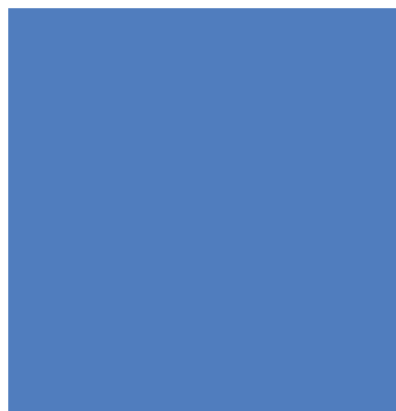




**2025-2026**  
**Student Success Guide**  
Student Code of Conduct



**AUSTIN**  
Independent School District

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## Welcome to Austin ISD

One of Austin ISD's highest priorities is providing a safe, engaging and supportive learning environment every day for every child. To help meet this goal, please read and review the Student Code of Conduct. It contains information that parents and students must know to ensure a successful school year. The Student Code of Conduct is required by state law and is intended to promote a positive learning environment and safe schools. More information regarding District policies and procedures may be found in [Board policies](#) and the [Student Handbook](#). Austin ISD Board policies, as well as state and federal law, are legal guidelines that bind the District, its employees and students.

### AISD's Discipline Philosophy

Austin ISD commits to creating safe academic learning environments through fostering healthy relationships, social-emotional skill development, and proactive intervention.

#### Mission

We prepare every student with the knowledge and skills to thrive in college, career, and life.

#### Vision

We are Austin's home for inclusive learning: high expectations for all children, high outcomes for every student.

#### Values

In our interactions with students, families, community stakeholders and each other, we commit to:

- **Caring** for every child to be **healthy, safe, engaged, supported, and challenged**.
- **Educational equity**, to ensure every child receives what is needed to develop to their full potential.
- **Innovation and academic excellence** to inspire the next generation of leaders, civically engaged citizens, creative and critical thinkers, and lifelong learners.
- Valuing **diversity, inclusion, and meaningful engagement** of all voices as we collaborate to improve the common good.
- A **culture of respect, transparency, and data-informed decision-making** to build trusting relationships with each other and those we serve.
- **Engaging** our employees and inviting their **collaboration** to make AISD a great place to work.
- **Aligning resources** to student needs, to be strategic stewards of financial and human capacities to achieve our vision and mission.

#### Equity

AISD: Every Child, Every Day

## Accessibility

If you have difficulty accessing the information in this document because of disability, please contact the District Discipline Office at (512) 414-2182.

## Overview and Purpose

The Student Success Guide is Austin Independent School [District's Student Code of Conduct](#). It has been revised to comply with state law as delineated in [Chapter 37](#), Safe Schools Act, and Texas Education Code (TEC). The Student Success Guide ("Student Code of Conduct"), as required by [Chapter 37](#) of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline. House Bill 1842, Section 4, passed in the 84th Texas Legislative Session, provides an opportunity for Texas public school districts be designated as Districts of Innovation (DOI), thereby allowing them the flexibility to be exempt from or modify state requirements to better meet the needs of the students and personalize learning. The revised code is a collaborative effort between central office and campus staff, parents/guardians, and other concerned community members. The Student Success Guide, as adopted by the Austin ISD Board of Trustees, outlines and covers specific expectations regarding appropriate conduct for all students, parents/guardians, teachers, and school administrators of Austin ISD. The Student Success Guide remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version for the next school year. In accordance with state law, the Student Success Guide shall be available for review at the office of the campus principal and posted on the District's website. Additionally, the Student Success Guide shall be available at the campus behavior coordinator's office.

The four key functions of the Student Success Guide are to describe:

- Behavior that builds a positive environment for learning;
- Specific examples of student misconduct;
- Penalties that will be imposed for specific misconduct; and
- District consistency in the matter of student discipline.

The [law requires](#) that the District define and communicate to students and parents/guardians, student behavioral expectations and the various kinds of misconduct that may, or in some cases, must result in disciplinary actions. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under [Chapter 37](#) of the Education Code.

The District's Student Success Guide categorizes these infractions as Level I, II, III, and IV Offenses.

**[Level I Discipline Offenses](#)** – Violations of classroom rules:

- Offenses that generally occur in the classroom and can be corrected by the teacher or administrator.



**Level II Discipline Offenses**– In-School Suspension (ISS), Home School Suspension (HSS)/or optional removal to a [Disciplinary Alternative Education Program \(DAEP\)](#):

- Offenses that seriously disrupt the educational process in the school, classroom, on school property, and/or at a school-related activity occurring on or off school property.

**Level III Discipline Offenses**– [Mandatory placement in a DAEP](#):

- Criminal offenses as defined in Level III. All offenses listed in Level III are according to [TEC Chapter 37.006](#).

**Level IV Discipline Offenses**– [Expulsion](#):

- Offenses that include those in which a student may be expelled under state law [TEC Chapter 37.007](#). The code also indicates the disciplinary responses attached to these infractions.

In general, disciplinary actions will be designed not merely to correct misconduct, but to encourage and motivate students to become responsible citizens of the school community. District personnel will be responsible for implementing all accessible prevention and [intervention](#) measures, to the extent possible, prior to taking disciplinary action. These measures would include a range of District programs and the services of specialized personnel, as well as appropriate community resources that are available to students and families. In all cases prior to a student being removed to a disciplinary alternative education placement, teachers, administrators, and campus behavior coordinators will draw from a range of current discipline management techniques.

Policies (rules) and procedures regarding student behavior refer to the actions of students while on school property, including actions that occur before, during, and after regular school hours. The rules also apply to all school-sponsored/related activities or events, such as field trips, sports, dances, assemblies, or evening school-related events on or off school property. Students and parents/guardians should be aware that certain discipline offenses, whether at or away from school, may result in the student's placement in an [Off-Campus Disciplinary Alternative Education Program \(DAEP\)](#) or expulsion to either a DAEP or the [Travis County Juvenile Justice Alternative Education Program \(TCJJAEP\)](#).

This document references [Chapter 37](#) of the Texas Education Code (TEC), which governs parts of the code of conduct. TEC and AISD policies, regulations, and exhibits about discipline and behavior management are online at:

TEC: <http://www.statutes.legis.state.tx.us/?link=ED>

AISD policies, regulations, and exhibits: <http://pol.tasb.org/Home/Index/1146>

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.

Not later than the first day of the 2025-2026 school year, the Texas Education Agency (TEA) shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025. A school



district shall provide to each student and the parent of or person standing in parental relation to the student the prepared report in accordance with House Bill 6.

Because the Student Success Guide is adopted by the District's board of trustees, it has the force of policy. In the event of a conflict between the Student Success Guide and the Student Handbook, the Student Success Guide shall prevail.

Because each campus community is distinct, this document covers all of AISD and there may be rules or expectations unique to a campus. Please visit your student's school website to find the campus student handbook.

**Note: When you register your student to attend an AISD school, you are acknowledging that you can electronically access this document as well as request a hard copy at your student's school. Even if you do not read this document, your student still must follow the rules in it.**

## **Parental Questions or Complaints**

When parents/guardians have questions or complaints regarding disciplinary actions, they should talk to the teacher or the campus administrator. If questions or concerns were not addressed after speaking with school personnel, concerns can be reported to the Office of School Leadership at 512-414-0038 (Elementary) and [512-414-1700 ext. 70382](tel:512-414-1700) (Secondary). Concerns and questions can be submitted electronically using [Austin ISD Safe Space](#). Complaints can also be submitted in accordance with [FNG \(LOCAL\)](#).

Parents/guardians may get a copy of the policy from the principal's office, the Student Success Guide/Student Code of Conduct or the [student handbook](#) can be accessed online [at www.austinisd.org](http://www.austinisd.org). However, the consequence will not be delayed while waiting for the outcome of the complaint. If you have questions or concerns about student discipline, please call the Discipline Standards and Accountability Office at 512-414-2182.

Throughout the Student Success Guide and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

## Student Rights and Responsibilities

### Safe and Inclusive Educational Environment

Student Rights	Student Responsibilities
To go to school in a happy and calm environment	To be kind
To have teachers and school staff who are kind and helpful	To tell someone if you need help
To feel safe at school	To follow school rules and tell an adult when someone is being mean or when something is not safe

### Attendance

Student Rights	Student Responsibilities
To know the rules about being absent or late	To go to class every school day, be on time, and have a note for an absence
To make up work or take tests after being absent	To ask to make up missed work and finish it on time taking accommodations into account

### School Counseling Services

Student Rights	Student Responsibilities
To attend school with staffed counselors Elementary- 1 counselor: 450 Students Secondary- 1 counselor: 350 Students	To access help from a counselor
To have a school counselor	To ask for help when needed
To have access to school counselors	To cooperate with school staff when help is offered

### Privacy and Property Rights

Student Rights	Student Responsibilities
To have items at school that are respected as private, as long as it's appropriate for the items to be at school	Only have things at school that <a href="#">are appropriate</a> to be at school
To have personal property respected	To respect the personal property of others

## **Student Rights and Responsibilities (continued)**

### **Free Speech/Expression**

<b>Student Rights</b>	<b>Student Responsibilities</b>
To share thoughts in a respectful way	To respect the rights of others when they share their thoughts
To choose when to participate in the Pledge of Allegiance and other U.S. traditions	To behave respectfully during the Pledge of Allegiance and other U.S traditions
To have religious beliefs respected	To respect the religious beliefs of others
To help make school publications	To work with a school staff member to make school publications that are good for students
To be protected from bullying or threats	To not bully or threaten anyone

### **Parent/Guardian Responsibilities**

Parent/Guardian responsibilities for ensuring a positive learning environment for their student(s) include the following:

- Ensuring students arrive at school on time every day prepared to learn
- Ensuring students read and complete their homework each night
- Supporting school, District, classroom, and school-related activity rules for student behavior and ensuring that their children conduct themselves according to District standards
- Providing the school with their current address, email, and phone numbers for effective communication
- Providing the appropriate school personnel with any student information that will affect the student's ability to learn and the student's behavior
- Reading, acknowledging, and understanding these rules and the rules applicable to their children's conduct while they are at school
- Work with school and officials to improve student behavior by supporting available District resources (Youth & Family, Psychological & Social Services)
- Avoid identifying other children when discussing concerns in public forums
- Address campus and District staff with respect

## District Responsibilities and Authority

### District Responsibilities

- Teachers shall establish classroom standards/rules that focus on good student conduct and support school/District policies and procedures.
- Administrators shall work with students, parents, staff, and the community to develop an effective school behavior plan that promotes and maintains the support of good student behavior.
- Central office staff shall provide services and support to campuses that maintain a positive learning environment.
- Employee Standard of Conduct ([Board Policy DH](#))
- The Multi-Tiered Systems of Support Office offers on-going professional learning opportunities providing support systems needed to achieve and maintain high levels of behavioral/mental well being.

### Discipline Authority

School rules and the District's authority to administer discipline apply whenever the interest of the District is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities. The District has the [right to discipline](#) a student when:

- A student violates the Student Success Guide during the regular school day.
- The student is within 300 feet of school property as measured from any point on the school's real property boundary line or riding in a school vehicle.
- During lunch periods in which a student is allowed to leave campus.
- A student does not follow the rules when they are at school, at a school event, or in a school vehicle.
- The student is at any school-related activity, including summer school, regardless of time or location.
- A student commits any school-related misconduct, regardless of time or location.
- A student tries to get back at or threatens a school employee, board member, or volunteer, even if they are not on campus.
- A student engages in cyberbullying, defined by Education Code [37.0832](#).
- A student commits criminal mischief on or off school property or at a school-related event.
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas.
- A student commits a felony, as provided by [Education Code 37.006, 37.007, or 37.0081](#).
- A student violates the Student Success Guide at any school-related activity, regardless of time or location.
- A student is not at school and the behavior negatively impacts the school community.
- A student posts threatening messages on social media about another student, staff, or school property.
- A student commits a crime, even when they are not at school.

- A student breaks any campus code of conduct for a student club, organization, or extracurricular activity.
- A student breaks the law on or off school property or at a school event.
- The student is required to register as a sex offender.

[Education Code 37.015](#) states that the principal or CBC and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

## **District Responsibilities and Authority (continued)**

### **Campus Behavior Coordinator (CBC)**

It is the law that every school designates a single person to serve as the Campus Behavior Coordinator (CBC). This person may be the principal or any other campus administrator chooses. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of Chapter 37, Subchapter A are appropriately implemented in accordance with House Bill 6. The school website is required by law to include the name and contact information of the Campus Behavior Coordinator. It is the Campus Behavior Coordinator's job to be in charge of student discipline.

The Campus Behavior Coordinator will work with school staff to create safety rules and enforce those rules with students.

Before the Campus Behavior Coordinator disciplines a student, they must know:

- If the student acted in self-defense
- What the student was trying to do
- If the student has been disciplined before
- If the student has a disability (as required by law, IDEA, 504)
- If the student is homeless or in Child Protective Services

In accordance with House Bill 6, the CBC shall monitor disciplinary referrals and report the following behavior to the campus's threat assessment and safe and supportive school team:

- Conduct that contains the elements of the offense of terroristic threat under [Penal Code 22.07](#);
- Conduct that contains the elements of the offense of unlawfully carrying weapons under [Penal Code 46.02](#);
- Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under [Education Code 37.125](#); and
- Any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

The District shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found using this link [Student Handbook](#).

