

**DISCIPLINE ALTERNATIVE EDUCATION PROGRAM
[DAEP]**



**STUDENT CODE
OF CONDUCT**



2023 to 2024

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EAGLE PASS I.S.D.
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Eagle Pass I. S. D. School Directory

HIGH SCHOOLS			
<i>Campus</i>	<i>Address</i>	<i>Phone</i>	<i>Principal</i>
C. C. Winn Campus	265 Foster-Maldonado	830-757-0828	Jesus Diaz-Wever
Eagle Pass High School	2020 Second St.	830-773-2381	Luis Huerta
Discipline Alt. Education Program	1610 Del Rio Blvd.	830-758-7193	Clint Wheeler
JUNIOR HIGH SCHOOLS			
Eagle Pass Junior High School	1750 N. Bibb Street	830-758-7037	Yolanda Ramon
Memorial Junior High School	1800 Lewis Street	830-773-8838	Mario Escobar
ELEMENTARY SCHOOLS			
Benavides Heights	1750 Mesa Drive	830-758-7006	Olivia Garcia
Armando Cerna	2268 Mondragon	830-758-7004	Juan Leija
Dena Kelso Graves	720 Kelso Drive	830-758-7043	Veronica Soto-Gonzalez
Henry B. Gonzalez	400 Balcones	830-758-7099	Marissa Garza
Juan Seguin	300 S. Monroe	830-758-7062	Veronica Rodriguez
Kirchner	Crockett Street	830-758-7045	Rosalinda Barcena
Liberty	1850 Flowers Street	830-758-7156	Jose G. Hernandez Jr.
Perfecto Mancha	3269 Fletcher St.	830-758-7216	Sandra Koenig
Nellie M. Glass	1501 Boehmer Ave.	830-758-7041	Laura Telles
Pete Gallego	300 Azucena Drive	830-758-7130	Jose Villalobos
Ray Darr	841 Memo Robinson	830-758-7060	Veronica Chacon
Rosita Valley	735 Rosita Valley Road	830-758-7065	Cynthia Guedea
Sam Houston	2781 FM 1021	830-758-7069	Amalia Riojas
San Luis	2090 Williams	830-758-7071	Diana Alvarado
Seco Mines	2900 Diaz	830-758-7073	Maribel Martinez
EARLY CHILDHOOD			
Early Childhood Center	636 Kelso	830-758-7027	Lydia Stanwick
Language Development Ctr.	724 Loop 3443	830-758-7047	Rosanna Rios
Kennedy Hall	1610-B Del Rio Blvd.	830-758-7189	Lisa Ruiz
Rosita Valley Literacy Academy	High Noon	830-758-7067	Aida Pang –Villa
PROGRAMS			
Life Skills Program for Students & Parents	904 Kelso	830-758-7019	Lizett Duran
Career & Technology Program	122 Foster-Maldonado	830-758-7181	Ana Laura Castillon

Resources Available within the School District

The following programs are available in the district to assist you and your child. You may call the appropriate telephone number for assistance in each area of concern.

Problems relating to School Operations.....	830-758-7078
Questions on home visits, proof of residence	830-773-5181 ext. 82202
Non-attendance, home schooling	830-773-5181 ext. 82202
Bilingual/ESL.....	830-773-5181
Questions regarding difficulties in language	830-773-5181
other than English that may be spoken	
Programs for overage students who are unable to meet	830-773-5181
the graduation requirements of their home school	
Office of Instructional Services.....	830-773-5181 ext. 82202
parental choice, attendance, admissions, transfers	
Problems relating to student discipline, administrative	830-773-5181
Attendance, Admissions.....	830-773-5181 ext. 82202
Information regarding Bus Transportation.....	830-773-3725
Problems related to Elementary and Secondary	
Curriculum & Instruction	830-773-5181
Special Education Department.....	830-773-5181
Problems/programs relating to emotionally or physically	830-773-5181
disabled students and homebound services	
Health Services	830-758-7078
Questions regarding immunizations, medications.....	830-758-7078
and other health concerns	
Eagle Pass ISD Police	830-758-7098
Section 504 Coordinator.....	830-773-5181

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I. PURPOSE OF THE STUDENT CODE OF CONDUCT

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code. The Code provides methods and options for managing students in the classroom, on school grounds and school bus transportation. The code's purpose is to discipline students, prevent and intervene in student discipline problems.

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 a Disciplinary Alternative Education Program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Eagle Pass Independent School District Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, procedures for administering discipline and the state's compulsory attendance law.

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. It is mandatory that parents be notified of any conduct violation that may result in a student being suspended, ISS (In School suspension) placed in a DAEP, expelled or referred to law enforcement. **Additionally, the code of conduct shall be posted on the district's webpage. www.eaglepassid.net**

The Eagle Pass ISD has adopted a Code of Student Conduct that will enhance a more positive and safe environment in our schools. Its main purpose is to:

- describe behavior that promotes a positive environment for learning;
- provide and implement for district wide uniformity in dealing with student discipline;
- define the rights and responsibilities of each member of the school community (students, parents, teachers, administrators) in establishing and maintaining good discipline at district schools;
- describe behavior that is expected of all students;
- describe specific examples of student misbehavior;
- specify the circumstances, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;
- specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;
- outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;
- specify the consideration given to: (1) self-defense; (2) intent or lack of intent at the time the student engaged in the conduct; (3) a student's disciplinary history; or (4) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct; as factors in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion

- provide guidelines for setting the length of a term of a removal or expulsion
- address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;
- prohibit bullying, harassment, and making hit list and ensure that district employees enforce prohibitions;
- provide, as appropriate for students at each grade level, methods for managing students in the classroom and on school grounds; and
- communicate policies of the Board of Trustees regarding appropriate student behavior

The Code of Student Conduct is in force from the time a student enters a school bus or steps on the school grounds or attends school-sponsored activities.

STATEMENT OF NON-DISCRIMINATION

The Eagle Pass ISD does not discriminate in its educational programs and services on the basis of sex, race, religion, color, national origin, or disability. The District complies with Title IX of the Educational Amendments of 1972, Individuals with Disabilities Education Act, and with Section 504 of the Rehabilitation Act of 1973. Any questions or concerns about the district's compliance with these federal programs should be brought to the attention of the following person shown below:

- Rolando Salinas, Title IX
- Elizabeth Torres, Special Education Director
- Rene Martinez, 504 Coordinator

Because the Student Code of Conduct is adopted by the district's Board of Trustees it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code will prevail.

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

II. SCHOOL DISTRICT AUTHORITY AND JURISDICTION

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

The district has disciplinary authority over a student:

- during the regular school day and while the student is going to and from school on district transportation:
- during lunch periods in which a student leaves campus;
- while the student is in attendance at any school-related activity, regardless of time or location;
- for any school-related misconduct, regardless of time or location;

- when a student engages in cyberbullying, as provided by Education Code 37.0832
- when retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
- when criminal offenses are committed on or off school property or at a school-related event;
- for certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- for certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
- when the student commits a felony regardless of time and location, as provided by Texas Education Code 37.006 or 37.0081;
- when the student is required to register as a sex offender.

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

Unauthorized Persons

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

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

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

Search of Students' Lockers

In an effort to ensure that all schools are safe and drug free, district officials may conduct searches of students' lockers anytime throughout the school year. Students' lockers are property and remain under the control and jurisdiction of the school even when assigned to an individual student. Students shall be held responsible for the security and contents of their assigned locker. Students must be certain that their locker is locked and that the combination is not made available to others. Sharing of lockers is prohibited to protect the welfare and interest of our students.

Parent Notification of prohibited items

If prohibited articles or materials are found in the student's locker or vehicle parked on school property, or on the student's person as a result of a search conducted in accordance with district policy, the student's parents or guardian will be notified as soon as possible.

Use of Trained Dogs

The District shall use specially trained non-aggressive dogs to sniff out and alert to the immediate presence of concealed prohibited items, illicit substances

defined in FNCF (Local) explosives or incendiary items and alcohol. This program is implemented in response to drug and alcohol use problems in our District and to maintain a safe school environment conducive to education. The K-9's will be used to sniff out and alert officials to search lockers, personal belongings (purse, backpacks, etc.) and vehicles parked on school premises and all areas owned, operated and controlled by the district.

School administrators will report crimes as required by law and will call EPISD Police Department and or local law enforcement when the administrator suspects that a crime has been committed on campus.

The district has the right to revoke the transfer of a nonresident student for violating the district's Code.

III. STANDARDS FOR STUDENT CONDUCT

Each student is expected to:

- demonstrate courtesy, even when others do not
- behave in a responsible manner, always exercising self-discipline
- attend all classes, regularly and on time as per campus instructional day.
- prepare for each class; take appropriate materials and assignments to class
- meet district and campus standards for grooming and dress
- obey all campus and classroom rules
- respect the rights and privileges of students, teachers, and other district staff and volunteers
- respect the property of others, including district property and facilities
- cooperate with and assist the school staff in maintaining safety, order, and discipline
- adhere to the requirements of the Student Code of Conduct

Students are under the direct supervision of the school administrators or classroom teachers at all times. They are expected to conform to school policies and to class regulations. In order to create an atmosphere for learning, order must be maintained at all times. Students are to conduct themselves properly and in a manner prescribed by the administration and teachers. Failure to comply with the regulations set forth by district policy and enforced by teachers and administrators will result in disciplinary action. Students participating in school-sponsored activities are representatives of the district. Their conduct is expected to conform to the regulation set forth by the district and the sponsor.

