

Agenda of Workshop

The Board of Trustees Lake Travis Independent School District



A Workshop of the Board of Trustees of Lake Travis Independent School District will be held August 6, 2009, beginning at 6:00 PM in the Educational Development Center, Live Oak Room, 607 RR 620 North, Austin, Texas 78734.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice.

If, during the course of the meeting covered by this agenda, the Board should determine that a closed session of the Board should be held or is required in relation to any item included on this agenda, then such closed session as authorized by Section 551.001 et seq of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this agenda or as soon after the commencement of the meeting covered by this agenda as the Board may conveniently meet in such closed session concerning any and all subjects and for any and all purposes permitted by Sections 551.071 – 551.084, inclusive, of the Open Meetings Act.

1. Call To Order
2. Quorum Determination
3. Closed Session - Trustees will adjourn into Closed Session as permitted by the Texas Government Code Section 551.001 et. seq.
 - A. Section 551.071 - Consultation with Attorney
 1. The Board will discuss and receive legal advice from its attorney on matters which should be confidential under Texas Government Code Section 551.071(2).
 2. The Board will discuss and receive legal advice from its attorney regarding the Level III appeal of decision regarding consolidated complaints filed by C. Pribyl on April 6, 2009 and April 17, 2009
 3. The Board will discuss and receive legal advice from its attorney regarding the Level III appeal of decision regarding complaint filed by D. Lovelace on April 7, 2009
 4. The Board will discuss and receive legal advice from its attorney regarding pending litigation under Texas Government Code Section 551.071(1).

- a. Meadows v. Lake Travis Independent School District, Docket No. 1:08-CV-819-SS, in the United States District Court, Western District of Texas
 - B. Section 551.074 – Personnel Matters
 - 1. The Board will discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of public employees or officials. (This may involve consultation with attorney as permitted under Section 551.071.)
 - C. Section 551.0821 - Personally Identifiable Information About Public School Student
 - 1. The Board will deliberate a matter regarding a public school student and personally identifiable information about the student will necessarily be revealed by the deliberation.
 - D. Section 551.072 - Deliberation regarding Real Property
 - 1. The Board will discuss the purchase, exchange, lease, or value of real property. (This may involve consultation with attorney as permitted under Section 551.071.)
- 4. Discussion and/or Action
 - A. Level III appeal of decision regarding complaint filed by D. Lovelace on April 7, 2009
 - B. Level III appeal of decision regarding consolidated complaints filed by C. Pribyl on April 6, 2009 and April 17, 2009
 - C. Administration & Accountability
 - 1. 2009-10 Salaries and Compensation
 - 2. State Accountability Requirements
 - 3. 2009-10 Student Code of Conduct
 - D. Curriculum and Instructional Services
 - 1. House Bill 3 Provisions
 - E. Business and Financial Services
 - 1. 2009-10 Budget
 - 2. Future Tax Ratification Election
 - 3. 2009-2010 Notice of Proposed Budget and Tax Rate and Date and Location of Tax Rate Meeting
 - 4. Refinancing of Debt Service Obligations (Bond)
 - F. Governance and Legal Services
 - 1. Resolution Authorizing Superintendent or Designee to negotiate and execute agreement for the purchase of Approximately 89 acres generally located on Highway 71 at Bee Creek Road for the location of a future district facility
- 5. Upcoming Meetings
 - A. August 27, 2009, 7:00 p.m., Regular Board Meeting, EDC
 - B. September 10, 2009, 7:00 p.m., Regular Board Meeting, EDC
 - C. September 17, 2009, 6:00 p.m., Board/Superintendent Conference, EDC