It is important for parents/guardians and the community to understand that the Texas Education Code requires school districts to complete what is termed “administrative processes.” These processes are separate and different from what a juvenile or adult court will do when a student breaks the law. To take action, the District has to show only a preponderance of evidence or reasonable belief that a student violated the Student Success Guide. The District does not have to show proof beyond a reasonable doubt.

When a student is charged by law enforcement with a Penal Code violation, the District will act on that charge. The District continues the administrative discipline process, even if the following occurs:

- The District Attorney decides not to prosecute.
- The case is non-suited, reduced in severity, or cleared by exception.
- The police do not file a report.
- The grand jury no-bills in an adult proceeding.

### **Notification**

If a student engages in general misconduct that might result in a serious consequence the Campus Behavior Coordinator will immediately contact a student’s parents/guardians by phone or in person. The Campus Behavior Coordinator will let the student’s parent/guardian know if a police officer takes custody of a student. The Campus Behavior Coordinator will make every attempt to let the parents/guardians know what happened on that day. If the parent/guardian cannot be reached by 5 p.m. the business day after the incident the Campus Behavior Coordinator or school staff will send an email or mail a letter to the parent/guardian telling them what happened. If the CBC is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

The District has not adopted a policy for parental involvement in school disciplinary placements under Education Code 37.0014.

### **Due Process**

Due process means that if a student breaks a rule or law, they get to tell their side of the story. Due process is part of the Student Success Guide and state law, and it will be used before school staff makes a decision about discipline. If school staff believe that a student broke a rule or law, they will tell the student what they think and the student is allowed to say if they agree or disagree, and they will have a conversation about it.

If a student is removed from class, the Campus Behavior Coordinator will notify the parent and schedule a meeting to talk about the issue. It won’t take longer than three school days after the student was taken out of class for the meeting to be scheduled. The meeting may include school staff, including a teacher, parents/guardians, and the student. At the meeting, school staff will explain why they removed the student from class, and the student can tell their side of the story. The Campus Behavior Coordinator will make every attempt to invite the student and parents/guardians to the meeting, but they can still have the meeting even if the student or

parents/guardians can't come. The student may not return to their regular classroom pending this conference without the approval of the Campus Behavior Coordinator.

After the meeting, the Campus Behavior Coordinator will call or send an email or letter to the parents/guardians telling them what decision was made.

## **Intervention Strategies**

Below are various prevention and intervention strategies that may be used.

### **Level 1: Proactive Behavior Support**

#### **Campus staff will:**

- Model and support character education. Rules, procedures, and expectations will be taught, practiced, reviewed at key intervals, and repeated when needed.

#### **Supports**

##### **Character Education**

We now have a character education curriculum called *Character Strong* curriculum and full implementation is a District priority. At elementary levels, the curriculum focuses on Be Kind, Be Strong, Be Well. Middle school focuses on Belonging, Well Being, Engagement. High School focuses on Belonging, Well Being, Engagement, and Leadership.

Character education helps students understand, act, and care about values such as respect and responsibility. At AISD, everyone should exhibit positive character traits. Students and families should also expect AISD administrators, staff, and teachers to model these characteristics. Here are things students are taught so they exhibit positive character in school and life.

- Caring – Wanting other people to be well.
- Citizenship – Doing good for the community.
- Courage – Doing the right thing, even when it's hard.
- Honesty – Telling the truth.
- Hope – Believing in success.
- Justice and Fairness – Treating everyone equitably.
- Perseverance – Not giving up.
- Respect – Caring about yourself, others, and property.
- Responsibility – Owning up to your actions.

##### **Helping Students Exhibit Positive Behavior**

School culture has a big effect on students' relationships and how they do in school. Schools must be places where everyone feels included and where all students have the support they need. It is also important for students to have activities where they can bond with caring, supportive adults who will help them be their best.



It is up to everyone at AISD to create safe and inclusive environments and support student well-being. If a student is struggling to meet expectations, school staff are there to identify the student's needs and provide support, which may include talking to the student's parents/guardians.

If a student is having a difficult time, there are many ways school staff can help. Some things can be done at the moment and some things can be taught ahead of time. A Child Study Team is one way to help. Other examples are working on skills to support students in being able to:

- Communicate well
- Get along with other students
- Manage stress
- Solve problems
- Regulate strong emotions
- Ask for help

If a student might be helped by special educational services, a Child Study Team should meet as soon as possible to discuss.

### **Positive Discipline**

It is important to take a positive approach to discipline. The positive approach helps students, little by little, make changes and exhibit positive behavior.

The goal of a positive approach is to help students learn from their mistakes and not repeat inappropriate behavior. This helps students:

- Know if they did any harm and what they could have done differently
- Take responsibility for their actions
- Try to make things better
- Learn how to be a good friend and student
- Understand what will happen if they exhibit inappropriate behavior

School staff should be sensitive to issues that may influence the behavior of students and respond in a way that is supportive of their needs.

Discipline is designed to help create a safe and positive school culture and school staff should build strong relationships and guide students. If a student needs to take a break from the classroom, staff will help them return to their classroom as soon as possible.

There is not one easy way to help students behave well. When we are working with students, we first ensure they feel a sense of belonging. When we observe behavior that conflicts with our expectations, we ask:

- What do we see when the student is in front of us?
- What is the cause of the behavior?
- What does the student need?

## Intervention Strategies (continued)

### Level 2: Assistance for students who require support in meeting an expectation

#### Campus Staff Will:

- Help foster a sense of belonging.
- Work to understand what has happened.
- Work with the student (for minor issues) or the student and caregivers (for larger issues) to develop a shared understanding and a plan to move forward.
- Consider actions that will be helpful in moving forward, such as conferences, documentation, access to support staff, restorative circles, etc., and provide those supports.

#### Potential Additional Supports

- Classroom visits by someone from the principal's office, (Multi-Tiered [Systems of Support](#)) MTSS Department, and/or early childhood specialists to come up with a plan to support the student.
- Counseling with a school counselor or an outside counselor.
- Review and re-teach school rules, expectations, and procedures.
- [Restorative Practices \(RPs\)](#)

### Level 3: Extra Assistance for students who require support in meeting an expectation

#### Campus Staff Will:

- Have a [District Child Study Team](#) meeting with the Director of Multi-Tiered Systems of Support (MTSS) to come up with a plan to support the student. People who may come to the meeting:
  - AISD: Campus Executive Director, counselor, school support coaches, child specialist, 504/dyslexia staff, special education staff, and behavioral counselors
  - Family: Parents/guardians, student
  - Campus: Principal or representative, teacher/s, campus counselor, campus mental health resource officer
- Help the family find community counseling and support.

#### Supports

- Connect families with school mental health centers/family resource centers.
- Connect family with community partners at school.
- [Restorative Practices RPs](#)

## Restorative Practices

**Restorative Practices (RP)** - intend to create a campus environment where students, parents, and staff nurture trusting relationships, are invited to share and be their authentic selves, and have a sense of belonging and connection in the campus community.

### Philosophy

Seven Core Assumptions About Human Beings-*What we believe to be true*

1. The true self in everyone is good, wise, and powerful.
2. The world is profoundly interconnected.
3. All human beings have a deep desire to be in a good relationship.
4. All humans have gifts, and everyone is needed for what they bring.
5. Everything we need to make positive change is already here.
6. Human beings are holistic.
7. We need practices to build habits of living from the core self.

*Source: Circle Forward by Carolyn Boyes-Watson & Kay Pranis (2015) Living Justice Press*

We use these assumptions to frame the work, actions, and focus of restorative practices in our District and schools. They also support a shift from a punitive to a restorative mindset which is needed to implement RP with integrity.

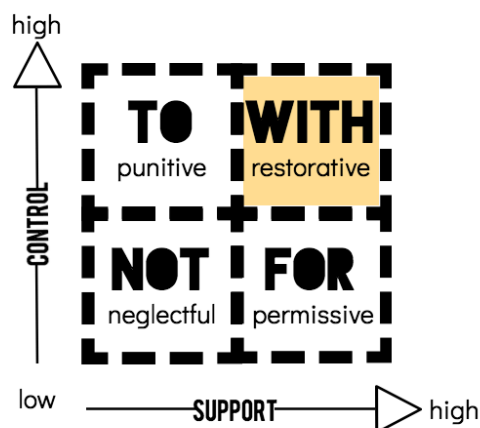
The Seven Core Assumptions are our shared responsibility to learn and embody these practices within ourselves as adults first.

### Tiered Model

The Austin ISD Restorative Practices Model represents all three tiers of Restorative Practices (RP). This is similar to the Response to Intervention model that is used with Child Study Teams. The bottom layer is Tier 1 and the activities listed at that level are universal and intended for all campus community members including adults and children. Tier 1 practices are a proactive approach to limit the possibility and occurrence of harm in the school environment.

A strong campus-wide foundation of Tier 1 practices and a deep commitment and focus on relationship building is needed for the implementation of Tier 2 and Tier 3 practices. Tier 2 is a targeted approach to repair relationships and only some adults and children will engage at that level of RP but not all. Tier 3 is an intensive support to rebuild relationships, and only 1-5% of the student population will be involved with that level of RP. A more experienced Restorative Practices facilitator is needed to support building campus capacity to implement Tier 2 and Tier 3 practices in a way that honors everyone's dignity.

## Social Discipline Window



(Adapted by Paul McCold and Ted Watchel)

Restorative Practices aims to work WITH students to build a positive classroom/school environment. The goal, then, is to SUPPORT students in a way that they possess a high level of belonging and agency to engage with peers and the adults in the school. A key element of the restorative process is that, whenever possible, WITH also includes family, friends, the community, and anyone impacted by the engagement in school.

**Note: Austin ISD is at the beginning stages of scaling Restorative Practices Districtwide. Campuses have varying levels of Restorative Practices implementation.**

### Tier 1 School-Wide Practices

The goal of Tier 1 practices is to help build a caring, equitable, restorative community with conditions conducive to learning. Some of these practices include:

- Creating shared values and agreements/guidelines
- [Non-Violent Communication](#)
  - [Affective Statements](#) - are often described as personal expressions of feelings in response to others' positive or negative behaviors. The idea is for teachers to connect students with how their behavior is "affecting" or impacting themselves or others. "Using affective statements helps us to specify the behavior that a student is exhibiting and encourage or discourage that behavior while improving or maintaining the relationship between the teacher and student."
  - [Affective Questions](#) - are questions that cause people to reflect on how their behavior has affected others.
- Impromptu Restorative Conferences/Check-in/Conversations
  - brief one-on-one chats can be for relationship building, academics, or a concerning behavioral disruption.
- Daily practices to build relationships and build/deepen trust:
  - Circles with Students, Staff, and Parents/Guardians: there are many types of Tier 1 circles that can be used here including but not limited to:

- Community Building Circles: a space where you use empathy and self-reflection, create a sense of belonging through sharing stories and active listening, build/strengthen relationships, and create/deepen connections.
- Academic Circles: can be a space where you share/teach one another. This enhances learning by providing an interactive forum for all students to participate in the learning process.
- Talking Circles: these focus on a particular topic; this is an opportunity to hear different perspectives on the matter. This is not mediation or a harm circle. You are not trying to mend a relationship or come to an agreement, but rather, create a venue for different voices to be heard.
- Celebration Circles: Honor and recognize important moments in the community. A celebratory form of community building.
- Decision-Making Circles: Group planning- perhaps smaller circles make initial proposals to bring forward to a larger group.
- Mindfulness Practices
  - Practices that enhance youth and adults' ability to be fully present, aware of where they are and what they are doing, and not be overly reactive or be overwhelmed by what's going on around them.

## **General Guidelines and Notifications**

### **Offensive Language**

It is the position of the Austin ISD Board of Trustees that the use of offensive language in the school environment is unacceptable and tends to create a hostile work and educational environment. Such language includes, but is not limited to, the use of slurs or offensive language related to race, ethnicity, gender and/or gender orientation, disability, and religious beliefs. In order to maintain a safe and appropriate educational environment for students and employees, all District employees are required to report such violations of the Student Success Guide to the appropriate campus administrator.

### **Extracurricular Activities**

With the approval of District leadership and the school principal, sponsors and coaches of extracurricular activities may develop and enforce standards of conduct that are higher than the District-developed Student Success Guide. Adherence to these higher standards may be required for a student to establish and maintain membership and eligibility for participation in those activities. These organizational standards of behavior are independent of the Student Success Guide, and violations may result in independent disciplinary action by the school. Students shall be informed of any extracurricular behavior standards for the organization in conjunction with tryout, practice, or acceptance/induction into membership. Students and their parents/guardians shall sign and return to the sponsor or coach a statement acknowledging recognition of the extracurricular behavior standards and consent to abide by them as a condition of membership or participation in the activity. A student may be removed from membership or participation in extracurricular activities or may be excluded from school honors for violation of organizational standards of behavior or for violations of the Student Success

Guide. The higher standards may take into account conduct that occurs at any time, on or off school property. No provision of the extracurricular behavioral standard shall have the effect of discriminating on the basis of sex, race, disability, religion, or ethnicity.