IV. GENERAL INFORMATION

Report on EPISD code of conduct violations reports/discipline Referral

The EPISD will report the number of full and partial days a student is assigned and attends a DAEP on the 425 record/Discipline Referral. Also, the district will report the number of expulsions that are found to be inconsistent with the guidelines set forth in the Student Code of Conduct.

Note: It is mandatory that EPISD code of conduct violation reports/discipline referrals be reported to the EPISD PEIMS database in a timely manner.

Action Code 28 – (Mandatory disciplinary action not taken (TEC 37.001(a) (4))

Under Action Code 28, the administrator is granted the opportunity not to take action against a student that commits a violation that requires mandatory disciplinary action because the district's Student Code of Conduct includes one or more of the TEC 37.001(a) (4) provisions that allows the district to consider self-defense, intent or lack of intent, student's disciplinary history, or disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct as a factor in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion.

Prior to selecting code 28 mandatory disciplinary action not taken, the administrator shall provide the Deputy Superintendent for Curriculum & Instruction substantial documentation for considering the provision under TEC 37.001 (a) (4) such as self-defense, intent or lack of intent, student's disciplinary history, or disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct as a factor in a decision to order suspension, removal to a disciplinary alternative education program or expulsion. The Deputy Superintendent for Curriculum & Instruction shall make the final approval to utilize code 28 (Mandatory Disciplinary Action Not Taken)

Credit during Disciplinary Process

Students shall receive full credit for assignments completed in a DAEP or in-school suspension setting. A student suspended 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. A grade adjustment may be imposed on work made up for a period of suspension according to Board Policy

Truancy

School employees must investigate and report violations of the state compulsory attendance law to the executive director for instruction in charge of district attendance. A student absent from school without permission from any required class shall be considered truant and subject to disciplinary action. Truancy may also result in assessment of penalties by a court of law.. A complaint against the parent may be filed in the appropriate court if the student:

- fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.

Minimum Attendance Requirement for Class Credit or Final Grade

A student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class.

In accordance with district policy (FEA Local), students under the age of 19 may be withdrawn from school for non-attendance after being absent ten consecutive school days and repeated efforts by the attendance officer and or principal to locate student have been unsuccessful or exhausted.

Questioning Students

Administrators, teachers, and other professional personnel may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

Detention

For minor infractions of the Student Code of Conduct, campus or classroom rules, teachers or administrators may detain students after school hours on one or more days. Before being assigned to detention, a student will be informed of the behavior that allegedly constitutes the violation, and will be given an opportunity to explain his or her version of the incident. The period of time for which a student is assigned to detention will be used for educational purposes.

Notice of Assignment to Detention

When detention is used, notice will first be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation of the student. Except in the case of a student who is 18 years of age or older, the detention will not begin until the parents have been notified. The student's parents, if the student is a minor may be required to provide transportation when the student has been assigned to detention.

Student without a Driver's License

Student operating a motor vehicle without a driver's license or not meeting insurance requirements shall be cited by law enforcement officials. The vehicle shall be towed away at the owner's expense. Parent shall be notified of the student's driving violation.

Parental liability for school property

A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

- the negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent or other person to exercise that duty; or
- the willful and malicious conduct of a child who is at least ten years of age but less than 18 years of age

Failure to comply in paying damages will result in legal proceedings to recover school property.

Parent Responsibilities

Ensure that their child complies with district and school policies, rules and regulations.

- assist their child to attend school well-groomed and dressed appropriately in accordance to Section VIII
- communicate regularly with the school concerning their child's academic progress and conduct
- provide for the physical needs of the child
- participate in parent-teacher conferences and other activities in which their child is involved
- cooperate with and support the teachers and the school administrators in their efforts to achieve and maintain a quality school system
- discuss report cards and classroom assignments with their child
- inform the school of any problems or conditions in the home, which affect their child
- provide a work area free of interruption where their child may study and do homework
- maintain up-to-date home, work, and emergency telephone numbers at the school
- prepare the child emotionally and socially to be receptive to learning and discipline
- encourage the child to develop proper study habits at home
- send their child to school on time and on a daily basis
- teach their child to respect authority
- insist that the child spend a minimum period of time studying each day
- assist the child to assume responsibility for appropriate behavior and to accept the consequences of inappropriate behavior
- cooperate with the school in assisting their child to grow into a self-disciplined, mature and responsible individual

Teacher Responsibilities

Provide an effective program of instruction.

- maintain an orderly classroom, conducive to learning

- serve as a model for students by showing respect for themselves, students, parents, and other school personnel
- be in regular attendance
- be punctual
- communicate regularly with parents regarding their child's progress
- maintain a well-groomed appearance and dress appropriately to serve as a role model for students
- indicate a genuine interest and concern for the welfare of students
- assist students to follow the rules of expected behavior
- teach students responsibility for their actions by enforcing the rules of conduct and discipline fairly and appropriately for those students who violate these rules
- recognize the growth, success, and achievement of students
- obey district and school policies and regulations
- teach to the standards of performance required by the district
- establish rapport and an effective working relationship with parents, students, and other staff members
- encourage work habits that will lead to the accomplishment of both short-term and long-term goals

Administrator Responsibilities

Establish a climate for learning conducive to good teacher performance and maximum student growth.

- provide appropriate support for teachers in dealing with students who are sent to the office for behaving inappropriately
- implement a flexible, rigorous curriculum within the limits provided by the district and the state to meet the needs of all students
- promote effective training and discipline based upon fair and impartial treatment of all students using the Code of Student Conduct as a reference point
- encourage parents to keep in regular communication with the school and encourage parental participation in required parent-teacher conferences
- develop a cooperative working relationship among staff and students
- assist students by providing appropriate assistance in learning self-discipline
- assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan
- ensure students' safety through maintenance of the school grounds
- manage human and physical resources in a manner supportive to the overall goals of the educational program
- maintain a well-groomed and appropriately dressed appearance

School Bus Standards of Safety and Conduct:

School bus transportation is provided for all students who live two miles or more from their corresponding school zone. In addition, students who live in areas that have been designated as hazardous also receive bus service. Special Education students who have been granted transportation services and stipulated in their IEP shall receive bus service. An ARD meeting shall be held to address Special Education student needs. Eagle Pass ISD adheres to transportation eligibility policies as defined in the Texas Education Code.

Discipline Management Plan for School Buses

The school bus is an extension of the classroom and student discipline will be administered by the transportation supervisor or a school administrator with the assistance from the bus driver. All school district policies that apply to student conduct and other student related activities apply to the school bus.

Procedures/Consequences

Whenever a student disregards the School Bus Standards of Safety and Conduct or commits any violation jeopardizing the safety of student passengers or the driver, action must be taken using provisions of the plan. Alternative behavior management techniques included but not limited to counseling, changing seat assignment, may be used to alter the student's behavior. Should that fail, more severe measures will be taken in accordance with the step process described below.

1st Incident:

The driver will verbally warn the student.

2nd Incident:

The driver will send the Bus Conduct Report and forward it to the Bus Transportation Supervisor. The Transportation Supervisor will forward the Bus Conduct Report to the Campus Principal to take action and contact the parents. (Depending on the severity of the offense, action could lead to a three (3) day suspension).

3rd Incident

This will lead to a ten (10) day suspension of bus transportation services.

Any subsequent incident may result in the suspension of the student's transportation services for an **additional (10) ten days** or the remainder of the school year.

Any other conduct not specifically listed that substantially disrupts the safe operation of the bus may also result in suspension of school bus transportation services or other disciplinary action may be applied.

Surveillance cameras are used in buses on a random basis to promote safety.

Please refer to the Student/Parent Handbook for additional transportation information.

V. DISCIPLINE MANAGEMENT TECHNIQUES

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

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

Techniques

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

- verbal (oral or written) correction
- cooling-off time or “time-out”
- seating changes within the classroom
- temporary confiscation of items that disrupt the educational process
- rewards or demerits
- behavioral contracts
- counseling by teachers, counselors, or administrative personnel
- parent-teacher conferences
- grade reductions as permitted by policy
- detention
- sending the student to the office or other assigned area, or to in-school suspension
- withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- penalties identified in individual student organizations’ extracurricular standards of behavior
- withdrawal or restriction of bus privileges
- out-of-school suspension, as specified in the Suspension section of this Code
- placement in DAEP, as specified in the DAEP section of this Code
- expulsion, as specified in the Expulsion section of this Code
- referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
- other strategies and consequences as determined by school officials

Discipline of Students with Disabilities

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

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

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

The District personnel will treat students with dignity and respect and ensure that students with disabilities eligible under Subchapter A, Chapter 29, will not be confined in a locked box, locked closet or other specially designed locked space

as either a discipline management practice or behavior management technique. (Additional information regarding time-out and restraint can be found in state law rules Texas Education Code Section 37.0021; Title 19 of the Texas Administrative Code; Sec. 89.1053)

Placement of Students with Disabilities

The placement of a student with disabilities who receives special education services may be made only by a duly constituted ARD committee. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes if the student does not also meet the criteria for alternative placement for their conduct.

Any discipline action regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's ARD committee.

All disciplinary actions regarding a student with a disability who receives special education services shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review.

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

Required Conference

Not later than the third class day after the day on which a student is removed from class by a teacher or by a school administrator, the principal or other appropriate administrator shall schedule a conference which includes the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for 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 class pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall determine the disposition of the case consistent with the Code of Student Conduct.

