante asignado a un DAEP participar en ninguna actividad extracurricular o paralela patrocinada por la escuela o relacionada con la escuela, incluyendo postularse para un cargo honorario y/o membresía en un club u organización patrocinado por la escuela.

A un estudiante asignado a un DAEP no se le proveerá transporte, a menos que el estudiante sea un estudiante con discapacidad que tenga derecho a transporte en conformidad con el IEP del estudiante o el plan de la Sección 504.

Para los estudiantes del último año que son elegibles para graduarse, o seniors, y están asignados a un DAEP en el momento de la graduación, el último día de colocación en el programa será el último día de instrucción y se permitirá que el estudiante participe en la ceremonia de graduación sujeto a una revisión. . Al estudiante no se le permitirá participar en actividades relacionadas con la graduación a menos que se especifique lo contrario en la orden de colocación en DAEP.

Revisión de asignación

El CBC o el representante de la junta proveerá a un estudiante asignado a un DAEP una revisión de su estatus, incluido el estatus académico, a intervalos que no excedan 120 días. En el caso de un estudiante de preparatoria, también se revisará el progreso del estudiante hacia la graduación y el plan de graduación del estudiante. En la revisión, se dará la oportunidad al estudiante o al padre del estudiante de presentar argumentos para el regreso del estudiante al salón de clase o campus regular. El estudiante no puede regresar al salón de clase regular de un maestro que haya removido al estudiante sin consentimiento de ese maestro.

Mala conducta adicional

Si durante el plazo de la asignación a un DAEP el estudiante participa en mala conducta adicional para la cual se requiere o permite la asignación a un DAEP o expulsión, se pueden llevar a cabo procesos adicionales y el CBC puede hacer una orden disciplinaria adicional como resultado de esos procesos.

Aviso de actuaciones penales

Cuando un estudiante se asigne a un DAEP por ciertas infracciones, la oficina del fiscal notificará al distrito si:

1. Se negó el enjuiciamiento del caso del estudiante por falta de mérito de acusación o evidencias insuficientes y no se iniciará ningún proceso formal, adjudicación diferida (ver **glosario**) ni enjuiciamiento diferido; o

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

2. El tribunal o jurado determinó que el estudiante no es culpable, o descubrió que el estudiante no participó en una conducta delictiva o conducta que indique una necesidad de supervisión, y el caso se desestimó con perjuicio.

Si se asignó a un estudiante a un DAEP por dicha conducta, al recibir el aviso del fiscal, el superintendente o su representante revisará la asignación del estudiante y programará una revisión con el padre del estudiante a más tardar el tercer día después de que el superintendente o su representante reciba aviso del fiscal. El estudiante no puede regresar al salón de clase regular hasta que se lleve a cabo la revisión.

Después de revisar el aviso y recibir información del padre del estudiante, el superintendente o su representante puede continuar la asignación del estudiante si hay motivos para pensar que la presencia del estudiante en el salón de clase regular amenaza la seguridad de los demás estudiantes o del maestro.

El estudiante o padre del estudiante puede apelar la decisión del superintendente a la junta. El estudiante no puede regresar al salón de clase regular hasta que se lleve a cabo la apelación. En caso de una apelación, la junta, en la siguiente reunión programada, revisará el aviso del fiscal y recibirá información del estudiante, el padre del estudiante y el superintendente o su representante, y confirmará o invertirá la decisión del superintendente o su representante. La junta hará un informe de los procesos.

Si la junta confirma la decisión del superintendente o su representante, el estudiante y el padre del estudiante pueden apelar ante el Comisionado de Educación. El estudiante no puede regresar al salón de clase regular hasta que se lleve a cabo la apelación.

Baja durante el proceso

Cuando un estudiante viole el Código de Conducta del distrito de una manera que requiera o permita que el estudiante se asigne a un DAEP y el estudiante se da de baja del distrito antes de completar la orden de la asignación, el CBC puede completar los procesos y emitir una orden de asignación. Si el estudiante se matricula nuevamente en el distrito durante el mismo año escolar o el subsiguiente, el distrito puede ejecutar la orden en ese momento, menos cualquier periodo que el estudiante haya cumplido la asignación durante su matrícula en otro distrito. Si el CBC o la junta no emite una orden de asignación después de la baja del estudiante, el siguiente distrito en el cual se matricule el estudiante puede completar los procesos y emitir una orden de asignación.

Estudiantes recién matriculados

El distrito continuará la asignación al DAEP de un estudiante que se matricule en el distrito y haya sido asignado a un DAEP en una escuela autónoma (charter) de inscripción abierta u otro distrito, incluido un distrito en otro estado.

Cuando un estudiante se matricula en el distrito con una asignación a un DAEP de un distrito de otro estado, el distrito tiene el derecho de asignar al estudiante en un DAEP de la misma manera que a cualquier otro estudiante recién matriculado si la conducta cometida es una razón de asignación a un DAEP en el distrito que recibe al estudiante.

La ley estatal requiere que el distrito reduzca una asignación impuesta por un distrito en otro estado que exceda un año de manera que la asignación total no exceda un año. Sin embargo, después de una revisión, la asignación se puede extender a más de un año si el distrito determina que el estudiante es una amenaza para la seguridad de otros estudiantes o empleados, o si la asignación extendida es para el mejor interés del estudiante.

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

Procedimiento de asignación de emergencia

Cuando sea necesaria una asignación de emergencia debido a la conducta indebida, perturbadora o abusiva que interfiera seriamente con las operaciones del salón de clase o de la escuela, se dará al estudiante un aviso oral de la razón de la acción. A más tardar el décimo día después de la fecha de asignación, se dará la oportunidad al estudiante de tener una reunión apropiada requerida para la asignación a un DAEP.

Servicios de transición

En conformidad con la ley y los procedimientos del distrito, el personal del campus proveerá servicios de transición a un estudiante que regresa al salón de clase regular de un programa alternativo de educación, incluso de un DAEP. Para obtener más información, ver el reglamento FOCA(LEGAL).

Asignación y/o expulsión por ciertas infracciones

Esta sección incluye dos categorías de infracciones para las cuales el Código de Educación estipula procesos únicos y consecuencias específicas.

Delinquentes sexuales registrados

En conformidad con la ley estatal, al recibir una notificación de que un estudiante debe registrarse actualmente como ofensor sexual, el distrito debe remover al estudiante del salón de clase regular y determinar la asignación apropiada, a menos que el tribunal ordene la asignación a JJAEP.

Si el estudiante está bajo alguna forma de supervisión de la corte, incluida libertad condicional, supervisión de la comunidad, libertad provisional, el estudiante se asignará a DAEP o JJAEP por lo menos un semestre.

Si el estudiante no está bajo ninguna forma de supervisión de la corte, el estudiante puede ser asignado a DAEP o JJAEP por un semestre o puede ser asignado a un salón de clase regular. El estudiante no puede ser asignado al salón de clase regular si la junta o su representante determina que la presencia del estudiante:

1. Amenaza la seguridad de otros estudiantes o maestros,
2. Será perjudicial para el proceso de instrucción, o
3. No es para el mejor interés de los estudiantes del distrito.