### **False Accusations**

Be advised that teachers, administrators, or any District employee, falsely accused may file a criminal complaint against any person making a false police report. If any District employee is harmed by a student's false accusation, the victim may seek civil damages from the student/parent/guardian. These are individual rights and do not belong to the school District. Employees shall consult their own attorney for legal advice and counsel in these situations.

### **Reporting a Crime**

The CBC and other school administrators will report crimes as required by law, including child abuse. A school administrator who suspects that a crime has been committed on campus will call local law enforcement.

## **Discipline and Students with Disabilities**

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Code of Conduct. In the event of any conflict, the District shall comply with federal law. For more information on Austin ISD's local policy on these topics, please see the following: FO (LOCAL), Student Discipline. Please see Texas Education [Code 37.0021](#) for information on the use of confinement, restraint, seclusion, and time-out.

### ***Protections for Students Before It's Known That They Have a Disability***

If a student breaks a rule and the campus or District has knowledge that the student may have a disability, the student is protected by the same rights afforded to all students with disabilities. The campus or District is considered to have knowledge that a student may have a disability if:

- Prior to the offense, the student's parents/guardians notify the campus or District that the student has a suspected or documented disability and/or that the student needs 504 or special education services; or
- Prior to the offense, the parents/guardians and/or campus have requested an evaluation of the student; or
- Prior to the offense, the student's teacher or another school staff tell the campus administrator or District administrator that they think the student has a disability and/or needs 504 or special education services.

If the student's parents/guardians refused Section 504 or special education services for the student, did not give consent to an evaluation, or the evaluation determined that the student does not have a disability, then these protections do not apply.

If the District does not have knowledge that the student may have a disability before they discipline the student, the District will use the same discipline rules that apply to students without disabilities.

### ***Students with Disabilities: Americans with Disabilities Act Amendments Act and Section 504***

In compliance with the Americans with Disabilities Act Amendments Act and Section 504, a Manifestation Determination Review (MDR) meeting must be held before a student receiving Section 504 services is removed to an alternative educational setting or other location exceeding 10 school days (consecutive and non-consecutive days). Before a change of placement (moving a student), the behavior of a student receiving Section 504 services must be reviewed to determine if the conduct in question is a manifestation of their disability. This reevaluation is called a Manifestation Determination Review (MDR) meeting and must happen before a student receiving Section 504 services is removed to an alternative educational setting or other location. An MDR is a review conducted by the Section 504 Committee when a discipline removal is proposed that would result in a change of placement that exceeds 10 school days. The deciding members of the 504 committee will determine if:

- the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- whether the conduct in question was the direct result of the school's failure to implement the Section 504 Plan; and
- must consider extenuating circumstances and whether the alternative placement is in the best interest of the student.

The committee must have knowledge of the student, the placement, and the evaluation data and determine if the student's behavior is a manifestation of the student's disability, and review the 504 Accommodation Plan, characteristics of the student's current 504 eligibility(s), and other relevant records. The committee must include the campus 504 Coordinator, an administrator, and a general education teacher; additional staff and parents/guardians can be included but cannot be deciding members of the committee. The MDR meeting is considered a re-evaluation.

At the conclusion of the MDR meeting, the Section 504 committee will consider the need for a Special Education evaluation and/or a Functional Behavior Assessment (FBA) to determine the need for a Behavior Intervention Plan (BIP). If the committee decides that the student's behavior is directly related to their disability, the student may not be removed from their current placement. If it is determined that the student's behavior is not a manifestation of the student's disability, the student may be removed to an alternative educational setting for no more than 45 school days.

A student with a disability may not be placed in an alternative educational setting for more than 45 school days, regardless of if it is determined the behavior was a manifestation of their disability. There are special rules and circumstances when a student:



1. Carries a weapon to school or to a school event.
2. Seriously hurts someone at school or a school event.
3. Has or uses illegal drugs, or sells or helps sell illegal substances at school or school events on purpose.

**For conduct involving bringing weapons to school or school events, or serious injury to a person(s) at school or school events:** If the conduct is determined to be a manifestation of their disability and/or a direct result of the school's failure to implement their 504 plan, the student is still subject to removal to an alternative educational setting for no more than 45 school days.

**For conduct involving drugs and alcohol:** Students with disabilities identified through Section 504 are subject to the same disciplinary procedures regarding alcohol and drugs to the same extent as their non-disabled peers. Due process protections under TITLE 34, SECTION 104.36 do not apply in this situation even if the behavior is a manifestation of the disability, and the LEA is not required to conduct a manifestation determination review. TEXAS EDUCATION CODE requires the removal from class and placement at a disciplinary alternative educational program for certain conduct, including when students sell, give, or deliver controlled substances, marijuana, or alcohol.

Students with disabilities do not lose their protections under the law and their Section 504 accommodations and protections will follow them to the alternative educational setting. The campus will need to convene a Section 504 meeting upon the student's return to campus to update the 504 plan as necessary.

### **Individuals with Disabilities Education Act (IDEA)**

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

In accordance with the Education Code, a student who receives special education services may not be disciplined in a manner that results in a change to the student's educational placement for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists [see Glossary] until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct.

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

A student with a disability may be removed to an Interim Alternative Education Setting (IAES) or suspended for no more than 10 school days in a school year (it must be done in the same way it would be for students without disabilities).

School staff need to consider anything that is special about the student's situation, produce supporting data, and take input from parents/guardians when deciding if a disciplinary change of placement is good for the student. A disciplinary change of placement occurs if:

1. The removal is for more than 10 consecutive school days; or
2. There is a pattern of short-term removals that total more than 10 school days in a school year.

The school must inform the student's parents/guardians of any plans to consider an alternate placement for disciplinary infractions and make all efforts to include the parents/caregivers in the Manifestation Determination ARD. All parents/guardians must be made aware of their rights and given a copy of the Procedural Safeguards.

Within 10 school days of any decision that results in a disciplinary change of placement due to breaking a school rule, the District will:

1. Seek consent from the student's parent/guardian to conduct a Functional Behavioral Assessment (FBA) of the child, if an FBA has never been conducted or the most recent FBA is more than a year old; and
2. Review any previously conducted FBA and any behavior intervention plan (BIP) developed for the student based on that assessment; and as necessary:
  - a. Develop a behavior intervention plan (BIP) for the student if the student does not have a plan; or
  - b. If the student has a behavior intervention plan (BIP), review and/or revise the student's plan to address the behavior of concern. *See HB 785*  
<https://tea.texas.gov/academics/special-student-populations/special-education/hb785faq.pdf>

Within 10 school days of any decision that results in a disciplinary change of placement, the Admission, Review, and Dismissal (ARD) committee must decide if the student's behavior could be caused by or related to the student's disability. This is called a Manifestation Determination Review (MDR). When making this decision, the ARD Committee must conduct a file review of any important information, including the student's Individualized Education Program (IEP), any teacher notes, and any important information from the parents. They use this information to decide if the student's behavior was because of their disability or if it was because the IEP was not followed.

If the decision is that the behavior was because of the student's disability, the ARD committee has to:

1. If the decision is made for a disciplinary change in placement and, in accordance with Texas Education Code §37.004(b-1)(1)(A), the LEA must seek consent to conduct an FBA, when must consent for the FBA be obtained? Does consent for the FBA and completion of the FBA need to occur within 10 days of disciplinary placement change? The requirement is that consent for an FBA must be sought from the student's parent or

guardian no later than the 10th school day after the change of placement. There is not a requirement that the consent be obtained and that the FBA also be completed by the 10th school day. Note, however, that by the 10th school day after the change in placement, the LEA must also review any previously conducted FBA of the student and any BIP for the student based on that assessment.

2. Conduct a functional behavioral assessment (FBA), unless the District had conducted an FBA less than one year before the behavior that resulted in the change of placement occurred, AND implement a behavioral intervention plan (BIP) for the student.
3. Review any previously conducted FBA of the child and any behavior intervention plan (BIP) developed for the student based on the assessment; and as necessary.
4. In the case of a disciplinary change in placement where the student does not have a BIP and has never had an FBA conducted, what must the ARD committee do? The ARD committee will describe the FBA process and, if the parent consents to an FBA, the ARD committee will document the parent's consent and will discuss a timeline of completion of the FBA. Once the FBA is completed, the LEA must notify the parent of the outcomes of the FBA. The ARD committee will determine if a BIP needs to be developed based on the outcomes of the FBA and any other relevant factors.
5. Develop a Behavior Intervention Plan (BIP); or if the student has a behavior intervention plan (BIP), revise the student's plan.
6. The ARD committee must also return the student to the placement from which he was removed unless special circumstances exist, or the parent and District agree to a change of placement as part of the modification of the BIP.

**When the removal is for weapons, drugs, or serious bodily injury under 34 C.F.R. § 300.530(g), the child may remain in a disciplinary alternative setting, as determined by the child's IEP Team, for the duration of the removal regardless of whether the violation was a manifestation of their disability (34 C.F.R. § 300.530(f)(2)).**

If it's decided that the behavior is not because of the student's disability, they can be disciplined the same as students without disabilities and, during this alternative placement, the student must continue receiving services while they are removed.

When a student is removed, the ARD committee must discuss a plan to continue to provide the student a Free Appropriate Public Education (FAPE) which may be at an Interim Alternative Education Setting, so the student can continue to:

- Receive educational services to enable them to continue to participate in the general education curriculum and Districtwide state assessments, although in another setting.
- Make progress towards meeting their Individualized Education Program (IEP) goals.
- Receive behavioral intervention services, as appropriate, and special help so they don't repeat the behavior.
- A Functional Behavioral Assessment (FBA) may need to be requested.

The ARD committee decides the interim alternative education setting (where the student goes in the meantime). Nothing in this code means that the District can't report a crime committed by a student with a disability. If the school District reports a student to the police, the student's special education and discipline records will also be provided as requested.

A student with a disability may not be disciplined for bullying, harassment, or making a hit list until an ARD committee has met to discuss what happened.

The regulations in 34 CFR §300.532(a) provide that the parent of a child with a disability who disagrees with the manifestation determination, under 34 CFR §300.530(e) may appeal the decision by requesting a due process hearing. A parent also has the right to file a State complaint alleging a denial of a free appropriate public education and to request voluntary mediation under 34 CFR §300.506.

When this happens, the State or District will have a hearing sooner than usual; it will be within 20 school days of the date that the parents/guardians ask for the hearing, and a decision will be made within 10 school days after the hearing. During the appeal, the student will stay in the interim alternative educational setting until the decision is made or until their time is up, whichever comes first, unless the parents/guardians and the District agree on something else.

## **HB3928**

Students who experience exclusionary discipline may have unidentified disabilities that impact their learning. Accordingly, the bill amended TEC §37.006 and §37.023 to require that each school district provide information to a student's parent regarding the process for requesting an FIIE (Full Individual and Initial Evaluation) when the student is placed in a Disciplinary Alternative Education Program (DAEP) and as part of the student's personalized transition plan when returning to campus from a DAEP. TEA suggests that school districts use language from the required student handbook statements regarding students who are experiencing learning difficulties when providing this information. Since the requirement refers specifically to initial evaluations, the requirement would not apply to students who are already served by special education.

### **From Chapter 37 regarding disciplinary removals:**

Consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

- (A) self-defense;
- (B) intent or lack of intent at the time the student engaged in the conduct;
- (C) a student's disciplinary history;
- (D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

- (E) a student's status in the conservatorship of the Department of Family and Protective Services; or
- (F) a student's status as a student who is homeless;

The MDR ARD committee must consider these when determining placement even if it is considered mandatory by the District.

## **Safety and Security**

### **The District's Right to Interview Students**

School officials have the legal authority and responsibility to investigate violations of the Student Success Guide, and to [interview students](#) without prior notice to parents/legal guardians or the consent of parents/legal guardians in order to do so. This authority derives from the common law doctrine of “in loco parentis”, which means school officials are standing in the place of the parents when students are at school or attending school activities. School officials, including law enforcement officers acting as school officials, exercise this authority to maintain the safety and security of the school environment. Except when a student is placed under arrest, any interview of a student conducted by District police officers will be non-custodial in nature. In this context, “non-custodial” means the interview is voluntary, and the student may decline to answer questions or end the interview at any time.

### **Searches**

District staff may search students, their things, and their cars, as long as staff follows State, Federal, and District rules about searches. Staff may not search some groups of students more than other groups; Here is more information about searches: [FNF\(LEGAL\)](#) and [FNF\(LOCAL\)](#)

District staff are allowed to search a car that a student drives to school if they think that the car has things in it that are not allowed on school property. Desks, lockers, technology, or other things given to the student by the District may be searched at any time, and the District does not have to tell the student before they search the item.

