

AUSTIN INDEPENDENT SCHOOL DISTRICT

STUDENT CODE OF CONDUCT



DRAFT 5-26-04

(Adopted by AISD Board of Trustees on August 5, 1996, Revised ~~August 11, 2003~~ June 14, 2004)

FO26E

Parents are requested to sign and return the receipt on Page 15

PURPOSE

Education in this community represents a significant commitment of financial and human resources. The benefits a student derives from this investment depend very much on the student's attitude toward learning and the student's adherence to high standards of behavior. The Student Code of Conduct that follows is the District's specific response to requirements of Chapter 37: Discipline; Law And Order of the Texas Education Code. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences. This code is an outgrowth of collaboration among District and campus staff, parents, and other community members. This Code, adopted by the Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct. In the case of conflict between the Student Code of Conduct and Board policy, the Student Code of Conduct will prevail.

The Superintendent shall not fail to establish and maintain a learning environment that is safe, conducive to effective learning and free from unnecessary disruption (Executive Limitations 15). The District's compliance with this directive will be measured utilizing an annual monitoring report.

References are made throughout this document to Chapter 37 of the Texas Education Code (TEC) which governs various aspects of the Student Code of Conduct. The TEC and AISD policies, regulations and exhibits concerning discipline and behavior management can be accessed on-line (TEC: <http://www.capitol.state.tx.us/statutes/statutes.html>, AISD policies, regulations and exhibits: <http://www.tasb.org/policy/pol/private/227901/>). You may also obtain ~~a copy of Chapter 37~~ copies from your school or by contacting the Office of the Superintendent, 1111 W. 6th Street, Austin, TX, 78703; Telephone (512) 414-2182.

Additional information related to student behavior is contained in each school's student handbook.

Parents who have questions or concerns about student discipline decisions arising from violations of the Code should contact the campus principal or Associate Superintendent.

Parents who have questions or concerns about discipline arising from violations of the Code for students with disabilities should contact the Department of Special Education.

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The Austin Independent School District does not discriminate on the basis of race, creed, color, national origin, age, gender, sexual orientation, disability, or English language skills in its programs and activities.

The Austin Independent School District believes that a valuable element of education is the development of respect for all individuals, regardless of race, color, creed, national origin, age, gender, sexual orientation, disability, or other personal attributes.

I. EXPECTATIONS FOR STUDENT BEHAVIOR

As stated in the Board of Trustees Results Policies 1, 6, and 7: All students will progress academically and intellectually, and will graduate prepared for personal success and inspired to contribute to society. In order to achieve this mission, all students will demonstrate the aptitude, attitude and skills to lead responsible, fulfilling, and respectful lives; and all students will understand the components of a healthy lifestyle. To ensure that students learn in an environment that is safe and free from disruption, each student is expected to:

- Demonstrate courtesy and respect for others;
- Behave in a responsible manner;
- Attend all classes regularly and on time;
- Prepare for each class; take appropriate materials and assignments to class;
- Be well-groomed and dress appropriately;
- Respect the rights and privileges of other students and of teachers and other District staff;
- Respect the property of others, including District property and facilities;
- Cooperate with or assist the school staff in maintaining safety, order and discipline; and,
- Avoid violations of the Student Code of Conduct.

A student whose behavior shows disrespect for others, including interference with their access to a public education and/or a safe environment, will be subject to disciplinary action. The District or individual schools may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be listed in the campus student handbooks or posted in classrooms and may or may not constitute violations of the Student Code of Conduct.

Discipline Authority

~~School rules and the authority of the District to administer discipline apply whenever the interest of the school is involved on or off school grounds in conjunction with or independent of classes and school-sponsored activities. The District has disciplinary authority over a student:~~

- ~~During the regular school day, when the student is within 300 feet of the school's real property boundary line, and while the student is going to and from school on District transportation;~~
- ~~During lunch periods in which a student is allowed to leave campus;~~
- ~~While the student is in attendance at any school-related activity, including summer school, regardless of time or location;~~
- ~~For any school-related misconduct, regardless of time or location;~~
- ~~When criminal mischief is committed on or off school property or at a school-related event;~~
- ~~When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;~~
- ~~When the student commits a felony offense in the community, as provided by Texas Education Code 37.006 or 37.0081;~~
- ~~Pursuant to any code of conduct adopted at the campus level relating to participation in a student club, organization, or extracurricular activity;~~
- ~~For certain mandatory DAEP and discretionary expulsion offenses, within 300 feet of school property as measured from any point on the school's real property boundary line; and~~
- ~~For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas.~~