Prohibited Aversive Techniques

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

Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]

- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Questions & Complaints

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 the Policy On-Line at the following Web address:

www.eaglepassisd.net

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

VI. REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

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

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office with proper documentation as a discipline management technique. The principal may then employ additional techniques. The student may then be returned to class following administrative action.

Formal Removal

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

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

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator will schedule a conference with the student's parents; the student; the teacher, in case of removal by a teacher; and any other administrator.

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

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

- another appropriate classroom
- in-school suspension
- out-of-school suspension
- DAEP

Moreover, a student formally removed by a teacher, may be returned to the teacher's class without the teacher's consent, if the placement review committee determines that the teacher's class is the best or only alternative available.

The district shall not use out-of-school suspension for students in grade 2 or below unless

the conduct meets the requirements established in law. A student in grade 2 or below shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or

- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students in grade 2 or below who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Returning Student to Classroom

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

VII. SUSPENSION

Misconduct

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

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

- self-defense (see glossary)
- intent or lack of intent at the time the student engaged in the conduct
- the student's disciplinary history

Process

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

Before being suspended, a student will have an informal conference with the appropriate administrator who shall advise the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made. The principal shall send a copy of the incident report documenting the violation to the student's parent or guardian within 24 hours.

Any student who is placed out of school or in-school suspension must be given 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 appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities.

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

A student who is homeless cannot be placed in out of school suspension unless the student engages in conduct described in TEC 37.005(c) 1-3.

VIII. GENERAL PROVISIONS OF THE STUDENT DRESS CODE

The general provision of the Student Dress Code applies to all students. Students who attend the school must abide by the general provisions of the Student Dress Code.

Requirements:

- all students must be clean and well-groomed at all times
- undergarments must be worn at all times and **must not** be visible
- eyes visible at all times
- footwear must be worn at all times (steel toe boots are not allowed)
- pants, skirts, shorts, and skorts must be appropriately sized, and properly secured
- shorts, skirts, skorts or dresses (**including being worn with leggings**) must not be shorter than three (3) inches above the top of the kneecap
- all clothing with buttons, zippers, or snaps must be buttoned, zipped, or snapped modestly
- shirts and blouses must be appropriately sized
- overalls must have both straps secured over the shoulders and should be properly sized
- students must comply with safety guidelines as set by the district, local and/or state government

Prohibited items: Repeated violations may lead to Level 3 consequences.

- any clothing, grooming, or accessories that may reasonably be expected to cause distraction of, or interference with, school operations
- any clothing, grooming, or accessories that may reasonably be expected to cause physical harm to the wearer or to third parties
- any clothing, grooming, or accessories that are worn for the purpose of showing membership or affiliation to a gang or which, in fact, represent a particular gang affiliation even if the wearer intends no such purpose
- any pictures, emblems, or writing on clothing or accessories that represents or depicts:
 1. lewd, offensive, vulgar or obscene **messages**
 2. tobacco products, alcoholic beverages, drugs, or any other substance prohibited under Policy FNCA (Local)
 3. the occult, death, suicide, violence, or gang membership
- no excessive jewelry/Rosaries may not be worn as jewelry
- no bandannas, rags, or gloves
- no sunglasses worn indoors unless medically prescribed
- no headgear (**can include but not limited to hats, helmets, caps, beanies, knit caps, scarfs, etc**) for boys and girls allowed indoors unless medically prescribed
- no rings, studs, string, placeholder on any part of the body except fingers of boys and fingers and ears of girls / gauges may not be worn by any student
- no see-through garments of any kind

- no oversized, sagging clothes or trench coats
- no altered garments, biker shorts, aerobic shorts, or yoga pants
- no bedtime slippers, water socks, steel-toed footwear, or any footwear with wheels
- no pajama top/bottoms
- pants with rips, tears or holes may be used, as long as no skin is visible above the knee
- no muscle shirts, tube tops, halter tops, spaghetti strap blouses, swimsuits, or any other garments that expose the midriff, chest, or back, including shirts that show the navel (belly button)
- no outerwear garment may be worn without a top or bottom
- no mustaches, beards or goatees; sideburns must not extend below the ear lobe
- no low or cut opening of clothing which may reveal the midriff or undergarments
- no shorts/pants that sag below the waistline
- no chains which have the potential to be used as a weapon
- no wind shorts, short shorts, bicycling shorts, spandex type shorts/pants; shorts must not be shorter than three (3) inches above the top of the kneecap and should not create a distraction
- athletic shorts at junior high(s)
- no skateboards
- no attire that identifies an individual belonging to a gang or group other than the district sponsored groups
- prohibited prescriptive/non-prescriptive eccentric contact lenses
- jeggings, leggings, tights may be worn **only** with loose fitting overblouses (long shirts) that reach mid-thigh
- no make-up or high heels at elementary during the instructional day
 - Exceptions can be made at the discretion of the campus principal for special events
- No headphones or earbuds are to be visible; except when approved by the teacher for instructional purposes

IX. LEVELS OF DISCIPLINARY OFFENSES

LEVEL 1: TEACHER DIRECTED DISCIPLINE

The classroom teacher **must** successfully manage most students' misbehaviors. There **must** be immediate and consistent teacher interventions for any behavior, which impedes the orderly operation of the classroom. A minimum of three Level 1 student violations with recommended documentation and parental notification is required before the administrator intervenes. Teachers shall submit copies of Level 1 student violation reports to the administrator or designee for review, as per administrator's discretion.

General Misconduct Violations such as: (Level 1)

- dress code violations
- eating/drinking in class
- failure to bring required classroom materials and/or assigned work to all classes

- failure to deliver and/or return written communications between home and school
- throwing objects in class
- being defiant
- annoying classmates
- excessive talking
- making excessive noise
- refusal to participate in classroom activities/ sleeping in class
- skipping class
- lack of cooperation
- rude/discourteous
- restless/inattentive
- cheating, plagiarism copying the work of another student, or allowing one's own work to be copied
- profanity/offensive language
- refusing to accept discipline management techniques assigned by a teacher or district employee
- excessive tardiness to class (3 or more per nine weeks)
- excessive absences (3 or more excused or unexcused per four weeks)
- inappropriate affection (kissing, hugging, embracing, or any other act that may be offensive)
- inappropriate language
- brings prohibited electronic devices
- any other act which impedes the orderly classroom procedures or interrupts the orderly operation of the class

Disciplinary Consequences: (Level 1)

- supervised time out in the classroom
- assign different seats
- detention (teacher led) before or after school
- parent contact: written note, telephone call or mandatory parent/teacher conference
- student / counselor conference
- teacher /student conference
- discipline referral sent home
- progress report sent home
- behavioral contract
- verbal correction in appropriate manner
- other appropriate in-class disciplinary actions as outlined by campus administrator
- referral to attendance officer, attendance clerk, and or SAR
- referral to counselor
- grade reduction as allowed by district policy (for cheating, plagiarism, copying the work of another etc.)
- confiscation of prohibited items

Procedures: (Level 1)

- Intervention must be followed up by the supervising teacher or teacher who observes the misbehavior.
- The teacher must maintain a record of the offenses and disciplinary actions.

- The teacher shall discuss the misbehavior with the parent, administrator and/or support personnel.

Any removal of a student by a teacher for behavior described above requires that the teacher report the offense to the principal or appropriate administrator. The principal or appropriate administrator will then send a copy of the report to the student's parent or guardian within 24 hours after receiving the teacher's report.

LEVEL 2: ADMINISTRATOR DIRECTED DISCIPLINE

These level 2 student violations will result in a referral to an administrator. The disciplinary actions will depend on the offense, previous infractions, and the seriousness of the misbehavior. Included are those student acts that interfere with the orderly educational process in the classroom and/or the school. A teacher who observes a student engaged in a Level II or higher misconduct must make a written report to the principal or other appropriate administrator.

General Misconduct Violations: (Level 2) (Code 21)

- Repeated dress code violations
- repeatedly being defiant
- fighting
- repeatedly throws objects, outside supervised school activities, that can cause bodily injury or damage property
- disruptive behavior on school bus and/or disobeying rules for conduct on school buses
- loitering in unauthorized areas
- engaged in a verbal confrontation
- displays, turn on, or use of a telecommunication device, including a cellular telephone, or other electronic devices on school property during the school day
- posting unauthorized materials on school grounds
- repeatedly uses profanity/offensive language toward other students or district employees
- skipping class/truancy – **excessive unexcused absences**
- displays insubordination and or defiance
- leaves school grounds or school-sponsored events without permission
- stealing from students, staff, or the school
- discharging a fire extinguisher
- gambling
- falsifying passes, or other school-related documents
- repeatedly violating other communicated campus or classroom standards of behavior
- any other act that interferes with the orderly educational process in the classroom and/or the school
- traffic violations, unauthorized parking
- violating policies, rules, or agreements signed by the student or student's parents regarding the use of technology resources
- bullying
- possession / use of prank sprays / devices
- no student may participate in an unapproved fundraiser or engage in sales for personal interest/gain

Disciplinary Consequences: (Level 2)

- behavioral contracts
- denial of school transportation privileges
- detention (campus)
- parental contact by phone and written notification to parent/guardian within 24 hours
- referral to law enforcement authorities
- restitution
- suspension (ISS) or (OSS)
- confiscation of items
- any other appropriate action determined by the administration
- referral to Attendance Officer or SAR
- removal of student parking permit and privileges
- Processing fee

Procedures: (Level 2)

- referral to principal/designee in writing
- administrator confers with student and or teachers to establish appropriate action
- discipline referral retained by administrator
- written notification to parent and teacher indicating action taken by administrator

Discretionary Authority

In cases that do not have the elements of weapons, drugs, violence, no substantial risk to students or staff member's safety, and no substantial distraction to the educational environment; the campus Principal has the authority on a case-by-case basis to defer punishment in order to protect the students instructional time.