Comité de revisión

Al final del primer semestre de la asignación de un estudiante a un entorno educativo alternativo y antes del inicio de cada año escolar para el cual el estudiante permanezca en una asignación alternativa, en conformidad con la ley estatal, el distrito formará un comité para revisar la asignación del estudiante. El comité recomendará si el estudiante debería regresar al salón de clase regular o permanecer en la asignación. Sin tener ningún hallazgo especial, la junta o su representante debe seguir la recomendación del comité.

La revisión de la asignación de un estudiante discapacitado que recibe servicios de educación especial debe hacerla el comité de ARD.

Estudiante recién matriculado

Si un estudiante se matricula en el distrito durante una asignación obligatoria como ofensor sexual registrado, el distrito puede tomar en cuenta el tiempo que el estudiante ya pasó en una asignación, o puede exigir un semestre adicional en una asignación alternativa sin llevar a cabo una revisión de la asignación.

Apelación

Un estudiante o padre de un estudiante puede apelar la asignación solicitando una reunión entre la junta o su representante, el estudiante y el padre del estudiante. La reunión se limita a la pregunta factual sobre si el estudiante se debe registrar como ofensor sexual. Cualquier decisión de la junta o su representante bajo esta sección es definitiva y no se puede apelar.

Determinados delitos mayores

Sin importar si la asignación a DAEP o expulsión es requerida o permitida por una de las razones en las secciones de Asignación a DAEP o Expulsión, en conformidad con el Código de

Asignación y/o expulsión por ciertas infracciones

Educación 37.0081, un estudiante puede ser expulsado y asignado a DAEP o JJAEP si la junta o el CBC hace ciertos hallazgos y existen las siguientes circunstancias en relación con robo agravado o un delito mayor bajo el Título 5 (ver **glosario**) del Código Penal. El estudiante debe haber:

- Recibido enjuiciamiento diferido por una conducta definida como robo agravado o un delito mayor bajo el Título 5;
- Sido encontrado por un tribunal o jurado que ha participado en una conducta delictiva por una conducta definida como robo agravado o un delito mayor bajo el Título 5;
- Recibido cargos de participar en una conducta definida como robo agravado o un delito mayor bajo el Título 5;
- Sido remitido a un tribunal de menores por presunta participación en una conducta delictiva definida como robo agravado o un delito mayor bajo el Título 5;
- Recibido libertad provisional o adjudicación diferida, o haber sido arrestado, acusado o convicto de robo agravado o un delito mayor bajo el Título 5.

El distrito puede expulsar al estudiante y ordenar otra asignación bajo estas circunstancias sin importar:

1. La fecha en la que ocurrió la conducta del estudiante,
2. El lugar donde ocurrió la conducta,
3. Si la conducta ocurrió mientras el estudiante estaba matriculado en el distrito, o
4. Si el estudiante completó satisfactoriamente los requisitos de alguna disposición del tribunal impuestos en relación con la conducta.

Audiencia y hallazgos requeridos

El estudiante debe tener primeramente una audiencia ante la junta o su representante, quien debe determinar que además de las circunstancias anteriores que permiten la expulsión, la presencia del estudiante en el salón de clase regular:

1. Amenaza la seguridad de otros estudiantes o maestros,
2. Será perjudicial para el proceso de instrucción, o
3. No es para el mejor interés de los estudiantes del distrito.

Cualquier decisión de la junta o su representante bajo esta sección es definitiva y no se puede apelar.

Duración de asignación

El estudiante está sujeto a la asignación hasta que:

1. El estudiante se gradúa de la escuela preparatoria,
2. Se levantan los cargos o se reducen a una infracción menor, o
3. El estudiante completa el término de la asignación o se le asigna a otro programa.

Revisión de asignación

Un estudiante asignado a un DAEP o JJAEP bajo esta sección tiene derecho a una revisión de su situación, incluido el estatus académico, por parte del CBC o el representante de la junta en

Asignación y/o expulsión por ciertas infracciones

intervalos que no excedan los 120 días. En el caso de un estudiante de preparatoria, también se revisará el progreso del estudiante hacia la graduación y el plan de graduación del estudiante. En la revisión, el estudiante o su padre tendrá la oportunidad de presentar argumentos para el regreso del estudiante al salón de clase o escuela regular.

Estudiantes recién matriculados

Un estudiante que se inscriba en el distrito antes de completar una asignación bajo esta sección de otro distrito escolar debe completar el término de la asignación.

Expulsión

Para decidir si se debe ordenar la expulsión, sin importar si la acción es obligatoria o discrecional, el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Expulsión discrecional: Mala conducta que puede dar como resultado la expulsión

Algunos de los siguientes tipos de mala conducta pueden dar como resultado una asignación obligatoria a un DAEP, sin importar si se expulsa o no al estudiante. (Ver **Asignación a un DAEP** en la página 19).

Cualquier sitio

Un estudiante **puede** ser expulsado por:

- Participación en intimidación escolar que anime a un estudiante a cometer o intentar cometer suicidio.
- Incitación de violencia en contra de un estudiante a través de intimidación escolar grupal.
- Publicación o amenaza de publicación de material visual íntimo de un menor o de un estudiante de 18 años de edad o mayor sin el consentimiento del estudiante.
- Conducta que contiene los elementos de agresión bajo el Código Penal 22.01(a)(1) en represalia contra un empleado o voluntario de la escuela.
- Mala conducta delictiva, si es sancionable como delito mayor.
- Participación en una conducta que contenga los elementos de una de las siguientes infracciones en contra de otro estudiante:
 - Agresión agravada.
 - Agresión sexual.
 - Agresión sexual agravada.
 - Homicidio.
 - Homicidio en primer grado.
 - Tentativa de homicidio u homicidio en primer grado.
 - Robo agravado.
- Quebrantamiento de seguridad informática. (Ver **glosario**).

- Participación en una conducta relacionada con una falsa alarma o informe (incluida una amenaza de bomba) o una amenaza terrorista que incluya una escuela pública.

En la escuela, a 300 pies o en un evento escolar

Un estudiante **puede** ser expulsado por cometer cualquiera de las siguientes infracciones en la escuela o dentro de 300 pies de la propiedad escolar según lo medido desde cualquier punto del límite de la propiedad escolar, o mientras asista a una actividad patrocinada por la escuela o relacionada con la escuela dentro o fuera de la propiedad escolar:

- Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de cualquier cantidad de marihuana, una sustancia controlada o una droga peligrosa. Un estudiante con una receta válida de cannabis de bajo THC según lo autorizado por el Capítulo 487 del Código de Salud y Seguridad no infringe esta disposición. (Ver “bajo los efectos” en el **glosario**).
- Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de una bebida alcohólica; comete una infracción grave mientras está bajo los efectos del alcohol.
- Se comporta de tal manera que su conducta contiene los elementos de una infracción relacionada con abuso de químicos volátiles.
- Se comporta de tal manera que su conducta contiene los elementos de agresión bajo 22.01(a)(1) del Código Penal contra un empleado o un voluntario.
- Participa en una conducta mortal. (Ver **glosario**).