In general, discipline will be designed to correct the misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action and the length of the assignment will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be related to, but not limited to, the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, whether the student was acting in self-defense, the effect of the misconduct on the school environment, and

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

These techniques may be used alone or in combination for Student Code of Conduct and non-Student Code of Conduct violations, such as campus or classroom rules:

- Verbal correction;
- Cooling-off time or "time-out;"
- Seating changes in the classroom;
- Counseling by teachers, counselors, or administrative personnel;
- Parent-teacher conferences;
- Confiscation of items that disrupt the educational process;
- Behavioral contracts;
- Sending the student to the office or other assigned area, or to in-school suspension;
- Assignment to another classroom;
- Detention;
- Assigned school duties other than class tasks;
- Withdrawing or restricting bus privileges;
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices;
- Techniques or penalties identified in individual student organizations' codes of conduct;
- School-assessed and school-administered probation;
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District; and/or,
- Other strategies and consequences as specified by the Student Code of Conduct or deemed appropriate by the campus administrators, such as suspension, removal, or expulsion.

Note: Corporal punishment is not permitted in AISD.

When disciplinary consequences require a conference or hearing, the school district will make a good-faith effort to inform the student and the student's parent or guardian of the time and place of the conference or hearing. The district may hold the conference or hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

Discipline Authority

School rules and the authority of the District to administer discipline apply whenever the interest of the school is involved on or off school grounds in conjunction with or independent of classes and school-sponsored activities. The District has disciplinary authority over a student:

- During the regular school day, when the student is within 300 feet of the school's real property boundary line, and while the student is going to and from school on District transportation;
- During lunch periods in which a student is allowed to leave campus;
- While the student is in attendance at any school-related activity, including summer school, regardless of time or location;
- For any school-related misconduct, regardless of time or location;
- When criminal mischief is committed on or off school property or at a school-related event;
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
- When the student commits a felony offense in the community, as provided by Texas Education Code 37.006 or 37.0081;
- Pursuant to any code of conduct adopted at the campus level relating to participation in a student club, organization, or extracurricular activity;
- For certain mandatory DAEP and discretionary expulsion offenses, within 300 feet of school property as measured from any point on the school's real property boundary line; and
- For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas.

Note: In addition to disciplinary consequences, misdemeanor and felony offenses committed on campus will be reported to and handled by the appropriate law enforcement agency.

II. GENERAL MISCONDUCT

A. DEFINITION OF GENERAL MISCONDUCT

Students are prohibited from:

- Cheating or copying the work of another;
- Throwing objects that can cause bodily injury or property damage;
- Leaving school grounds or school-sponsored events without permission;
- Use of profanity, vulgar language or obscene gestures;
- Possession of knives, bladed instruments, air guns, chemical dispensing devices, mace/pepper spray, fireworks, matches, replica firearms, electronic stunning devices, ammunition, and other dangerous items;
- Possession of a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- Fighting;
- Stealing, theft, robbery;
- Damaging or vandalizing property owned by others;
- Disobeying rules for conduct on school buses;
- Hazing;
- Failing to comply with directives given by school personnel;
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force;
- Gambling;
- Name-calling, ethnic or racial slurs, or derogatory statements that school officials have reason to believe will disrupt the school program or incite violence;
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence;
- Engaging in inappropriate physical or sexual contact;
- Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors;
- Possessing, selling, using, or distributing medicines that are available without a prescription in a manner that is not consistent either with the medicine's intended use as indicated on the manufacturer's labeling or with the campus rules concerning the handling of such medicines;
- Possessing or using matches or a lighter;
- Possessing, smoking, or using tobacco products;
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband;
- Possessing drug paraphernalia;
- Elementary and middle school students may not possess a paging device or cellular telephone while on school property or while attending school-sponsored or school-related activities. High school students may possess a paging device or cellular telephone but may not use them during the school day on school property;
- Behaving in any way that disrupts the school environment or educational process;
- Violating the district or campus dress code;
- Violating safety rules;
- Making false accusations or hoaxes regarding school safety;
- Repeatedly violating other communicated campus or classroom standards of behavior;
- Inappropriate and/or illegal use of the District's electronic communication system(s), including the Internet;
- Violating any local, state, or federal laws;
- Engaging in conduct that constitutes criminal mischief;
- Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities;