LEVEL 3: DISCRETIONARY DAEP PLACEMENT

Students in violation of any of the following offenses or behaviors may be suspended for up to three days pending a conference, and may be placed in the District's DAEP. The recommendation for removal of a student to the DAEP must be made by the campus principal or designee. The District designee will make the final decision to place the student at the DAEP. The superintendent or district designee may modify the length of the student's placement as it is dictated in Chapter 37 of the (TEC) Texas Education Code.

In deciding whether to order discretionary or mandatory placement in a DAEP, the hearing officer will take into consideration:

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

- A student's status as homeless

The maximum DAEP discretionary placement or term for a secondary student (7th – 12th) shall be 60 successful school days. Students that continue to violate the Student Code of Conduct and are assigned to the DAEP for a 2nd time during the same school year are subject to a 90 day placement.

The maximum period or term for an elementary student (1st-6th.) assigned to the DAEP under discretionary placement shall not exceed 45 days.

General Misconduct Violations: (Level 3)

In accordance with state law, a student may be placed in an alternative education program based on conduct occurring off campus (code 10) Non-Title 5 felony and while the student is not in attendance at a school-sponsored or school-related activity if:

- the superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Texas Penal Code, and
- 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

A student may be placed in an alternative education program and/or suspended if the student repeatedly engages in any of the following offenses while on school property, at any school-sponsored or school-related activity on or off school property, or on a school bus;

- engaging in assault (code 21)
 1. intentionally or knowingly threatens another with imminent bodily injury;
Penal Code 22.01 A (2)
 2. intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe the other will regard the contact as offensive or provocative. Penal Code 22.01 A (3)
- engages in bullying, including cyber bullying, harassment, and making hit lists (see glossary for all three terms) (code 61)
- engages in habitual fighting, repeated commission of physical abuse or threat of physical abuse, or involvement in a serious fight (code 21 or 41)
- engages in verbal, written, or graphic abuse (e.g., name calling, racial, ethnic slurs, or derogatory statements) which may disrupt the school environment or incite violence (code 21)
- engages in sexual harassment toward another student or district employee or engages in offensive verbal or physical behavior of a sexual nature, which may include requests for sexual favors, or similar intimidation directed toward another (code 21)
- forcing an individual to act through the use of force or threat of force (code 21)
- engages in hazing (code 21)
- engages in conduct that constitutes dating violence

- exhibits disrespect, direct profanity, vulgar language, or obscene gestures towards teachers, other district employees, or fellow students (code 21)
- pornography (e.g., being in possession of pornographic materials including, but not limited to, pictures, magazines, books, films, computer disc, or any electronic device)
- using e-mail or web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes substantial disruption to the educational environment or infringes on the rights of another student at school (code 21)
- records the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others (code 21)
- attempts to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment (code 58) Level 6 Discretionary Expulsion
- attempts to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment (code 58) Level 6 Discretionary Expulsion
- use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school
- sends, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal, including cyber-bullying and sexting either on or off school property, if the conduct causes a substantial disruption to the educational environment
- possesses any weapon not classified in the Texas Penal Code (e.g., a sling shot, B. B. gun, **stun gun**, laser pens/pointers, personal chemical dispensing devices a crossbow, bow and arrow, blowgun, Chinese star, box cutter or ice pick, a razor carried, designed, made or adapted for use as a weapon) (code 21)
- student in possession of a non-illegal knife such as a pocket knife, pen knife, "homemade shanks", etc... (code 21)
- engages in vandalism (code 21, 22, or 02)
- commits criminal mischief, not punishable as a felony (code 22)
- participates in gangs or gang activities, including exhibiting gang graffiti, clothing, or gang insignias (code 34)
- participates in fraternities, sororities, or secret sororities (code 21 or 34)
- engages in extortion, coercion, or blackmail (code 21)
- participates in aggressive, disruptive action or group demonstrations that substantially disrupts or materially interferes with school activities (code 21)
- engages in persistent misbehavior, which is defined, as two or more violations of the Student Code of Conduct (code 21)
- plays with matches or fire (code 21)

- possesses drug paraphernalia (code 21)
- possess or sell seeds or pieces of marijuana in less than a usable amount
- possesses ammunition capable of being expelled through a barrel by using the energy generated by an explosion or burning substance (code 21)
- engages in evasion (code 21)
- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device (code 21)
- commits burglary or theft (code 21)
- abuses an over-the-counter drug, gives or delivers an over-the-counter drug to another student, or becomes impaired due to abuse of an over-the-counter drug (code 21)
- participates in a food fight (code 21)
- defacing/destroying school property is such conduct would not otherwise meet the elements of criminal mischief or graffiti (code 21)
- possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband (code 21)
- possession of over-the-counter drugs (not prescribed) (code 21)
- possessing or selling a “look-alike” weapon (code 21)
- repeatedly violates dress and grooming standards of the general provision of the student dress code (code 21)
- making false accusations or perpetrating hoaxes regarding school safety (code 21)
- possession of a razor blade / box cutter
- spitting
- urinating in public
- gambling
- discharging a fire extinguisher
- engaging in acts that may cause physical harm

Disciplinary Consequences: (Level 3)

- referral to principal/designee in writing
- required administrator/student/parental conference
- referral of student to DAEP
- referral to Law Enforcement
- removal of transportation services
- restitution/restoration
- suspension for up to three school days per occurrence
- any other appropriate disciplinary actions determined by the administration

Procedures (Level 3)

- The principal or designee shall investigate the student’s infraction and/or illegal act.
- The principal or designee shall notify and confer with student, parent(s) and/or guardian(s) regarding the alleged violation. (Provide notice of proposed disciplinary action and/or DAEP Placement Recommendation)
- If DAEP Placement is being recommended, the principal/designee shall provide a written notice to the student, parents, or guardian and the District Hearing Officer of the proposed disciplinary action.
- Principal/designee shall schedule a DEAP Placement Hearing.

- The hearing officer will conduct a due process hearing, at which time, the student, parent/guardian, and campus administrator shall be present.
- The student will be provided an opportunity to testify and to present evidence and witnesses in the student's defense and an opportunity to question the district's witnesses. After a good faith effort to inform the student and student's parent/guardian of the time and place of the hearing, the district may hold the hearing regardless of whether they attend. The hearing officer will hear, review, and make the final determination of the disciplinary action.
- Until a hearing can be held, the principal may place the student in another appropriate classroom, in-school suspension, out of school suspension or DAEP.
- coursework notice shall be given to the parent/student

LEVEL 4: MANDATORY DAEP PLACEMENT

Students guilty of any of the below offenses or behaviors may be suspended for up to three days pending a conference, and shall be placed in the District's DAEP after a hearing has been conducted. Removals to the DAEP will be made by the campus principal or designee. The district's designee will make the final decision to place the student at the DAEP. For a Title 5 Felony committed off campus, (code 9) a student may be expelled or placed in the DAEP if the student's presence in the regular classroom:

- threatens the safety of other students or teachers,
- will be detrimental to the educational process, or
- is not in the best interest of the district's students

The duration of a student's placement will be determined by the District's hearing officer or designee who will evaluate each case on an individual basis. DAEP placement will be correlated to the seriousness of the offense, student age, and grade level, frequency of misconduct, student's attitude, and statutory requirements. The maximum period for a mandatory DAEP placement shall not exceed 80 successful school days. Students that continue to violate the Student Code of Conduct and are placed at DAEP for a 2nd time during the same school year are subject to a placement of 120 school days.

Mandatory DAEP placement for an elementary student (1st – 6th) shall not be more than (60) sixty days.

General Misconduct Violations: (Level 4)

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:

- sells, gives, or delivers to another person or possesses an e-cigarette or vaporizing device.
- engages in tobacco violations (code 21)
- harassment against an employee of the school district (code 60)
- engages in conduct punishable as a felony (code 02)
- commits an assault under Penal Code 22.01(a) (1) (See glossary) (code 27 & 28)

- 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) (code 04)
- synthetic compounds such as; look-alike drugs known as K2, spice, bath salts as controlled substance
- 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.) (code 05)
- behaves in a manner that contains the elements of an offense relating to abuse of volatile chemicals (code 06)
- behaves in a manner that contains the elements of the offense of public lewdness (code 07)
- behaves in a manner that contains the elements of the offense of indecent exposure (code 07)
- engages in expellable conduct, if the student is between six and nine years of age (Mandatory Expellable Codes)
- 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.) (code 08)
- engages in terroristic threat (code 26)
- engages in an assault under Penal Code Section 22.01 (a) (1) against a school district employee or volunteer (code 27)
- engages in a false alarm/false report (code 35)
- aggravated robbery (code 46)
- 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;
 1. The student receives deferred prosecution under Family Code 53.03 found by a court jury to have engaged in delinquent conduct under Family Code 54.03 for conduct defined as a Title 5 felony offense;
 2. The student is charged with engaging in conduct defined as a Title 5 felony offense
 3. The student is referred to a juvenile court for all allegedly engaging in delinquent conduct under Family Code 54.03 for conduct defined as a Title 5 felony offense;
 4. The student received probation or deferred adjudication or convicted or arrested or charged with a Title 5 felony offense

The disciplinary placement may be without regard for the date or location of the offense or enrollment status of the student or court disposition and the student is subject to the placement until one of the following occurs:

- The student graduates from high school;
- The charges are dismissed or reduced to misdemeanor offense; or

- The student completes the term of the placement or is assigned to another program.