Dentro de 300 pies de la escuela

Un estudiante **puede** ser expulsado por participar en las siguientes conductas mientras se encuentra a 300 pies de la propiedad escolar según lo medido desde cualquier punto del límite de la propiedad escolar:

- Agresión agravada, agresión sexual o agresión sexual agravada.
- Incendio premeditado. (Ver **glosario**).
- Homicidio, asesinato capital o intento criminal de cometer homicidio o asesinato capital.
- Indecencia con un menor.
- Secuestro agravado.
- Homicidio no premeditado.
- Homicidio criminal negligente.
- Robo agravado.
- Abuso sexual continuo de un niño pequeño o de una persona discapacitada.
- Delito mayor por ofensas de una sustancia controlada o droga peligrosa, sin incluir THC.
- Portar ilegalmente sobre la persona del estudiante una pistola o una navaja restringida en el sitio, según la definición de estos términos en la ley estatal. (Ver **glosario**).
- Poseer, fabricar, transportar, reparar o vender un arma prohibida, de acuerdo a lo definido por la ley estatal. (Ver **glosario**).
- Posesión de un arma de fuego, de acuerdo a lo definido por la ley federal. (Ver **glosario**).

Propiedad de otro distrito

Un estudiante **puede** ser expulsado por cometer una infracción que el estado considere infracción con expulsión obligatoria si la infracción se comete en la propiedad de otro distrito en Texas o mientras el estudiante asiste a una actividad patrocinada por la escuela o relacionada con la escuela de otro distrito en Texas.

En un DAEP

Un estudiante puede ser expulsado por participar en mala conducta grave documentada que viole el Código de Conducta del distrito, a pesar de las intervenciones de conducta documentadas mientras está asignado a un DAEP. Para propósitos de expulsión discrecional de un DAEP, mala conducta grave significa:

1. Conducta violenta deliberada que imponga una amenaza directa a la salud o seguridad de los demás;
2. Extorción, que significa la obtención de dinero u otra propiedad por fuerza o amenaza;
3. Conducta que constituya coerción, según lo definido por el Código Penal 1.07; o
4. Conducta que constituya la infracción de:
 - a. Lascivia pública bajo el Código Penal 21.07;
 - b. Exhibicionismo bajo el Código Penal 21.08;
 - c. Mala conducta delictiva bajo el Código Penal 28.03;
 - d. Novatadas maliciosas bajo el Código de Educación 37.152; o
 - e. Acoso bajo el Código Penal 42.07(a)(1) de un estudiante o empleado del distrito.

Expulsión obligatoria: Mala conducta que requiere expulsión

Un estudiante **debe** ser expulsado bajo la ley federal o estatal por cualquiera de las siguientes infracciones que ocurran en la propiedad escolar o mientras asista a una actividad patrocinada por la escuela o relacionada con la escuela dentro o fuera de la propiedad escolar:

Bajo la ley federal

- Llevar o poseer en la escuela, incluido cualquier lugar que esté bajo control o supervisión del distrito para propósitos de una actividad escolar, un arma de fuego, según lo definido por la ley federal. (Ver **glosario**).

Nota: La expulsión obligatoria bajo la Ley Federal de Escuelas sin Armas no se aplica a un arma de fuego que esté legalmente guardada dentro de un vehículo con seguro, o a armas de fuego usadas en actividades aprobadas y autorizadas por el distrito cuando el distrito ha adoptado medidas de resguardo apropiadas para garantizar la seguridad del estudiante.

Bajo el Código Penal

- Portar ilegalmente sobre la persona del estudiante lo siguiente, de manera prohibida por el Código Penal 46.02:
 - Una pistola, definida por la ley estatal como un arma de fuego diseñada, hecha o adaptada para usarse con una mano. (Ver **glosario**). Nota: Un estudiante no puede ser expulsado únicamente con base en el uso, exhibición, o posesión del estudiante de un arma de fuego que ocurra en unas instalaciones de tiro al blanco que no estén ubicadas en un campus escolar, al participar o prepararse para participar en una competencia

deportiva de tiro patrocinada por la escuela o en una actividad deportiva de tiro patrocinada o apoyada por el Departamento de Parques y Vida Silvestre, o una organización deportiva de tiro trabajando con el departamento. [Ver el reglamento FNCG (LEGAL)].

- Una navaja restringida en el sitio, de acuerdo a lo definido por la ley estatal. (Ver **glosario**).
- Poseer, fabricar, transportar, reparar o vender un arma prohibida, de acuerdo a lo definido por la ley estatal. (Ver **glosario**).
- Comportarse de una manera en la cual la conducta contenga elementos de las siguientes infracciones bajo el Código Penal:
 - Agresión agravada, agresión sexual o agresión sexual agravada.
 - Incendio premeditado. (Ver **glosario**).
 - Homicidio, asesinato capital o intento criminal de cometer homicidio o asesinato capital.
 - Indecencia con un menor.
 - Secuestro agravado.
 - Robo agravado.
 - Homicidio no premeditado.
 - Homicidio criminal negligente.
 - Abuso sexual continuo de un niño pequeño o de una persona discapacitada.
 - Conducta sancionable como delito mayor que incluye vender, dar o entregar a otra persona, o poseer, usar, o estar bajo los efectos de una sustancia controlada o una droga peligrosa.
- Participar en represalias contra un empleado o voluntario de la escuela en combinación con una de las infracciones de expulsión obligatoria indicadas previamente.

Menos de diez años

Cuando un estudiante menor de diez años participa en una conducta que se castiga con expulsión, el estudiante no será expulsado, sino que se le asignará a un DAEP. Un estudiante menor de seis años no se debe asignar a un DAEP a menos que haya cometido una infracción federal con armas de fuego.

Proceso

Si se piensa que un estudiante ha cometido una infracción cuyo castigo es la expulsión, el CBC u otro administrador apropiado programará una audiencia dentro de un periodo razonable. Se invitará al padre del estudiante por escrito para que asista a la audiencia.

Hasta que se pueda llevar a cabo una audiencia, el CBC u otro administrador puede asignar al estudiante a:

- Otro salón de clase adecuado.
- ISS.
- Suspensión fuera de la escuela.

- DAEP.

Audiencia

Se dará a un estudiante que se enfrente a la expulsión una audiencia con el debido proceso. El estudiante tiene derecho a:

1. Representación por el padre del estudiante u otro adulto que pueda proveer guía al estudiante y que no sea empleado del distrito,
2. Una oportunidad de testificar y presentar evidencias y testigos en su defensa, y
3. Una oportunidad de hacer preguntas a los testigos convocados por el distrito para la audiencia.

Después de dar aviso al estudiante y su padre sobre la audiencia, el distrito puede detener la audiencia sin importar si el estudiante o los padres del estudiante asisten.

La junta escolar delega al superintendente asociado autoridad de llevar a cabo audiencias y expulsar a estudiantes.