### **Security Staff**

The board utilizes police officers, school resource officers (SROs), and security personnel to ensure the security and protection of students, staff, and property. District Campus Safety Monitoring personnel assist school principals in maintaining order, resolving conflicts, and ensuring that safety rules are followed on school grounds. In accordance with law, the board has coordinated with the Campus Behavior Coordinator and other District employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the [CKE](#) policy series.

The primary duties of District police officers are to perform law enforcement functions for the District that aid in protecting the safety and welfare of any person engaged in the educational process within the police officers' jurisdiction, and in protecting the property, real and personal, of the District. In the performance of these primary duties, police officers shall first attend to protecting persons, school-owned assets, and property. Secondly, they shall attend to protecting

students, school personnel, and District personal property (assets) off District property but within the jurisdiction (District boundaries) of the police officers.

The secondary duties of District police officers are guided by [Articles 2.13](#) and [14.03, Code of Criminal Procedure](#), involving non-school-related cases. [Article 14.03](#) specifies offenses committed in the presence of a police officer. Intervention in other non-school-related cases shall be handled on an emergency basis and shall be concluded within a reasonable time. The District police officer shall notify the agency with primary jurisdiction and will release the responsibility of the case to that agency. The intent of the transfer of jurisdiction is to enable more effective protection of persons engaged in the educational process, not to provide regular police service to communities.

## **Threats**

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

The District takes all threats seriously. Threats of any nature will be investigated to the full extent allowed by law and District policy. Threats of any kind against a school, students, or staff are not tolerated. All school threats are investigated by school officials and law enforcement.

Threats that result in evacuations, lockdowns, and investigations by an official or agency organized to deal with emergencies, will result in the application of a discipline policy. Any disciplinary action taken will be in accordance with [TEC Chapter 37](#) and the Student Success Guide.

Please emphasize to your student that all such threats—made verbally or over any social media channel—are investigated immediately. Students may be detained or arrested on a charge of making a terroristic threat, even if the threat is not credible.

Threats are addressed in accordance with the Safe and Supportive School Program guidelines found in [Chapter 37.115](#). Positive Behavior Interventions and Supports (PBIS) should be considered when appropriate.

## **Inappropriate Use of Computer/Internet/Email**

The following actions constitute inappropriate use of computer/internet/email and could lead to disciplinary action.

- Violating policies, rules, or any agreements signed by the student or the student's parent regarding the use of technology resources. See [AISD's Acceptable Use Policy](#).
- Attempting to access or circumvent passwords or other security-related information of the District, students, or employees, or uploading or creating computer viruses, either on or off school property, if the conduct causes a substantial disruption to the educational environment.
- Attempting 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, either on or off school property, if the conduct causes a substantial disruption to the educational environment.

- Using email or websites to engage in or encourage illegal behavior or threaten school safety, including off property if the conduct causes a substantial disruption to the educational process or infringes on the rights of another student at school.
- Sending, posting, or possessing electronic messages that are abusive, obscene, sexually-oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying ([see glossary](#)) and "sexting," either on or off school property if the conduct causes a substantial disruption to the educational environment, or infringes on the rights of another student.
- Use the internet or other electronic communications to threaten or harass District students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.

### **Registered Sex Offenders**

If the District gets a lawful notice that a student is required to register as a sex offender, the administration must take the student out of the regular classroom and determine the appropriate school. If the court orders the student to go to a JJAEP, that is where the student will go.

If the student is under any form of court supervision, including probation, community supervision or parole, they will go to a DAEP or JJAEP for at least one semester.

If the student is not under court supervision, the student may be placed in DAEP or JJAEP for one semester or placed in a regular classroom. The student may not go to a regular classroom if the board, or the Assistant superintendent or Assistant superintendent's designee decides that the student's presence in the classroom:

- Threatens the safety of other students or teachers.
- Will be bad for the educational process.
- Is harmful to other students.

### ***Review Committee***

After the end of the first semester that a student is in a DAEP or JJAEP, and before the beginning of each semester that a student is in a DAEP or JJAEP, the Campus Behavior Coordinator, following State law, will review how the student is doing. The Campus Behavior Coordinator will include an associate superintendent or designee, and they will say if the student should go back to their regular school. Unless the District becomes aware of other relevant information, AISD must follow the Campus Behavior Coordinator's recommendation.

The Admission, Review, and Dismissal (ARD) committee must review the placement of a student with a disability who receives special education services.

### ***Newly Enrolled Student***

If a student who is a registered sex offender enrolls at AISD while they are required to be in placement, the District may count any time that the student already spent in



placement, or the District can decide that the student has to stay in placement without conducting another review.

### ***Appeal***

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

## **Student Removals**

### **Removal from the Regular Educational Setting**

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

### **Routine Referral**

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

### **Removal from the School Bus**

When a student is on a school bus, the District's main job is keeping students safe. The bus driver needs to be able to focus on driving safely and not be distracted by students behaving poorly. [If a student keeps behaving poorly](#), even after the behavior has been addressed by the bus driver, the bus driver may send the student to the principal's office. The principal will discipline the student and might not let them ride the bus anymore.

### **Removal from Classroom By Teacher [TEC 37.002(B) (D)]**

If a student keeps behaving poorly in class, a teacher may initiate a formal removal from class if:

1. A student's behavior repeatedly interferes with the teacher's ability to teach the class or with other students' ability to learn [\[TEC 37.002 \(b\)\]](#), or
2. A student demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student in the classroom [\[TEC 37.002 \(b\)\]](#), or
3. A student engages in conduct that constitutes bullying, as defined by [Education Code 37.0832.0](#)
4. A student engages in an offense for which a student may be suspended and/or placed in a Disciplinary Alternative Education Program [\[TEC 37.002 \(d\)\]](#).)

A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.

### **Conference for Removal by Teacher**

If a student is removed from class, there will be a meeting within three school days to talk about what happened. At the conference, the CBC or appropriate administrator will inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations. The meeting will include the student, parents/guardians, and the teacher. Before the meeting happens, the principal or school staff can send a student to another classroom, In-School Suspension, Out-of-School Suspension, or a Disciplinary Alternative Education Program, if needed.

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

After the meeting, the principal will tell the student and the parents/guardians if the student broke a rule. When a student has been taken out of class [\[TEC 37.002\]](#), the principal or school staff cannot send the student back to class unless the teacher says it's in writing and OK or if the Placement Review Committee (information below) says it's best.

### **Returning a Student to the Classroom**

If a student does any of the following things to their teacher, they cannot go back to class unless the teacher gives written consent indicating it's OK: assault with bodily injury, aggravated assault, sexual assault, or aggravated sexual assault. If one of those things happens, the principal or school staff must let the parents/guardians know within 24 hours of getting the report from the teacher.

A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent unless the placement review committee determines that the teacher's class is the best or only alternative, and not later than the third class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held. The student may not be returned to the teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student.

### **Placement Review Committee for Removal from Classroom by Teacher**

Each school will create a Placement Review Committee, which will have three people in it: two teachers who are picked by school staff and one person picked by the principal. There will also be someone picked by school staff to be the backup if someone else can't make it. The job of the committee is to figure out what to do when a teacher does not want the student to come back to their class.

## **Suspension**

**In-School Suspension:** The student remains on campus in a room separate from the student's regular classroom(s). [FO \(Regulation\)](#)

Students may be suspended for any behavior listed in the Student Success Guide. In addition, suspensions may be used for students who have committed a removal or expulsion offense and for whom a conference or hearing is pending. AISD allows a student to be suspended from school for up to two school days per offense; with no limit on the number of times a student may be suspended in a semester or school year. The principal or other appropriate administrator will determine the suspension duration.

### **Process**

A student who is to be suspended will be afforded due process consisting of an informal conference with the principal or other appropriate administrator advising the student of the misconduct with which the student is charged, and giving the student the opportunity to explain their version of the incident before the administrator makes a decision.

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

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

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

**Out-of-School Suspension: Students are sent home from school and must remain at home until the end of the suspension. [FO \(Regulation\)](#)**

Students may be suspended for any behavior listed in the Student Success Guide. In addition, suspensions may be used for students who have committed a removal or expulsion offense and for whom a conference or hearing is pending. AISD allows a student to be suspended from school for up to two school days per offense; with no limit on the number of times a student may be suspended in a semester or school year. A student may appeal the decision of the Campus Behavior Coordinator to the campus principal or designee. The student will remain on suspension pending any appeal.

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

- Conduct that contains the elements of a weapons offense, as provided in Penal Code sections 46.02 or 46.05;
- Conduct that threatens the immediate health and safety of other students in the classroom;
- Documented conduct that results in repeated or significant disruption to the classroom; 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 [TEC Section 37.005].

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

### **Process**

A student who is to be suspended away from school will be afforded due process consisting of an informal conference with the principal or other appropriate administrator advising the student of the misconduct with which the student is charged, and giving the student the opportunity to explain their version of the incident before the administrator makes a decision.

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

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

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

### **Alternative Assignment**

A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the student placed in out-of-school suspension.

### **Coursework During Suspension**

When a student receives a suspension; they must have access to coursework for foundation curriculum courses, including at least one method of receiving this coursework that doesn't require the use of the internet.

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

### **Administrator Removal to a Disciplinary Alternative Education Program (DAEP)**

When a staff member thinks a student has broken a rule specified in [TEC 37.006](#), the principal or other appropriate administrator will schedule a meeting with the student's parents/guardians, teacher (if appropriate) and the student within three school days of getting the report. The campus administrator will try their best to schedule a hearing when the parent/guardian can come, but the principal may have the hearing even if the parents/guardians can't attend. Before the meeting happens, the principal or school staff can send a student to another classroom, In-School Suspension, Out-of-School Suspension or a Disciplinary Alternative Education Program, if needed.

### **Off-Home Campus Removals**

#### **1. *Discretionary Removal Placement in a DAEP***

A student **may** be placed in a DAEP for behavior as described as a Level II offense.

#### **2. *Mandatory Removal Placement in a DAEP***

A student **must** be placed in a DAEP if the student commits any offenses as described in Level III.

#### **3. *Discretionary Expulsion Placement in a DAEP***

A student **may** be placed in a DAEP for behavior as described as a Level III or Level IV offense.

#### **4. *Mandatory Expulsion Placement in a DAEP or JJAEP***

A student must be placed in a DAEP or JJAEP for behavior as described as a Level IV offense.

#### **5. *Emergency Placement in a DAEP***

In an emergency, the principal or other administrator may order a student to be placed in a DAEP immediately if the student is a danger to other people or property. When there is an emergency placement, the student and parents/guardians will be told what happened verbally and then later they will get a notice in writing. The reason for the emergency placement cannot be different from the reasons for regular placement.

No later than 10 days after the emergency placement, the student will be given the due process required for a student facing placement. For a student with disabilities, the term of the student's emergency placement follows the requirements of federal law.

## Hearing

Before a student may be removed or expelled, the principal or designee will schedule a [hearing](#) within a reasonable amount of time. The student's parents/guardians will be invited, in writing, to come to the hearing. At the hearing, the student has the right to:

- Know why they might be removed or expelled.
- Have an adult speak for them. The adult can be their parents/guardians or another adult who can help the student and is not an employee of the school District.
- Give their explanation (testimony) and provide information to support their explanation (evidence) in their defense.

The principal or designee may set reasonable rules for the hearing. The school District will do its best to let the student and the student's parents/guardians know when and where the hearing is, but the District may still have the hearing even if the student, their parents/guardians or other adult representing them can't make it. Before a decision is made about a mandatory or discretionary removal or expulsion, the principal or designee must consider whether the student acted in self-defense, what the student was trying to do, how often the student has misbehaved, if the student has a disability, or if the student is homeless or in Child Protective Services.

If the hearing is for possible expulsion, it will be determined if the student will be assigned to the DAEP or the JJAEP.

### ***Removal Determination and Notification***

After the conference, the principal or designee will provide the student and the parent notice of their decision regarding the removal and their right to appeal the decision. After the conference, if the student is placed in a DAEP, the CBC shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent.

### ***Expulsion Determination and Notification***

After the hearing, if the student is placed in a DAEP/JJAEP, the CBC shall write a placement recommendation. A copy of the placement recommendation and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent.

The Assistant Superintendent will make a decision and inform the parents/guardians in writing. The decision will include information about the right to appeal. If the student is going to be expelled, the Director of Discipline Standards and Accountability, no later than the second business day after the hearing, will send the juvenile court a copy of the order expelling the student and the information required by [Section 52.04](#) of the Family Code. A student younger than 10 years old who breaks a rule that can result in the student being expelled ([Section 37.007](#)) will be placed in a DAEP. A student who is younger than six years old may not be placed in a DAEP unless they commit a federal firearms offense ([Section 37.008](#)). The amount of time a student stays in a DAEP is different for each student and is decided based on the student's situation. The maximum

amount of time a student may be expelled is one calendar year unless the student is a threat to other students or District staff or staying longer is the best thing for the student. Students who are expelled at the end of one school year may still be expelled the next school year if they need to complete their expulsion. Students who are expelled from AISD have the right to be educated in the Travis County Juvenile Justice Alternative Education Program (JJAEP) or District Alternative Education Program (DAEP).