Disciplinary Consequences: (Level 4)

- suspensions for up to 3 school days
- removal from the regular classroom
- recommendation for DAEP placement
- referral to Law Enforcement Agency
- prohibited from attending or participating in school sponsored or school-related activities
- emergency removal

Procedures: (Level 4)

Before removing a student to a DAEP under Texas Education Code (TEC) 37.008, the appropriate administrator shall schedule a conference with the principal and/or other appropriate administrators, a parent or guardian of the student, the teacher removing the student from class, if any, 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. If the student has allegedly committed a crime, then the district official holding the conference must present evidence of the alleged crime as provided by a law enforcement agency. The following are the procedures for placing a student at the DAEP:

- administrator refers student to district's hearing officer with proper documentation in a placement folder
- referring campus administration contacts parents and schedules placement hearing
- if parents fail to show up for the hearing after valid attempts have been made to notify parents of the hearing, the scheduled hearing shall be held in their absence
- at the hearing, the campus administrator presents the evidence, witnesses, and other documents the case may have, and provide the student an opportunity to present evidence, witnesses and other documents in his/her defense
- at the conclusion of the hearing, the Hearing Officer/ designee shall make the final determination to place or decline placement of a student at the DAEP based on the Student Code of Conduct rules and regulations and state law
- if the student is assigned to the DAEP, the District's Hearing Officer/ designee will write a placement order and shall forward a copy to the student's parents and the DAEP
- coursework notice shall be given to the parent/student

Students who violate the district's Student Code of Conduct in a way that requires the student be placed in DAEP and the student withdraws from the district before starting or completing the DAEP placement and returns during the school year, that student will be placed in the DAEP to complete the assigned term of placement.

When a student under the age of ten engages in behavior that is expellable, the student will not be expelled but rather placed in the EPISD Disciplinary Alternative Education Program. The student may not be placed in an alternative education program with any other student who is not an elementary school student. Student under the age of six will not be removed from class or placed in a Disciplinary Alternative Program, unless the student commits a federal firearm offense.

Please note: Upon receipt of notice under Article 15.27(g), Code of Criminal Procedures, the superintendent or designee shall review the student's DAEP placement and may continue the placement if there is reason to believe the student's presence in the classroom threatens the safety of other students and teachers.

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

Sanctions:

Students removed to a DAEP are prohibited from attending or participating in school-sponsored or school-related activities. Persistent or repeated violations of the rules of conduct may result in increasingly serious penalties.

LEVEL 5: MANDATORY EXPULSION FOR SERIOUS OFFENSES

In accordance with Texas Education Agency Section 37.007, a student shall be expelled from school if the student, on school property, or while attending a school sponsored or school-related activity on or off school property, or on a school bus, engages in any violation listed under this section. A student must be at least 10 years of age on the date the offense is committed to be expelled. The duration of expulsion may not extend beyond the end of the semester, or 90 days, unless the conduct for which the expulsion was assessed during the final nine weeks of the semester, in which case the expulsion can extend beyond the end of the subsequent semester. The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period of expulsion is one calendar year.

- A student, who brings a firearm, firearm silencer or suppressor must be expelled from the student's regular campus for a period of at least one calendar year. The duration of an expulsion shall not exceed 180 school days. However, the superintendent or appropriate administrator may modify the length of the expulsion on a case-by-case basis.
- A student shall be expelled if the student engages in conduct that contains the elements of any offense listed below against any district employee or volunteer in retaliation for or as a result of the person's employment or association with the district, without regard to whether the conduct occurs on or off school property.
- 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 program.

- Students under the age of six will not be removed from class or placed in a DAEP unless the student commits a federal firearm offense.
- District academic credit will be earned for work completed at DAEP during the period of expulsion, unless the student is not receiving educational services.

1.) A student shall be expelled from school if the student engages in the following violations on school property or while attending a school-sponsored or school-related activity on or off of school property, as per the Disciplinary Actions Reason Codes 51, 52, 53 and 54. (See Appendix A)

a) uses, exhibits, or possesses the following, as defined by the Texas Penal Code:

1. A firearm (code11); defined as 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.

In accordance with federal law, a student who brings a firearm (as defined in 18 U.S.C. Section 921) to school shall be expelled from the student's regular campus for a period of at least one calendar year. A "Firearm" is defined by federal law as (Code11)

- a. any weapon (including a starter gun) that will, is designed to, or 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
2. a location restricted knife (code 12);
 - a) a knife with a blade over five and one-half inches
 3. a club (code 13) – an instrument designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including, but not limited to a blackjack, nightstick, or a tomahawk
 4. prohibited weapons (code 14);
 - a) an explosive weapon
 - b) a machine gun
 - c) a short-barrel firearm
 - b) a switchblade knife (code 21 if blade is under 5.5 inches)
 - c) knuckles
 - d) armor-piercing ammunition
 - e) a chemical dispensing device, mace, or pepper spray
 - f) a zip gun
 - g) tire deflation device
 - h) an improvised explosive device

b) engages in conduct that contains the elements of the offense of:

1. Aggravated assault, sexual assault, or aggravated sexual assault (code29, 30, 31, 32)

2. arson (code 16)
 3. murder, capital murder, or criminal attempt to commit murder or capital murder (code 17)
 4. indecency with a child (code 18)
 5. aggravated kidnapping (code 19)
 6. aggravated robbery (code 46)
 7. manslaughter (code 47)
 8. criminally negligent homicide (code 48)
 9. sexual abuse of a young child or children
- c) sells, gives, delivers to another person or possesses or uses or is under the influence of:
- marijuana if the conduct is punishable as a felony (code 36)
 - a controlled substance if the conduct is punishable as a felony (code 36) ; or
 - a dangerous drug if the conduct is punishable as a felony (code 36)
- d) sells, gives or delivers an alcoholic beverage to another person if the conduct is punishable as a felony (code 37)
- e) commits a serious act or offense while under the influence of alcohol if the conduct is punishable as a felony (code 37)
- f) possesses, uses, or is under the influence of an alcoholic beverage if the conduct is punishable as a felony (code 37)

A student may be placed in a DAEP as provided by Section 37.008 or expelled if the student:

- (1) engages in bullying that encourages a student to commit or attempt to commit suicide;
- (2) incites violence against a student through group bullying; or
- (3) releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

Commission of any of the above conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line or on school property of another district in the state or while attending a school sponsored or school-related activity in another district in the state is a discretionary expellable offense.

Commission of any of the above conduct against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district is a mandatory expellable offense without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property, (Code 08)

Disciplinary Consequences: (Level 5)

- expulsion
- prohibited from attending or participating in extra-curricular activities
- referral to appropriate Law Enforcement Agency
- required administrator/parent/student conference
- restitution
- prohibited from being on district property or attending school-sponsored or school-related activities

Procedures: (Level 5)

- The principal or designee shall investigate the student's infraction and/or illegal act.
- The principal or designee shall notify and confer with student, parent(s) and/or guardian(s) regarding the alleged violation. (Provide verbal notice of proposed expulsion)
- Not later than the 3rd class day the principal/designee shall provide a written notice to the student, parents, or guardian of the proposed expulsion. Principal/designee shall schedule an expulsion hearing.
- The hearing officer will conduct a due process hearing, at which time, the student, parent/guardian, and campus administrator shall be present. The student will be provided an opportunity to testify and to present evidence and witnesses in the student's defense and an opportunity to question the district's witnesses. After a good faith effort to inform the student and student's parent/guardian of the time and place of the hearing, the district may hold the hearing regardless of whether they attend. The hearing officer will hear, review, and make the final determination of the expulsion hearing.
- Until a hearing can be held, the principal may place the student in another appropriate classroom, in-school suspension, out of school suspension or DAEP.
- If the decision is to expel, the hearing officer will notify parents and juvenile court in writing of the reason(s) and terms of expulsion within 48 hours.
- The hearing officer will submit the proper information to the PEIMS office to ensure proper coding.
- Course work notice shall be given to the parent/student.

Please note: The infractions and consequences listed are not limited to those provided. Infractions not listed will be categorized according to the offense, previous actions, and seriousness of the misbehavior.