Revisión de la expulsión por parte de la junta

Después del debido proceso de la audiencia, el estudiante expulsado puede solicitar que la junta revise las decisiones de expulsión. El estudiante o padre debe presentar una solicitud escrita al superintendente en un plazo de siete días después de recibir la decisión escrita. El superintendente debe dar al estudiante o padre un aviso escrito de la fecha, la hora y el lugar de la reunión en la cual la junta revisará la decisión.

La junta revisará el informe de la audiencia de expulsión en una reunión privada, a menos que el padre solicite por escrito que el asunto se puede llevar a cabo en una reunión pública. La junta también puede escuchar una declaración del estudiante o padre y del representante de la junta.

La junta considerará y basará su decisión en evidencias reflejadas en el informe y en cualquier declaración hecha por las partes en la revisión. La junta hará y comunicará su decisión verbalmente al concluir la presentación. No se diferirán las consecuencias hasta que finalice el resultado de la audiencia.

Orden de expulsión

Antes de ordenar la expulsión, la junta o el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Si el estudiante es expulsado, la junta o su representante darán al estudiante y al padre del estudiante una copia de la orden de expulsión del estudiante.

A más tardar el segundo día hábil después de la audiencia, el superintendente asociado entregará al tribunal de menores una copia de la orden de expulsión y toda la información requerida por la Sección 52.04 del Código de Familia.

Si el periodo de expulsión no coincide con las pautas incluidas en el Código de Código de Conducta, la orden de expulsión dará aviso de la incoherencia.

Duración de la expulsión

La duración de la expulsión se basará en la gravedad de la infracción, la edad y nivel de grado del estudiante, la frecuencia de la mala conducta, la actitud del estudiante y los requisitos estatutarios.

La duración de la expulsión de un estudiante se determinará con base en cada caso. El periodo máximo de la expulsión es un año calendario, salvo lo estipulado a continuación.

Una expulsión no puede exceder un año, a menos que, después de la revisión, el distrito determine que:

1. El estudiante es una amenaza para la seguridad de otros estudiantes o empleados del distrito, o
2. La expulsión prolongada es para el mejor interés del estudiante.

La ley federal y estatal exige que un estudiante se expulse del salón de clase regular durante un periodo de por lo menos un año calendario por llevar a la escuela un arma de fuego, de acuerdo a lo definido por la ley federal. Sin embargo, el superintendente puede modificar la duración de la expulsión con base en cada caso.

A los estudiantes que cometen infracciones que requieren la expulsión al final del año escolar se les puede expulsar incluso después de iniciar el siguiente año escolar para completar el término de la expulsión.

Baja durante el proceso

Cuando la conducta de un estudiante requiera o permita la expulsión del distrito y el estudiante se da de baja del distrito antes de que se lleve a cabo la audiencia de la expulsión, el distrito puede llevar a cabo una audiencia después de enviar aviso escrito al padre o al estudiante.

Si el estudiante se matricula nuevamente en el distrito durante el mismo año escolar o el subsiguiente, el distrito puede ejecutar la orden de expulsión en ese momento, menos cualquier periodo que el estudiante haya cumplido el periodo de expulsión durante su matrícula en otro distrito.

Si el CBC o la junta no emite una orden de expulsión después de la baja del estudiante, el siguiente distrito en el cual se matricule el estudiante puede completar los procesos.

Mala conducta adicional

Si durante la expulsión el estudiante participa en mala conducta adicional para la cual se requiere o permite la asignación a un DAEP o expulsión, se pueden llevar a cabo procesos adicionales y el CBC puede emitir una orden disciplinaria adicional como resultado de esos procesos.

Restricciones durante la expulsión

Los estudiantes expulsados tienen prohibido estar en la propiedad escolar o asistir a actividades patrocinadas por la escuela o relacionadas con la escuela durante el periodo de expulsión.

No se obtendrá ningún crédito académico por el trabajo perdido durante el periodo de expulsión a menos que el estudiante esté matriculado en un JJAEP u otro programa aprobado por el distrito.

Estudiantes recién matriculados

El distrito continuará la expulsión de cualquier estudiante recién matriculado expulsado de otro distrito o de una escuela autónoma (charter) de inscripción abierta hasta que se complete el periodo de expulsión.

Si un estudiante expulsado de otro estado se matricula en el distrito, el distrito puede continuar la expulsión bajo los términos de la orden de expulsión, puede asignar a un estudiante a un DAEP durante el periodo especificado en la orden, o puede permitir que el estudiante asista a clases regulares si:

1. El distrito del otro estado provee al distrito una copia de la orden de expulsión, y
2. La infracción que causó la expulsión es también una infracción con motivo de expulsión en el distrito en el cual el estudiante se está matriculando.

Si un distrito escolar de otro estado expulsó al estudiante por un periodo que exceda un año y el distrito continúa la expulsión o asigna al estudiante a un DAEP, el distrito reducirá el periodo de expulsión o asignación a un DAEP de manera que el periodo no exceda un año, a menos que después de una revisión se determine que:

1. El estudiante es una amenaza para la seguridad de otros estudiantes o empleados del distrito, o
2. La asignación prolongada es para el mejor interés del estudiante.

Procedimientos de expulsión de emergencia

Cuando sea necesaria una expulsión de emergencia para proteger a personas o propiedad de un daño inminente, se dará al estudiante un aviso verbal de la razón de la acción. Dentro de diez días después de la fecha de la expulsión de emergencia, se dará al estudiante el debido proceso requerido para un estudiante que se enfrenta a una expulsión.

Asignación a un DAEP de estudiantes expulsados

El distrito puede proveer servicios de instrucción a cualquier estudiante expulsado en un DAEP. Sin embargo, servicios de instrucción en el DAEP deben proveerse si el estudiante tiene menos de diez años de edad.

Servicios de transición

En conformidad con la ley y los procedimientos del distrito, el personal del campus proveerá servicios de transición para un estudiante que regresa al salón de clase regular de una asignación a un programa alternativo de educación, incluso de un DAEP o JJAEP. Para obtener más información, ver los reglamentos FOCA(LEGAL) y FODA(LEGAL).

Glosario

Abuso es el uso inapropiado o excesivo.

