

## Legislative bills from the 88th Legislative Session that affect the Student Code of Conduct:

- House Bill (HB) 114 amends Chapter 37 to make clear that conference, hearing, and review provisions in 37.009(a) apply to all removals for mandatory placement in a Disciplinary Alternative Education Program (DAEP) and mandatory expulsions. This bill requires a student to be placed in the DAEP if the student possesses, uses, or is under the influence of, or sells, gives, or delivers marijuana, THC, or an e-cigarette to another person within 300 feet of school property or at a school-related event. The requirement for mandatory expulsion for felony marijuana, THC, and alcohol-related conduct has been removed. In addition, the bill allows a program of educational and support services to be provided to a student and parents for an offense involving e-cigarettes.

If a DAEP is at capacity, a student who commits an offense related to marijuana, THC, e-cigarettes, alcohol, or abusable volatile chemicals shall be placed in in-school suspension (ISS) until a place in a DAEP becomes available or the period of the student's placement ends. If a DAEP is at capacity when a student who engaged in violent conduct needs to be placed, a district may move a student placed in DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical to ISS to make room for the student who engaged in violent conduct. If a district removes a student from a DAEP to ISS, the student must be returned to a DAEP if a place becomes available before the end of the period of placement.

- House Bill (HB) 3928 amends Chapter 37 to require the district to provide information to a student's parent or person standing in parental relation to the student about the process for requesting a full individual and initial evaluation of the student for purposes of special education services both when a student is placed in the DAEP under Section 37.006 and as part of the student's personalized transition plan developed by the campus administrator.
- Senate Bill (SB) 37 amends Chapter 37 to remove the requirement for a report of hazing or planned hazing to be submitted in writing. The bill allows a report to be made to a peace officer or law enforcement agency, in addition to a dean of students or other institutional official. The bill also provides immunity from liability for any person, including an entity organized to support an organization, who reports a specific hazing incident to certain people, including a peace officer or law enforcement agency, if the person makes the report before being contacted by the educational institution or law enforcement agency and cooperates in good faith with the investigation conducted by the institution or law enforcement agency.
- House Bill (HB) 1427 expands the offense of harassment under Penal Code 42.07 to include making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

**Note:** This is not an inclusive list of all Legislative bills passed.

The *Model Student Code of Conduct* has been lightly edited throughout for clarity and to incorporate recent changes that have been made to other policies. We encourage administrators to read through the entire *Model* carefully, especially the Editorial Notes, and add the district's unique text to the TASB 2023-24 editable template rather than revising a previous district Code of Conduct to make sure that all changes are included in the district's 2023-24 Code of Conduct.

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*Student Code of Conduct*

<b>Text</b>
<b>Student Code of Conduct</b>
<b>Accessibility</b>
If you have difficulty accessing the information in this document because of disability, please contact Sarah Dvorak
<b>Purpose</b>

The Student Code of Conduct (“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.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences, including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Code of Conduct has been adopted by the *Ezzell ISD* board of trustees and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code of Conduct 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.

## Student Code of Conduct

Text
In accordance with state law, the Code of Conduct shall be posted at each school campus or shall be available for review at the campus principal’s office. Additionally, the Code of Conduct shall be available at the campus behavior coordinator’s office and posted on the district’s website. 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.
Because the Code of Conduct is adopted by the district’s board of trustees, it has the force of policy. In the event of a conflict between the Code of Conduct and the Student Handbook, the Code of Conduct shall prevail.
<b>Please note:</b> 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.

<b>Text</b>
<b>School District Authority and Jurisdiction</b>
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 disciplinary authority over a student: <ol style="list-style-type: none"><li>1. During the regular school day;</li><li>2. While the student is traveling on district transportation;</li><li>3. During lunch periods in which a student is allowed to leave campus;</li><li>4. At any school-related activity, regardless of time or location;</li><li>5. For any school-related misconduct, regardless of time or location;</li><li>6. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;</li><li>7. When a student engages in cyberbullying, as defined by Education Code 37.0832; 8.</li></ol> When criminal mischief is committed on or off school property or at a school-related event; <ol style="list-style-type: none"><li>9. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;</li><li>10. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;</li><li>11. When the student commits a felony, as provided by Education Code 37.006 or 37.0081;</li><li>and 12. When the student is required to register as a sex offender.</li></ol>
<b>Campus Behavior Coordinator</b>
As required by law, a person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal or any other campus administrator

Text
selected by the principal. The <b>CBC</b> is primarily responsible for maintaining student discipline. The campus CBC will be the principal
<b>Threat Assessment and Safe and Supportive School Team</b>
The <b>CBC</b> -or other appropriate administrator will work closely with the campus threat assessment <b>and</b> 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 <b>of Conduct</b> .

