

Alamo Heights

Independent School District

2009-2010

Student Code of Conduct

**Howard
Early Childhood Center**

**Cambridge
Elementary**

**Woodridge
Elementary**

**Alamo Heights
Junior School**

**Alamo Heights
High School**

Revised August 20, 2009

**ALAMO HEIGHTS INDEPENDENT SCHOOL DISTRICT
STUDENT CODE OF CONDUCT
2009-2010 School Year**

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STUDENT CODE OF CONDUCT

2009-2010 School Year

Introduction

To ensure our students a safe, supportive and positive learning environment, the Alamo Heights Independent School District has adopted this Student Code of Conduct. The District is proud of its student body and recognizes its continued cooperation as essential to the District's educational mission. This Code will provide guidance to both the District and its students in their joint endeavor to achieve a meaningful and successful educational experience.

This Code of Conduct applies to all students in AHISD, regardless of age or grade level, and regardless of the campus on which an infraction occurs. References to the Texas Education Code are by section number.

SECTION I - GENERAL

A. Jurisdiction

The Alamo Heights Independent School District has jurisdiction over its students, for discipline purposes, during the regular school day, during lunch (whether on or off school campus), and while students are going to and from school. The District's jurisdiction includes any activity during the school day on school grounds, attendance at any school-related activity, regardless of time or location, and any school-related misconduct, regardless of time or location. The District also has jurisdiction over a student for certain offenses committed off school property, whether or not related to a school-sponsored activity. These include retaliation against a school employee, criminal mischief, certain assaults against other students, certain offenses committed within 300 feet of school property, certain offenses committed at another school district and, when involving a public school, false alarm, false report, and terroristic threat. Students shall comply with the Student Code of Conduct at all times while they are under the jurisdiction of the school district. The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district. The district has the right to revoke the transfer of a nonresident student for violating the district's Code

B. Rights and Responsibilities of Students

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and District staff. Students shall exercise their rights responsibly, in compliance with rules established for the orderly conduct of the District's educational mission. Students who violate the rights of others, or who violate District or school rules, shall be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to the responsibilities of citizens in the school community.

Student responsibilities for achieving a positive learning environment at school or school-related activities shall include:

1. Attending all classes regularly and on time.
2. Being prepared for each class with appropriate materials and assignments.
3. Dressing and grooming appropriately.
4. Behaving in a responsible manner.
5. Paying required fees and fines, unless these are waived.
6. Seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels.
7. Cooperating with staff in investigation of disciplinary cases and volunteering information within the student's knowledge relating to a serious offense.
8. Refraining from violations of the Student Code of Conduct.

9. Obeying all campus and classroom rules, including safety rules.
10. Respecting the property of others, including District property and facilities.
11. Respecting the rights and privileges of other students, and of teachers and other District staff.

The District may impose campus or classroom rules of conduct in addition to those found in the Student Code of Conduct. These rules may be listed in the Student Handbook or posted in classrooms, and violations of such rules may subject the student to appropriate discipline consequences.

of such rules may subject the student to appropriate discipline consequences.

C. Manners and Civility

At all times on District property and at school-sponsored or related events outside of District property, and while coming to and from school, students shall exhibit good manners and civility demanded of a civilized nation. Failure to act accordingly may subject a student to discipline.

D. Dress Code

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. Students should be dressed and groomed in a manner that is clean and neat, and that will not be a health or safety hazard to themselves or others.

The District prohibits any clothing or grooming that, in the principal's judgment, may reasonably be expected to cause disruption of, or interference with normal school operations, or that is determined by the school's principal or designee to be gang-related or, in reasonable probability, would be construed as gang-related. The District prohibits pictures, emblems, or writings that are lewd, offensive, vulgar, or obscene, or that advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance or paraphernalia prohibited under Policy FNCF (LEGAL/LOCAL). The student and parent may determine the student's personal dress and grooming standards, provided they comply with these general guidelines and the District's dress code for students in the Student Handbook.

If the principal determines that a student's grooming violates the dress code, the student shall be given an opportunity to correct the problem at school. If not corrected, the student shall be assigned to in-school suspension for the remainder of the day, or until the problem is corrected. A student whose clothing violates the dress code shall be assigned to in-school suspension either for the remainder of the day, or until a parent or designee brings an acceptable change of clothing to the school. Repeated offenses may result in more serious disciplinary action. Appropriate discipline procedures shall be followed in all cases. (FNCA (LOCAL)).

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular/co-curricular activity or an interest group activity, may regulate the dress and grooming of students who participate in the activity. Students who violate these standards may be removed or excluded from the activity for a period determined by the principal or sponsor, and may be subject to other disciplinary action. (FNCA (LOCAL)).

E. Attendance

Unless exempted by law, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade and who has not yet reached the child's eighteenth birthday, shall attend school.

Upon enrollment in pre-kindergarten or kindergarten, a child shall attend school.

A person who voluntarily enrolls in school or voluntarily attends school after the person's eighteenth birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke, for the remainder of the school year, the enrollment of a person who has more than five absences in a semester that are not excused under Section 25.087 of the Education Code. A person whose enrollment is revoked under this section may be considered an unauthorized person on school district grounds for purposes of Section 37.107 of the Education Code (pertaining to trespass on school grounds).

A child is exempt from the requirement of compulsory school attendance if the child:

1. Attends a private or parochial school that includes in its course a study of good citizenship;

2. Is eligible to participate in a school district's Special Education Program under Section.003 of the Texas Education Code and cannot be appropriately served by the resident school district;
3. Has a physical or mental condition of a temporary and remedial nature that makes the child's attendance infeasible, and holds a certificate from a qualified physician specifying the temporary condition, indicating the treatment prescribed to remedy the temporary condition and covering the anticipated period of the child's absence from school for the purpose of receiving and recuperating from that remedial treatment;
4. Is at least seventeen years of age and:
 - a. Is attending a course of instruction to prepare for the high school equivalency examination; and
 - i. Has the permission of the child's parent or guardian to attend the course;
 - ii. Is required by Court Order to attend the course;
 - iii. Has established a residence separate and apart from the child's parent, guardian, or other person having lawful control of the child; or
 - iv. Is homeless as defined by 42 U.S.C. Section 11302; or
 - b. Has received a high school diploma or high school equivalency certificate;
5. Is at least sixteen years of age and is attending a course of instruction to prepare for the high school equivalency examination, if the child is recommended to take the course of instruction by a public agency that has supervision or custody of the child under a Court Order;
6. Is at least sixteen years of age and is attending a course of instruction to prepare for the high school equivalency examination, if the child is enrolled in a Job Corps training program under the Job Corps Training Partnership Act (29 U.S.C. Section 1501 *et seq.*), and its subsequent amendments;
7. Is enrolled in the Texas Academy of Mathematics and Science;
8. Is enrolled in the Texas Academy of Leadership in the Humanities; or
9. Is specifically exempted under another law.