Acoso incluye:

1. Conducta que cumple con la definición establecida en los reglamentos del distrito DIA(LOCAL) y FFH(LOCAL);
2. Conducta que amenaza causar daños o lesiones corporales a otra persona, incluido un estudiante del distrito, empleado, miembro de la junta, o voluntario; es sexualmente intimidante; causa daños físicos a las pertenencias de otro estudiante; sujeta a otro estudiante a restricción física; o daña maliciosa y considerablemente la salud o seguridad física o emocional de otro estudiante, de acuerdo a lo definido en el Código de Educación 37.001(b)(2); o
3. Conducta que es sancionable como delito bajo el Código Penal 42.07, incluso los siguientes tipos de conducta si se llevan a cabo con la intención de acosar, molestar, alarmar, abusar, atormentar o avergonzar a otro:
 - a. Iniciar comunicación y, en el transcurso de la comunicación, realizar un comentario, solicitud, sugerencia o propuesta que es obsceno, según lo definido por la ley;
 - b. Amenazar, en una forma que es razonablemente probable que alarme a la persona que recibe la amenaza, de que se va a infligir daño físico a la persona o a cometer un delito mayor en contra de la persona, un integrante de la familia o grupo familiar de la persona o los bienes de la persona;
 - c. Expresar, en una forma que es razonablemente probable que alarme a la persona que recibe el informe, un informe falso, que el emisor sabe que es falso, que diga que otra persona ha fallecido o sufrido lesión física grave;
 - d. Hacer que el teléfono u otro dispositivo timbre reiteradamente, o hacer comunicaciones telefónicas repetitivas de modo anónimo, o que de una manera razonable tenga la posibilidad de acosar, molestar, alarmar, abusar, atormentar, avergonzar u ofender a otra persona;
 - e. Hacer una llamada telefónica e intencionalmente no colgar o desconectar la llamada;
 - f. Permitir a sabiendas el uso de un teléfono bajo control de la persona por otra persona para cometer un delito bajo esta sección;
 - g. Enviar comunicaciones electrónicas reiteradas en una forma que es razonable que produzca acoso, molestia, alarma, abuso, tormento, vergüenza u ofensa a otro; y
 - h. Publicar en un sitio web de Internet, incluidas las plataformas de redes sociales, comunicaciones electrónicas repetidas de manera tal que sea razonablemente probable que causen angustia, abuso o tormento a otra persona, a menos que las comunicaciones se hagan en relación con un asunto de interés público, tal como lo define la ley; o
 - i. Hacer llamadas telefónicas obscenas, intimidantes o amenazadoras o a través de otra comunicación electrónica de un número de teléfono temporal o desechable provisto por una aplicación de Internet u otro medio de tecnología.

Adjudicación diferida es una alternativa a la búsqueda de convicción en el tribunal que se puede ofrecer a un menor por una conducta delictiva o conducta que indique una necesidad de supervisión.

Agresión se define en parte en el Código Penal 22.01 como causar intencionalmente, a sabiendas o imprudentemente lesión corporal a otra persona; amenazar intencionalmente o a sabiendas a otra persona con lesión corporal inminente; o causar intencionalmente o a sabiendas contacto físico con otra persona que pueda considerarse de manera razonable como ofensivo o provocador.

Amenaza terrorista, definida por el Código Penal 22.07, es una amenaza de violencia a alguna persona o propiedad con la intención de:

1. Causar una reacción de cualquier tipo de alguna agencia oficial o voluntaria organizada para lidiar con emergencias;
2. Atemorizar a una persona de una lesión corporal grave e inminente;
3. Impedir o interrumpir la ocupación o uso de un edificio; habitación, lugar de reunión o lugar de acceso público; lugar de empleo u ocupación; avión, automóvil, u otro medio de transporte; u otro lugar público;
4. Impedir o interrumpir las comunicaciones públicas; el transporte público; suministro de agua, gas o electricidad pública; u otro servicio público;
5. Atemorizar al público o a un grupo público de una lesión corporal grave; o
6. Influir la conducta o actividades de una dependencia o agencia del gobierno federal, el estado, o una subdivisión política del estado (incluido el distrito).

Ametralladora, definida por el Código Penal 46.01, es cualquier arma de fuego que es capaz de disparar más de dos tiros automáticamente, sin recargo manual, con un solo apretón del gatillo.

Arma de cañón corto se define en el Código Penal 46.01 como un rifle con cañón de menos de 16 pulgadas de largo o una escopeta con cañón de menos de 18 pulgadas, o cualquier arma hecha de un rifle o escopeta que, al alterarse, tenga una longitud total de menos de 26 pulgadas.

Arma de fuego se define en la ley federal (18 U.S.C. 921(a)) como:

1. Cualquier arma (incluyendo una pistola de salva) que se convertirá, está diseñada para convertirse o se puede convertir en un dispositivo que lanza un proyectil mediante la acción de un explosivo;
2. El marco o receptor de cualquier tipo de arma;
3. Cualquier amortiguador de sonido de arma de fuego o silenciador de arma de fuego, que se define como cualquier dispositivo para silenciar, amortiguar o reducir la explosión de un arma de fuego portátil; o
4. Cualquier dispositivo destructivo, como un explosivo, bomba incendiaria o de gas venenoso, o granada.

Dicho término no incluye un arma de fuego considerada antigüedad.

Arma de imitación significa un objeto que se parece a un arma pero que no está destinado a causar lesiones corporales graves.

Arma explosiva, definida en el Código Penal 46.01, es un explosivo o bomba incendiaria, granada, cohete, o mina y su mecanismo de ejecución que está diseñado, hecho o adaptado para el propósito de infligir una lesión corporal grave, la muerte o daños considerables a la

propiedad, o para el propósito principal de causar un ruido muy fuerte que cause alarma o terror al público.

Arma improvisada, definida por el Código Penal 46.01, es un dispositivo, o combinación de dispositivos, que originalmente no son un arma de fuego, pero que se adaptan para disparar un proyectil a través de un cañón de ánima lisa o rayada usando la energía generada por una explosión o sustancia ardiente.

Arma prohibida bajo el Código Penal 46.05(a) significa:

1. Los siguientes artículos, a menos que estén registrados con la Agencia de Alcohol, Tabaco, Armas de Fuego y Explosivos de EE.UU., o que no estén sujetos de otra manera al requisito de registro, o a menos que el artículo esté clasificado como curiosidad o reliquia por el Departamento de Justicia de EE.UU.:
 - a. Un arma explosiva;
 - b. Una ametralladora;
 - c. Un arma de cañón corto;
2. Munición perforante;
3. Dispositivo dispensador de químicos;
4. Un arma improvisada;
5. Un dispositivo para desinflar neumáticos; o
6. Un dispositivo de explosivo improvisado.

Autodefensa es el uso de fuerza contra otra persona hasta el grado que una persona piensa de manera razonable que es inmediatamente necesaria para protegerse a sí misma.

Bajo los efectos significa la falta del uso normal de las facultades físicas o mentales. El deterioro de las facultades físicas o mentales de una persona puede detectarse por un patrón de conducta anormal o errática, la presencia de síntomas físicos de uso de alcohol o drogas, o admitiéndolo. Un estudiante que esté “bajo los efectos” no tiene que estar intoxicado legalmente para causar una medida disciplinaria.

Cigarrillo electrónico significa un cigarrillo electrónico u otro dispositivo que simula el fumar usando un elemento de calentamiento mecánico, pila o circuito electrónico para dispensar nicotina u otras sustancias a la persona que inhala del dispositivo, o una solución líquida consumible u otro material aerosolizado o vaporizado durante el uso de un cigarrillo electrónico u otro dispositivo descrito en esta disposición. El término incluye cualquier dispositivo que es fabricado, distribuido o vendido como un cigarrillo electrónico, puro electrónico o pipa electrónica, o bajo otro nombre o descripción de producto y un componente, pieza o accesorio para el dispositivo, sin importar si el componente, pieza o accesorio se vende por separado del dispositivo.