D. October 8, 2009, 6:00 p.m., Board Workshop, EDC

6. Adjournment



AGENDA ITEM ACTION SHEET

SUBJECT	2009-2010 Lake Travis ISD Student Code of Conduct
RECOMMENDED ACTION	Approve the Lake Travis ISD Student Code of Conduct for 2009-2010 as presented.
RATIONALE	<p>Each year changes are made to the LTISD Student Code of Conduct in order to align it with newly enacted laws and regulations. Prior to seeking Board Approval, the Code of Conduct is reviewed by the District ACE Committee. Significant changes in this year's Code of Conduct include:</p> <p>The District has opted to continue the expulsion of any newly enrolled expelled from another district or an open enrollment charter school until the period of the expulsion is completed. This is in keeping with current practice.</p> <p>Extend the District definition of an illegal knife/switchblade to include knives that open or release a blade from the handle or sheath by the force of gravity or by the application of centrifugal force. This term does include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife. In order to continue the option of expulsion for any student who brings a knife of this type onto campus, the District needed to include this definition in the Student Code of Conduct as it was specifically defined and omitted by recent legislation.</p>
BUDGET PROVISIONS	The Code of Conduct is disseminated to students and parents through both hard copy and the District/campus websites and is available to parents and students in English and Spanish. Funding for hard copies is included in the campus budgets.
RESOURCE PERSONNEL	Diane Frost, Deputy Superintendent
ATTACHMENTS	Lake Travis ISD Student Code of Conduct for 2009-2010
MEETING DATE	August 6, 2009



2009-2010 STUDENT CODE OF CONDUCT

LAKE TRAVIS ISD BOARD OF TRUSTEES

SUSAN TOLLES	GUY CLAYTON
JASON BUDDIN	MAYO DAVIDSON
ALAN WILLIAMS	FRED GOFF
	LISA JOHNSON

THE PURPOSE OF THE STUDENT CODE OF CONDUCT

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

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, placement in or removal from a Disciplinary Alternative Education Program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Lake Travis ISD Board of Trustees with the advice of its District-level committee. The Student Code of Conduct provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Student Code of Conduct will be posted at each school campus or will be available for review at the office of the campus principal. Parents will be notified of any Student Code of Conduct violation that may result in a student being suspended, removed to a DAEP, or expelled from the District.

Contents

This Code is organized into the following sections:

- 1. Standards for Student Conduct.....pages 2–3
- 2. General Misconduct Violations.....pages 4–5
- 3. Removal from the Regular Educational Setting.....pages 5-6
 - a. Suspensionpage 6
 - b. Placement in a Disciplinary Alternative Education Program.....pages 7-13
 - c. Placement and/or Expulsion for Certain Serious Offensespages 13-14
 - d. Expulsion (Including Placement in Juvenile Justice AEP).....pages 15–18

The **Glossary** at the back of the Student Code of Conduct provides easy access to definitions of legal terms.

In case of conflict between the Student Code of Conduct and the student handbook, the Student Code of Conduct will prevail. The Student Code of Conduct is adopted by the District’s Board of Trustees and has the force of policy.

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.

Approved by Board: 06/03/96; Change Approved by Board: 04/07/97; Change Approved by Board: 11/03/97; Change Approved by Board: 08/05/02; Change Approved by Board: August 11, 2003, Change Approved by Board: August 13, 2007, Change Approved by Board: June 19, 2008

Standards for Student Behavior

Each student is expected to:

1. Demonstrate courtesy, even when others do not.
2. Behave in a responsible manner, always exercising self-discipline.
3. Attend all classes, regularly and on time.
4. Prepare for each class; take appropriate materials and assignments to class.
5. Meet District and campus standards of grooming and dress.
6. Obey all campus and classroom rules.
7. Respect the rights and privileges of other students and of teachers and other District staff.
8. Respect the property of others, including District property and facilities.
9. Cooperate with and assist the school staff in maintaining safety, order, and discipline.
10. Avoid violations of the Student Code of Conduct.

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

Consequences

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

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

The District has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on District transportation or within sight of the bus stop;
2. For certain mandatory DAEP and discretionary expulsion offenses, within 300 feet of school property as measured from any point on the school's real property boundary line;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of the District;
6. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
7. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081; and
8. When criminal mischief is committed on or off school property or at a school-related event.

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

The District has the right to search a student's locker whenever there is reasonable cause to believe it contains articles or materials prohibited by the District.

A school administrator will report crimes as required by law. A school administrator who suspects that a crime has been committed on campus will call local law enforcement.

The District has the right to revoke the transfer of a transfer student for violating the District's Student Code of Conduct.