- Falsification of records, passes, or other school related documents, including paper records and computer records;
- Possession or distribution of pornographic materials; and
- Bullying, defined as aggressive behavior or intentional harm-doing which can be physical, verbal, or emotional, is carried out repeatedly over time, and occurs among students in which the student who bullies has more power than the target. (The power advantage may be due to age, size, ability, popularity, or other factors that create a power imbalance between the bully and the target.)

The following definitions apply throughout the code:

Use: this term means a student has smoked, ingested, injected, imbibed, inhaled, drunk, or otherwise taken internally a prohibited substance recently enough that it is detectable by the student's appearance, actions, breath, or speech.

Under the influence: this term means a student's faculties are noticeably impaired by alcohol and/or drugs, but 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.

Possession: this term 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, 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; or (3) in any school property used by the student, including but not limited to a locker or a desk.

B. CONSEQUENCES FOR GENERAL MISCONDUCT

Students who engage in general misconduct as defined in Part A will be disciplined. Campus administration will make a good faith effort to contact the parent/guardian concerning any violation of the Student Code of Conduct within a reasonable amount of time. Students will be disciplined through the use of any appropriate discipline management techniques as listed on page 4; by the removal of the student from the regular classroom environment and placement of the student at a disciplinary alternative education program (see III. B. "Removal to a Disciplinary Alternative Education Program"); or by the suspension of the student as provided below:

Removal by Teacher [TEC 37.002(b)(d)]

A teacher also has the authority to remove a student. A teacher may remove from class a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. [TEC 37.002(b)] A teacher or administrator may also remove a student from class for an offense for which a student may be suspended and/or placed in a disciplinary Alternative Education Program. [TEC 37.002(d)] The principal or appropriate administrator must send a copy of the teacher's documentation or of the Code of Conduct violation to the student's parent or guardian within 24 hours of receiving it.

Conference

When a student is removed from the regular classroom, a conference will be scheduled within three school days with the student's parent/guardian, the teacher, and the student. Pending the conference, the principal or other appropriate administrator may place a student:

- In another appropriate classroom.
- In in-school suspension.
- On suspension.
- In a disciplinary Alternative Education Program.

(See page 13 for students with disabilities.)

After the conference, the principal will notify the student and parent(s) of the consequences of the Student Code of Conduct violation. When a student has been formally removed from class, the principal or other administrator may not return the student to the teacher's class without the appropriate teacher's consent unless the Placement Review Committee (described below) determines that the teacher's class is the best or only alternative.

Placement Review Committee [TEC 37.003]

Each school will establish a three member committee composed of two teachers chosen by the faculty and one member chosen by the principal. In addition, there will be one alternate member chosen by the faculty. The purpose of this committee is to determine placement of a student when a teacher refuses the return of a student to the teacher's class and to make recommendations to the district regarding re-admission of expelled students

Suspension [TEC 37.005]

Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation, Disciplinary Alternative Education Program placement, or expellable offense. In addition, suspensions may be used for students who have committed a removal or expulsion offense and for whom a conference or hearing is pending. State law allows a student to be suspended from school for up to three school days per offense, with no limit on the number of times a student may be suspended in a semester or school year. (**See page 13 for students with disabilities.**) A student who is to be suspended will be afforded due process via an informal conference by the principal or other appropriate administrator advising the student of the conduct with which he or she is charged and giving the student the opportunity to explain his or her version of the incident. The duration of a student's suspension, which cannot exceed three school days, will be determined by the principal or other appropriate administrator. The parent or guardian will be notified. In the case of elementary students, parents will have the option of supervising their child at home or having their child assigned to the suspension program at Dill School, if space is available. Any restrictions on participation in school-sponsored or school-related extracurricular and noncurricular activities will be determined by the principal or other appropriate administrator.

III. DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)

A. BEHAVIOR SUBJECT TO REMOVAL TO A DAEP

Mandatory Removals

A student **must** be placed in a disciplinary Alternative Education Program if the student commits any of the following offenses on school property or within 300 feet of the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property [TEC 37.006]:

- Engaging in conduct punishable as a felony;
- Committing an assault with injury;
- Selling, giving, delivering, possessing, using or being under the influence of marijuana, a controlled substance, or a dangerous drug;
- Selling, giving, or delivering an alcoholic beverage; committing a serious act or offense while under the influence of alcohol;
- Possessing, using, or being under the influence of an alcoholic beverage;
- Behaving in a manner that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals;
- Behaving in a manner that contains the elements of the offense of public lewdness; and/or,
- Behaving in a manner that contains the elements of the offense of indecent exposure.

In addition, a student **must** be placed in a disciplinary Alternative Education Program if the student:

- Engages in conduct that contains the elements of the offense of retaliation against any school employee, regardless of where or when the conduct occurs. (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct);
- Making a terroristic threat; false alarm or report (e.g., bomb threats);

- Is ordered by a juvenile court to attend a district DAEP as a condition of probation (pertains to unexpelled students);
- Engages in conduct off-campus and while the student is not in attendance at a school-sponsored or school-related activity and:
 1. Is placed on deferred prosecution by Juvenile Court for conduct defined as a felony in Title 5 of the Penal Code (Title 5 includes both misdemeanor and felony offenses “against the person”);
 2. Is found to have engaged in delinquent conduct as specified by Title 5 of the Penal code; and/or,
 3. Is believed by the Superintendent or the Superintendent’s designee to have engaged in conduct defined as a felony offense in Title 5 of the Penal Code.

A student under 10 years of age who engages in expellable conduct described in Section 37.007 shall receive educational services in the district’s disciplinary Alternative Education Program. A student under the age of six may not be removed to a disciplinary alternative education program (as described in 37.008) unless they commit a federal firearms offense.

Discretionary Removals

A student **may** also be removed from class and placed in an alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

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

In addition, the Board or its designee will recommend placing students in a disciplinary Alternative Education Program who are found to be:

- Involved in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
- Involved in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of such a group.

A student **may** also be removed to a disciplinary alternative education program for serious or persistent misbehavior. The District defines "persistent" to be two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. A student may be removed for persistent misbehavior if behavior interventions have not been successful and it is determined that removal to a DAEP is necessary to improve the student’s behavior. The District defines "serious" offenses as offenses that pose physical danger to the student, others or to property.

B. REMOVAL TO A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM

The Board delegates to the principal the authority to remove a student to a disciplinary Alternative Education Program in which the student will be separated from the other students for the entire school program day and will be provided instruction in the core subjects with the goal of reaching/maintaining grade level. Counseling will also be provided to the student. The duration of a student’s placement in a DAEP will be determined on a case-by-case basis. The maximum period of a DAEP placement is a calendar year unless it is determined that the student is a threat to the safety of other students or to the District employees; or an extended placement is in the best interest of the student. The Board delegates to the Superintendent or designee the authority to consider appeals of such removals. The District will provide transportation for students assigned to a disciplinary Alternative Education Program, so long as the students behave appropriately. Secondary students will be removed to the Alternative Learning Center and elementary students will be removed to the Alternative Center for Elementary Students.

Teacher/Administrator Removal [37.006]

A teacher shall remove a student from class and send him/her to the principal or other appropriate administrator if the student engages in an offense specified under 37.006. When a violation of 37.006 is alleged, the principal or other appropriate administrator will schedule a conference with the student's parent, teacher, and the student within three school days of receiving the violation report. The duration of a student's placement in a disciplinary Alternative Education Program is the decision of the principal.

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

- In another appropriate classroom.
- In a disciplinary Alternative Education Program.
- In in-school suspension.
- On suspension.

At the conference, due process will be afforded. The principal or other appropriate administrator will explain the allegations against the student and give the student an opportunity to explain his or her version of the incident.

Appeal

The principal's decision to place a student in the disciplinary Alternative Education Program may be appealed to the Associate Superintendent (Level I), the Chief Academic Officer or designee (Level II), the Superintendent or designee (Level III), and the Board (Level IV). The student and/or the student's parent or guardian will be given notice of their right to appeal a removal. Any decision made on a student's appeal by the Board cannot be appealed. Consequences will not be deferred pending the outcome of an appeal.