Conducta delictiva es una conducta que viola la ley federal o estatal y que sea sancionable mediante prisión o encarcelamiento. Incluye la conducta que viole ciertas órdenes del tribunal de menores, incluyendo órdenes de libertad condicional, pero no incluye violaciones a las leyes de tránsito.

Conducta mortal bajo el Código Penal 22.05 ocurre cuando una persona participa imprudentemente en una conducta que plantea a otro un peligro inminente de lesión física

grave, como disparar un arma de fuego conscientemente en dirección a una persona, habitación, edificio o vehículo.

Creencia razonable es aquella que una persona común de inteligencia promedio y lucidez mental creería. El Capítulo 37 exige que el superintendente o su representante tome determinadas decisiones disciplinarias cuando tenga una creencia razonable de que el estudiante participó en una conducta sancionable como delito mayor. En la formación de una creencia razonable de ese tipo, el superintendente o su representante puede utilizar toda la información disponible y debe considerar la información provista en el aviso de la detención de un estudiante bajo el Código de Procedimientos Penales, Artículo 15.27.

Delitos mayores del Título 5 son los delitos mayores incluidos en el Título 5 del Código Penal que generalmente involucran lesión a una persona y pueden incluir:

- Asesinato, homicidio no premeditado u homicidio bajo las Secciones 19.02 - .05;
- Secuestro bajo la Sección 20.03;
- Trata de personas bajo la Sección 20A.02;
- Tráfico ilícito o continuo de personas bajo las Secciones 20.05 - .06;
- Agresión bajo la Sección 22.01;
- Agresión agravada bajo la Sección 22.02;
- Agresión sexual bajo la Sección 22.011;
- Agresión sexual agravada bajo la Sección 22.021;
- Privación ilegal de la libertad bajo la Sección 20.02;
- Abuso sexual continuo de un niño pequeño o de una persona discapacitada bajo la Sección 21.02;
- Bestialidad/bestialismo bajo la Sección 21.09;
- Relación inapropiada entre el educador y el estudiante bajo la Sección 21.12;
- Voyerismo bajo la Sección 21.17;
- Indecencia con un menor bajo la Sección 21.11;
- Grabación visual invasiva bajo la Sección 21.15;
- Revelación o promoción de material visual íntimo bajo la Sección 21.16;
- Coerción sexual bajo la Sección 21.18;
- Lesión a un menor, un anciano o una persona discapacitada de cualquier edad bajo la Sección 22.04;
- Abandono o puesta en peligro de un menor bajo la Sección 22.041;
- Conducta mortal bajo la Sección 22.05;
- Amenaza terrorista bajo la Sección 22.07;
- Ayuda a una persona a suicidarse bajo la Sección 22.08; y
- Manipulación de un producto de consumo bajo la Sección 22.09;

Discrecional significa que algo se deja o regula por un tomador de decisiones local.

Dispositivo dispensador de químicos, definido por el Código Penal 46.01, es un dispositivo diseñado, hecho o adaptado para el propósito de dispensar una sustancia capaz de causar un efecto psicológico o fisiológico adverso en un ser humano. Un dispensador de químicos pequeño que se vende comercialmente para protección personal no está dentro de esta categoría.

Dispositivo para desinflar neumáticos se define en parte por el Código Penal 46.01 como un dispositivo, incluyendo un abrojo o ponchallantas que, cuando se conduce por encima, impide o detiene el movimiento de un vehículo de ruedas perforando uno o más neumáticos del vehículo.

Droga peligrosa se define en el Código de Salud y Seguridad 483.001 como un dispositivo o una droga que no es segura para automedicación y que no está incluida en los Anexos I a V o en los Grupos 1 a 4 de Sanción de la Ley de sustancias controladas de Texas. El término incluye un dispositivo o una droga que la ley federal prohíbe dispensar sin receta o que restringe para uso de un veterinario habilitado o por orden del mismo.

Enjuiciamiento diferido se puede ofrecer a un menor como una alternativa a la búsqueda de convicción en el tribunal por una conducta delictiva o conducta que indique una necesidad de supervisión.

Exhibicionismo, definido por el Código Penal 21.08, es una ofensa que ocurre cuando una persona expone el ano de la persona o alguna parte de los genitales de la persona con la intención de despertar o gratificar los deseos sexuales de una persona, y al exhibidor no le importa si la otra persona presente se ofenderá o alarmará a causa de la acción.

Explosivo improvisado, definido por el Código Penal 46.01, es una bomba completa y funcional diseñada para causar lesiones corporales graves, la muerte o daños considerables a la propiedad, que se fabrica de una manera improvisada con el uso de componentes no militares.

Falsa alarma o informe bajo el Código Penal 42.06 ocurre cuando una persona deliberadamente inicia, comunica o distribuye un informe de una bomba, incendio, infracción u otra emergencia presente, pasada o futura que sabe que es falsa o sin fundamentos y que generalmente:

1. Causaría la acción de la policía o agencia voluntaria organizada para lidiar con emergencias;
2. Atemorizaría a una persona de una lesión corporal grave e inminente; o
3. Impediría o interrumpiría la ocupación de un edificio, habitación o lugar de reunión.

Fraternidad, hermandad, sociedad secreta o pandilla de una escuela pública significa una organización compuesta en su totalidad o en parte por estudiantes que buscan perpetuarse a sí mismos aceptando miembros adicionales de entre los estudiantes matriculados en la escuela con base a una membresía en lugar de la libre elección de un estudiante calificado. Las organizaciones educativas incluidas en el Código de Educación 37.121(d) son excepciones de esta definición.

Grafiti incluye marcas con pintura, pluma o marcador indeleble, o dispositivo de grabación en bienes tangibles sin el consentimiento del propietario. Las marcas pueden incluir inscripciones, eslogan, dibujos o pinturas.

Incendio premeditado se define en parte en el Código Penal 28.02 como un delito que incluye:

1. Crear un incendio o causar una explosión con la intención de destruir o hacer daños:
 - a. De vegetación, cerca o estructura en un terreno abierto; o
 - b. A cualquier edificio, habitación o vehículo:
 - (1) Sabiendo que está dentro de los límites de una ciudad o poblado incorporado,
 - (2) Sabiendo que está asegurado contra daños o destrucción,
 - (3) Sabiendo que está sujeto a una hipoteca u otro interés de garantía,
 - (4) Sabiendo que está ubicado en la propiedad de otra persona,
 - (5) Sabiendo que está ubicado dentro de la propiedad de otra persona, o
 - (6) Cuando la persona que inicia el incendio no considera que el incendio o la explosión pondrá en peligro la vida de alguna persona o la seguridad de la propiedad de una persona.
2. Crear un incendio o explosión de manera imprudente mientras se fabrique o intente fabricar una sustancia controlada si el incendio o la explosión daña algún edificio, habitación o vehículo; o
3. Crear un incendio o causar una explosión de manera intencional y esto causa:
 - a. Dañar o destruir de manera imprudente un edificio que pertenece a otra persona, o
 - b. Causar de manera imprudente que otra persona sufra lesiones corporales o la muerte.