In general, discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

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

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

1. Verbal/Visual correction.
2. Cooling-off time or "time-out."
3. Seating changes within the classroom.
4. Counseling by teachers, counselors, or administrative personnel.
5. Parent-teacher conferences.
6. Confiscation of items that disrupt the educational process.
7. Grade reductions, for cheating, plagiarism, and as otherwise permitted by policy.
8. Rewards or demerits.
9. Behavioral contracts.
10. Detention.
11. Sending the student to the office or other assigned area, or to in-school suspension.
12. Out-of-school suspension, as specified in the suspension section of this Student Code of Conduct.
13. Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of this Student Code of Conduct.
14. Expulsion, as specified in the expulsion section of this Student Code of Conduct.
15. Assignment of school duties other than class tasks.
16. Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.
17. Penalties identified in individual student organizations' extracurricular standards of behavior.
18. Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.
19. Withdrawal or restriction of bus privileges.
20. School-assessed and school-administered probation.
21. Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
22. Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
23. Other strategies and consequences as specified by the Student Code of Conduct.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the ~~principal's office or the central administration~~ office of the Deputy Superintendent or through Policy On Line at

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

Class D and Class C Offenses

The following behaviors are prohibited at all school and school-related activities:

1. Cheat or copy the work of another.
2. Throw objects that can cause bodily injury or property damage.
3. Fail to comply with directives given by school personnel.
4. Leave school grounds or school-sponsored events without permission.
5. Disobey rules for conduct on school buses.
6. Use profanity, vulgar language, or obscene gestures.
7. Fight or scuffle. (For assault see DAEP Placement and Expulsion)
8. Participate in hazing. (See glossary)
9. Steal from students, staff, or visitors of the school.
10. Damage or vandalize property owned by others.
11. Deface or damage school property—including, but not limited to, textbooks, lockers, furniture, and other equipment—with graffiti or by other means. (See glossary)
12. Possess fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
13. Discharging a fire extinguisher.
14. Possess a razor, box cutter, chain, or any other object that could be used in a way that threatens or inflicts bodily injury to another person.
15. Possess a "look-alike" weapon.
16. Possess an air gun or BB gun.
17. Possess ammunition.
18. Possess a stun gun.
19. Possess mace or pepper spray.
20. Possess or use any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.
21. Gamble.
22. Make false accusations or hoaxes regarding school safety.
23. Falsify records, passes, or other school-related documents.
24. Commit extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
25. Engage in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
26. Being insubordinate.
27. Refuse to accept discipline management techniques assigned by a teacher or principal.
28. Cause an individual to act through the use of force or threat of force.
29. Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
30. Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence. (see glossary)
31. Engage in threatening behavior toward another student or District employee on or off school property.

32. Engage in harassment motivated by race, color, sex, religion, national origin, disability, or age and directed toward another student or District employee. (See glossary)
33. Engage in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
34. Engage in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.
35. Engage in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee. (see glossary for "Harassment")
36. in inappropriate or indecent exposure of a student's private body parts.
37. Possess or use of matches or a lighter.
38. Possess smoking, or using tobacco products.
39. Possess or sell look-alike drugs or attempted to pass items off as drugs or contraband.
40. Possess or sell seeds or pieces of marijuana in less than a usable amount.
41. Possess, use, give or sell paraphernalia related to any prohibited substance. (See glossary)
42. 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")
43. Violate the District's policy on taking prescription drugs and over-the-counter drugs at school.
44. Be under the influence of prescription or over the counter drugs that cause impairment of physical or mental faculties. (See glossary for "under the influence")
45. ~~Possessing portable radios, video games, playing cards, or other disruptive devices.~~ Display, turn on, or use a telecommunication device, including a cellular telephone, or other electronic device on school property during the school day. Cell phones must be turned off and put away in the classroom/educational environment. Pagers must be turned off at all times. The District is not liable for lost, stolen, or damaged communication devices or personal belongings. District staff members shall not spend time searching for devices mentioned above as students are strongly discouraged from bringing these devices on to a campus.
46. Possess or use a laser pointer for other than an approved use.
47. Violate computer use policies, rules, or agreements signed by the student, or the student's parent.
48. 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 of the educational environment.
49. Attempt to alter, destroy, or disable district computer equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
50. Use the Internet or other electronic communications to threaten district students, employees, or volunteers including off school property if the conduct causes a substantial disruption to the educational environment.
51. Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
52. Engage in inappropriate verbal, physical, or sexual conduct toward another person, including a district student, employee, or volunteer.
53. Creating, distributing, or in possession of a hit list.
54. Possess a hit list.
55. Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety; using e-mail or Web sites at school to encourage illegal behavior; or threatening school safety.
56. Possess or distribute material that is obscene as defined by Penal Code Section 43.21 or is otherwise determined

to be inappropriate or disruptive in the school environment.