LEVEL 6. DISCRETIONARY EXPULSION / MISCONDUCT WHILE IN DAEP

A student may be expelled if the student:

- while placed in a disciplinary alternative education program, for disciplinary reasons continues to engage in serious or persistent misbehavior that violates the District's Student Code of Conduct
- while 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 sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
 - (1) marijuana or a controlled substance (code 04);
 - (2) a dangerous drug (code 04);
 - (3) an alcoholic beverage, if the conduct is not punishable as a felony (code 05)
 - (4) (code 05)
- b. engages in conduct that contains the elements of an offense relating to:

- (1) abuse of volatile chemicals (code 06)
- c. engages in conduct that contains the elements of the offense of assault (bodily injury) against a district employee or a volunteer; or (code 27)
- d. engages in conduct that contains the elements of deadly conduct (code 49)
- engages in conduct that contains the elements of the offense of criminal mischief if the conduct is punishable as a felony without regard to whether the conduct occurs on or off school property (code 02);
- engages in conduct that contains the elements of the offense (bodily injury) against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property (code 08)
- engages in conduct involving a public school that contains the elements of the offense of false alarm or report (code 35) under Section 42.06, Texas Penal Code
- engages in conduct that contains the elements of the offense of terroristic threat (code 26) under Section 22.07, Texas Penal Code
- commits aggravated assault, sexual assault, or aggravated sexual assault (codes 29, 30, 31, 32) or commits murder, capital murder, or criminal attempt to commit murder (code 17) or aggravated robbery (code 46) against another student without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off of school property.
- breach of computer security

Discretionary Expulsion

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:

- vandalism
- robbery or theft
- extortion, coercion, or blackmail
- disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities
- hazing
- insubordination
- profanity, vulgar language, or obscene gestures directed toward teachers or other school employees
- fighting, committing physical abuse, or threatening physical abuse
- possession or distribution of pornographic materials
- leaving school grounds without permission
- sexual harassment of a student or District employee
- falsification of records, passes, or other school-related documents
- refusal to accept discipline management techniques assigned by the teacher or principal

- used, exhibit or possessed a non-illegal knife as defined by the District Student Code of Conduct and as allowed under TEC 37.007 (Knife length equal to or less than 5.5 inches) (Code 21)

Please note: If a student is expelled from a DAEP for any of the aforementioned violations, the district will not provide educational services to these students during the term of their expulsion. Students with disabilities that are expelled from DAEP will adhere to state and/or federal law.

X. REMOVAL TO A DAEP

Process

Removals to a DAEP will be made by the district's hearing officer/designee.

Assault

If a student commits the offense of assault under Penal Code 22.01 (a) (2) intentionally or knowingly threatens another person with imminent bodily injury, or Penal Code 22.01 (a) (3) intentionally or knowingly causes physical contact with another person when the person knows or should reasonably believe the other will regard the contact as offensive or provocative, the offending students shall be placed at the Discipline Alternative Education Program if the administrator can determine that:

- the threat or physical contact was sufficiently severe, persistent or pervasive enough that the action created an intimidating, threatening, or abusive educational environment for the victim;
- the Eagle Pass ISD Police Officer charged the offending students with assault under Penal Code 22.01 A (2) (Verbal Threat) or Penal Code 22.01 A (3) (Physical Contact);
- the offending student has a prior history of violence and disruptive behavior that interferes and affects his education as well as others.

Sexual Assault and Campus Assignments

If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus or continuous sexual abuse of a young child or children, and if the victim or the victim's parents request that the Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student will be transferred to a DAEP.

Exceeds One Year

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

- the student is a threat to the safety of other students or to district employees, or
- extended placement is in the best interest of the student

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

Exceeds School Year

Students who commit offenses requiring placement in 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.

For placement in a DAEP to extend beyond the end of the school year, the district's hearing officer/designee must determine that:

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

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the board or the district's designee. During the requested proceeding, the parent may articulate reasons why they believe the student should be returned to the student's regular school setting. The parent may also address the board during citizen's communication at a regularly scheduled school board meeting.

Placement Review

A student placed in a DAEP will be provided a review of his or her status, including academic status, by the district hearing officer/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 the teacher who removed the student without that teacher's consent.

Additional Misconduct

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

Transportation

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.

Graduating Seniors

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

Appeal Procedures to a DAEP Placement / On Campus Incident

A decision by the district's designee to remove a student to an alternative education program may be appealed to the superintendent / designee. A request for a review of the district's designee's decision to remove a student shall be

made in writing to the superintendent / designee within five (5) school days after receipt of the written decision. Failure to appeal within the allotted time will constitute a waiver of the appeal. The superintendent / designee will provide the student's parent(s) written notice of the date, time, and place of the appeal within five (5) school days from the date of receipt of the appeal's request. The superintendent / designee shall review the record of the due process hearing on the removal and may hear a statement from the student, parent(s), or the parent's representative and from the district's designee. The superintendent / designee will base his decision on evidence reflected in the record and any statements made by the parties at the review. The superintendent / designee have the authority to uphold, overturn, or alter the decision of the district's designee. The determination of the superintendent / designee shall be rendered and sent in writing to the parent(s) after the review of the placement decision. The decision of the superintendent / designee is final and may not be appealed. A student shall be denied the privileges of the home campus pending the appeal of a removal. The student shall attend the alternative education program pending the appeal.

XI. PLACEMENT / EXPULSION FOR CERTAIN SERIOUS OFFENSES

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

Registered Sex Offenders

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

- threatens the safety of other students or teachers;
- will be detrimental to the educational process; or
- is not in the best interests of the district's students.

Review Committee

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

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

Newly Enrolled Student

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

Appeal

A student or 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.

XII. AUTHORITY TO EXPEL/REMOVE

The board delegates the authority to expel or remove students from district schools to the superintendent or its designee.

Expulsion Responsibilities of Authorized Persons

The board of trustees or the board's designee (hearing officer) is delegated with the responsibility of reviewing discipline cases and determining whether the student should be expelled in accordance with state law and district policy.

The student, student's parent(s) and/or representative, shall be notified in writing of the date, time, and place of the expulsion/removal hearing. Before a student may be expelled under Texas Education Code Section 37.007, the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, 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 school district. If the school 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. If the decision to expel a student is made by the board's designee, the decision may be appealed to an administrative committee and that decision may be appealed to the board. The decision of the board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located. The board, or its designee, will set a term for the expulsion based on the seriousness of the offense and other relevant factors.

Expulsion of Student with Disabilities

A disabled student may be expelled for engaging in conduct that would warrant such action for a non-disabled student only if the Admission, Review and Dismissal (ARD) committee determines that the misconduct is not a manifestation of the handicapping condition.

In determining whether a student's behavior is a manifestation of the student's handicapping condition, the ARD committee shall base their decision on all relevant evaluation and assessment data and on a review of the current IEP and behavior intervention plan. The ARD committee will consider whether the student's behavior indicates the need for new evaluation and assessment data. If the committee is unable to reach a manifestation determination without additional information, the student may be returned to his previous placement after ten (10) school days while additional assessments are being conducted, unless the student has committed a violation involving weapons, drugs or an offense in which a student causes serious bodily injury in which case the student will be placed in an alternative educational program for a maximum of 45 school days.

The ARD committee will determine the instructional placement and related services to be provided during the time of expulsion.

A student with a disability under Section 504 will not be expelled unless the district first determines that the misbehavior is not a manifestation of the student's disability. The same group of people who make placement decisions may make that determination. The group must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior. At a minimum, the group will include persons knowledgeable about the student and the meaning of the evaluation data. 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 non-disabled 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. A student with disabilities that is expelled as determined by local and state mandates shall be provided educational services at the DAEP or as dictated by the ARD Committee.

Please note: The director of special education/designee must be a member of all special education expulsion hearings.

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 while the student is attending a school-sponsored or school related activity at a school in another district in Texas.

Length of Expulsion

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

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

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

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

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

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

XIII. APPEALS PROCEDURES

Appeal of an Expulsion to an Administrative Committee

A decision by the board's designee (hearing officer) to expel a student may be appealed to the administrative committee. A request for an administrative committee review of the hearing officer's decision to expel a student will be made in writing to the hearing officer within five (5) school days after receipt of the written decision. Failure to appeal within the allotted time will constitute a waiver of appeal.

The hearing officer will provide the student's parent(s) written notice of the date, time, and place of the administrative committee's review within (5) five school days of receipt of the appeal request. The administrative committee will review the record of the due process hearing on the expulsion and may hear a statement from the student, parent(s), or the parent's representative and from the hearing officer. A copy of the procedural guidelines for the hearing will be sent to the parents. Committee members will have an opportunity to address questions to either side and to hear responses.

The determination of the administrative committee shall be rendered and sent in writing to the parent(s) after the review of the expulsion decision.

A student will be denied the privileges of the home campus pending appeal of an expulsion.

The superintendent or designee has the authority to appoint a five member administrative committee comprised of the following:

- the administrative assistant to the superintendent
- the director of human resources
- two administrators, dependent on grade level of student; and
- a campus level teacher or guidance counselor, dependent on grade level of student

Appeal of an Expulsion to the Board of Trustees

Request for a board review of a decision to expel a student shall be made in writing to the superintendent within five (5) school days after receipt of the written decision of the administrative committee. Failure to appeal within the allotted time shall constitute a waiver of appeal. The superintendent shall provide the

parent(s) written notice of the date, time, and place of the review. A copy of the procedural guidelines for the hearing will be sent to the parents. The parties may make oral statements to the board at the time of the board review. Board members will have an opportunity to address questions to either side and to hear responses. The board shall base its decision solely on the record and recommendation prepared by the hearing officer, the administrative committee, and any statements made by the parties at the review. The board shall also have the authority to remand the case to the hearing officer for further fact-finding. The decision of the board shall be rendered and sent in writing to the parent(s).

Appeal of Board's Decision

The decision of the board may be appealed by trial de novo to a state district court of the county in which the school district's central administrative office is located. The student shall be expelled pending the appeal.