Intimidación cibernética (cyberbullying), como se define en el Código de Educación 37.0832, es intimidación a través del uso de algún dispositivo de comunicación electrónica, incluso a través del uso de un teléfono celular u otro tipo de teléfono, una computadora, una cámara, correo electrónico, mensajes instantáneos, mensajes de texto, una aplicación de redes sociales, un sitio web de internet o cualquier otra herramienta de comunicación por internet.

Intimidación escolar (bullying) se define como una acción o un patrón de acciones significativas por parte de uno o más estudiantes dirigidas a otro estudiante que aprovecha un desequilibrio de poder, e implica participar en la expresión verbal o escrita, en la expresión a través de medios electrónicos o en conducta física que:

1. Tiene el efecto o tendrá el efecto de lastimar físicamente a un estudiante, dañar las pertenencias de un estudiante o imponer en un estudiante un temor razonable de daño a su persona o daño a sus pertenencias;
2. Es tan grave, persistente e intensa que la acción o amenaza crea un entorno educativo que es intimidante, amenazador o abusivo para un estudiante;
3. Perturba de manera sustancial y considerable el proceso de instrucción o el funcionamiento ordenado de un salón de clase o escuela, o
4. Infringe los derechos de la víctima en la escuela.

La intimidación escolar incluye la intimidación cibernética (cyberbullying). (Ver a continuación) Las leyes de este estado sobre la intimidación escolar se aplican a:

1. Intimidación escolar que ocurre en la propiedad escolar, se dirige deliberadamente a la propiedad escolar o al sitio de una actividad patrocinada o relacionada con la escuela, dentro o fuera de la propiedad escolar;

2. Intimidación escolar que ocurre en un autobús o vehículo escolar público o privado que se utiliza para transportar estudiantes de ida o vuelta a la escuela o a una actividad patrocinada o relacionada con la escuela; y
3. Intimidación cibernética que ocurre fuera de la propiedad escolar o fuera de una actividad patrocinada o relacionada con la escuela si dicha intimidación interfiere con las oportunidades educativas de un estudiante o interrumpe considerablemente la operación ordenada de un salón de clase, escuela o actividad patrocinada o relacionada con la escuela.

Lascivia pública, definida por el Código Penal 21.07, es una ofensa que ocurre cuando una persona participa deliberadamente en el coito sexual, coito sexual desviado o contacto sexual en un lugar público o, si no es un lugar público, lo hace sin importar si otras personas presentes se ofenderán o alarmarán a causa de la acción.

Mala conducta grave significa:

1. Conducta violenta deliberada que imponga una amenaza directa a la salud o seguridad de los demás;
2. Extorción, que significa la obtención de dinero u otra propiedad por fuerza o amenaza;
3. Conducta que constituya coerción, según lo definido por el Código Penal 1.07; o
4. Conducta que constituya la infracción de:
 - a. Lascivia pública bajo el Código Penal 21.07;
 - b. Exhibicionismo bajo el Código Penal 21.08;
 - c. Mala conducta delictiva bajo el Código Penal 28.03;
 - d. Novatadas maliciosas bajo el Código de Educación 37.152; o
 - e. Acoso bajo el Código Penal 42.07(a)(1) de un estudiante o empleado del distrito.

Mala conducta grave o persistente incluye, entre otras cosas:

- Conducta que es causa de expulsión permisible o asignación obligatoria a un DAEP.
- Conducta identificada por el distrito como causa de asignación discrecional a un DAEP.
- Acciones o demostraciones que interrumpan de manera considerable o interfieran materialmente con las actividades escolares.
- Negarse a tratar de hacer o completar el trabajo escolar asignado.
- Insubordinación.
- Usar lenguaje profano o vulgar, o hacer gestos obscenos.
- Salir de la propiedad escolar sin permiso.
- Falsificar registros, pases u otros documentos relacionados con la escuela.
- Negarse a aceptar medidas disciplinarias asignadas por un maestro o director.

Manoplas significa cualquier instrumento que consiste de anillos o cubiertas hechas de una sustancia dura y diseñado o adaptado para causar lesiones corporales graves o la muerte golpeando a una persona con el puño apretando los nudillos.

Material visual íntimo, definido por el Código Civil de Prácticas y Remedios 98B.001 y el Código Penal 21.16, es un material visual que representa a una persona con sus partes íntimas expuestas o participando en una conducta sexual. “Material visual” significa cualquier película, fotografía, cinta de video, negativo o diapositiva de cualquier reproducción fotográfica o cualquier otro medio físico que permite que una imagen se presente en una computadora u otra pantalla de video y cualquier imagen transmitida a una computadora u otra pantalla visual.

Munición perforante se define en el Código Penal 46.01 como munición de pistola usada en pistolas y revólveres y diseñada principalmente para penetrar metal o blindaje personal.

Navaja restringida en el sitio, definida por el Código Penal 46.01, es una navaja con una cuchilla de más de cinco pulgadas y media.

Novatada maliciosa (hazing) se define en el Código de Educación 37.151 como un acto intencional, consciente o imprudente, en el campus o fuera de él, hecho por una persona sola o que actúa con otras, dirigido a un estudiante con el propósito de comprometer, iniciar, afiliar, tener un cargo o mantener la membresía en una organización estudiantil si el acto contiene los elementos del Código de Educación 37.151, entre ellos:

1. Cualquier tipo de brutalidad física;
2. Una actividad que someta al estudiante a un riesgo irrazonable de daño o que perjudique la salud física o mental del estudiante, como privación de sueño, exposición a factores meteorológicos, encierro en espacios reducidos, calistenia o consumo de alimentos, líquidos, drogas u otras sustancias;
3. Una actividad que induzca, cause o exija que el estudiante realice una función o tarea que infrinja el Código Penal; o
4. Forzar a un estudiante a consumir una droga o bebida alcohólica en una cantidad que llevaría a una persona razonable a creer que el estudiante está intoxicado. **Lista negra (lista de víctimas)**, definida en el Código de Educación 37.001(b)(3), es una lista de gente a la que se desea lastimar, usando un arma de fuego, una navaja o cualquier otro objeto con la intención de causar lesiones corporales.

Obligatorio significa que algo es obligatorio o requerido por una autoridad.

Pandilla callejera delincuente se define en el Código Penal 71.01 como tres o más personas que tienen una señal o símbolo de identificación común o un liderazgo identificable que se relaciona continua o regularmente con la perpetración de actividades delictivas.

Parafernalia son dispositivos que se pueden usar para inhalar, ingerir, inyectar o de otra manera introducir una sustancia controlada en el cuerpo humano.

Pistola, definida por el Código Penal 46.01, es cualquier arma de fuego que esté diseñada, hecha o adaptada para dispararse con una mano.

Porra (club), como se define en el Código Penal 46.01, es un instrumento especialmente diseñado, hecho o adaptado para el propósito de infligir una lesión corporal grave o la muerte al golpear a una persona con el instrumento, e incluye, entre otros, cachiporra, porra de policía, maza, y hacha.