### **Students with Disabilities**

On the date on which the decision is made to remove a student that constitutes a change of placement requiring a Manifestation Determination Review (MDR) under the IDEA or Section 504, the administrator must notify the parents/guardians of that decision, and provide the parents/guardians with a copy of the applicable [IDEA Notice of Procedural Safeguards](#), or [Notice of Section 504 rights](#). Student services must continue to be implemented pending the outcome of the MDR.

### **Student Withdrawal Prior to Discipline**

Withdrawing a student from school does not affect the District's authority to schedule and conduct a conference or hearing on the conduct and enter an order for removal to a DAEP or JJAEP, regardless of whether the student or parent/guardian is present to participate. The order for removal will be included with records sent to the transferring school district.

### **Appeal**

An appeal is asking for a different decision to be made. The appeal has to be made in writing and must be received by the District within seven business days of the date of the removal notice. The student will stay in the DAEP during the appeal. Information on the appeal process can be found in [FOC Regulation](#).

### ***Removal Appeal***

The Campus Behavior Coordinator's (CBC) decision to remove a student to a DAEP may be appealed to:

- The Assistant Superintendent or designee (Safe School Review Administrator) (Level I)
- The Deputy Superintendent or designee (Level II)
- The Superintendent or designee (Level III). If a student or their parents/guardians want to appeal the superintendent's decision, they can go to the AISD board, but they have to wait until after the District has received notification of a prosecutor's decision not to prosecute or a court finds that the student is not guilty or did not engage in delinquent conduct ([see glossary](#)). The decision of the board may be appealed to the Texas Commissioner of Education as provided by [TEC 37.006 \(i\)](#).
- The AISD Board (Level IV). The AISD Board of Trustees' decision about the appeal is final.



## ***Expulsion Appeal***

The Campus Behavior Coordinator's (CBC) decision to expel a student or send a student to a DAEP or JJAEP may be appealed to:

- The Deputy Superintendent or designee (Level I)
- The Superintendent or designee (Level II). If a student or their parents/guardians want to appeal the superintendent's decision, they can go to the AISD board, but they have to wait until after the District has received notification of a prosecutor's decision not to prosecute or a court finds that the student is not guilty or did not engage in delinquent conduct ([see glossary](#)). The decision of the board may be appealed to the Texas Commissioner of Education as provided by [TEC 37.006 \(i\)](#).
- The AISD Board (Level III). The AISD Board of Trustees' decision about the appeal is final.

### **Sending a Student to a DAEP ([Discipline Alternative Education Program](#))**

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

For purposes of DAEP, elementary classification shall be kindergarten-grade 5 and secondary classification shall be grades 6-12. Summer programs provided by the District shall serve students assigned to a DAEP in conjunction with other students.

The principal is allowed to send a student to a DAEP. They will be taught the main school subjects so they can stay on track. The student will also get counseling, and they can ride a school bus to the DAEP if they behave. Each student will stay in a DAEP for a different amount of time, depending on what they need. The longest a student will stay in a DAEP is through the end of the school year, unless they are a threat to students or staff or an extended placement is in the best interest of the student. The superintendent is allowed to determine if a student can leave the DAEP. Secondary students go to the Alternative Learning Center and elementary students go to the Elementary Disciplinary Alternative Education Program (EDAEP).

The meeting to determine whether a student goes to DAEP will provide the student with due process at the meeting ([see section about due process for details](#)). After the meeting, if the student is put in a DAEP, the student and their parents/guardians will get information about the decision and how to appeal. They will also get information about the District letting the student finish their school work for free so they can graduate.

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

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

### ***Participation in Activities***

The District does not let a student who is in a DAEP participate in any school activities at all. Please see District policy [FMH \(LOCAL\)](#) about graduating seniors and graduation.

### ***Review Every 20 Days***

At least every 20 days, a student's Campus Behavior Coordinator will do a review of the student's status (attendance, grades, behavior) with DAEP staff to see how things are going. At the review, the student or their parents/guardians are allowed to say if they think the student should be able to go back to their regular school and why. For high school students, the principal (or someone they assign) and parents/guardians will review how the student is doing and make a plan for graduation. The District is not required under this subsection to provide the District's DAEP with a course not specified under [Section 37.008\(a\)](#). Students will be allowed to finish the schoolwork required for graduation. Please contact the DAEP administration (512-414-2554) for more information.

If the student was expelled for assaulting a teacher, the student may not go back to the classroom of the teacher who removed the student unless the teacher says it's OK, except when the Placement Review Committee says that's what needs to happen.

### ***Being in a DAEP After the End of the School Year***

For placement in a DAEP to continue after the end of the school year, the principal (or designee) must decide that the student's presence in the regular classroom or campus presents a threat to the safety of other students or staff, or that long term placement is in the best interest of the student.

If a student has to go to a DAEP at the end of the school year and they don't have enough time to finish their placement, they might have to go back to the DAEP at the beginning of the next school year.

If the principal says it's OK, a student in a DAEP at the end of the school year can still go to summer programs.

### ***Emergency Placement in DAEP [\[Section 37.019\]](#)***

If the principal thinks that it's an emergency, they can send a student immediately to the DAEP. This happens when a student is unruly, disruptive, or abusive and a class or a school activity cannot continue due to the student's behavior. As required by law, the student will be given the appropriate conference required for DAEP placement within ten days.

### ***Students Transferring to AISD Owing Time to the DAEP***

If a student was in a DAEP in another district and then comes to AISD, administrators at AISD will decide if the student goes to a regular classroom or a DAEP.

### **Placement in a Juvenile Justice Alternative Education Program (JJAEP) [TEC 37.011]**

Students who are expelled by AISD and then put on probation by the Travis County Juvenile Court will be ordered by the Court to attend JJAEP, an alternative education program operated by the Court.

#### ***Participation in Activities***

If a student is expelled, they are not allowed to be at school or school events.

#### ***Expelled Students Transferring to AISD***

If a student was expelled from another district or open-enrollment charter school and wants to come to AISD, the District will make a decision based on the student's specific situation.

#### ***Academic Credit***

No District academic credit will be earned for work missed while a student is expelled (unless the student is in a JJAEP).

## **Bullying**

### **Board Expectations, Beliefs, and Standards**

The District shall incorporate information regarding board [policy against harassment or bullying](#) into the Student Success Guide, the student handbook, and appropriate training programs.

The standards of this policy constitute a specific, focused, coordinated, and sensitive system of support for all students, staff, families, and community agencies that will improve relations within each school. It is designed to ensure that every school has staff members who have been trained and are supported in their school's efforts to provide awareness, intervention training, and instructional strategies on prevention, including violence prevention, to each student, staff, and parent in the District and to direct follow up when incidents are reported and/or occur.

### **Bullying Prohibited**

The District prohibits bullying, including cyberbullying. Any acts of bullying that are reasonably perceived as being motivated either by any actual or perceived characteristic, such as race; ethnicity; color; religion; ancestry; national origin; gender; sex; sexual orientation; gender identity and expression; marital status; socio-economic background; social/family background; immigration status; linguistic preference; political beliefs; or a mental, physical, or sensory disability, difference, or impairment; or by any other distinguishing characteristic or because of one's association with a particular person or group of person are strictly prohibited.

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism.

For definitions, see [FFI \(LEGAL\)](#) and [FFI\(LOCAL\)](#).

## **Retaliation**

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

## **False Claim**

A student who intentionally makes a false claim, offers false statements or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

## **Timely Reporting**

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.

## **Reporting Procedures**

### **Student Report**

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent of Schools or designee shall develop procedures allowing a student to anonymously report an alleged incident of bullying. Bullying can be reported anonymously through [Safe Space](#).

### **Employee Report**

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.

### **Report Format**

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

### **Notice of Report**

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

## **Prohibited Conduct**

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, sex, 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.

## **Investigation of Report**

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying and ensure safety during the course of an investigation, if appropriate.

## **Concluding the Investigation**

Absent extenuating circumstances, the investigation should be completed within ten 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. The principal or designee shall prepare a final, typed report of the investigation. The report shall include a determination of whether bullying occurred, and, if so, whether the victim used reasonable self-defense. The report will be maintained in an electronic software system.

## **Notice to Parents**

The principal or designee shall promptly notify the parents of the victim, and the parents/guardian of the alleged bully by sending a determination letter of whether the student was engaged in bullying or not engaged.

## **District Action**

### **Bullying**

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 Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.

### **Counseling Options**

Victims of bullying, bystanders, witnesses, and the accused shall be offered counseling services ranging from those provided by school counselors to a referral to Psychological and Social Services, and/or to one of the District's youth and family centers.

### **David's Law Discipline**

A student may be removed from class and placed in a disciplinary alternative education program or expelled ([TEC Section 37.0052](#)) if the student engages in "Bullying" or "Cyberbullying" as defined in [TEC Section 37.0832](#) that encourages a student to die by suicide, or incites violence against a student through group bullying, or releases or

threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.

Schools have the authority to apply discipline for 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 a 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.

### **Corrective Action**

Examples of corrective action may include:

- A training program for the individuals involved in the complaint
- A comprehensive education program for the school community
- Follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred
- Involving parents and students in efforts to identify problems and improve the school climate
- Increasing staff monitoring of areas where bullying has occurred
- Reviewing the District's policy against bullying with students, teachers, staff and parents/guardians

### **Transfers**

On the request of a parent, legal guardian or adult student who is a victim of bullying, the Superintendent of Schools or designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred.

### **Counseling**

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.

### **Improper Conduct**

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 Student Code of Conduct or any other appropriate corrective action.

## **Confidentiality**

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.

## **Appeal**

A student who is dissatisfied with the outcome of the investigation may appeal through [FNG \(LOCAL\)](#), beginning at the appropriate level.

# **Sexual Harassment**

## **Sex Discrimination and Sexual Harassment Prohibited**

In accordance with [Title IX](#), Austin ISD does not discriminate on the basis of sex in its educational programs or activities in federally funded institutions. The requirement not to discriminate on the basis of sex extends to the admission of students in the District's educational programs or activities and employment. Inquiries about the application of Title IX may be referred to the District's Title IX Coordinator, the Assistant Secretary for Civil Rights of the Department of Education, or both.

## **Title IX Coordinator**

Austin ISD's Title IX Coordinator is authorized to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment.

Austin ISD's Title IX Coordinator is identified in the [Student Handbook](#), and administrative regulation [FFH \(REGULATION\)](#), which can be found at the following [website link/address](#).

or the following physical/mailling address:

**Julianne Gula, Title IX Coordinator- [julianne.gula@austinisd.org](mailto:julianne.gula@austinisd.org) (512)414-5216**

**4000 S. I-H 35 Frontage Rd., Austin, TX 78704**

## **Sexual Harassment**

Austin ISD prohibits discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as defined below, even if the behavior does not rise to the level of unlawful conduct. Prohibited conduct also includes sex-based discrimination and harassment as defined by Title IX and District Board policy. See policy [\(LOCAL\)\(LEGAL\)](#). Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited.

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct,
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or,

- “Sexual assault” as defined in [20 U.S.C. § 1092\(f\)\(6\)\(A\)\(v\)](#), “dating violence” as defined in [34 U.S.C. § 12291\(a\)\(10\)](#), “domestic violence” as defined in [34 U.S.C. § 12291\(a\)\(8\)](#), or “stalking” as defined in [34 U.S.C. § 12291\(a\)\(30\)](#).

Examples of sexual harassment of a student may include advances; touching private body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; asking for nude pictures and other sexually motivated conduct, communications, or contact.

### **Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student’s gender, the student’s expression of characteristics perceived as stereotypical for the student’s gender, or the student’s failure to conform to stereotypical characteristics for the student’s gender, or the student’s failure to conform to stereotypical notions of masculinity or femininity. Gender-based harassment can occur regardless of the student’s or the harasser’s actual or perceived sexual orientation or gender identity.

Under AISD Board policy [FFH \(LOCAL\)](#), gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Examples of gender-based harassment may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

### **Sexual Assault**

As defined in [20 U.S.C. § 1092\(f\)\(6\)\(A\)\(v\)](#) means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

### **Dating violence**

Defined in [34 U.S.C. § 12291\(a\)\(10\)](#) as violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship or any of the person’s past or subsequent partners.

### **Domestic Violence**

Defined in [34 U.S.C. § 12291\(a\)\(8\)](#) includes felony or misdemeanor crimes of violence committed by:



- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by another person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

## **Stalking**

Defined in [34 U.S.C. § 12291\(a\)\(30\)](#) as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

## **Reporting Procedures**

Any person may report sex discrimination including sexual harassment, sexual assault, dating violence, domestic violence, and/or stalking, regardless of whether the person is the alleged victim of the conduct. Reports of sex discrimination, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment can be made at any time, including during non-business hours, by mail, phone, or email by contacting the Title IX Coordinator using the contact information provided in [FB \(REGULATION\)](#). Reports can also be made in person.

Upon the District receiving notice of an allegation of sex-based discrimination or harassment, the Title IX Coordinator will promptly respond in accordance with the process described in [FFH \(LOCAL\)](#).