The parent of a student and the student are subject to prosecution under Sections 25.093 and 25.094 of the Education Code if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year, or on three or more days or parts of days within a four-week period. The District shall notify a student's parent if the student has been absent from school without excuse under Section 25.087 on three days or parts of days within a four-week period. The notice shall inform the parent that (a) it is the parent's duty to monitor the student's school attendance and require the student to attend school; (b) the parent is subject to prosecution under Section 25.093; and (c) request a conference between school officials and the parent to discuss the absences.

A student and the student's parent or guardian shall be given written notice upon a student's attendance in any class dropping below ninety percent of the days the class is offered. When a student's attendance drops below ninety percent of the days the class is offered, the student, parent, or representative may submit a written petition to the appropriate school attendance committee requesting award of credit. The attendance committee shall review the student's entire attendance record and the reasons for absences, and shall determine whether to award credit. Petitions for credit may be filed at any time the student receives notice, but in any event no later than thirty days after the last day of classes. The attendance committee may review the records of all students whose attendance drops below ninety percent of the days the class is offered, whether or not a petition is filed.

F. Questions About Disability-Related Issues

The District designates the following individual to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990 (ADA), and with Section 504 of the Rehabilitation Act:

Name:Ms. Kris Holliday
 PositionDirector of Special Education and Pupil Services
 Address:.....705 Trafalgar, San Antonio, Texas 78216
 Telephone:(210) 442-3700

For questions concerning Special Education, please contact:

Name:Ms. Kris Holliday
 Position:.....Director of Special Education and Pupil Services
 Address:.....705 Trafalgar, San Antonio, Texas 78216
 Telephone:(210) 442-3700

G. Sexual Harassment Complaints

The District has designated the following individual to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, which pertain to sexual discrimination claims:

Name:Dr. Dana Bashara
Position:Director of Personnel & Public Information
Address:7101 Broadway, San Antonio, Texas 78209
Telephone:(210) 832-5955

H. Textbooks

Each student, or the student's parent or guardian, is responsible for each textbook not returned by the student, regardless of whether the textbook is lost, damaged or stolen. A student who fails to return all textbooks forfeits the right to free textbooks until each textbook previously issued but not returned is paid for by the student, parent, or guardian. The District shall allow the student to use textbooks at school during each school day, but may not allow the student to take textbooks out of the classroom until each textbook previously issued but not returned is paid for by the student, parent, or guardian. If a textbook is not returned or paid for, the District may withhold the student's academic records for out-of-district requests only. The District shall not prevent a student from graduating, participating in a graduation ceremony, or receiving a diploma for failure to return a textbook.

I. Student Handbooks

Each AHISD campus has the option of distributing a Student Handbook with specific guidelines and rules of operation pertaining to a particular campus. A campus Student Handbook, while separate and distinct from the Student Code of Conduct, must be consistent with the Student Code of Conduct. If a question arises concerning whether a provision of a Student Handbook is consistent with the Student Code of Conduct, a District Hearing Officer shall have the authority to review the provision in question and the discretion to declare the Student Handbook provision invalid.

J. Lost, Damaged, or Stolen Personal Items

Students are responsible for their own personal belongings while on campus or at a school-related or school-sponsored event. Students should be discouraged from bringing or wearing expensive clothing (*i.e.*, winter coats) or jewelry/watches to school. AHISD is not responsible for personal items which are lost, damaged, or stolen.

K. Posting and Distribution of Student Code of Conduct

The Student Code of Conduct must be prominently displayed at each school campus. All AHISD students shall receive a Student Code of Conduct at the beginning of the school year. The Student Code of Conduct shall also be provided to all teachers, new professional employees, students who are enrolled after the beginning of the school year, any parent, and any other person on request. Once the Student Code of Conduct is promulgated, any subsequent changes or amendments must be approved by the AHISD Board of Trustees.

Each student, teacher and parent annually shall sign a statement that they have received and read the Student Code of Conduct and acknowledge the rules and responsibilities outlined therein.

Section II - Inappropriate Conduct

A. Minor Offenses

The following offenses are prohibited at school or school-related activities, and are punishable by suspension, in-school suspension, detention, Saturday school, assignment of school duties other than class tasks, withdrawal of extracurricular or honorary privileges, or any other discipline management techniques listed in Section III of this Code, as determined by the campus principal or designee:

1. Throwing objects that can cause bodily injury or damage property.
2. Leaving school grounds during the academic day without permission.
3. Leaving classes during instructional time without permission.
4. Leaving a school-sponsored event without permission in which the student is a participant.
5. Stealing from students, staff, campus visitors, or theft or misuse of school property constituting the elements of a misdemeanor offense under the Penal Code.
6. Engaging in inappropriate, unwelcome verbal, physical or sexual conduct which is disruptive or offensive to other students or the school environment.
7. Engaging in inappropriate displays of affection.
8. Possessing a paging device, cellular phone, digital camera, head set, radio, television, MP3 device, cassette player, CD players or other electronic device, except as authorized under the AHISD "Acceptable Use Policy". However, unless expressly permitted by supervising teacher or administrator, these items may neither be displayed nor used (including but not limited to "text messaging") (a) during instructional time, at school assemblies, or other school-related activities or functions during the instructional day; (b) during attendance at a disciplinary program; or (c) in any other manner disruptive of the educational process. In addition to any other disciplinary measure determined for such violations, the item or items may be confiscated, returned only to a parent and/or held for a determinable period.
9. Possessing or using matches or a lighter.
10. Possessing or using laser pointers.
11. Possessing, smoking or using tobacco products.
12. Violating dress and grooming code standards.
13. Loitering or trespassing on school grounds. Students should be on campus for an educationally-related purpose, such as tutorials or extra-curricular activities. Students who are waiting for a ride home shall not be considered to be loitering.
14. Possessing, using or exhibiting school supplies (*i.e.*, pencils, pens, scissors) or any other item in a manner that threatens to inflict or actually inflicts bodily harm on another person.
15. Possessing or using a pea shooter or any other device designed to expel or shoot foreign objects by force of air or breath.
16. Participating in gambling or games of chance which are not authorized by campus administration.
17. Tampering with a vehicle belonging to another.
18. Engaging in conduct that constitutes a disruption of classes or lawful assemblies, activities, or transportation.
19. Engaging in any other conduct that disrupts the school environment or educational process.
20. Littering

B. Serious Offenses

The following actions constitute serious misbehavior. These offenses are prohibited at school or school-related activities, and are punishable by suspension, detention, in-school suspension, Saturday school, assignment of duties other than class tasks, withdrawal of extracurricular or honorary privileges, or any other discipline management techniques listed in Section III of this Code, as determined by the campus principal or designee. The greater gravity of these offenses normally warrants more severe discipline consequences than for minor offenses. Each case will be judged upon its own facts and circumstances. Discipline consequences will be commensurate with the level of the offense. A minor offense can rise to the level of a serious offense when the minor offense is preceded by prior minor offenses.