57. Violate dress and grooming standards as communicated in the student handbook.

58. Violate other communicated campus or classroom standards of behavior.

59. Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.

Consequences

General misconduct identified in the list of prohibited behaviors will result in application of one or more discipline management techniques consistent with law and the Student Code of Conduct.

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation of the Student Code of Conduct that may result in a suspension, removal to a Disciplinary Alternative Education Program (DAEP), or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

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

DISCRETIONARY REMOVAL

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

TEACHER INITIATED STUDENT REMOVAL

Formal removal from class will be initiated by a teacher if:

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

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled.

A teacher or administrator may remove a student from class for a behavior that the District has determined is a violation of the Student Code of Conduct.

Within three school days, the principal or appropriate administrator will schedule a conference with the student's parent; the student, and the teacher in the case of a teacher, principal, or administrator removal.

At the conference, the principal or appropriate administrator will inform the student of the misconduct for which he or she is charged and will give the student an opportunity to give his or her version of the incident. The principal or administrator will notify the student of the consequences of the Student Code of Conduct violation.

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

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program.

When a student has been formally removed from class by a teacher, the principal may not return the student to the teacher's class without the teacher's consent; unless the placement review committee determines that, the teacher's class is the best or only alternative available. [TEC §37.002]

IN SCHOOL SUSPENSION

A student shall be given an informal conference by the Assistant Principal advising the student of the conduct with which he/she is charged and giving the student the opportunity to explain his/her version of the incident, prior to being assigned to In School Suspension (ISS). Students placed in ISS may not attend or participate in any school sponsored activity on or off campus until successful completion of the ISS term is fulfilled. Notification of ISS placement will be documented on the referral as well as having the student sign an ISS contract.

Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation, Disciplinary Alternative Education Program placement, or expellable offense.

In deciding whether to order suspension, the district will take into consideration:

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

Consequences

State law allows a student to be suspended for as many as 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.

A student who is to be suspended will have an informal conference with the principal or appropriate administrator advising the student of the conduct of which he or she is accused. Parents will be notified. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

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

Students are prohibited from participation in and attendance at school-related extra-curricular and non-curricular activities during the suspension period.

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

Class B Offenses

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

In deciding whether to order suspension, the district will take into consideration:

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

A student must be placed in a Disciplinary Alternative Education Program (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)

A student must be placed in a DAEP for any of the following offenses, if the student commits these offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or

while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of the offense of assault under Penal Code Section 22.01(a) (1). (See glossary)
3. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section of this Student Code of Conduct.) (See glossary for **“possession,” “under the influence,” and “use”**)
4. Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the expulsion section in this Student Code of Conduct.)
5. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
6. Behaves in a manner that contains the elements of the offense of public lewdness.
7. Behaves in a manner that contains the elements of the offense of indecent exposure.
8. Engages in expellable conduct, if the student is between six and nine years of age.
9. Engages in conduct that contains the elements of the offense of retaliation against any school employee on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.)
10. Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
11. The student receives deferred prosecution. (See glossary)
12. A court or jury finds that the student has engaged in delinquent conduct. (See glossary)
13. The Superintendent or designee has a reasonable belief that the student engaged in the conduct. (See glossary)

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim’s parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student or another campus, the offending student shall be transferred to another campus in the district. If there is not other campus in the district serving the grade level of the offending student the offending student will be transferred to a DAEP

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

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

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

Engaging in conduct punishable as a felony (other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code) that occurs off school property and not at a school-sponsored or school-related event, 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.

1. Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society or gang. (See glossary)
2. Any criminal mischief, **including a felony**.
3. Involvement in criminal street gang activity. (See glossary)

4. A federal firearms violation, for a student six years of age or younger.

In addition, the District has determined that the following behaviors **may result in a student's placement in a DAEP**:

1. Cheat or copy the work of another.
2. Record the voice or image or take a photograph of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
3. Use a photograph or recording of another in a way that was not intended by the subject of the photograph or recording.
4. Throwing objects that can cause bodily injury or property damage.
5. Fail to comply with directives given by school personnel.
6. Leave school grounds or school-sponsored events without permission.
7. Disobey rules for conduct on school buses.
8. Directing profanity, vulgar language, or obscene gestures toward other students or a District employee.
9. Fighting.
10. Hazing.
11. Steal from students, staff, visitors or the school.
12. Damage or vandalizing property owned by others.
13. Deface or damaging school property—including, but not limited to, textbooks, lockers, furniture, and other equipment—with graffiti or by other means. (see glossary)
14. Possess or use fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
15. Discharge a fire extinguisher.
16. Possess or use a razor, box cutter, chain, or any other object that could be used in a way that threatens or inflicts bodily injury to another person.
17. Possess, use or sell a "look-alike" weapon.
18. Possess or use an air gun or BB gun.
19. Possess or use ammunition.
20. Possess or use a stun gun.
21. Possess or use mace or pepper spray.
22. **Possess or use a pocket knife or any other small knife.**
23. Possess or use any articles not generally considered to be a weapon, including school supplies, when the principal or designee determines that a danger exists.
24. Gamble.
25. Making false accusations or hoaxes regarding school safety.
26. Falsify records, passes, or other school-related documents.
27. Commit extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
28. Engage in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
29. Being insubordinate.
30. Refuse to accept discipline management techniques assigned by a teacher or principal.
31. Forcing an individual to act through the use of force or threat of force.
32. Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed elsewhere in the Student Code of Conduct.)
33. Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence. (see glossary)
34. Engage in threatening behavior toward another student or District employee, on or off school property.

35. Engage in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or a District employee. (see glossary)
36. Engage in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
37. Engage in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.
38. Engage in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee. (see glossary)
39. Engage in inappropriate or indecent exposure of a student's private body parts.
40. Possess or use of matches or a lighter. (see glossary for "possession" and "use")
41. Possess or use smoking, or using tobacco products.
42. Possess or sell look-alike drugs or items attempted to be passed off as drugs or contraband.
43. Possess or sell seeds or pieces of marijuana in less than a usable amount.
44. Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary)
45. 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")
46. Violate the District's policy on taking prescription drugs and over-the-counter drugs at school.
47. Possess or use a laser pointer for other than an approved use.
48. Violate computer use policies, rules, or agreements signed by the student, or the student's parent.
49. Use the Internet or other electronic communications to threaten district students, employees, or volunteers including off school property if the conduct causes a substantial disruption to the educational environment.
50. Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
51. Attempt to alter, destroy, or disable district computer equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
52. Engage in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
53. Engage in inappropriate verbal, physical, or sexual conduct toward another person, including a district student, employee, or volunteer.
54. Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.
55. Possess or distributing material that is obscene as defined by Penal Code Section 43.21 or is otherwise determined to be inappropriate or disruptive in the school environment.
56. Violate dress and grooming standards as communicated in the student handbook.
57. Repeatedly violating other communicated campus or classroom standards of behavior.
58. 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 of the educational environment.

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

Consequences

Removals to a DAEP will be made by the campus principal or designee.

The duration of a student's placement in a DAEP will be determined by the campus principal, assistant principal, or associate principal.

The duration of a student's placement in a DAEP will be determined on a case-by-case basis.

DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, and statutory requirements.

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

The District will decide on a case-by-case basis whether to place in a DAEP or expel a student who

1. Sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or
2. Engages in conduct punishable as an offense relating to an abusable volatile chemical
3. If the conduct is not punishable as a felony.

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

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

When a student is removed from class by a teacher (formal removal) or an administrator for a mandatory or discretionary DAEP offense, the principal or other appropriate administrator will schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal or appropriate administrator may place the student in:

- Another appropriate classroom;
- In-school suspension;
- Out-of-school suspension; or
- A Disciplinary Alternative Education Program.

At the conference, the principal or administrator will inform the student, 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 their attendance, the District may hold the conference and make a placement decision regardless of whether the student or the student's parent attends the conference.

After the conference, if the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in the Student Code of Conduct, the DAEP placement order will give notice of the inconsistency.

Placement in a DAEP may not exceed one year unless a review by the District determines that:

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

A DAEP placement in accordance with Education Code 37.0081 may be for any length of time determined necessary by the Board or its designee in light of the factors considered before placement. A student placed under this section is entitled to periodic status reviews by the Board or designee at intervals not to exceed 120 days.

The Board's designee will send the student and the parents a copy of the DAEP order. No later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the order placing the student in a DAEP and all information required by Section 52.04 of the Family Code.