## **District's Response to Sex-Based Harassment**

Upon the District's receipt of notice or an allegation of sex-based discrimination, harassment, or retaliation—regardless of whether a formal complaint is filed—the Title IX Coordinator or designee will contact the individual who was the alleged victim of sex-based discrimination or harassment to discuss the availability of supportive measures and inform them of the process for filing a formal complaint. If a formal complaint is filed, the matter will proceed through the District's Title IX grievance process, including an investigation and decision process, which is set forth in policy [FFH \(LOCAL\)](#).

If a student is the alleged perpetrator of sex-based discrimination, sexual harassment, or retaliation, the respondent student may be subject to immediate emergency removal from their campus after the District conducts an individualized analysis and if the District finds it necessary to protect a student or other individual from an immediate threat to their physical health or safety. If the District decides to remove the respondent student from campus, it will notify the respondent student and provide the respondent student an immediate opportunity to challenge the removal decision.

Complaints alleging Title IX retaliation may be addressed using the District's Title IX grievance process as outlined in [Board policy FFH \(LEGAL\)\(LOCAL\)\(EXHIBIT\)](#).

## **Sexual Harassment (continued)**

### **Confidentiality**

To the greatest extent possible, the District respects the privacy of the complainant, persons against whom a report is filed, and witnesses. The District keeps the identity of complainants, respondents, and witnesses confidential unless disclosure is required by law or necessary to carry out a Title IX proceeding. Limited disclosures may be necessary for the District to conduct a thorough investigation and to preserve the rights of complainants, respondents, and witnesses.

### **False Claim**

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX investigation or grievance proceeding also does not constitute retaliation.

### **Retaliation**

Retaliation against a person because the person has made a report or complaint of sexual harassment, sexual assault, dating violence, domestic violence, or stalking or because the person testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding reported sexual harassment, sexual assault, dating violence, domestic violence, or stalking is prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitute retaliation. An individual's exercise of rights protected by the First Amendment of the United States Constitution does not constitute prohibited retaliation.

### **Appeal**

A student who is dissatisfied with the determination of responsibility may appeal through EFH (Local).

**If you believe you are a victim of sexual harassment or dating violence, report this information to a campus administrator or other adult immediately. Report here- <https://www.austinisd.org/respect-for-all/reporting>. All allegations are taken seriously and will be investigated immediately.**

## **Responses to Student Misconduct**

Students who do not behave well or break a rule or law will be disciplined appropriately as detailed in the following pages.

In general, discipline will be designed to address the misconduct and to encourage all students to stick to their responsibilities as citizens of the school. Every student and situation is different. Teachers and school staff decide how to discipline based on many things, including:

- Student's age and grade level,

- How serious the offense was,
- How often the student misbehaves,
- Impact of the student's action on others,
- If the student was acting in self-defense,
- How the student's behavior affected the school,
- What the student was trying to do,
- If the student has a disability (as required by law, IDEA, 504), or
- If a student is homeless or in Child Protective Services.

Although every situation is different, AISD administrators and staff have guidelines for how to consider the full context before making any disciplinary decision.

Misconduct is when a student breaks a rule or law or doesn't behave well.

When a student is at school, at a school event, or in a District vehicle, they are not allowed to do or have these things:

- Break any local, state, or federal law or school rule,
- Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism, [See Glossary]
- Engage in disruptive, aggressive, violent, or unsafe behavior or language at school, school events or on a school vehicle, including:
  - o Harassment
  - o Dating violence
  - o Bullying
  - o Cyberbullying
  - o Hazing
  - o Threatening people
  - o Not following orders from school staff
- Record someone's voice or image without permission,
- Create a hit list,
- Use a firearm,
- Use any object with the intent to cause harm,
- Engage in Assassin, or any other organized mock killing or elimination game,
- Damage or vandalize property owned by someone else or the District,
- Enter, without authorization, District facilities that are not open for operations,
- Throw objects that could hurt someone or damage property,
- Make or support a false alarm ([see glossary](#)) about safety,
- Cheat or copy another person's work,
- Not follow dress code,
- Leave school or a school event without permission,
- Falsify school records.

## **Responses to Student Misconduct (continued)**

### **Prohibited Items to Distribute, Possess, Sell, or Use**

- Pornographic materials,

- Any material that encourages illegal behavior,
- Glue or aerosol paint that has volatile chemicals or can be abused,
- Alcoholic beverages consumed at school or before coming to school,
- Medicine available without a prescription that isn't being used the way it is supposed to be used,
- Prescription or over-the-counter drugs taken in violation of District policy [[FFAC \(LEGAL\)](#), [FFAC \(LOCAL\)](#)],
- A student's own prescription drugs when given to another student or having or being, under the influence of another person's prescription drug,
- Drug paraphernalia,
- Look-alike drugs or contraband,
- Matches or lighters,
- Tobacco products of any kind (including nicotine pouches), cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device,
- Vape products of any kind ([see glossary](#)),
- Alcohol, marijuana/THC, a controlled substance, or a dangerous drug,
- Any item that could be dangerous, decided by the principal or school staff,
- Razors, box cutters, chains or other objects used in a way that could threaten or hurt someone,
- Knives, bladed instruments, switchblade knives, air guns, toy guns, chemical dispensing devices ([see glossary](#)), mace/pepper spray, fireworks, replica firearms, electronic stunning devices, ammunition and other dangerous items,
- A firearm ([see glossary](#)); a machine gun; a short-barrel firearm; a firearm silencer or suppressor; armor-piercing ammunition; a zip gun; a location-restricted knife, defined as a knife with a blade over five-and-a-half inches; a butterfly knife; a club ([see glossary](#)); a prohibited weapon, such as an explosive weapon ([see glossary](#)); knuckles,
- Any item capable of propelling a projectile and hurting someone by any means including spring, compressed air, spring-piston, pneumatic or CO2; BB guns, Airsoft guns, pellet guns and any protective device designed to administer an electric shock,
- A homemade weapon, defined as a device or item that was manufactured, modified or adapted by an individual for the use or intended use of inflicting harm on another person

## **Possession of Personal Communication Devices**

### **Purpose and Legal Requirements of Prohibiting Use of Personal Communication Devices for Texas**

Multiple studies have documented the harmful effects of cell phone and social media use on student well-being and academic progress. As a result, Texas law requires public schools to prohibit the use of personal communication devices during the school day on school property. This policy is adopted to implement this requirement and improve the quality of the learning environment in our schools.

Texas House Bill 1481, passed during the 89th Legislative Session, requires all school districts to adopt and implement a policy prohibiting the use of personal communication devices by students on school property during the school day.

### **Statement of Expectation and Definitions**

When a student is anywhere on school property, they are not allowed to use a personal communication device; this includes a cell phone, smartwatch, headphones/earbuds, or other electronic device during the entirety of the school day.

- School property means anywhere on a school's campus including but not limited to: classrooms, hallways, gyms, cafeterias, band halls and all other extracurricular spaces; outdoor fields, tracks, and other athletic areas; all breezeways, courtyards, playgrounds, and other outdoor areas, specifically including all school parking lots.
- "Use" is defined as a device in possession of a student that is turned on and capable of receiving or sending a communication signal.
- Personal communication devices include, but are not limited to: cell phones, headphones, earbuds, smartwatches, tablets, personal laptop/chromebook, wearable technology or any device capable of digital communication or telecommunication. Devices distributed by the District are permissible.
- The school day means the time of day **before** the first bell of the day and ending with the last bell of the day. *Note: Before- or after-school activity for a school-sponsored extracurricular activity is not part of the school day.*

### **Required Daily Expectations for Students' Personal Communication Devices**

If a student brings a device to school, the device must be turned off the entirety of the school day while on school property and stored out of sight according to campus guidelines. Students must comply with campus directives.

#### **At the Beginning of each School Day**

1. **Before** the first bell starts the day, each student must turn off all personal communication devices, store out of sight according to campus guidelines, and the devices must remain unused for the entirety of the school day while on school property.
2. Students should not hold/have any personal communication devices in their hands at any time during the school day. Students found physically accessing the device are in violation of the policy.
3. Students must comply with campus directives.

#### **Throughout the School Day**

1. Keep the personal communication device turned off and stored out of sight according to campus guidelines for the entirety of the school day while on school property.
2. Using your personal communication device anywhere on campus property during the school day is not permitted.
3. Students must comply with campus directives.

#### **Conclusion of the School Day**

1. After the last bell ends the day, each student may turn on and begin using their personal communication devices.

### **Disciplinary Measures for Violations**

A student who violates this policy is subject to the following disciplinary measures, subject to and in accordance with the Student Success Guide, including any progressive sanctions for ongoing violations:

#### **1st Offense:**

- Campus personnel will direct students to give them the device.
- Students are required to comply with directives.
- Campus personnel will take possession of the device and store in a designated location.
- Parents/Guardians will be notified
- The first offense will be documented.
- The **student** may pick up the device at the end of the school day after verifying ownership.
- *If a student refuses to turn over the device, the action is considered insubordination and is a violation of the Student Success Guide. An administrator will be informed and additional disciplinary action may be taken.*

#### **2nd Offense:**

- Campus personnel will direct students to give them the device.
- Students are required to comply with directives.
- Campus personnel will take possession of the device and store in a designated location.
- Parents/Guardians will be notified.
- The second offense will be documented.
- Only a **parent/guardian** may pick up the device at **the end of the school day** during the timeframe indicated by campus guidelines and after verifying ownership.
- Campus personnel will follow up with students who demonstrate repeated device violations to assess needs. Referrals to the counselor or other campus support may be made as part of a supportive intervention plan.
- *If a student refuses to turn over the device, the action is considered insubordination and is a violation of the Student Success Guide. An administrator will be informed and additional disciplinary action may be taken.*

#### **3rd Offense:**

- Campus personnel will direct students to give them the device.
- Students are required to comply with directives.
- Campus personnel will take possession of the device and store in a designated location.
- Parents/Guardians will be notified.
- The third offense will be documented. The campus may impose additional consequences as outlined in the Student Success Guide for continued refusal to follow the rules.
- Only the **parent** may pick up the device **the next school day** during the timeframe indicated by campus guidelines and after verifying ownership **or** the **parent may schedule** a conference with the designated campus personnel to create a plan in order to retrieve the device earlier.
- Campus personnel will follow up with students who demonstrate repeated device violations to assess needs. Referrals to the counselor or other campus support may be made as part of a supportive intervention plan.
- *If a student refuses to turn over the device, the action is considered insubordination and is a violation of the Student Success Guide. An administrator will be informed and additional disciplinary action may be taken.*

#### **4th and subsequent offenses:**

- Campus personnel will direct students to give them the device.
- Students are required to comply with directives.
- Campus personnel will take possession of the device and store in a designated location.
- Parents/Guardians will be notified.

- The fourth and subsequent offense will be documented. The campus may impose additional consequences as outlined in the Student Success Guide for continued refusal to follow the rules.
- Only the **parent** may pick up the device **after 48 hours** during the timeframe indicated by campus guidelines and after verifying ownership **or** the **parent must schedule a conference** with the designated campus personnel to create a plan in order to retrieve the device earlier.
- Campus personnel will follow up with students who demonstrate repeated device violations to assess needs. Referrals to the counselor or other campus support may be made as part of a supportive intervention plan.
- *If a student refuses to turn over the device, the action is considered insubordination and is a violation of the Student Success Guide. An administrator will be informed and additional disciplinary action may be taken.*

Each campus will designate an appropriately secured location in the school where confiscated student personal communication devices will be kept, and a process to ensure the school can identify which student is the owner of each device that is kept.

All District administrators and school-based staff members are authorized to confiscate a personal communication device used in violation of this policy. If a staff member confiscates a student device, the staff member will bring the device to the designated storage location when convenient during the day.

If a personal communication device is in the possession of the school, the school will take appropriate efforts to keep the device appropriately stored and free from damage. However, parents should note the school specifically disclaims any liability for devices that are damaged or lost while in the school's possession. Parents will not be compensated for devices that have been in the school's possession in the event those devices are lost or damaged while in possession of the school.

### **Personal Communication Devices Timely Retrieval**

If a personal communication device is not retrieved by a parent or guardian within two weeks of the school sending notice, the school shall send a second notice that specifies that the school will dispose of the device if not retrieved within 90 days of the second notice. The school may dispose of the device if not retrieved within 90 days of sending a second notice to the student's parent or guardian.

### **Exceptions to the use of personal communication device policy above are for the following reasons:**

1. To implement an individualized education program (IEP) or Section 504 plan as required to provide a free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). Parents or guardians can contact their student's case manager or campus administrator for questions about IEPs or 504 plans.
2. To comply with a health or safety requirement imposed by law or as part of the District's safety protocols; or
3. With documented need based on a directive from a qualified physician. Parents or guardians must submit this information to the campus nurse no later than 5 school days

after a qualified physician's directive. Campus nurses will review the qualified physician's directive and communicate accordingly with the campus administration. **NOTE:** *A qualified physician for purposes of this policy shall mean a physician licensed to practice in Texas. The directive must state the conditions under which the student would need to access and use their personal communication device during the school day on school property. The parent may be asked to sign consent for school staff to contact the physician should the school need more information in order to comply with the directive. Use authorized under this provision should be conducted in a manner that minimizes disruption to instruction and the school environment, and may be subject to reasonable limitation on time, place and manner as determined by principal or designee. Authorization under this provision can be revoked if the device is being used in a way that is found to disrupt the learning environment.*

4. Campus principals are authorized to use discretion in permitting student use of personal communication devices in emergency circumstances. Any use permitted under this exception must be reported to the board during the next regularly scheduled school board meeting.