1. Stealing from students, staff, campus visitors, or theft or misuse of school property if it constitutes the elements of a felony offense under the Penal Code.
2. Committing extortion, coercion, or blackmail (*i.e.*, obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force).
3. Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
4. Engaging in verbal abuse such as name-calling, racial or ethnic slurs, or derogatory statements, that may disrupt the school environment or incite violence.
5. Insubordination.
6. Directing disrespect or directing profanity, vulgar language, or obscene gestures toward teachers or

- other school employees.
7. Fighting, committing physical abuse, or threatening physical abuse.
 8. Intentionally, knowingly, or recklessly causing contact to another or threatening another with imminent bodily harm
 9. Hazing.
 10. Engaging in offensive conduct that constitutes sexual harassment or sexual abuse, whether verbal or physical, that may include requests for sexual favors or other intimidating sexual conduct directed toward other students or District employees.
 11. Possession of, or conspiracy to possess, any explosive or explosive device.
 12. 12. Falsification of records, passes or other school-related documents.
 13. Possession or distribution of pornographic materials.
 14. Making or assisting in making threats, including threats against individuals, and bomb threats.
 15. Refusing to accept discipline management techniques proposed by a teacher or by administration.
 16. Any conduct that disrupts the school environment or educational process.
 17. Selling or trading, on campus, any item not authorized by the principal.
 18. Placing a prohibited substance in another person's food, drink and/or other possessions.
 19. Participating in gang-related activities.
 20. Using any electronic device in a manner that disrupts the peace, provokes hostility, or to commit or further any other violation listed under Serious Offenses in this subsection (B).
 21. Possessing, exhibiting or using a pellet gun, air-powered rifle, toy gun or any other instrument which may be perceived by a third party as a firearm, in a threatening manner.
 22. Violating any rule set forth in this Code pertaining to computers and the Internet.
 23. Possessing or using unloaded firearm accessories or parts (such as a gun barrel or a gun clip).
 24. Possessing, exhibiting, or using any martial arts objects such as shurikan (throwing stars), nunchakus ("nun-chucks"), tonfa (wooden weapon), staff, baton (short stick), bolo (long cord with weights at each end), to the extent that these objects are not within the definitions of illegal knives or prohibited weapons under the Texas Penal Code.
 25. Possessing, exhibiting, or using a prescription drug that does not belong to the person using or possessing it.
 26. Pulling a fire alarm as a prank, in a building owned or operated by AHISD, when there is no smoke, fire, or danger that requires evacuation.
 27. Repeatedly violating other communicated campus or classroom standards of behavior (including repeated violations of the dress code).
 28. Cheating or copying work of another student.
 29. Possessing or selling look-a-like drugs or items attempted to be passed off as drugs or contraband.
 30. Displaying mace or pepper spray.
 31. Possessing or using fireworks.
 32. Engaging in any misconduct, such as drug or alcohol misconduct, for which a student is subject under this Student Code of Conduct to expulsion or mandatory or discretionary placement in a Disciplinary Alternative Education Program.
 33. Possessing or using a pocketknife or any other small knife

For those students who are already in the Disciplinary Alternative Education Program, the offenses listed above may be grounds for expulsion.

C. Vandalism and Damage to School Property

Students shall not vandalize or otherwise damage or deface any property, including furniture and other equipment, belonging to or used by the District or District schools. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with law, and may be subject to criminal penalties.

D. Hazing

Hazing is prohibited. Hazing means any intentional, knowing, or reckless act directed against a student, whether on or off the campus, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with,

holding office in, or maintaining membership in any organization whose members are, or include other students. The term includes, but is not limited to:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm, or that adversely affects the mental or physical health or the safety of the student.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm, or that adversely affects the mental or physical health or the safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student, or discourages the student from entering or remaining registered in a District school, or that may reasonably be expected to cause a student to leave the organization or the school rather than submit to acts described above.
5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Students shall have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. Acts of hazing and failure to report known hazing or planned hazing can result in criminal penalties, as well as school discipline, including, but not limited to, suspension, removal to a Disciplinary Alternative Education Program, or expulsion.

E. Secret Societies and Gang Activities

Students shall not become members, or promise to become members of any organization composed wholly, or in part of students of public schools below the rank of college or junior college which seeks to perpetuate itself by taking in additional members from the students enrolled in such school on the basis of the decision of its membership, rather than upon the free choice of any student in the school who is qualified under the rules of the school to fill the special aims of the organization.

Students are specifically prohibited from engaging in the following activities, at school, at any school-related activity, or on a school bus, which the District considers to be gang-related:

1. Wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti or other affiliation in any gang;
2. Committing any act or omission, or using any speech, either verbal or non-verbal (gestures, handshakes, etc.), showing membership or affiliation in a gang;
3. Using any speech or committing any act or omission in furtherance of interest in any gang or gang activity, including, but not limited to:
 - a. Soliciting others for membership in any gang;
 - b. Requesting any person to pay for protection, or otherwise intimidating or threatening any person;
 - c. Inciting other students to act with physical violence upon any other person;
 - d. Engaging in conduct with others in intimidating, fighting, assaulting or threatening to assault others;
 - e. Committing any other illegal acts or other violations of District policies.

Students who violate this section of the Student Code of Conduct shall be subject to disciplinary action, which may include suspension, removal to a Disciplinary Alternative Education Program, or expulsion.

F. Computers and the Internet

Computer resources are electronic tools to enhance student learning. The purpose of using the Internet in our schools is to support research and education by providing access to unique resources and the opportunity of collaborative work. Disciplinary action shall be taken for acts of misconduct listed. All student users of computers and the Internet shall comply with the following rules:

Acceptable Use

1. The use of computer resources must be in support of education and research and consistent with the

educational objectives of AHISD.

2. All e-mail accounts shall be used only by the authorized user, and sharing an ID or password with any other person is discouraged.
3. All e-mail users shall follow the accepted "netiquette for e-mail," which includes, but is not limited to, the following actions:
 - a. Be Polite: Users shall not send, or encourage others to send, abusive messages.
 - b. Use Appropriate Language: Users shall not swear or use vulgarities or other inappropriate language.
 - c. Protect Privacy: Users shall be cautious about transmitting credit card numbers, account numbers of any kind, Social Security numbers, home addresses or phone numbers, or any other personal information about themselves or other individuals.