After the conference, if the student is placed in a DAEP, the appropriate administrator will write a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student's parent. Parental questions or complaints regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board.

State law prohibits students placed in a DAEP for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular activities. Lake Travis ISD prohibits students placed in a DAEP for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular activities.

~~The District does not permit students who commit the offenses resulting in a DAEP placement to participate in any school-sponsored or school-related extracurricular and co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.~~

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP may not be provided transportation unless **approved by the campus principal and transportation director** or he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

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

If during the term of placement in a DAEP 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 principal, or other appropriate administrator, or the Board may enter an additional disciplinary order as a result of those proceedings.

A student placed in a DAEP will be provided a review of his or her status, including academic status, by the Superintendent or 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 will also be reviewed. At the review, the student or the student's parent will 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.

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 will be given notice and the opportunity to participate in a proceeding before the Board or the Board's designee. Any decision is final and may not be appealed beyond the Board.

For placement in a DAEP to extend beyond the end of the school year, the Superintendent or 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 that violates the District's Student Code of Conduct.

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

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

complete the proceedings and issue a DAEP placement order.

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

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

Any student withdrawing from school prior to a conference to address the possibility of placement in a Disciplinary Alternative Education Program will remain subject to that conference upon returning to the District.

The office of the prosecuting attorney will notify the District if a student was placed in a DAEP and:

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.

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for placement in a DAEP. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

Placement and/or Expulsion for Certain Serious Offenses

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

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

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

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

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

At the end of the first semester of the 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 will recommend whether the student should return to the regular classroom or remain in the placement. Absent to special finding, the board or its designee must follow the committee's recommendation.

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

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.

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.

Regardless of whether placement or expulsion is required or permitted by one of the reason 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 its designee makes certain findings and the following circumstances exist in relation to a felony

offence under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

1. The date of 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.

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.

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.

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

Class A Offenses

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

In deciding whether to order expulsion, the district will not take into consideration:

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

59. Bringing to school a firearm, as defined by federal law.

"Firearm" under federal law includes:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
2. The frame or receiver of any such weapon.
3. Any firearm muffler or firearm weapon.

4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.
60. Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
1. A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
 2. An illegal knife, such as a knife with a blade over 5 ½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword or spear. **This includes knives that open or release a blade from the handle or sheath by the force of gravity or by the application of centrifugal force. This term does include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.**
 3. A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. (See glossary)
 4. A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun. (See glossary)
61. Behavior containing elements of the following offenses under the Texas Penal Code 22.01(a)(1):
1. Aggravated assault, sexual assault, or aggravated sexual assault.
 2. Arson. (See glossary)
 3. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 4. Indecency with a child.
 5. Aggravated kidnapping.
 6. Aggravated robbery.
 7. Manslaughter.
 8. Criminally negligent homicide.
 9. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
 10. Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offenses, on or off school property or at a school-related activity.

Behaviors for Which a Student May be Expelled

A student may be expelled for engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (see glossary)

A student may be expelled for 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.

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:

62. 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, if the conduct is not punishable as a felony. (see glossary)
63. Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct

is not punishable as a felony. (see glossary)

64. Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
65. Engaging in conduct that contains the elements of assault under Section 22.01(a) (1) against an employee or a volunteer.
66. Engaging in deadly conduct. (See glossary)

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

67. Committing aggravated assault, sexual assault, or aggravated sexual assault.
68. Committing arson. (see glossary)
69. Committing murder, capital murder, or criminal attempt to commit murder or capital murder.
70. Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
71. Continuous Sexual abuse of a young child or children
72. Committing a felony drug- or alcohol-related offense.
73. Using, exhibiting, or possessing a firearm (as defined by state law, an illegal knife, a club, or prohibited weapon, or possessing a firearm (as defined by federal law).

A student may be expelled if the student engages in the following conduct no matter where the conduct takes place:

74. Engaging in conduct that contains the elements of assault under Penal Code 22.01(a) (1) in retaliation against a school employee or volunteer.
75. Engaging in criminal mischief, if punishable as a felony.

A student may be expelled if the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:

76. Aggravated assault.
77. Sexual assault.
78. Aggravated sexual assault.
79. Murder.
80. Capital murder.
81. Criminal attempt to commit murder or capital murder.
82. Aggravated robbery.