A student and/or the student's parent or guardian may appeal to the Board the Superintendent's decision to continue placement after the district has received notification of the prosecutor's decision not to prosecute or a court finding that the student is not guilty or did not engage in delinquent conduct.

(See page 13 for students with disabilities.)

Participation in Activities

State law does not permit students who are in a disciplinary Alternative Education Program as a result of committing a violation, according to state law, requiring placement in a disciplinary Alternative Education Program, to participate in any school-sponsored or school-related extracurricular and noncurricular activities.

Review Every 120 days

A student placed in a disciplinary Alternative Education Program will be provided a review of the student's status by the principal or other appropriate administrator of the student's home school at intervals not to exceed 120 days. At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required under this subsection to provide in the District's Alternative Education Program a course not specified under Section 37.008(a). The student may not be returned to the classroom of the teacher who removed the student without the teacher's consent, unless it is determined by the Placement Review Committee that this is the best or only alternative available.

Removal Beyond the End of the School Year

For placement in a disciplinary Alternative Education Program to extend beyond the end of the school year, the principal or other appropriate administrator must determine that:

- ☐ The student's presence in the regular classroom or campus presents a danger of physical harm to students or others, ~~and/or~~
- ~~The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.~~

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

Emergency Placement in DAEP [Section 37.019]

In situations which the principal or other appropriate administrator consider to be an emergency, the principal may order the immediate placement of a student when a student is so unruly, disruptive, or abusive that the student's presence seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity. As required by law, the student will be given the appropriate conference required for placement in a DAEP within ten days.

Continuation of Placement in DAEP

A student's placement in a disciplinary Alternative Education Program (DAEP) may be continued (by another conference) if he or she fails to complete the requirements of a DAEP program during the term of his or her removal to such a program or engages in another offense for which placement in a DAEP is required or permitted.

Admission of Removed Students

The District will decide on a case-by-case basis the placement of a student who enrolls in the District and was assigned to a DAEP in another district, including a district in another state or an open-enrollment school. The District may place the student in the District's DAEP or a regular classroom setting.

IV. EXPULSION

A. OFFENSES SUBJECT TO EXPULSION [TEC 37.007]

Mandatory Expulsions

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

A firearm is 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 firearm silencer.
- Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade

Use, exhibition, or possession of the following, under the Texas Penal Code:

- A firearm.
- An illegal knife, such as a knife with a blade over 5 1/2 inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
- A club.
- A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition, or zip gun.

Behavior containing the elements of the following under the Texas Penal Code:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson.
- Murder, capital murder, or criminal attempt to commit murder or capital murder; manslaughter; or criminally negligent homicide.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.

- Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act while under the influence of alcohol
- Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity

Discretionary Expulsions

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

A student **may** be expelled for any of the following offenses if committed within 300 feet of the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson.
- Murder, capital murder, or criminal attempt to commit murder or capital murder;
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Committing a felony drug- or alcohol- related offense.
- Using, exhibiting, or possessing a firearm, an illegal knife, a club, or prohibited weapon.

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

- Engaging in conduct that contains the elements of an offense under Section 22.01, 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.
- Engaging in conduct that contains the elements of the offense of deadly conduct under 22.05 of the Penal Code.

A student **may** be expelled for any of the following offenses regardless of where the conduct takes place:

- Engaging in conduct that contains the elements of an offense under Section 22.01, Penal Code (assault with injury is when a person intentionally, knowingly or recklessly causes bodily injury to another, including the person's spouse) in retaliation against a school district employee or volunteer.
- Making a terroristic threat; false alarm or report (e.g., bomb threats) involving a public school.
- Criminal mischief if punishable as a felony.

A student **may** be expelled for any of the following offenses regardless of where the conduct takes place if it is against another student:

- Aggravated assault.
- Sexual assault.
- Aggravated sexual assault.
- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.
- Aggravated robbery.

A student may be expelled for serious or persistent misbehavior if a student is already in a disciplinary Alternative Education Program and continues to violate the District's Student Code of Conduct.