Unacceptable Use

1. Transmission of any material in violation of any U.S. or State regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secret.
2. Use for commercial activities or private business is prohibited. Users shall not initiate any purchases through on-line communication.
3. Use for product advertisement or political lobbying is prohibited, except when used for instructional purposes.
4. Deletion, examination, copying, or modification of files and/or data belonging to others without their prior consent is prohibited.
5. Vandalism, defined as any malicious attempt to harm or destroy property or data of another user, is prohibited. This includes, but is not limited to, the uploading or creating of computer viruses, the use of the network to disrupt its use by others, the use of e-mail to disable servers or clog access lines, and the destruction, modification, or abuse of hardware and software.
6. Creating, accessing, or processing hate mail, harassment, discriminatory remarks, pornographic references or graphics, and other antisocial behaviors are prohibited.
7. Use of computer resources to access or process inappropriate files or files dangerous to the integrity of the network is prohibited.
8. Illegal installation of copyrighted software for use on District computers is prohibited. Copying any copyright-protected material in violation of copyright law is illegal and prohibited.
9. Plagiarizing material or information from any computer resource, whether from a single program or an Internet resource, is prohibited.

Security and Monitoring

1. Electronic transmissions and other use of the AHISD system by students shall not be considered confidential, and may be monitored at any time by designated District staff to ensure appropriate use for educational purposes.
2. Any violations of the use of computer resources and/or the Internet/AHISD system, or any violations of privacy, must be reported to the teacher or administrator.

Section III - Consequences of Inappropriate Conduct

A. Discipline Management Techniques

The following discipline management techniques may be applied as appropriate by the Superintendent, principal or designee for any offense under this Code of Conduct, except as otherwise required by law. No priority of the following discipline consequences is intended.

1. Seating changes in the classroom.
2. Reassignment to another classroom.
3. Counseling by teachers, counselors, special services, or administrative personnel.
4. Parent-teacher conferences.
5. Cooling-Off or Time-Out (as defined in this Code).

6. Behavioral contracts.
7. Participation in peer conflict resolution proceedings.
8. Assigned school duties other than class tasks.
9. Verbal correction or a warning.
10. Withdrawal of privileges, including, but not limited to, participation in extracurricular activities and eligibility for seeking or holding honorary positions.
11. Sending the student to the office or other assigned areas.
12. Detention.
13. In-school suspension.
14. School-defined and -imposed probation.
15. Rewards and incentives.
16. Demerits.
17. Referral to outside agency or authority, including school-community programs.
18. Confiscation of items that disrupt the educational process, or are in violation of school rules.
19. Grade reductions as permitted by Board Policies EIA (LOCAL) and FO (LOCAL).
20. Removal to a Disciplinary Alternative Education Program.
21. Withdrawing or restricting bus privileges.
22. Expulsion.
23. Suspension for up to three school days.
24. Lunch detention.
25. Saturday detention.
26. Overnight suspension.
27. Assignment to campus clean-up

Each disabled student's Individual Education Plan (IEP)/Individual Accommodation Plan (IAP) shall address the student's specialized needs on discipline, including which of the discipline management techniques can appropriately be used with the student.

B. General Guidelines for Assessing Discipline Consequences

When imposing discipline, District personnel shall adhere to the following general guidelines:

1. Discipline shall be administered as necessary to protect students, school employees or property, maintain order and discipline, and to teach students proper conduct.
2. Students shall be treated fairly and equitably. Discipline, including suspension, placement in a Disciplinary Alternative Education Program, expulsion, and the duration of each, shall be based on assessment of the circumstances of each case. Relevant factors, without prioritization, include but are not limited to:
 - a. Seriousness of the misconduct.
 - b. Student's age.
 - c. Grade level.
 - d. Prior misconduct.
 - e. Frequency of misconduct.
 - f. Persistent misbehavior.
 - g. Student's attitude.
 - h. Potential effect of the misconduct on the school environment.
 - i. Statutory requirements.
 - j. Student's disabling condition, if any.
 - k. Safety and health issues.
 - l. Financial impact upon the District.

In deciding whether to order out-of-school suspension, removal to a Disciplinary Alternative Education Program, or expulsion, the district will take into consideration:

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

Discipline for particular misconduct may vary among students because of the application of these factors in the individual case. Academic sanctions may be applied by a teacher for academic infractions.

A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be secluded, confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that (a) is designed solely to seclude a person; and (b) contains less than fifty square feet of space. "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

Time-Out is a permissible behavior management technique (refer to Section III-A). "Time-Out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting, (a) that is not locked; and (b) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

C. Credit During Disciplinary Process

Students shall receive credit for assignments completed in a Disciplinary Alternative Education Program or during in-school suspension.

A student suspended out of school from his or her regular classes will receive an excused absence if the student satisfactorily completes the assignments for the period of suspension within a time designated by the teacher.

Students who are placed in the Bexar County Juvenile Justice Disciplinary Alternative Education Program following expulsion are eligible to receive credit for course work completed during the placement. Students with disabilities will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD)/504 Committee.

Students may be provided home-based instruction without credit during an expulsion. Upon return to school, the student may be eligible to gain credit through examination in accordance with District Policy.

A student removed to a Disciplinary Alternative Education Program shall be provided an opportunity to complete, before the beginning of the next school year, coursework necessary to fulfill the student's high school graduation requirements through any method available, including a correspondence course, distance learning, or summer school.

Students removed from the regular classroom and placed in in-school suspension or another setting, other than a Disciplinary Alternative Education Program, shall be offered the opportunity to complete, before the beginning of the next school year, each course in which the student was enrolled at the time of the removal. The opportunity may be provided by any method available, including a correspondence course, distance learning, or summer school.

D. Teacher-Imposed After School Detention

For misconduct in the classroom constituting minor infractions of the Code of Conduct or violation of other policies and regulations, teachers may detain students after instructional hours. When detention is used by a teacher, notice shall first be given to the student's parent or legal guardian to inform the parent or guardian of the reason for the detention and permit arrangements for the necessary transportation of the student.

E. Administrative Office Referrals

A teacher may send a student to the principal's office in order to maintain effective discipline in the classroom. The principal or designee shall respond by employing appropriate discipline management techniques consistent with this Student Code of Conduct and local Policy.

F. Teacher Removals

A teacher may remove from class a student who (1) has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class, or with the ability of the student's classmates to learn; or (2) whose behavior the teacher determines is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the student's classmates to learn. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.

A teacher shall remove from class and send to the principal for placement in a Disciplinary Alternative Education Program, or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or Section 37.007, Education Code.

A teacher shall not remove from class a student with disabilities in violation of that student's specific IEP/IAP provisions. In no event shall a student be removed for more than ten days without ARD/504 Committee approval.

G. Conference and Review Requirements for Teacher Removals

Not later than the third class day after the day the student is removed from the class by the teacher, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, and the student. At the conference, the student is entitled to written or oral notice 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. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not all requested parties are in attendance after valid attempts to require their attendance, the principal shall order the placement of the student, for a period consistent with the Student Code of Conduct. The student may not be returned to the removing teacher's class without the teacher's consent unless the Replacement Review Committee determines that such placement is the best or only alternative available.