XIV. REPORTS TO LOCAL LAW ENFORCEMENT/ NOTICE OF CRIMINAL PROCEEDINGS

The principal of a public or private primary or secondary school, or a person designated by the principal, shall notify any school district police department and the police department of the City of Eagle Pass, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school police officers:

- conduct that may constitute an offense listed under Section 508.149, Government Code
- deadly conduct under Section 22.05, Texas Penal Code;
- a terroristic threat under Section 22.07, Texas Penal Code;
- the use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana under Chapter 481, Texas Health and Safety Code;
- the possession of any of the weapons or devices listed under Sections 46.01 (1)-(14) or Section 46.01 (16), Texas Penal Code
- conduct that may constitute a criminal offense under Section 71.02, Texas Penal Code
- conduct that may constitute a criminal offense for which a student may be expelled under Texas Education Code, Section 37.007(a),(d) or (e)

Superintendents Notice

The superintendent or designee shall immediately notify district employees with supervisory responsibility over a student when the student has been arrested for certain felony offenses.

Notice of Criminal Proceedings

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

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

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

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

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

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

Please note: If a student is convicted or found guilty of a felony, the superintendent must then notify all instructional and support staff that have regular contact with the student. Even in the absence of a conviction, the student may be disciplined at school if the school determines the conduct occurred. The prosecuting attorney's office must verbally notify the principal or designee within 24 hours or by the next school day when a student is given deferred prosecution or deferred adjudication.

XV. EMERGENCY REMOVALS

Emergency Placement and Emergency Expulsion

The principal or the principal's designee may order the immediate placement of a student in an alternative placement 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 students to learn or with the operation of school or a school-sponsored activity.

The principal or the principal's designee may order the immediate expulsion or placement 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 placement or expulsion, the student shall be accorded the appropriate due process no later than the 10th day after the placement or expulsion. He will be given oral notice of the reason for the action. The reason for emergency placement or expulsion must be a reason that may be used for a non-emergency basis. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the placement or expulsion is subject to federal law and regulations and must be consistent with the consequences that would apply to a student without a disability.

Withdrawal during Process

When a student violates the district's code in a way that merits placement or expulsion and the student withdraws from the district during the disciplinary process, the district may complete the proceeding and issue a placement or expulsion assignment. If the student then re-enrolls in the district during the same or subsequent school year the district may enforce the assignment at that time, less any time served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue a placement or expulsion assignment after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Newly Enrolled Students

A student assigned to a DAEP or expelled in an open-enrollment charter school or another district including a district in another state (if the behavior committed is a reason for DAEP placement or expulsion in the receiving district), at the time he or she enrolls in the district will be placed directly into the district's DAEP.

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

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:

- the out-of-state district provides the district with a copy of the expulsion order, and
- 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:

- the student is a threat to the safety of other students or district' employees, or
- extended placement is in the best interest of the student

XVI. DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM

Before a student is removed to a disciplinary alternative education program, the board's designee will conduct a hearing to determine whether a student violated district policy. If the board's designee finds the allegations are true, the student may be removed to an alternative education program for a period of time to be determined by the board's designee. If the board's designee finds that the allegations are not true, the student may be returned to his/her regular classroom. The Eagle Pass Independent School District is required to provide an alternative education program that:

- is provided in a setting other than a student's regular classroom;
- is located on or off a regular school campus;
- provides for the students who are assigned to the alternative education program to be separated from students who are not assigned to the program;
- focuses on English language arts, mathematics, science, history, and self-discipline;
- provides for student's educational and behavioral needs; and
- provides supervision and counseling
- **accelerated instruction is not provided at DAEP (Pre-AP, AP, Dual Credit, etc.) credit may be lost in these courses**
- **Placement at DAEP or JJEAP may result in the inability to complete Advanced Academic Academy program requirements.**

It should be noted that the Texas Education Code does not require the district's alternative education program to provide courses necessary to fulfill a student's high school graduation requirements other than the courses specified above. Disciplinary Alternative Education Programs include placement in the DAEP located at 1610 Del Rio Blvd., Eagle Pass, Texas.

DAEP at Capacity

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

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

XVII. BULLYING AND OTHER TYPES OF HARASSMENT

[EPISD Anti Bullying / Reporting Website](#)

Eagle Pass ISD encourages all students and staff members to foster a climate of mutual respect for others to enhance the District's educational purpose. Each student is expected to respect the rights and privileges of other students, teachers, and District staff members. Students shall not engage in harassment motivated by age, race, color, ancestry, national origin, sex, handicap or disability, marital status, religion, political affiliation, sexual orientation, gender identity and/or gender expression directed toward another student. A substantial determination of harassment against a student shall result in disciplinary action.

The term "harassment" includes repeated, unwelcome, and offensive jokes, slurs, and or other oral, written, graphic, or physical conduct relating to an individual's race, color, religion, national origin or disability that creates an intimidating, hostile, or offensive educational environment. The term also includes threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged conduct to a teacher, counselor, principal or other District employee.

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee. A report may be made orally or in writing. The principal or designee shall convert any oral reports to written form.

Procedures for Investigation of Bullying

1. The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
2. The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall properly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
3. Absent extenuating circumstances, the investigation should be completed within 10 District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

4. The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the superintendent or designee.
5. If an incident or bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.
6. If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's *Code of Student Conduct* and may take corrective action reasonably calculated to address the conduct.
7. A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.
8. The discipline of a student with a disability is subject to applicable state and federal law in addition to the *Code of Student Conduct*.
9. To address a request for a transfer on the basis of bullying, the principal or designee shall refer to FDB for transfer provisions.
10. The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
11. If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the *Code of Student Conduct* or any other appropriate corrective action.
12. To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
13. A student or parent that is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level.
14. Retention of records shall be in accordance with CPC (LOCAL).

GLOSSARY

Abuse

Improper or excessive use.

Aggravated Kidnapping

A person commits an offense if the person intentionally or knowingly

abducts another person with the intent to:

1. hold that person for ransom or reward; or
2. use that person as a shield or hostage; or
3. facilitate the commission of a felony or the flight after the attempt or commission of a felony; or
4. inflict bodily injury on that person or violate or abuse that person sexually; or
5. terrorize that person or a third PERSON; or
6. interfere with the performance of any governmental or political function.

Aggravated Robbery is defined in part by Texas Penal Code 29.03 (a) when a person commits robbery_and: 1.) causes serious bodily injury to another; 2.) uses or exhibits a deadly weapon; or 3) causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is 65 year of age or older or a disabled person.

Aggravated Sexual Assault

A person commits an aggravated sexual assault offense if that person engages in sexual acts that meet the definition of aggravated sexual assault in Section 22.021 of the Texas Penal Code.

Armor-piercing ammunition

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:

- any vegetation, fence, or structure on open-space land; or
- any building, habitation, or vehicle:
 1. knowing that it is within the limits of an incorporated city or town;
 2. knowing that it is insured against damage or destruction;
 3. knowing that it is subject to a mortgage or other security interest;
 4. knowing that it is located on property belonging to another;
 5. knowing that it has located within it property belonging to another; or
 6. when the person is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another

Assault

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.

Bodily Injury

Bodily injury means physical pain, illness, or any impairment of physical condition.

Breach of computer security

A student engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02 if the person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly: (i) alters, damages, or deletes school district property or information; or, (ii) commits a breach of any other computer, computer network, or computer system.

Bullying

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

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

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

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

Chemical dispensing device

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

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.

Coursework Notice

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

Criminal Attempt

A person commits an offense if, with specific intent to commit an offense, the person does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

Criminal Mischief

1. A person commits a criminal mischief offense if, without the effective consent of the owner:

- one intentionally or knowingly damages or destroys the tangible property of the owner; or
- one intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
- one intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner, including graffiti on a school building

2. An offense under this section is a felony if:

- the amount of pecuniary loss is \$1500.00 or more; or
- the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and there is any amount of pecuniary loss to real or to tangible personal property or;
- one intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner, including graffiti on a school building. Students who commit criminal mischief will be subject to disciplinary action

Cyber-Bullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, in Internet website, or any other Internet-based communication tool.

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

Dangerous Game

Takes part in a game that is likely to cause or result in harm, or injury (choking, suffocation, pass out, blackout or fainting etc...)

Dating Violence occurs when a person is a current or past dating relationship, uses physical, sexual, verbal or emotional abuse to harm threaten, intimidate, or control another person in the relationship

Deadly conduct

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

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

Deferred prosecution

This 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.

Deliver

Defined as to transfer, actually or constructively, to another a controlled substance, counterfeit substance, or drug paraphernalia, regardless of whether there is an agency relationship. The term includes offering to sell a controlled substance, counterfeit substance, or drug paraphernalia.

Discretionary

Left to or regulated by a local decision maker.

Disruption of Classes

A person commits an offense if the person, on school property or on public property within 300 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. "Disrupting the conduct of classes or other school activities" includes:

- emitting noise of an intensity that prevents or hinders classroom instruction;
- enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;
- preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and
- entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities. "Public property" includes a street, highway, alley, public park, or sidewalk

"School property" includes public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

Disruptive Activities

A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any private or public school.

Disruptive activity is:

- obstructing or restraining the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of the school;
- seizing control of a building or portion of a building to interfere with an administrative,

- educational, research, or other authorized activity;
- preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
- disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
- obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the school.

Delinquent conduct

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.

Drugs

Abusing an over-the-counter drug, giving or delivering an over-the-counter drug to another student, or becoming impaired due to abuse of an over-the-counter drug may result in disciplinary action. Abusing one's own prescription drug, giving a prescription drug to another student, or being under the influence of another person's prescription drug may result in a mandatory assignment to an alternate education program or expulsion.