Text
<b>Security Personnel</b>
The board <b>utilizes</b> guardian personnel <b>to ensure the security and protection of students, staff, and property</b> . In accordance with law, the board has coordinated with the <b>CBC</b> and other district employees to ensure appropriate law enforcement duties are assigned to <b>these persons</b> .
<b>“Parent” Defined</b>

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

<b>Text</b>
<b>Participating in Graduation Activities</b>
<p>The district has the right to limit a student’s participation in graduation activities for violating the district’s Code of Conduct.</p> <p>Participation might include a speaking role, as established by district policy and procedures.</p> <p>Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered eligible, a student shall not have engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.</p> <p>The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct that resulted in an out of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.</p>
<b>Unauthorized Persons</b>



In accordance with Education Code 37.105, a school administrator and law enforcement shall have the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and:

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

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's

Text
grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 calendar days, unless the complaint is resolved before a board hearing.
See <b>DAEP—Restrictions During Placement</b> on page 44 for information regarding a student assigned to DAEP at the time of graduation.

Text
<b>Standards for Student Conduct</b>

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

## General Conduct Violations

Text
<b>General Conduct Violations</b>
The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on <b>Out-of-School Suspension</b> on page 30, <b>DAEP Placement</b> on page 32, <b>Placement and/or Expulsion for Certain Offenses</b> on page 50, and <b>Expulsion</b> on page 54, those offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in <b>Removal from the Regular Educational Setting</b> as detailed on page 28.
<b>Disregard for Authority</b>

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

### **Mistreatment of Others**

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 50.)

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## *General Conduct Violations*

### **Text**

- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

<ul style="list-style-type: none"> <li>• Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee, board member, or volunteer.</li> </ul>
<ul style="list-style-type: none"> <li>• Engage in conduct that constitutes dating violence. (See <b>glossary</b>.)</li> </ul>
<ul style="list-style-type: none"> <li>• Engage in inappropriate or indecent exposure of private body parts.</li> <li>• Participate in hazing. (See <b>glossary</b>.)</li> <li>• Coerce an individual to act through the use or threat of force.</li> <li>• Commit extortion or blackmail.</li> <li>• Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.</li> </ul>

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*General Conduct Violations*

<b>Text</b>
<ul style="list-style-type: none"> <li>• Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.</li> </ul>
<b>Property Offenses</b>

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 50.)
  - Deface or damage school property, including textbooks, technology and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
  - Steal from students, staff, or the school.
  - Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 50.)
- Enter, without authorization, district facilities that are not open for operations.

*General Conduct Violations*

**Text**

**Possession of Prohibited Items**

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
  - A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
  - A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
  - An air gun or BB gun;
  - Ammunition;
  - A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;

- \*A location-restricted knife;
- \*A club;
- \*A firearm;

*General Conduct Violations*

Text
<ul style="list-style-type: none"> <li>• A stun gun;</li> <li>• Knuckles;</li> </ul>
<ul style="list-style-type: none"> <li>• Mace or pepper spray;</li> <li>• Pornographic material;</li> </ul>
<ul style="list-style-type: none"> <li>• Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e cigarette device;</li> </ul>
<ul style="list-style-type: none"> <li>• Matches or a lighter;</li> </ul>
<ul style="list-style-type: none"> <li>• A laser pointer, unless it is for an approved use; or</li> </ul>

*General Conduct Violations*

Text

<ul style="list-style-type: none"> <li>• Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.</li> </ul> <p>*For weapons and firearms, see <b>DAEP—Placement and/or Expulsion for Certain Offenses</b> on page 50. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.</p>
<p><b>Possession of Telecommunications or Other Electronic Devices</b></p>
<p>Students shall not:</p> <ul style="list-style-type: none"> <li>• Use a telecommunications device, including a cell phone, or other electronic device in violation of district and campus rules.</li> </ul>
<p><b>Illegal, Prescription, and Over-the-Counter Drugs</b></p>
<p>Students shall not:</p>