A three-member committee, known as the Placement Review Committee, shall be established to determine placement of a student when a teacher refuses the return of a student to the teacher's class. Members shall be appointed in accordance with the procedures outlined in Section 37.003. The Committee's placement determination regarding a student with a disability who receives special education services under Subchapter A, Chapter 29, is subject to the requirements of that student's IEP/IAP and Federal and State law and regulations related to Special Education.

H. Suspensions For Up To Three School Days

Students may be suspended for a period not to exceed three school days for engaging in any Minor and/or Serious Offense as described in this Student Code of Conduct.

A principal or other appropriate administrator may suspend a student prior to (but not in lieu of) placement in a Disciplinary Alternative Education Program or prior to (but not in lieu of) expulsion, where a student's conduct requires such placement or expulsion.

A student's parent shall be notified of a suspension by telephone or other appropriate means, as soon as reasonably practicable. As part of the suspension process, the principal or designee shall conduct an informal conference at which:

1. The student is advised of the conduct with which he or she is charged.
2. The student is given the opportunity to explain his or her version of the incident.

This informal conference shall take place before the suspension unless exigent circumstances require otherwise. Parents are responsible for providing adequate supervision for the student during the period of suspension.

The District may require students enrolling in the District from an independent school district, home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school subject to a suspension order issued by that district, campus charter holder, or charter school to complete the terms of the order prior to permitting the student to attend regular classes.

I. Notice to Noncustodial Parent

A noncustodial parent may request in writing that the District, for the remainder of the school year in which the request is received, provide that parent with a copy of any written notification relating to student misconduct which the District generally provides to a student's parent or guardian in Disciplinary Alternative Education and expulsion proceedings involving the student. The District may not unreasonably deny such a request, but the District shall comply with any applicable court order of which the District has knowledge.

J. Disciplinary Alternative Education Programs

The District shall provide for the continuing education of a student placed in a Disciplinary Alternative Education Program, which may include:

1. Transfer to a different campus.
2. Transfer to a school-community guidance center.
3. Transfer to a community-based alternative school.
4. Transfer to an off-campus Disciplinary Alternative Education Program.

The Individual Education Plan (IEP)/Individual Accommodation Plan (IAP) for each student with disabilities shall indicate which of these instructional settings can appropriately be used. If none of these options are appropriate, the IEP/IAP shall specify what disciplinary measures can be used for offenses that would normally warrant assignment to a Disciplinary Alternative Education Program.

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

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.

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

Elementary students assigned to a Disciplinary Alternative Education Program must be separated from secondary students assigned to a Disciplinary Alternative Education Program. For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

The district will 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.

Students younger than six years of age shall not be placed in a Disciplinary Alternative Education Program, under any circumstances.

K. Mandatory Placement in a Disciplinary Alternative Education Program

Offenses Occurring on Campus, at School-Related Activities or Within 300 Feet of School Property

A student must be placed in a Disciplinary Alternative Education Program if the student commits the following on or within 300 feet of the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Sells, gives or delivers to another person, or possesses, uses, or is under the influence of:
 - a. Marijuana or a controlled substance as defined by Chapter 481 Health and Safety Code, or by 21 U.S.C. Section 801 *et seq.*; or
 - b. A dangerous drug, as defined by Chapter 483 Health and Safety Code.
2. 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 an alcoholic beverage.
- Engages in conduct that contains the elements of an offense relating to an abusable, volatile chemical under Sections 485.031 through 485.034, Health and Safety Code.
 - Engages in conduct that contains the elements of the offense of public lewdness or indecent exposure under Penal Code Section 21.07.
 - Engages in conduct that is punishable as a felony, including but not limited to graffiti defacement punishable as a felony under Section 28.08 of the Penal Code.
 - Engages in conduct that contains the elements of the offense of assault as defined under Penal Code Section 22.01(a)(1).
 - Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

Offenses Occurring Off Campus/Not at School-Related Activities

A student shall be removed from class and placed in a Disciplinary Alternative Education Program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

- The student receives deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense under Title 5 of the Texas Penal Code;
- A court or jury finds that the student has engaged in delinquent conduct under Section.03, Family Code, for conduct defined as a felony offense under Title 5 of the Texas Penal Code; or
- The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense under Title 5 of the Texas Penal Code.

Mandatory Removal for Retaliation

A student who engages in conduct that contains the elements of the offense of retaliation under Section 36.06 of the Penal Code against a school employee shall be removed from class and placed in a Disciplinary Alternative Education Program unless expelled under Section 37.007(d).

Mandatory Removal for Other Offenses

A student who engages in conduct involving a public school that contains the elements of the offense of false alarm or report or terroristic threat under the Penal Code shall be removed from class and placed in a Disciplinary Alternative Education Program unless expelled under Section.007(b).

Removal to Disciplinary Alternative Education Program Not Required in Some Circumstances

Removal to a Disciplinary Alternative Education Program is not required if the student is expelled for the same conduct for which removal is required.

A principal or other appropriate administrator may, but is not required to, remove a student to a Disciplinary Alternative Education Program for off-campus conduct for which removal is required if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

L. Discretionary Placement in a Disciplinary Alternative Education Program

Offenses Occurring on Campus, at School-Related Activities or Within 300 Feet of School Property

A student may be placed in a Disciplinary Alternative Education Program if the student commits the following on campus or within 300 feet of school district property, or while attending a school-sponsored

or school-related activity on or off campus:

1. Is found in possession of a knife with a blade length up to and including 5-1/2 inches.
2. Has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.
3. Engages in behavior that the principal or designee determines is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class, or with the ability of the student's classmates to learn.
4. Engages in gang activity, including participation as a member or pledge, or soliciting another person to become a pledge or member of a gang.
5. Engages in a public school fraternity, sorority, or secret society, including participation as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
6. Engages in conduct constituting vandalism, misdemeanor criminal mischief, or otherwise tampering with the property of another and causing substantial inconvenience or pecuniary loss up to and including \$1,499.99 on school property or at a school-related or school-sponsored event.
7. Engages in unruly, disruptive, disrespectful, or abusive conduct, at any location on campus (such as the cafeteria, auditorium, parking lots, or in front of or behind campus) or at a school-related event, that substantially interferes with the orderly operation of the campus or school-related event.
8. Engages in any criminal mischief, including a felony.

Offenses Occurring off Campus/Not at School-Related Activities

A student may be placed in a Disciplinary Alternative Education Program if the student commits the following conduct off campus and while the student is not in attendance at a school-sponsored or school-related activity provided that:

1. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those offenses defined in Title 5 of the Texas Penal Code; and
2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

M. Removal Conference

Not later than the third class day after the day the student is removed from the class by the principal or other appropriate administrator under Sections 37.001(a)(2) or 37.006, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, and the student. At the conference, the student is entitled to written or oral notice 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. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not all requested parties are in attendance after valid attempts to require their attendance, the principal shall order the placement of the student for a period consistent with the Student Code of Conduct.