Any student who is provided an exception in accordance with the above remains subject to disciplinary measures if the student uses a personal communication device outside the scope of the documented authorized use.

### **Safety or Emergencies**

In the event of an emergency on campus, families will receive official updates directly from the school. To ensure you stay informed, please make sure your contact information is current. During a security situation, student use of personal devices can unintentionally create challenges—such as network disruptions, noise in classrooms, or the unintentional spread of misinformation—so it's important that all communication comes through official channels.

### **Parent/Guardian Contact with Student During the Day**

If parents/guardians need to get in touch with their student during the school day, they can contact the school's front office for assistance.

## **First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette**

An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by Section 161.081, Health and Safety Code.

A student who possesses or uses an e-cigarette shall be placed in in-school suspension under Education Code 37.008, for a period of at least 10 school days.

A school's principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.

During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special



education and related services specified in the student's individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum.

### **Level I Disciplinary Offenses**

**Level I Disciplinary offenses include but are not limited to:**

- Bus misconduct (not defined as a Level II, III, or IV Offense)
- Cheating or copying the work of another including using AI to cheat, unauthorized use of artificial intelligence
- Computer system violations
- Use of AI or computer generated photos or videos to misrepresent staff or students
- Directing profanity, vulgar language, or obscene gestures toward other students
- Dress code violations
- Failure to follow directives given by school personnel, which is considered insubordination
- Falsifying school records
- Gambling
- Leaving school grounds or school-sponsored events without permission
- Possessing a laser pointer
- Possessing a toy gun or look-alike gun
- Possessing, smoking, or using tobacco (See page 50 regarding electronic cigarettes)
- Possessing any unauthorized electronic devices (i.e., CD players; MP3 players; or other video, listening or entertainment device) during school hours
- Refusing to give a cell phone to school personnel
- Safety rule violation
- Secret society
- Threats (student on student)
- Cellphone violation
- Classroom disruption
- Extortion/blackmail
- Offensive language
- Possessing or distributing pornographic materials
- Throwing objects that may cause bodily injury or property damage

### **Level I Disciplinary Actions**

**Level I Disciplinary actions include but are not limited to:**

- Verbal correction
- Cooling-off time
- Restorative Practice/Circle
- Seating changes in the classroom or in District vehicles
- Counseling by teachers, counselors, or school staff
- A meeting of parents/guardians and the teacher
- Taking away items that get in the way of school, with exceptions for accommodations and items allowed in an Individualized Education Plan (IEP)

- Agreements to improve behavior
- Sending the student to the office or other assigned area, or to Student Support Centers (in-school suspension)
- Sending the student to another classroom
- Detention
- Taking away the privilege of riding the bus
- Not allowing student to participate in extracurricular activities or hold honorary offices
- Consequences from student organizations' codes of conduct
- School probation if on a transfer
- Lowering grade for cheating, plagiarism or other offense
- Referral to an outside agency and/or legal authority for criminal prosecution in addition to discipline by the District
- In School or Out of School Suspension

Note: Corporal (physical) punishment is not allowed in AISD

## **Level II Disciplinary Offenses**

**Level II Disciplinary offenses include but are not limited to:**

- False accusation of conduct that would constitute a misdemeanor
- Gang activity
- Harassment (student on student)
- Sexual Harassment (See page 68)
- Hazing
- Hit list
- Knife possession, not an illegal knife (pocket knives, razorblade, box cutter, etc.)
- Mace or pepper spray (not defined as a Level IV)
- Non-Title 5 felonies: A felony offense committed off campus that is not against another person. The school is notified by the police.
- Online impersonation
- Possession or use of fireworks of any kind, smoke or stink bombs, live ammunition or any other pyrotechnic device on an AISD campus
- Profanity/obscene gestures toward personnel
- Repetitive Level I offenses
- Resisting arrest
- Setting off the fire alarm (not defined as a Level IV Offense-False Alarm)
- Stealing/theft
- Threats (student on personnel/facility)
- Vandalism/criminal mischief (not a felony)
- Video or audio recording of students or employees for disruptive purposes
- Offenses Assault (Class C) (student on personnel, volunteer or visitor/parent) (Student may be removed on the first offense at the discretion of the Campus Behavior Coordinator)
- Assault (Class C) (student on student)
- Bullying
- Fighting, physical aggression, or major disruptive school behavior

- Possesses, uses, sells, or gives an e-cigarette or any tobacco related product (in accordance with House Bill 6, first-offense requires ISS placement for minimum of 10 school days)
- Possession of a pellet/BB gun or stun gun, brass knuckles, or club. Students may be removed on the first offense at the discretion of the Campus Behavior Coordinator.
- Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123.
- Engages in conduct that contains the elements of the offense of disruption of classes under Education Code 37.124.
- Possesses or uses an e-cigarette, as defined by Section 161.081, Health and Safety Code, except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information (see page 52 about first time offense and ISS placement)

A student may be removed from class and put in a DAEP under [TEC Section 37.008](#) based on something they do off campus and not at a school activity if:

- The superintendent or the superintendent's designee believes that the student did something that is a felony other than aggravated robbery or those defined in [Title V](#) of the Penal Code.
- The student stays in class, it will be unsafe for other students or may cause harm to the educational environment.
- The student is in a public-school fraternity, sorority, secret society, or gang, including as a member or pledge or trying to get another person to become a pledge or member.
- Involved in criminal street gang activity ([see glossary](#))

## Level II Disciplinary Actions

**Level II Disciplinary actions include but are not limited to:**

- Seating changes in the classroom or in District vehicles
- Counseling in lieu of other disciplinary actions (parent consent required) by teachers, counselors or school staff
- Restorative Practice/Circle
- A meeting of parents/guardians and administrator
- Taking away items that get in the way of school, with exceptions for accommodations and items allowed in an Individualized Education Plan (IEP)
- Agreements to improve behavior
- Sending the student to the office or other assigned area, or to in-school suspension
- Out of school suspension
- Sending the student to another classroom
- Detention
- Taking away the privilege of riding the bus
- Not allowing student to participate in extracurricular activities or hold honorary offices

- Consequences from student organizations' codes of conduct
- School probation if on a transfer
- Lowering grade for cheating, plagiarism or other offense
- Referral to an outside agency and/or legal authority for criminal prosecution in addition to discipline by the District
- Discretionary Removal to a District Alternative Education Program (DAEP) under these conditions:
  - o Physically threatening to a person or their property
  - o Continued persistent misbehavior in which interventions have not been successful

### **Level III Disciplinary Offenses**

#### **Mandatory Placement in a DAEP**

Offenses committed at school, including a parking lot, parking garage or other parking area owned by the school District; on a school bus; within 300 feet of the school; or at a school activity on or off school property [[TEC Section 37.005](#)] [District Policy FOC](#)

#### **Level III Disciplinary offenses include but are not limited to:**

- Committing an assault with injury
- Engages in conduct punishable as a felony
- Selling, giving, delivering, having, using, or being under the influence of a controlled substance or dangerous drug, in an amount that does not break a felony law (School-related felony drug offenses are addressed in Expulsion on page 56.) (See glossary for "under the influence", "controlled substance," and "dangerous drug.")
- Possesses, uses, or is under the influence of, or sells, gives, or delivers marijuana, THC, to another person within 300 feet of school property or at a school-related event. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
- Possesses, uses, sells, or gives an **e-cigarette** (Nicotine/Tobacco third and subsequent offenses) to another person within 300 feet of school property or at a school-related event.
- Selling, giving, or delivering an alcoholic beverage; breaking a serious rule or law while under the influence of alcohol.
- Having, using, selling, or being under the influence of alcohol.
- Breaking a law or behaving in a way that is close to breaking laws.
- The abuse of glue or aerosol paint or volatile chemicals;
- Public lewdness; indecent exposure.
- Breaking a law or behaving in a way that is close to breaking the law about harassment under [Section 42.07\(a\)\(1\), \(2\), \(3\), or \(7\), Penal Code](#), against an employee of the school District.
- Breaking a law or behaving in a way that is close to breaking the law about retaliation against any school employee, even if it's not at school (See the expulsion section for consequences of retaliation plus breaking another rule or law.)

- Makes a terroristic threat; false alarm or report ([see glossary](#)) (e.g., bomb threats).
- Engages in expellable conduct and is six to nine years of age
- Commits a federal firearms violation and is younger than six years of age.
- Is ordered by a juvenile court to attend a District DAEP as a condition of probation (this is for non-expelled students).

The student receives deferred prosecution [see Glossary], or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:

1. A felony offense under Title 5;
2. The offense of deadly conduct under Section 22.05;
3. The felony offense of aggravated robbery under Section 29.03;
4. The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or
5. The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section.

## **Level III Disciplinary Actions**

### **Mandatory Placement in a DAEP**

**Level III Disciplinary actions include but are not limited to:**

- Travis County Juvenile Department referral
- District Police and Security Services Department notification
- Emergency placement to the Disciplinary Alternative Education Program
- Mandatory extracurricular activities restriction
- Mandatory Off-Campus DAEP following a hearing
- Outside social services agencies referral
- Restitution/restoration, if applicable
- Completion of the required DAEP assignment for a student who owes time from another district

**Note: Students under the age of 6 cannot be assigned to a Disciplinary Alternative Education Program unless they break a federal firearms law. ([Texas Education Code 37.006](#)).**

## **Level IV Disciplinary Offenses and Actions**

### **Expulsion**

#### Level IV Disciplinary offenses:

A student **MUST** be expelled for doing any of the following things on or off school property, including a parking lot, parking garage, or other parking area owned by the school District, on a school bus or while at a school event, even if the event is not at a school [District Policy FOD](#).

NOTE: Students are subject to expulsion for certain offenses regardless of where the conduct occurs.

- Bringing to school a firearm, as defined by federal law as:
  - Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive.
  - The frame or receiver of any such weapon.
  - Any firearm muffler or silencer.
  - Any destructive device, such as any explosive, incendiary, or poison gas bomb or grenade.
- Use, Threat To Use, Exhibition, Threat to Exhibit, or possession of the following, pursuant to the Texas Penal Code:
  - A firearm (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).
  - A location-restricted knife, defined as a knife with a blade over five-and-a-half inches.
  - A prohibited weapon, such as an explosive weapon ([see glossary](#)); a machine gun; a firearm silencer; armor-piercing ammunition; a zip gun; or a tire deflation device.
- Behavior containing the elements of the following, pursuant to the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Kidnapping
  - Aggravated kidnapping
  - Burglary
  - Robbery
  - Aggravated robbery
  - Arson ([see glossary](#))
  - Behavior punishable as a felony that involves being under the influence of, possession or use of, or the selling, giving or delivering to another person: a controlled substance or dangerous drug.
  - Continuous sexual abuse of a young child or children.
  - Indecency with a child.
  - Murder, capital murder, or criminal attempt to commit murder or capital murder; manslaughter; or criminally negligent homicide.
  - Engages in conduct that contains the elements of an offense under [Section 22.01 of the Penal Code](#) (assault with injury is when a person intentionally, knowingly or

recklessly causes bodily injury to another, including the person's spouse)-against a school District employee or volunteer.

- o Aggravated robbery or felonies listed as offenses in Title 5 [see Glossary] of the Penal Code are punishable as mandatory expulsions.

## **Level IV Disciplinary Offenses and Actions**

### **Expulsion**

A student **MAY** be expelled for:

#### **Any Location**

A student **may** be expelled for:

- Engaging in bullying that encourages a student to die by suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Criminal mischief, if punishable as a felony.
- Breach of computer security. [see Glossary]
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
- A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.

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

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

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, unless the conduct is punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. [See Glossary for "under the influence."]
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in deadly conduct. [see Glossary]

### **Within 300 Feet of School**

A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.

### **Property of Another District**

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

### **While in a DAEP**

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

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

### **Certain Felonies**

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

- Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.



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

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

### **Hearing and Required Findings**

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

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

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

### **Length of Placement**

The student is subject to the placement until:

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

### **Placement Review**

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

### **Newly Enrolled Students**

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

### **Another School District**

A student also may be expelled for any offense if required by state law when the offense is on the property of another Texas school district or while the student is attending a school event at another Texas school district.

### **Serious Misbehavior**

A student may be expelled for serious misbehavior if a student is already in a DAEP and keeps breaking the rules even after the behavior has been corrected.