*General Conduct Violations*

<p><b>Text</b></p>
<ul style="list-style-type: none"> <li>• Possess, use, give, or sell alcohol or an illegal drug. (Also see <b>DAEP Placement</b> on page 32 and <b>Expulsion</b> on page 54 for mandatory and permissive consequences under state law.)</li> <li>• Possess or sell seeds or pieces of marijuana in less than a usable amount.</li> <li>• Possess, use, give, or sell paraphernalia related to any prohibited substance. (See <b>glossary</b> for “paraphernalia.”)</li> </ul>

<ul style="list-style-type: none"> <li>• Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.</li> </ul>
<ul style="list-style-type: none"> <li>• Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See <b>glossary</b> for “abuse.”)</li> <li>• Abuse over-the-counter drugs. (See <b>glossary</b> for “abuse.”)</li> <li>• Be under the influence of prescription or over-the-counter drugs that cause impairment to body or mind. (See <b>glossary</b> for “under the influence.”)</li> </ul>
<ul style="list-style-type: none"> <li>• Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.</li> </ul>

*General Conduct Violations*

<b>Text</b>
<b>Misuse of Technology Resources and the Internet</b>



Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.

- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.

- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- 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.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying 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 at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

**Text**

**Safety Transgressions**

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

**Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.

**Text**

- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.

- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

<b>Text</b>
<p><b>Discipline Management Techniques</b></p> <p>Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices.</p> <p>Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.</p>
<p><b>Students with Disabilities</b></p>

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 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.

*Discipline Management Techniques*

<b>Text</b>
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.
<b>Techniques</b>
The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Code of Conduct or by campus or classroom rules: <ul style="list-style-type: none"><li>• Verbal correction, oral or written.</li><li>• Cooling-off time or a brief "time-out" period, in accordance with law.</li><li>• Seating changes within the classroom or vehicles owned or operated by the district.</li><li>• Temporary confiscation of items that disrupt the educational process.</li><li>• Rewards or demerits.</li><li>• Behavioral contracts.</li><li>• Counseling by teachers, school counselors, or administrative personnel.</li><li>• Parent-teacher conferences.</li></ul>

*Discipline Management Techniques*

<b>Text</b>
<ul style="list-style-type: none"><li>• Behavior coaching.</li><li>• Anger management classes.</li><li>• Mediation (victim-offender).</li><li>• Classroom circles.</li><li>• Family group conferencing.</li></ul>
<ul style="list-style-type: none"><li>• Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.</li></ul>
<ul style="list-style-type: none"><li>• Detention, including outside regular school hours.</li></ul>
<ul style="list-style-type: none"><li>• Sending the student to the office, another assigned area, or to in-school suspension (ISS).</li></ul>
<ul style="list-style-type: none"><li>• Assignment of school duties, such as cleaning or picking up litter.</li><li>• Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.</li></ul>
<ul style="list-style-type: none"><li>• Penalties identified in student organizations' extracurricular standards of behavior.</li></ul>

*Discipline Management Techniques*

<b>Text</b>
<ul style="list-style-type: none"> <li>• Restriction or revocation of district transportation privileges.</li> </ul>
<ul style="list-style-type: none"> <li>• School-assessed and school-administered probation.</li> </ul>
<ul style="list-style-type: none"> <li>• Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.</li> </ul>

*Discipline Management Techniques*

<b>Text</b>
<ul style="list-style-type: none"> <li>• Out-of-school suspension, as specified in <b>Out-of-School Suspension</b> on page 30.</li> <li>• Placement in a DAEP, as specified in <b>DAEP</b> on page 32.</li> <li>• Expulsion and/or placement in an alternative educational setting, as specified in <b>Placement and/or Expulsion for Certain Offenses</b> on page 50.</li> <li>• Expulsion, as specified in <b>Expulsion</b> on page 54.</li> <li>• Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.</li> <li>• Other strategies and consequences as determined by school officials.</li> </ul>
<b>Prohibited Aversive Techniques</b>

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
  - Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.

**Text**

- 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).

## Notification

The **CBC** shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The **CBC** shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code.