B. EXPULSION [TEC 37.007]

The Board delegates the authority to expel students to the Superintendent or Superintendent's designee. A student under 10 years of age who engages in expellable conduct described in Section 37.007 shall receive educational services in the district's disciplinary Alternative Education Program. A student under the age of six may not be removed to a disciplinary alternative education program (as described in 37.008) unless they commit a federal firearms offense. The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period for an expulsion is a calendar year unless it is determined that the student is a threat to the safety of other students or to the District employees; or an extended placement is in the best interest of the student. Students who commit offenses requiring expulsion at the end of one school year may be expelled into the next school year to complete the assigned term of expulsion. **(See page 13 for students with disabilities.)**

Hearing and Notice

The principal or other appropriate administrator will schedule a hearing within a reasonable time with the student's parents, the teacher, and the student. The student's parent or guardian will be invited in writing to attend the hearing. If the school district makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. [37.009(f)]

Placement Pending Hearing

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

- In another appropriate classroom.
- In a disciplinary Alternative Education Program.
- In in-school suspension.
- On emergency expulsion.
- On suspension.

Due Process

A student facing expulsion will be given appropriate due process as required by the U. S. Constitution. The student is entitled to:

- The right to an adult representative who is not a District employee or legal counsel who can provide guidance to the student.
- An opportunity to testify and to present evidence and witnesses in the student's defense.
- An opportunity to question the District's witnesses.

Notification

After the hearing, notification of the principal's or other appropriate administrator's recommendation will be provided in writing. If the student is to be expelled, not later than the second business day after the hearing, the Board's designee will deliver to the juvenile court a copy of the order expelling the student and information required by Section 52.04 of the Family Code.

Firearm Violations

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or designee may modify the length of the expulsion on a case-by-case basis. Expelled students may receive educational services in the District's disciplinary Alternative Education Program or the Juvenile Justice Alternative Education Program. Students under the age of ten shall receive educational services in the district's disciplinary Alternative Education Program.

Admission of Expelled Students

The District will decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or open-enrollment charter school and who requests admission into the District.

Participation in Activities

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

Academic Credit

No District academic credit will be earned for work missed during the period of expulsion [unless the student is enrolled in a Juvenile Justice Alternative Education Program].

Appeal

The student and/or the student's parent or guardian will be given notice of their right to appeal an expulsion. Appeals must be made within seven (7) school days of receipt of the expulsion order. Expulsion recommendations are made by the campus administration. Expulsion orders are approved by the Associate Superintendent. Expulsions can be appealed to the Chief Academic Officer or designee (Level II), the Superintendent or designee (Level III), and the Board (Level IV). The decision of the Board may be appealed by trial de novo to the Travis County District Court. Consequences will not be deferred pending the outcome of an appeal.

Emergency Expulsion [Section 37.019]

In an emergency, the principal or other appropriate administrator **may** order the immediate expulsion of a student when the continued presence of the student on campus poses a danger of imminent harm to persons or property. When an emergency expulsion occurs, the student and parent and/or guardian will be given oral notice of the reason for the action. This will be followed by written notification.

A student who is expelled on an emergency basis will be released to the student's parent, parent's representative, medical providers, or law enforcement authorities. Within a reasonable amount of time after the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion. For a student with disabilities the term of the student's emergency expulsion is subject to the requirements of federal law.

V. Placement In A Juvenile Justice Alternative Education Program [Tec 37.011]

Students who are expelled under the provisions of this Student Code of Conduct and who are subsequently placed on probation by the Travis County Juvenile Court will be ordered by the Court to attend an alternative education program operated by the Court.

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

VI. Students With Disabilities Under The Individuals With Disabilities Education Act (IDEA)

A student with disabilities may be ordered to an appropriate interim alternative education setting, another setting, or supervision (to the extent such alternatives would be applied to students without disabilities).

The placement of a student with a disability who receives special education may be changed by a duly constituted Admission, Review, and Dismissal (“ARD”) committee. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes if the student does not also meet the criteria for alternative placement in Section 37.006(a) or 37.007(a).

A student with disabilities may be removed to an appropriate interim alternative placement for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 days if: (1) the student carries a weapon to school or to a school function; or (2) the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

If such a disciplinary action is taken, or if the change in placement will exceed 10 days, the parent will be notified of the decision and given their procedural safeguards. Additionally, no later than 10 school days after the date on which the decision to take that action is made, the ARD committee shall make a manifestation determination review. The ARD committee must determine whether the behavior of the student is a manifestation of the student’s disability.