Poseción significa tener un artículo en su persona o en la propiedad personal, que incluye, entre otros:

1. Ropa, bolso o mochila;

2. Un vehículo privado usado para transportarse hacia o desde la escuela o actividades relacionadas con la escuela, incluyendo, entre otros, un automóvil, camioneta, motocicleta o bicicleta;
3. Dispositivos de telecomunicaciones o electrónicos; o
4. Cualquier propiedad escolar usada por el estudiante, incluyendo, entre otros, un casillero o escritorio.

Quebrantamiento de seguridad informática incluye acceder deliberadamente a una computadora, red o sistema computacional sin el consentimiento efectivo del propietario de acuerdo a lo definido por el Código Penal 33.02, si la conducta incluye acceder a una computadora, red o sistema computacional que es propiedad de un distrito escolar u operado a nombre del distrito y el estudiante deliberadamente altera, daña o borra propiedad o información del distrito escolar o comete un quebrantamiento de alguna otra computadora, red o sistema computacional.

Robo agravado se define en parte en el Código Penal 29.03(a) como cuando una persona comete un robo y:

1. Causa lesiones físicas graves a otra persona;
2. Usa o enseña un arma mortal; o
3. Causa lesiones físicas a otra persona o amenaza o atemoriza a otra persona de una lesión física inminente o muerte, si la otra persona es:
 - a. Mayor de 65 años, o
 - b. Una persona discapacitada.

Sustancia controlada significa una sustancia, incluso un fármaco, un adulterante y un diluyente, enumerados en los Anexos I a V o Grupo 1, 1-A, 1-B, 2, 2-A, 3 o 4 de Sanción de la Ley de sustancias controladas de Texas. El término incluye el peso total de cualquier mezcla, solución u otra sustancia que contenga una sustancia controlada. El término no incluye cáñamo, según se define en el Código de Agricultura 121.001, o el tetrahidrocannabinol (THC) en el cáñamo.

Uso significa introducción voluntaria al propio cuerpo, por cualquier medio, de una sustancia prohibida.

Violencia en la pareja ocurre cuando una persona en una relación de pareja actual o pasada utiliza el abuso físico, sexual, verbal o emocional para dañar, amenazar, intimidar o controlar a la otra persona en la relación. La violencia en la pareja también ocurre cuando una persona comete estos actos contra una persona en una relación de matrimonio o de pareja con la persona que está o estuvo casada o en una relación de pareja con la persona que comete la ofensa, de acuerdo a lo definido en la Sección 710021 del Código de Familia.



San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Sandra Sanchez, CTE Administrator
Subject: NCCER High School Builder Program Integrity Agreement
Date: August 23, 2023

HISTORY: The Construction Program of Study is transitioning to Plumbing and Pipefitting Program of Study. Plumbing and Pipefitting Program of Study is part of the Comprehensive Local Needs Assessment areas in demand. To keep up with the Labor Industry Market, we must enhance our Plumbing and Pipefitting program with the National Center for Construction Education and Research (NCCER) curricula and NCCER High School Builder Program. San Elizario High School would be the first to be in the NCCER High School Builder Program.

RATIONALE: The implementation of the NCCER High School Builder Program contains the curricula that will provide the San Elizario high school students the opportunity to certify in NCCER Plumbing Level I and Level II industry certifications. The curricula will allow learning primarily through application. Provides project-based teaching that engages all types of learners. Reinforces and expands through increasingly complex project goals. Provides the opportunity for District internships in the plumbing field. The NCCER curricula fulfills the standards in the Plumbing and Pipefitting Pathway resulting in a Business and Industry Endorsement for graduation.

BUDGET: Not to exceed \$5,000

ADMINISTRATIVE RECOMMENDATION: It is recommended that the Board of Trustees approve the NCCER High School Builder Program and curricula to provide our district students with relevant and rigorous project-based learning skills to be compatible with today's labor market.

Please check one: For approval Report / Information only Recognition only

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

High School Builder Program Integrity Agreement

By my signature below, having full power and authority to act on behalf of [Organization Name], I hereby attest that:

- All information provided in this Application is true, accurate, and complete and understand that any falsification, omission, or concealment of material fact may subject me or the Organization to administrative, civil, or criminal liability as well as revocation of its status with NCCER as a Builder Program School.
- I hereby authorize NCCER to validate all information contained in this Application and supporting attachments and documents and to conduct such other due diligence as NCCER deems appropriate or necessary in connection with acceptance into the High School Builder Program.
- I understand that all fees paid to NCCER in connection with the High School Builder Program application process are non-refundable.

Intellectual Property, Confidentiality & Non-Solicitation Agreement

By my signature below, I hereby confirm that I am a duly authorized representative to bind the Organization and have the full power and authority to act on behalf of the Organization in executing this Agreement. I hereby acknowledge and agree that, during the time the Organization is recognized as a Builder Program School and for an additional period of three (3) years (the "Term") thereafter:

- All testing materials, curricula and other materials provided to or purchased by me or the Organization from NCCER and its publisher (the "Training Materials") are the copyrighted intellectual property of NCCER. NCCER exclusively owns all use and intellectual property rights in the Training Materials.
- Except for disclosure to trainees or participants, or individuals to whom disclosure has been authorized in writing by the trainee or participant, I will keep confidential and not disclose to any person or entity the Training Materials, or any list, process, information, or document it contains, uses, or comes into contact with as a result of providing services relating to NCCER or the NCCER Curriculum.
- When NCCER testing policies are breached, NCCER may, in its sole discretion, elect to revoke any individual training credential(s) that it determines were or were likely to have been issued based upon training and/or testing processes that do not comply with NCCER Standards. I understand that the Organization shall be solely responsible to any individual who completed training or testing with the Organization, in the event the individual's credentials are later revoked by NCCER.
- NCCER may revoke the Organization's status as a Builder Program School, at any time, if it determines, in its sole discretion, that: (1) the Organization has committed or otherwise allowed serious and/or repeated violations of the NCCER Standards to occur, or (2) the integrity, credibility or reputation of NCCER or its programs would be impaired by allowing Organization to retain its status. NCCER shall have no legal, financial, or other liability of any kind to the Organization for revocation of its status as a Builder Program School under this Agreement.

- The Organization shall not directly or indirectly employ or offer to employ, solicit, interfere with, or attempt to divert or entice away from NCCER any employee or independent contractor of NCCER in any capacity.
- The Organization shall be responsible for and liable to NCCER for any breach of its obligations hereunder. NCCER may seek legal recourse from the Organization. The remedies include, but are not limited to, those provided pursuant to the Defend Trade Secrets Act of 2016 (DTSA) and common law.
- The restrictions contained in this Agreement shall apply to all locations where NCCER provides the NCCER Curriculum during the Term.
- The venue for any action to enforce this Agreement shall be in a court of competent jurisdiction in and for the jurisdiction in which the Organization is located.
- Nothing in this Agreement shall affect the rights between the parties that exist in any other agreement(s) between them.

Signature:

Printed Name:

Title:

Date:

Organization Name:

DRAFT