Students with disabilities may not be removed in violation of specific IEP/IAP provisions, or for more than ten days without ARD/504 Committee approval.

N. Duration/Appeal of Placement in Disciplinary Alternative Education Program

The duration of a student's placement in the Disciplinary Alternative Education Program shall be determined by the principal, consistent with the Student Code of Conduct, and included in the placement order. If the period of the placement is inconsistent with the guidelines for placement as set forth in the Student Code of Conduct, the order must give notice of the inconsistency.

The Board or the Board's designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a Disciplinary Alternative Education Program. The decision of the principal shall be final, unless the duration of the placement is to extend beyond sixty days or the end of the next grading period, whichever is earlier. In that event, the student or the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the Board of Trustees or the Board's designee. Any decision of the Board or the Board's designee is final and may not be appealed.

Before the District may place a student in a Disciplinary Alternative Education Program for a period that extends beyond the end of the school year, the Board or Board's designee must determine that:

1. The student's presence in the regular classroom or at the student's regular campus presents a danger of physical harm to the student or to another individual; or
2. The student has engaged in serious or persistent misbehavior that violates this Student Code of Conduct.

The period of placement may not exceed one year unless, after a review before the end of the one-year period, 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.

O. Board Placement in Disciplinary Alternative Education Program of Students Adjudicated Delinquent or Receiving Deferred Prosecution

Notwithstanding any other provision of the Student Code of Conduct, the Board of Trustees or the Board's designee, after an opportunity for a hearing, may elect to place a student in a Disciplinary Alternative Education Program if:

1. the student:
 - a. has received deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code; or
 - b. has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code; and
2. the Board or the Board's designee determines that the student's presence in the regular classroom:
 - a. threatens the safety of other students or teachers;
 - b. will be detrimental to the educational process, or
 - c. is not in the best interests of the District's students.

The Board or the Board's designee may order placement 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. Notwithstanding any other provision of the Student Code of Conduct, the Board or the Board's designee may order placement for any period considered necessary by the Board or the Board's designee based on the determinations made under paragraph (O)(2) above. Any decision of the Board or the Board's designee is final and may not be appealed. A student placed in a Disciplinary Alternative Education Program by this process is entitled to the periodic review prescribed by Section 37.009(e).

P. Other Information Pertaining to Disciplinary Alternative Education Programs

Emergency Placements in Disciplinary Alternative Education Programs

The principal or the principal's designee may order the immediate placement of a student in the Disciplinary Alternative Education Program if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

At the time of the emergency placement, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a Disciplinary Alternative Education Program may be

made on a non-emergency basis. Within a reasonable time after the emergency placement, but not later than the tenth day after the date of the placement, the student shall be accorded the appropriate due process as required under Section 37.009. If the student subject to the emergency placement is a student with disabilities who receives Special Education services, the emergency placement is subject to Federal law and regulations, and must be consistent with the consequences that would apply to a student without a disability.

Additional Orders During Term of Placement

If, during the term of a placement order, a student engages in additional conduct for which placement in a Disciplinary Alternative Education Program or expulsion is required or permitted, additional proceedings may be conducted regarding that conduct, and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

Withdrawal of Student Prior to Entry of Order

If a student withdraws from the District before an order for placement in a Disciplinary Alternative Education Program is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the District during the same or subsequent school year, the District may enforce the order at that time except for any period of the placement that has been served by the student on enrollment in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.

Failure to Complete a Disciplinary Alternative Education Program Because of Transfer or Withdrawal From the District

Students who transfer out of AHISD to another public, private or other institution, and students who withdraw from AHISD for any purpose including home schooling, without completing the duration of their placement in a Disciplinary Alternative Education Program, may be required, upon return to AHISD, to complete their placement time in the Disciplinary Alternative Education Program as a condition to return to the regular program except for any period of the placement that has been served by the student upon enrollment in another School District or educational institution that honored the order.

Failure to Complete a Disciplinary Alternative Education Program at Another School

AHISD may continue the Disciplinary Alternative Education Programs, or other disciplinary limitation in enrollment eligibility, of those students:

1. Enrolling in AHISD from an independent school district, home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school under the terms of the placement or other disciplinary order provided by that district, campus charter holder, or charter school;
2. Enrolling in AHISD from an out-of-state school district when the out-of-state district provides a copy of the placement order and the grounds for placement by the out-of-state district are grounds for placement in an AHISD Disciplinary Alternative Education Program. An out-of-state placement order for longer than one year shall be implemented so that the student shall not be required to serve more than one year in the aggregate in a Disciplinary Alternative Education Program unless AHISD determines, after review, that (i) student is a threat to the safety of other students or to district employees; or (ii) placement is in the best interest of the student.

AHISD shall, however, comply with Federal law requiring expulsion for a period of at least one year for bringing a firearm to school, unless modified in accordance with Section 37.007(e).

Placement of Students With Disabilities

The placement of a student with a disability who receives Special Education services may only be made by an ARD committee or a 504 committee. A student with a disability who receives Special Education or 504 services may not be placed in a Disciplinary Alternative Education Program solely for educational purposes

if the student has not also committed one of the offenses warranting placement in the Disciplinary Alternative Education Program.

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

Review of Student's Status in Disciplinary Alternative Education Program (For Students Placed in a Disciplinary Alternative Education Program for 120 Days or More)

A student placed in a Disciplinary Alternative Education Program shall be provided a review of the student's status, including a review of the student's academic status, by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The District is not required, under this subsection, to provide a course in the District's Disciplinary Alternative Education Program, except as required by Section 37.008(1). At the review, the student or parent or guardian must be given an opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent. The Placement Committee may, nevertheless, determine that such placement is the best or only alternative available.

Review of Student's Status in Disciplinary Alternative Education Program (When District is Notified of Offenses Committed Pursuant to Article 15.27(g) of The Code of Criminal Procedure)

Additionally, upon receipt of notice by the school district under Article 15.27(g) of the Texas Code of Criminal Procedure, the Superintendent or the Superintendent's designee shall review the student's placement in the Disciplinary Alternative Education Program. The student may not be returned to the regular classroom pending the review. The Superintendent or the Superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the Superintendent or Superintendent's designee receives notice from the office or official designated by the Court. After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or the Superintendent's designee may continue the student's placement in the Disciplinary Alternative Education Program 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 or guardian may appeal the Superintendent's decision under this section to the Board of Trustees. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g) of the Texas Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the Superintendent or the Superintendent's designee, and confirm or reverse the decision. The Board shall make a record of the proceedings. If the Board confirms the decision of the Superintendent or Superintendent's designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Texas Commissioner of Education. The student may not be returned to the regular classroom pending the appeal to the Commissioner.