A student may be expelled for engaging in serious or persistent misbehavior that violates the District's Student Code of Conduct, while placed in a DAEP. The District defines "persistent" as two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. Serious offenses include, but are not limited to, the following:

83. Murder.
84. Vandalism.
85. Robbery or theft.
86. Extortion, coercion, or blackmail.
87. Actions or demonstrations that substantially disrupt or materially interfere with school activities.
88. Hazing.
89. Insubordination.

90. Profanity, vulgar language, or obscene gestures.
91. Fighting, committing physical abuse, or threatening physical abuse.
92. Leaving school grounds without permission.
93. Possession or distribution of pornographic materials.
94. Sexual harassment of a student or District employee.
95. Possession of or conspiracy to possess any explosive or explosive device.
96. Falsification of records, passes, or other school-related documents.

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

Consequences

In deciding whether to order expulsion, the district will not take into consideration:

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

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

When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a Disciplinary Alternative Education Program (DAEP). Students under age six will not be removed from class or placed in a DAEP unless the student commits a federal firearm offense.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis, and/or the District may provide educational services to the expelled student in a DAEP. The District must provide educational services in the DAEP if the student is less than ten years of age.

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

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

- Another appropriate classroom;
- In-school suspension;
- Out-of-school suspension; or
- A Disciplinary Alternative Education Program.

The duration of a student's expulsion will be determined on a case-by-case basis. The duration of an expulsion shall not exceed 180 days.

The length of an expulsion will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, and statutory requirements.

A student facing expulsion will be given appropriate due process. The student and his/her parent guardian will be given notice of the violation committed and the reason for the removal. The student will be entitled to a school – level meeting, which must be requested by the parent/guardian within 2 school days of his/her receipt of the written notice of the expulsion. The parent/guardian may appeal the decision by filing a written request for an administrative – level meeting within 2 school days of his/her receipt of the decision. The parent/guardian may appeal the administrative – level meeting decision to the District's Board of Trustees by filing a written request to appeal with the Superintendent within 2 school days of his/her receipt of the decision. In an appeal to the Board of Trustees, the record before the Board consists of information presented at the previous two meetings. During any meeting regarding expulsion, the student is entitled to be

represented by his/her parent/guardian or another adult who can provide guidance to the student.

The Board delegates to the Superintendent or designee the authority to **conduct hearings** and expel students.

A student expelled by the Superintendent or other appropriate administrator after the due process hearing may request that the Board review the expulsion decision. The student or parent must submit a written request to the Superintendent within seven days after receipt of the written decision. The Superintendent 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. Consequences will not be deferred pending the outcome of the hearing.

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

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

After the due process hearing, if the student is expelled, the Board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.

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

When a student has violated the District's Student Code of Conduct in a way that requires or permits expulsion from the District and the student withdraws from the District before the expulsion hearing takes place, the District may conduct the hearing after sending written notice to the parent and student. If the student then reenrolls 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 principal, another appropriate administrator, or the Board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings. 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 principal, another appropriate administrator, or the Board may issue an additional disciplinary order as a result of those proceedings.

Not later than the second business day after the hearing, the Superintendent or designee will deliver to the juvenile court a copy of the order expelling the student and the information required by Section 52.04 of the Family Code.

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

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

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

~~The District will decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district upon enrollment in the District.~~

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

The district will continue the expulsion of any newly enrolled 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 will 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.

When a student has violated the District's Code of Conduct in a way that requires expulsion, and the student withdraws from the District before the expulsion hearing takes place, the District will conduct the hearing after sending written notice to the parent and the student. If the student returns during the school year or the next school year, he or she will be expelled for the time specified in the expulsion order.

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

Placement in a Juvenile Justice Alternative Education Program

Students who are expelled from the school district setting for infractions under Texas Education Code 37.007 will be afforded due process as provided by school district policy and federal and state law.

Students shall be placed in the Juvenile Justice Alternative Education Program Co-Op when the student is expelled from school pursuant to the provisions of the Texas Education Code 37.007 and the relevant Student Code of Conduct.

At the conclusion of the student's expulsion and if the student meets the requirements for admission into the public schools established by law, the District will readmit the student, but may assign such student to the District's Disciplinary Alternative Education Program.