When making a manifestation determination, the ARD committee shall consider all relevant information, including evaluation and diagnostic results, such results or other relevant information supplied by the parents of the student, observations of the student, and the student’s IEP and placement. The ARD committee must determine: (1) in relationship to the behavior subject to disciplinary action, the student’s IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student’s IEP and placement; (2) the student’s disability did not impair the ability of the student to understand the impact and consequences of the behavior; and (3) the student’s disability did not impair the ability of the student to control the behavior.

If the student’s behavior is not a manifestation of the student’s disability, the regular disciplinary procedures will be followed with the exception that students that have been suspended or expelled from school are entitled to a free and appropriate public education.

Nothing in the code shall be construed to prohibit the school district from reporting a crime committed by a student with a disability to appropriate authorities. The school district must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the authorities to whom it reports the crime.

Students With Disabilities Under Section 504 Of The Rehabilitation Act Of 1973

A student eligible under Section 504 shall not be removed to an alternative education program or expelled unless the District first determines that the misbehavior is not a manifestation of the student's disability. That determination may be made by the same group of people who make placement decisions (LST/504 Committee.) The group must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior. At a minimum, the group shall include persons knowledgeable about the student and the meaning of the evaluation data.

Texas Education Code Section 37.0021: Use Of Confinement, Restraint, Seclusion, And Time-Out

(a) It is the policy of this state to treat with dignity and respect all students, including students with disabilities who receive special education services under Subchapter A, Chapter 29. A student with a disability who receives special education services under Subchapter A, Chapter 29, may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

(b) In this section:

(1) "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

(2) "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

(A) is designed solely to seclude a person; and

(B) contains less than 50 square feet of space.

(3) "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

(A) that is not locked; and

(B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

(c) A school district employee or volunteer or an independent contractor of a district may not place a student in seclusion. This subsection does not apply to the use of seclusion in a court-ordered placement, other than a placement in an educational program of a school district, or in a placement or facility to which the following law, rules, or regulations apply:

(1) the Children's Health Act of 2000, Pub. L. No. 106-310, any subsequent amendments to that Act, any regulations adopted under that Act, or any subsequent amendments to those regulations;

(2) 40 T.A.C. Sections 720.1001-720.1013; or

(3) 25 T.A.C. Section 412.308(e).

(d) The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

(1) be consistent with:

(A) professionally accepted practices and standards of student discipline and techniques for behavior management; and

(B) relevant health and safety standards; and

(2) identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a district to be trained before using that practice or technique.

(e) In the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Subchapter A, Chapter 29, the rule adopted under Subsection (d) controls.

(f) For purposes of this subsection, "weapon" includes any weapon described under Section 37.007(a)(1). This section does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

(1) the student possesses a weapon; and

(2) the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

(g) This section and any rules or procedures adopted under this section do not apply to:

(1) a peace officer while performing law enforcement duties;

(2) juvenile probation, detention, or corrections personnel; or

(3) an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

Policy Against Sex Discrimination in the Austin Independent School District

Title IX of the Education Amendments of 1972, Public Law 93-318, and regulations thereunder, require that school districts not discriminate against students on the basis of sex in educational programs and activities. Sexual harassment is a form of sexual discrimination.

If you have a question or concern about sex discrimination in an educational program or activity within the Austin Independent School District, please contact ~~Adreayn Wilson (414-1481)~~, Mel Waxler (414-3974) the Title IX coordinator for the Austin Independent School District.

Student Code of Conduct Acknowledgment

Dear Student and Parent:

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

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

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

Thank you.

(Cut here and return to your child's school.)

RECEIPT OF STUDENT CODE OF CONDUCT

Student's Name: _____ Date of Birth: _____ Grade: _____

STUDENT: I have received, read or have had explained to me the contents of the Austin Independent School District Student Code of Conduct.

Student Signature: _____ Date: _____

PARENT, GUARDIAN, OR PERSON RESPONSIBLE: I acknowledge receipt of the Austin Independent School District Student Code of Conduct. I have reviewed the contents of the Student Code of Conduct with my child, in a manner appropriate for my child's age and developmental level, and agree to help my child abide by it.

Parent/Guardian/Person Responsible Signature: _____ Date: _____

(NOTE: Failure to sign and return this receipt does not take away the responsibility to abide by the contents of the Student Code of Conduct.)