Students Registered as Sex Offenders

Students registered as sex offenders shall be placed in compliance with Texas Education Code 37.008

Q. Expulsions

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

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

The district will 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.

Offenses Requiring Expulsion

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

1. Uses, exhibits or possesses the following, as defined by the Texas Penal Code:
 - a. A firearm.
 - b. An illegal knife, such as a knife with a blade over 5-1/2 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.
 - c. A club.
 - d. 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.
2. Engages in conduct containing the elements of the following offenses under the Texas Penal Code:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault.
 - b. Arson.
 - c. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - d. Indecency with a child.
 - e. Aggravated kidnapping.
 - f. Aggravated robbery.
 - g. Manslaughter.
 - h. Criminally negligent homicide.
 - i. Behavior related to an alcohol or drug offense punishable as a felony.
 - j. Continuous sexual abuse of a young child or children.

Expulsion is also mandatory for retaliation against a school employee or volunteer for, or as a result of the person's employment or association with a school district, when combined with one of the offenses listed in paragraphs (1) and (2) above committed on or off school property, or while attending a school-sponsored or school-related activity on or off school property.

Mandatory Expulsion for Firearm Violations

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 law², to school. (20 U.S.C, Section). unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or 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. However, the Superintendent or other appropriate administrator may modify, in writing, the length of the expulsion on a case-by-case basis. The District shall provide educational services to a student expelled for a firearm violation in a Disciplinary Alternative Education Program if the student is younger than ten years of age on the date of expulsion. The District may provide services to a student expelled for a firearm violation who is ten years of age or older, in a Disciplinary Alternative Education Program.

²Firearm under Federal law includes but is not limited to:

- a. Any weapon (including a starter gun), which will or is designed to or which may be readily be converted to expel a projectile by the action of an explosive.
- b. The frame or receiver of any such weapon.

- c. Any firearm muffler or firearm weapon.
- d. Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade. 18 U.S.C. Section 921.

Offenses Which May Result in Expulsion (By Location of The Misconduct)

Offenses Committed on or Off Campus

A student may be expelled if the student commits any of the following offenses on or off of school property, or while attending a school-sponsored or school-related activity on or off of school property:

1. Engages in conduct involving a public school that contains the elements of the offense of false alarm or false report under Section 42.06 Penal Code, or terroristic threat under Section 22.07 Penal Code.
2. Engages in conduct that contains the elements of criminal mischief, if such conduct is punishable as a felony. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.
3. Engages in conduct against another student that contains the elements of the offenses of aggravated assault, sexual assault, aggravated sexual assault, aggravated robbery, murder, capital murder or criminal attempt to commit murder or capital murder as these offenses are defined in the Texas Penal Code.
4. Engages in conduct that contains the elements of assault as defined by Penal Code Section.01(a)(1) in retaliation against a school employee or volunteer for or as a result of the person's employment or association with a school district.

Offenses Committed on Campus, or at a School-Related Activity

A student may be expelled if a student commits the following while on school property, or while attending a school-sponsored or school-related activity on or off school property:

1. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of:
 - a. Marijuana or a controlled substance as defined by Chapter 481 Health and Safety Code, or by 21 U.S.C. Section 801 *et seq.*;
 - b. A dangerous drug, as defined by Chapter 483 Health and Safety Code; or
 - c. An alcoholic beverage.
2. Engages in conduct that contains the elements of an offense relating to an abusable, volatile chemical under Sections 485.031 through 485.035, Health and Safety Code.
3. Engages in conduct that contains the elements of the offense of assault as defined under Penal Code Section 22.01(a)(1) against a school district employee or volunteer.
4. Engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05 Penal Code.
5. Continues to engage in serious or persistent misbehavior that violates this Student Code of Conduct while placed in a Disciplinary Alternative Education Program for disciplinary reasons. "Serious misbehavior" includes Serious Offenses as defined in this Code. "Persistent misbehavior" means repetitive offenses, serious and/or minor, that disrupt the educational process. The gravity of the offenses, and the degree of disruption caused, may be considered in addition to the frequency of the misconduct in determining whether the misconduct constitutes persistent misbehavior.

Offenses Committed Within 300 Feet of School Property

A student may be expelled if the student commits any of the following offenses within 300 feet of the

school's real property boundary line:

1. Uses, exhibits, or possesses the following, as defined by the Texas Penal Code:
 - a. A firearm.
 - b. An illegal knife, such as a knife with a blade over 5-1/2 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.
 - c. A club.
 - d. 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.
2. Engages in conduct containing the elements of the following offenses under the Texas Penal Code:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault.
 - b. Arson.
 - c. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - d. Indecency with a child.
 - e. Aggravated kidnapping.
 - f. Aggravated robbery.
 - g. Manslaughter.
 - h. Criminally negligent homicide.
 - i. Behavior related to an alcohol or drug offense punishable as a felony.
3. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of:
 - a. Marijuana or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 *et seq.*;
 - b. A dangerous drug, as defined by Chapter 483, Health and Safety Code; or
 - c. An alcoholic beverage.
4. Engages in conduct that contains the elements of an offense relating to an abusable, volatile chemical under Sections 485.031 through 485.035, Health and Safety Code.
5. Engages in conduct that contains the elements of the offense of assault as defined under Penal Code Section 22.01(a)(1) against a School District employee or volunteer.
6. Engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05 Penal Code.
7. Possesses a firearm as defined under Federal law. 18 U.S.C. Section 921.

Offenses Committed at Another School District

A student may be expelled if the student commits any of the following offenses, (a) on school property of another district in this state, or (b) while attending a school-sponsored or school-related activity of a school in another district in this state:

1. Use, exhibition, or possession of the following, as defined by the Texas Penal Code:
 - a. A firearm.
 - b. An illegal knife, such as a knife with a blade over 5-1/2 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.
 - c. A club.
 - d. 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.
2. Behavior containing the elements of the following offenses under the Texas Penal Code:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault.
 - b. Arson.
 - c. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - d. Indecency with a child.
 - e. Aggravated kidnapping.
 - f. Aggravated robbery.

- g. Manslaughter.
- h. Criminally negligent homicide.
- i. Behavior related to an alcohol or drug offense punishable as a felony.