Liaison

The District Liaison shall have authority to offer recommendations to the juvenile courts regarding placement alternatives for students under the jurisdiction of the juvenile courts, and to bind the Liaison's respective ISD to any agreement to return a student to the school setting.

The Liaison shall obtain appropriate educational records either from parents' consent or court order releasing such records. The Liaison may provide the juvenile court with such other non-confidential educational information regarding the student as may be permitted by law.

The Liaison shall review the progress of students under its supervision within the juvenile Justice Alternative Education Program Co-Op, and shall make recommendations to the juvenile court regarding appropriate transition out of the Juvenile Justice alternative Education Program Co-Op and into the school setting.

Reporting Child Abuse

District employees receive information regarding the reporting of sexual abuse as well as the District plan to address child abuse at beginning of the year staff development. It is the District's requirement that employees who suspect or have information regarding child abuse contact the Texas Department of Family and Protective Services.

GLOSSARY

Abuse is improper or excessive use.

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

Arson occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
 - a. Knowing that it is within the limits of an incorporated city or town;
 - b. Knowing that it is insured against damage or destruction;
 - c. Knowing that it is subject to a mortgage or other security interest;
 - d. Knowing that it is located on property belonging to another;
 - e. Knowing that it has located within it property belonging to another; or
 - f. When the person is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

Assault is defined in part by Texas Penal Code 22.01(a) (1). A person commits an assault if the person intentionally, knowingly, or recklessly causes bodily injury to another.

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

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Chemical dispensing device is a device, other than a small chemical dispenser sold commercially for personal protection, designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.

Club is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, mace, and tomahawk.

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

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

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

Deferred adjudication may be offered to a student who is 17 or older, as an alternative to seeking a conviction in court.

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. Delinquent conduct also includes conduct that violates certain juvenile court orders, including probation orders. Delinquent conduct does not, however, include violations of traffic laws.

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

Explosive weapon is any explosive or incendiary bomb, grenade, rocket, or mine 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, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

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

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

Graffiti is making marks with aerosol paint or an indelible marker on tangible property of the owner without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL)and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotionally health or safety.

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

Hit List a list of people targeted to be harmed using a firearm as defined by Penal Code 46.01(3) [see FNCG], local policy.

Knife as defined by Penal Code 46.01(7) (any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument; or any object to be used with intent to cause bodily harm.

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

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

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

Paraphernalia is any device that can be used to inhale, ingest, inject, or otherwise introduce a controlled substance into a human body.

Persistent violations of the Student Code of Conduct mean two or more violations of the Student Code of Conduct or repeated occurrences of the same violation.

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

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that 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 Section 37.12(d) of the Education code are excepted from this definition.

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

Reasonable belief determination can be made by the Superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure. Administrators may place a student in a Disciplinary Alternative Education Program (DAEP) if they have reasonable belief that the student has engaged in felony conduct under Title 5. Administrators also may place a student in a DAEP if they have reasonable belief that the student has committed felony conduct that is not a Title 5 offense, if the Superintendent believes the student's continued presence in the regular classroom threatens the safety of other students or teachers, or will be detrimental to the educational process.

Serious offenses include but are not limited to:

1. Murder.
2. Vandalism.
3. Robbery or theft.
4. Extortion, coercion, or blackmail.
5. Actions or demonstrations that substantially disrupt or materially interfere with school activities.
6. Hazing.
7. Insubordination.
8. Profanity, vulgar language, or obscene gestures.
9. Pornography or obscenity
10. Fighting, committing physical abuse, or threatening physical abuse.
11. Leaving school grounds without permission.
12. Sexual harassment of a student or district employee.
13. Possession of or conspiracy to possess any explosive or explosive device.
14. Falsification of records, passes, or other school-related documents.

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

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. This includes knives that open or release a blade from the handle or sheath by the force of gravity or by the application of centrifugal force. The term **does** include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

Terroristic threat occurs when a person threatens to commit any offense involving violence to any person or property with intent to:

1. 1. Cause a reaction of any type to his or her threat by an official or volunteer agency organized to deal with emergencies;
2. 2. Place any person in fear of imminent serious bodily injury;
3. 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. 4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. 5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. 6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

Title 5 offenses involve injury to a person and include: murder; kidnapping; assault; sexual assault; unlawful restraint; coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

Under the influence means not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use, or by admission.

Use means that a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

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