In addition to other illegal drugs (such as LSD, cocaine, marijuana, etc.), many prescription drugs are classified as dangerous drugs or controlled substances. These include widely prescribed drugs such as Adderall and Ritalin. Unauthorized possession or distribution of such substances may result in a mandatory expulsion or mandatory assignment to an alternative education program. Examples include, but are not limited to: Ritalin, Adderall, Klonopin, Codeine, Xanax, Valium and Ativan.

E-cigarette

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

Energy Drink

Beverage containing stimulant drugs, chiefly caffeine, which is marketed as providing mental and physical stimulation

Evasion

Students must, upon request of any school official, produce and show their student identification (ID) cards. If a student refuses to produce and show his/her student identification (ID) card, if applicable, that student is subject to disciplinary action. If a student attempts to evade questioning by any school official through an act of running away from that official, or seeks to avoid the questioning through any method, that student, by his/her action, is subject to disciplinary action by the school district.

Explosive weapon

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:

- cause action by an official or volunteer agency organized to deal with emergencies;
- place a person in fear of imminent serious bodily injury; or
- prevent or interrupt the occupation of a building, room, or place of assembly

Fighting

Any student who engages in a physical struggle or combat will be subject to disciplinary action. School district and/or other police officers may issue tickets for such disturbances.

Fireworks

Students, who pass, ignite, or discharge fireworks of any kind on or around a school campus will be subject to disciplinary action. The law states it is unlawful to explode or ignite fireworks within 600 feet of any public school (Texas Revised Civil Statutes-Annotated Article 9205 Section 8). Violations of this law would subject the offender to legal prosecution.

Gang

A "gang" is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. In addition, a "gang" is a prohibited fraternity, sorority, or society.

Youth gangs are often loose knit groups of individuals who associate with each other on a continuous basis. The district prohibits the existence of these groups and their activities.

Gang Graffiti

Graffiti is used to identify or advertise involvement in a gang and includes any inscription, slogan, drawing or painting on any surface.

Gang Law Violations

- A person commits an offense if the person:
 - is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public

school fraternity, sorority, secret society, or gang; or

- b) is not enrolled in a public school and solicits or coerces another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.
- The district will place in an alternative education program or expel any student who violates section 1 above.
- Under this section, "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

Gang Prohibitions

Students are prohibited from gang involvement or gang activities while at school, at any school facility, at any school-sponsored activity, or on a school bus. Gang activities and gang involvement are described as but not limited to the following:

- wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other things which are evidence of membership or affiliation in a gang
- committing any act or omission, or using any speech, either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang
- using any speech or committing any act or omission in furtherance of the interest of any gang or gang activity, including but not limited to:
 - a) soliciting others for membership in any gangs;
 - b) requesting any person to pay protection or otherwise intimidating or threatening any person;
 - c) committing any other illegal act or other violation of school district policies;
 - d) inciting other students to act with physical violence upon any other person; or
 - e) engaging in concert with others intimidating, fighting, assaulting or threatening to assault others

Graffiti

The making of 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 includes:

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

to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or

- i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

Hazing Education Code 37.151

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.

1. Any type of physical brutality,
2. Any activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs or other substances,
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the penal code,
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

Hit list

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

Improvised Explosive Device

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

Indecency with a Child

A person commits indecency with a child if the person engages in conduct described in Section 21.11 of the Texas Penal Code.

Indecent Exposure

A person commits an act of indecent exposure if the person engages in conduct described in Section 21.08 of the Texas Penal Code.

Intoxication

Intoxication means not having the normal use of mental or physical faculties due to abusing a substance. If the substance is marijuana, a controlled substance or dangerous drug, it is subject to a mandatory or discretionary expulsion or mandatory assignment to an alternative education program. If the substance is unknown, it is subject to a discretionary assignment to an alternative education program.

Knuckles

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

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

Mandatory

Obligatory or required because of an authority.

Nuisance Items

Certain items, considered nuisances by the principal, are not permitted on school premises. Some specific examples are radios, tape recorders, cat-eye contacts and dangerous toys. (Tape recorders may be brought to school for academic use with prior approval of the teacher and administration.) Students bringing nuisance items on campus are subject to disciplinary action.

Obscenity

Materials that a person would depict or describe as sexual conduct, disgusting or nudity in an offensive manner

Paging Device

Is a telecommunication device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The term does not include an amateur radio under the control of an operator who holds an amateur radio station license issued by the Federal Communications Commission.

Paraphernalia

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

Persistent misbehavior

Defined as two or more violations of the Code of Student Conduct in general, or repeated occurrences of the same violation.

Pornography

Any materials meeting the definition of obscenity. Materials including, but not limited to, pictures, magazines, books, films, or computer discs, etc.

Possession

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; telecommunications or electronic devices or any other school property used by the student, including but not limited to a locker or desk.

Public Lewdness

A person commits a public lewdness offense if the person knowingly engages in sexual contact or any type of sexual intercourse in a public place or, if not in a public place, the person is reckless about whether another is present who will be offended or alarmed by the person's act. This definition also includes any act prohibited by Section 21.07 of the Texas Penal Code.

Retaliation

A person commits an offense if the person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service of another as a public servant, witness, prospective witness, informant, or a person who has reported the occurrence of a crime.

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.

Self-defense

The use of force against another when and to the degree a person reasonably believes the force is immediately necessary to protect him or herself.

Serious Bodily Injury

Serious bodily injury is one which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty. Serious bodily injury does not include: a cut, abrasion, bruise, burn, disfigurement, physical pain, illness, impairment of the function of a bodily member, organ or mental faculty or any other injury to the body, no matter how temporary.

Sexting

The act of sending sexually explicit messages or photos electronically, primarily between cell phones.

Spitting

To expel saliva, food, water forcefully from the mouth creating an intimidating, threatening, hostile, disgustedly, or offensive educational environment that adversely affects students or educators.

Successful School Day

Successful school day is defined as when a:

- student is attending school regularly and is in compliance with the compulsory attendance law
- student's behavior is appropriate and not in violation of the code of conduct;
- student complies with his responsibility in completing all assigned school work (class assignments, test, homework, etc.)

Switchblade

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.

Short-barrel firearm

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

Terroristic threat

Occurs when a person threatens to commit any offense involving violence to any person or property with intent to:

- cause a reaction of any type to his or her threat by an official or volunteer agency organized to deal with emergencies;
- place any person in fear of imminent serious bodily injury;
- prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
- cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
- place the public or a substantial group of the public in fear of serious bodily injury; or
- influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District)

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

Title 5 Offenses

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

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;

- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

Truancy: Family Code § 65.003 (a)

- (a) A child engages in truant conduct if the child is required to attend school under Section 25.085, Education Code, and fails to attend school on 10 or more days within a six-month period in the same school year.
- (b) Truant conduct may be prosecuted only as a civil case in a truancy court.

Under the influence

Lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic

behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

Use

The act of voluntarily introducing 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.

Vaporizer

A device used to vaporize the active ingredients of plant material, commonly cannabis, tobacco, or other herbs, blends or liquids for the purpose of inhalation.

Vehicles on Campus

Vehicles parked on school property are under the jurisdiction of the school. The school reserves the right to search any vehicle if reasonable cause exists to do so. Students have full responsibility for the security of their vehicles and will make certain they are locked and that the keys are not given to others. Students will be held responsible for any prohibited objects or substances, such as alcohol, drugs, and weapons that are found in their vehicles and will be subject to disciplinary action. Searches of vehicles may be conducted at any time there is reasonable cause to do so, with or without the presence of the student.

Zip gun

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.

ACKNOWLEDGEMENT TELECOMMUNICATIONS DEVICES

2023–2024

Eagle Pass I.S.D. parents and students are reminded that the telecommunication devices policy forbids the use of these items during school hours. All telecommunication devices must be turned off and must be put away during school hours.

School Hours

Elementary	Junior High	High School
7:30 am – 3:15 pm	7:30 am – 4:00 pm	8:25 am – 4:20 pm

Violations of the policy will result in a mandatory parent conference as well as paying a \$15.00 processing fee per violation.

Students are prohibited from sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal. This prohibition applies to conduct off school property if it results in a substantial disruption to the educational environment. Any student taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content will be disciplined according to the Student Code of Conduct and may be reported to law enforcement if necessary.

Parents are reminded that on state testing days, any unauthorized use of these devices could cause invalidation of the student’s testing scores. Parents and students are encouraged to discuss the telecommunications procedures so that everyone is aware that the district will firmly enforce the telecommunications devices procedures.

****The school district is not responsible or liable for the loss, theft, and/or damage of a telecommunications device. Confiscated telecommunication devices that are not retrieved by the student’s parents will be disposed of after the notice required by law. (See policy FNCE)***

I acknowledge receipt of a copy of the Telecommunication Devices policy. I agree to read the procedures, understand them and abide by them. I understand that failing to follow these procedures may result in disciplinary action.

Student Name: _____ **Student Signature:** _____

Parent Name: _____ **Parent Signature**_____

ACKNOWLEDGEMENT LETTER

Dear Student and Parent:

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

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

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

Thank you,

Samuel Mijares, Superintendent

We acknowledge we have received a copy of the Eagle Pass Independent School District Student Code of Conduct for the 2023-2024 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade Level: _____

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

Thank you.