Duration of Expulsions and/or DAEP Placement

1. Generally, the period of an expulsion may not exceed one year unless after a review prior to the end of the year, the District determines that:
 - a. The student is a threat to the safety of other students or to District employees; or
 - b. Extended placement is in the best interest of the student.
2. Duration of expulsion or DAEP placement for Title5 felonies shall be in compliance with Texas Education Code 37.008

R. The Expulsion Hearing/Due Process

Prior to the issuance of an expulsion order, the student shall be afforded notice and an opportunity for a hearing before the Superintendent or the Superintendent's designee. The following procedures shall be observed:

1. Written notice of the date, time and place of the hearing shall be provided to the student and the student's parent or guardian, who shall be invited in writing to attend. The notice shall describe the misconduct upon which the expulsion proceeding is based. Notice of the hearing shall be provided at least forty-eight hours prior to the hearing.
2. If the student is suspended for a period of not less than three school days, reasonable effort shall be made to hold the hearing no later than the third school day of the suspension. In the case of hearings of suspended students not held on or prior to the third school day of the suspension, the student must be returned to the educational program unless expelled under Emergency Expulsion proceedings. In no case shall the hearing be held later than thirty calendar days of the date the District first learns of the misconduct, unless extended by mutual agreement of the parties.
3. The student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student, and who is not an employee of the District. The student may choose to be represented by counsel.
4. The student may testify and offer testimony from witnesses.
5. The student may examine documentary and physical evidence offered by the District in support of the expulsion, and the student may offer evidence.
6. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent or guardian or another adult representing the student attends.
7. A tape recording of the expulsion proceedings before the Superintendent or the Superintendent's designee shall be made.

A decision of the Superintendent or the Superintendent's designee to expel the student shall be in writing, and shall state a term for the expulsion. The Superintendent or the Superintendent's designee shall deliver to the student and the student's parent or guardian a copy of the expulsion order. A decision to expel may be appealed to the Board. The following procedures shall be observed in the event of an appeal:

1. The notice of appeal must be in writing and delivered to and received by the Superintendent or the Superintendent's designee no later than the close of the District's administrative offices on the fifth school day after receipt of the expulsion decision by the student, his or her parent or guardian, or legal representative. The decision of the Superintendent or the Superintendent's designee shall be final upon the failure of the student or his or her representatives to appeal within the five school days.
2. An appeal to the Board shall be heard within a reasonable time, but the Board shall not be obligated to hold a hearing sooner than the next regularly scheduled Board meeting for which public notice is still timely.
3. The appeal shall be based entirely upon the record developed at the Superintendent level.
4. Each side may make oral argument before the Board.
5. The Board may affirm the decision of the Superintendent or the Superintendent's designee without change, overturn the decision of the Superintendent or the Superintendent's designee, modify the terms of the expulsion, impose some alternative disciplinary consequence, or take any other lawful action

pertaining to the order or the proceedings. The Board may, in its sole discretion, determine to hear evidence in lieu of or in combination with the record below upon such terms as are just and proper.

During the pendency of the expulsion proceedings, the Superintendent or the Superintendent's designee may take any lawful measure appropriate to maintain order, discipline and safety, including but limited to, the placement of the student in a Disciplinary Alternative Education Program, placement in in-school suspension, or suspension under Section 37.005.

Emergency expulsions may require special procedures different from those outlined above.

Emergency Expulsions

A principal or the principal's designee may order the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

At the time of the emergency expulsion, the student shall be given oral notice of the reason for that action. The reason must be a reason for which expulsion may be made on a nonemergency basis. Within a reasonable time after the emergency expulsion, but not later than the tenth day after the date of the expulsion, the student shall be accorded the appropriate due process as required under Section 37.009.

If the student subject to the emergency expulsion is a student with disabilities who receives Special Education services, the emergency expulsion is subject to Federal law and regulations, and must be consistent with the consequences that would apply to a student without a disability.

Expulsion of Special Education Students

A student with a disability being served in Special Education may be expelled for engaging in conduct that would warrant such action for a student without such disability only if the ARD Committee determines the misconduct is not related to the student's disabling condition or inappropriate placement.

In determining whether a student's disruptive behavior was related to a student's disabling condition, the ARD Committee shall base its decision on currently effective evaluation and/or assessment data and on review of the current IEP documentation, rather than on established eligibility or previous committee decisions. The ARD Committee shall consider whether the student's behavior indicates the need for new assessment or evaluation data. Unless the parents agree otherwise, the student must be returned to his or her placement while additional assessments are being conducted.

The ARD Committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

If the ARD Committee determines that the student's disruptive behavior is related to the disabling condition or inappropriate placement the student shall not be expelled. If the disruptive behavior on the part of the student indicates an inappropriate placement, the ARD Committee shall review the placement and recommend alternatives. If the ARD Committee determines that the behavior was related to the disabling condition, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.

Expulsion of Section 504 Students

A student with a disability under Section 504 shall not be removed from school for more than ten consecutive school days unless the student's 504 Committee, or other persons knowledgeable about the student and the meaning of the evaluation data, first determines that the misbehavior is not a manifestation of the student's disability. If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as similarly situated nondisabled students. If it is determined that the misconduct is caused by the student's disability, the District must determine whether the student's current educational placement is appropriate.

The District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability under Section 504 who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action would be taken against nondisabled

students. The due process procedures afforded under Section 504 do not apply to such disciplinary actions.

S. Additional Information Pertaining to Expulsions Expelled Transfer Students

AHISD may continue the expulsion of those students enrolling in AHISD from an independent school district, home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school under the terms of the expulsion order provided by that District, campus charter holder, or charter school. AHISD shall, however, comply with Federal law requiring expulsion for a period of at least one year for bringing a firearm to school, unless modified in accordance with Section 37.007(e).

Additional Orders During Term of Expulsion

If, during the term of an expulsion order, a student engages in additional conduct for which placement in a Disciplinary Alternative Education Program or expulsion is required or permitted, additional proceedings may be conducted regarding that conduct, and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

Withdrawal of Student Prior to Entry of Order

If a student withdraws from the District before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the District during the same or subsequent school year, the District may enforce the order at that time except for any period of the expulsion that has been served by the student on enrollment in another District that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next District in which the student enrolls may complete the proceedings and enter an order.

Expulsion of Students Under Ten Years of Age

Students younger than ten who commit expellable offenses shall be placed in the Disciplinary Alternative Education Program.

Students under age six shall not be expelled or placed in a Disciplinary Alternative Education Program, under any circumstances.

T. Limiting Assignment of Students to Victim's Classroom

A student who has been adjudicated for engaging in delinquent conduct as defined by Section 51.03 of the Texas Family Code, for a violation of Sections 21.11 (indecency with a child), 22.011 (sexual assault), or 22.021 (aggravated sexual assault) of the Texas Penal Code, or who has been convicted of an offense under one of those sections, may not be assigned to the same class as the victim of that delinquent conduct or offense without the consent of the victim's parent or of the victim (if the victim is eighteen years of age or older), unless the principal determines that such placement is the only alternative.

The victim's parent or the victim may appeal the principal's decision to the Board of Trustees. The decision of the Board is final and may not be appealed.

U. Placement in a Juvenile Justice Disciplinary Alternative Education Program

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

V. Appeals

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 or through Policy On Line at the following address: www.ahisd.net