**Level IV Disciplinary actions include but are not limited to:**

- Travis County Juvenile Department referral
- District Police and Security Services Department notification
- Emergency placement to the Disciplinary Alternative Education Program
- Mandatory extracurricular activities restriction
- Mandatory Off-Campus DAEP following a hearing
- Mandatory Off-Campus JJAEP following a hearing
- Outside social services agencies referral
- Restitution/restoration, if applicable
- Completion of the required DAEP assignment for a student who owes time from another district

**Note: Students under the age of 6 cannot be assigned to a Disciplinary Alternative Education Program. ([Texas Education Code 37.006](#)). A student younger than 10 years old who commits an action for which they can be expelled under [TEC Section 37.007](#) will receive educational services in the District's DAEP.**

### **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 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).

### Frequently Asked Questions

<b>Question</b>	<b>Do I have the right to appeal if my child is removed to the DAEP or Expelled?</b>
<b>Answer</b>	Yes. The student and/or the student's parent or guardian will be given notice of the right to appeal a removal or expulsion decision. The appeal must be <b>made in writing and received by the District within seven District business days of the date of the assistant superintendent's expulsion order.</b>

<b>Question</b>	<b>What is the Safe &amp; Supportive School Program and Threat Assessment?</b>
<b>Answer</b>	When a student makes a threat but <b>has not yet caused some sort of physical pain, injury, damage, or hostile action to themselves or other students then the Safe and Supportive School Program team is responsible for removing punitive disciplinary options</b> such as: in-school suspension, out-of-school suspension, student expulsion, removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP). Positive Behavior Intervention and Supports (PBIS), recommended by the Texas Education Agency, should be replacing the punitive disciplinary options.

<b>Question</b>	<b>Can students experiencing homelessness be suspended?</b>
<b>Answer</b>	<p>A student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:</p> <ul style="list-style-type: none"> <li>• Conduct that contains the elements of a weapons offense, as provided in <u>Penal Code sections 46.02 or 46.05</u>;</li> <li>• Conduct that threatens the immediate health and safety of other students in the classroom;</li> <li>• Documented conduct that results in repeated or significant disruption to the classroom; or</li> <li>• 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 <u>[TEC Section 37.005]</u>.</li> </ul> <p>The District shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.</p>

<b>Question</b>	<b>How are suspensions determined?</b>
<b>Answer</b>	Students may be suspended for any behavior listed in the Student Success Guide. In addition, suspensions may be used for students who have committed a removal or expulsion offense and for whom a conference or hearing is pending. An out-of-school suspension can not exceed three school days, with no limit on the number of times a student may be suspended in a semester or school year.

Question	I have questions or concerns about Austin ISD Police, whom should I contact?
Answer	<p>If you have a question or concern regarding Austin ISD police or a specific Austin ISD officer, you may refer it to the Chief of Police or his designee by contacting him at:</p> <p><b>Phone:</b> Austin ISD Police Department 512-414-1703  <b>Email:</b> <a href="mailto:AISDPD@austinisdpolice.org">AISDPD@austinisdpolice.org</a>  <b>Location:</b> Austin ISD Police, 4000 S. I-H 35 Frontage Rd., 3rd Floor, Austin, TX 78704</p> <p>If an individual would like to file an official complaint, download the <a href="#">complaint form</a> and fill out required information asked on the form. Once information is documented please take the forms to Austin ISD Police Department Headquarters and ask to speak to a police supervisor for the initiation of a complaint.</p>

Question	How do students with disabilities advocate for themselves in the event of a removal?
Answer	<p>A student with disabilities may be removed to an appropriate Interim Alternative Education Setting (IAES), another setting, or suspended for not more than 10 consecutive school days (to the extent such alternatives would be applied to students without disabilities). School personnel must consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for the child with a disability who violates the Student Success Guide. Within 10 school days of any decision regarding a disciplinary change of placement due to a Code violation, the ARD committee must determine whether the behavior of the student is a manifestation of the student's disability. (<a href="#">SSG</a>)</p>

Question	Can the District monitor electronic device usage? Are there filters on students' District-issued devices?
Answer	<p>Yes. Electronic mail transmissions and other use of electronic communications shall not be considered confidential and may be monitored at any time by designated staff to ensure appropriate use for educational or administrative purposes. Each District computer with Internet access shall have a filtering device or software that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children's Internet Protection Act and as determined by the Superintendent or designee.</p>

Question	Can parents and students file a complaint to resolve conflict?
Answer	<p>The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrators who have the authority to address the concerns. In the event informal resolution has been attempted, but not resolved, a 30-day deadline at "Level One" begins to run when the student or parent first knew or should have known, of the decision or action that caused the complaint or grievance. Complaints and appeals under this policy shall be submitted in writing on <a href="#">a form</a> provided by the District.</p>

Question	Can my elementary student get suspended?
Answer	<p><b>A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension</b> unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:</p> <p>(1) conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;</p>

Question	Can my elementary student get suspended?
	<p>2) threatened the immediate health and safety of other students in the classroom; or</p> <p>3) engaged in repeated or significant disruption to the classroom, as determined by the campus administrator in agreement with the classroom</p> <p>(4) selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:</p> <ul style="list-style-type: none"> <li>• (A) marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;</li> <li>• (B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or</li> <li>• (C) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.</li> </ul>

## Glossary

**Abuse** is improper or excessive use.

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

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

**Antisemitism** is defined by Government Code section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

**Alternative Learning Center (ALC).** The Alternative Learning Center is the Disciplinary Alternative Education Program (DAEP) for the Austin Independent School District.

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

**Arson** is a crime that involves:

1. Starting a fire or causing an explosion with intent to destroy or damage:
  - a. Any vegetation, fence, or structure on open-space land; or
  - b. Any building, habitation, or vehicle:
    - i. Knowing that it is within the limits of an incorporated city or town;

- ii. Knowing that it is insured against damage or destruction;
  - iii. Knowing that it is subject to a mortgage or other security interest, knowing it is located on property belonging to another;
  - iv. Knowing that it is located within property belonging to another; or
  - v. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
- 2. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
- 3. Intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damaging or destroying a building belonging to another, or
  - b. Recklessly causing another person to suffer bodily injury or death.

**Assault** is defined in part by Texas Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Breach of Computer Security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school District; and the student knowingly alters, damages, or deletes school District property or information; or commits a breach of any other computer, computer network, or computer system.

**Bullying** means 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 a school District's board or the board's designee, the principal or other appropriate administrator determines:

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

This conduct is considered bullying if it:

1. Interferes with a student's educational opportunities; or
2. Substantially disrupts the operation of a classroom, school, school-sponsored or school-related activity.

The school has discipline authority if bullying:

1. Occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property
2. Occurs on a publicly- or privately-owned school bus or vehicle being used for transportation of the student to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity.

**Chemical Dispensing Device** is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. This category does not include a small chemical dispenser sold commercially for personal protection.

**Child Study Team (CST):** All campuses have a CST led by an administrator or designee. The purpose of the CST shall be to review student performance issues to provide and monitor interventions for students experiencing attendance, academic, and/or behavioral challenges not effectively addressed with Tier I and Tier II supports. CSTs shall provide a student support plan to be used prior to a referral for additional assessment to determine eligibility for services such as special education. CSTs shall develop student intervention plans, monitor intervention effectiveness and document student progress through the eCST tool.

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

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

**Criminal Street Gang** is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associates in the commission of criminal activities.

**Cyberbullying** is bullying that is done through the use of any electronic communication device, including through the use of cellular or other types of telephone, computer, camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

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

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

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

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

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

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

**Disciplinary Alternative Education Program (DAEP).** Is a disciplinary setting for secondary students that have had a due process conference or hearing and are removed or expelled from the traditional school setting. See ALC.

**Discretionary** means that something is left to or determined by a local decision-maker.

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

**eCST** is an electronic tool to document supports, meetings, and resources provided to a student by the Child Study Team.



**Elementary Disciplinary Alternative Education Program (EDAEP).** It is a disciplinary setting for elementary students that have had a due process conference or hearing and are removed or expelled from the traditional school setting.

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

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

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

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

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

Such a term does not include an antique firearm.

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

**Handgun** is defined by Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** is conduct that:

1. Meets the definition established in District policies DIA(LOCAL) and FFH(LOCAL); or
2. 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 or substantially harms another student's physical or emotional health or safety, as defined in Section 37.001 (b)(2) of the Education Code, 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.

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

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

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

**Holistic Approach to Conflict** would be to help students understand the nature of conflict, what defense mechanisms it triggers in them, and how to take responsibility for those feelings. This approach may equip students with the skills needed to approach the conflict so that all parties can move forward in a healthy way.

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

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

**Incremental Interventions** are disciplinary interventions that use a range of graded disciplinary actions and responses in order to control and manage behavioral issues.

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

**Juvenile Justice Alternative Education Program (JJAEP)** is a disciplinary setting for secondary students that have had a due process hearing and are expelled from the traditional school setting. Students are assigned to a JJAEP program as a result of violating Texas Education Code Chapter 37 listed offenses which include: 1) mandatory expulsion from their home school for serious infractions of the Student Code of Conduct, 2) discretionary expulsions for serious infractions that occur off-campus as well as other infractions of the Student Code of Conduct, or 3) are court ordered due to Title V offenses or probation conditions.

**Location-Restricted Knife** is defined by Texas Penal Code 46.01(6) as a knife with a blade of over five and one-half inches.

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

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

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

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

**Out-of-School Suspension** is defined as a temporary exclusion from school and school activities. Suspension from school may be used alone for violations of school rules or the Student Code of Conduct. In addition, suspensions may be used for students who have committed a removal or expulsion offense and for whom a conference or hearing is pending.

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

**Peer Mediation** is problem-solving youth-to-youth. In peer mediation, two or more students involved in a dispute meet in a private, safe, and confidential setting to work out problems with the assistance of a trained student mediator.

**Personal Communication Device** means a telephone, cell phone such as a smartphone or flipphone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication.

**Positive Behavioral Interventions and Supports (PBIS)** is an evidence-based three-tiered framework for improving and integrating all of the data, systems, and practices affecting student outcomes every day. It is a commitment to addressing student behavior through systems change.

**Possession** means actual care, custody, control, or management of an object or substance. A student shall be considered in possession of any substance or object prohibited or regulated by this code if the substance or object is:

1. On the student's person or in the student's personal property, including but not limited to the student's clothing, purse, telecommunications or electronic devices, book bag or briefcase;
2. 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;
3. Personal Communication Device or electronic devices; or
4. In any school property used by the student, including but not limited to a locker or a desk.

**Proactive Intervention:**

1. Being proactive is defined as serving to prepare for, intervene in, or control an expected occurrence or situation, especially a negative or difficult one; anticipatory proactive measures against crime.
2. Proactive interventions would anticipate a known behavior as opposed to reactive interventions, which are interventions that are used only once the behavior occurs. They are consequences (or reactions) to the behavior. The goal is to cut short the behavior to minimize damage.

**Progressive Discipline** uses incremental interventions, whenever possible, to address inappropriate behavior with the ultimate goal of teaching prosocial behavior.

**Prohibited Weapon** under Texas Penal Code 46.05(a) means:

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

**Prosocial Behaviors/Activities** are any actions intended to help others. One motivation for prosocial behavior is altruism, or the desire to help others with no expectation of reward.

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

**Public School Fraternity, Sorority, Secret Society, or Gang** means an organization composed wholly or in part of students seeking to perpetuate the organization by taking on additional members from a school's student population based on a decision by membership rather than by the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are exempted from this definition.

**Reasonable Belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct

punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information and must consider the information furnished in the notice of a student's arrest under Code of Criminal Procedure Article 15.27.

**Restorative Circle Process** is a community process for supporting those in conflict. It brings together the three parties to a conflict — those who have acted, those directly impacted, and the wider community — within an intentional systematic context to dialogue as equals. The restorative circle process should only be used for situations at campuses that have restorative practices fully and deeply implemented at Tier 1.

**School-wide Tiered Framework:** Positive Behavioral Interventions and Supports (PBIS) is a multi-tiered framework that is utilized to achieve important behavior changes. It requires adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students.

**Self-Defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect themselves.

**Serious misbehavior** means:

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

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

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

- Refusal to accept discipline assigned by the teacher or principal.

**Sexual harassment** of a student, including harassment committed by another student or third party, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples of sexual harassment of a student may include sexual advances; requesting nude photos, sharing nude photos of others, creating and/or distributing AI-generated photos of a sexual nature, creating fake or AI-generated photos or videos of other students, touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communications, including electronic communication and online communication.

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

**Student Support Centers (In-School Suspension)** are defined as a placement of a student in a location separate from the classroom under the supervision of a teacher or other staff person where the student continues to receive instruction in each course to the extent possible. This does not include time-out arrangements between teachers or specific behavior management programs operated by campuses.

**Suspension:** See listing for "Student Support Centers (In-School Suspension)" and "Out-of-School Suspension."

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

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building, room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other forms of conveyance; or other public place;

4. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other services;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

**Title V offenses** are those crimes listed in Title V of the Texas Penal Code that 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 die by suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.



[\[See FOC\(Legal\).\]](#)

**Under the Influence** means a student's faculties are noticeably impaired by alcohol and/or drugs though the student need not be legally intoxicated. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, and/or the presence of physical symptoms of drug or alcohol use or by admission.

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

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