A good-faith effort shall be made to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the **CBC** shall send written notification by U.S. Mail. 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.

## Text

### Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or **CBC**, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the **CBC** office, or the central administration office or through Policy Online® at the following address: [www.ezellisd.org](http://www.ezellisd.org)

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).



*Removal from the School Bus*

<b>Text</b>
<b>Removal from the School Bus</b>
<p>A bus driver may refer a student to the principal's office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.</p> <p>To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal may restrict or revoke a student's transportation privileges, in accordance with law.</p>

*Removal from the Regular Educational Setting*

<b>Text</b>
<b>Removal from the Regular Educational Setting</b>
<p>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.</p>
<b>Routine Referral</b>

A routine referral occurs when a teacher sends a student to the **CBC** 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.

### **Formal Removal**

A teacher may initiate a formal removal from class if:

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

Within three school days of the formal removal, the **CBC** or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

**Text**

At the conference, the **CBC**-or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the **CBC**-or other administrator may place the student in:

- Another appropriate classroom.
- **ISS**
- Out-of-school suspension.
- DAEP.

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.

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

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

A student who has been formally removed by a teacher for any other conduct may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

<b>Text</b>
<b>Out-of-School Suspension</b>
<b>Misconduct</b>

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

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student 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 contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students 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

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

### Text

Before being suspended a student shall have an informal conference with the CBC-or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The CBC-shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-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.

### **Coursework During Suspension**

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, 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.

#### **Text**

### **Disciplinary Alternative Education Program (DAEP) Placement**

The DAEP shall be provided in 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 4 and secondary classification shall be grades 5–12.
Summer programs provided by the district shall serve students assigned to a DAEP separately from those students who are not assigned to the program.
A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.
In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the <b>CBC</b> shall take into consideration: <ol style="list-style-type: none"> <li>1. Self-defense (see <b>glossary</b>),</li> <li>2. Intent or lack of intent at the time the student engaged in the conduct,</li> <li>3. The student’s disciplinary history,</li> </ol>

*Disciplinary Alternative Education Program (DAEP) Placement*

<b>Text</b>
<ol style="list-style-type: none"> <li>4. A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct,</li> <li>5. A student’s status in the conservatorship of the Department of Family and Protective Services (foster care), or</li> <li>6. A student’s status as homeless.</li> </ol>
<b>Discretionary Placement: Misconduct That May Result in DAEP Placement</b>
A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code of <b>Conduct</b> .
<b>Misconduct Identified in State Law</b>

<p>In accordance with state law, a student <b>may</b> be placed in a DAEP for any of the following offenses:</p> <ul style="list-style-type: none"> <li>• Engaging in bullying that encourages a student to commit or attempt to commit suicide.</li> <li>• Inciting violence against a student through group bullying.</li> <li>• 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.</li> <li>• Involvement in a public school fraternity, sorority, or secret society, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See <b>glossary</b>.)</li> </ul>
<ul style="list-style-type: none"> <li>• Involvement in criminal street gang activity. (See <b>glossary</b>.)</li> </ul>

*Disciplinary Alternative Education Program (DAEP) Placement*

<b>Text</b>
<ul style="list-style-type: none"> <li>• Any criminal mischief, including a felony.</li> </ul>
<ul style="list-style-type: none"> <li>• Assault (no bodily injury) with threat of imminent bodily injury.</li> <li>• Assault by offensive or provocative physical contact.</li> </ul>

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see **glossary**) that the student engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see **glossary**) of the Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

*Disciplinary Alternative Education Program (DAEP) Placement*

<b>Text</b>
The <b>CBC-may</b> place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.
<b>Mandatory Placement: Misconduct That Requires DAEP Placement</b>
A student <b>must</b> be placed in a DAEP if the student:
<ul style="list-style-type: none"> <li>Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See <b>glossary</b>.)</li> </ul>

*Disciplinary Alternative Education Program (DAEP) Placement*

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**Text**

- Commits the following offenses on school property, 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:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see **glossary**) under Penal Code 22.01(a)(1).
- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance; ~~or a~~ dangerous drug in an amount not constituting a felony offense. (**School-related felony drug offenses are addressed in Expulsion on page 56.**) (See **glossary** for "under the influence", "controlled substance," and "dangerous drug.")
- **Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC.** 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.
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol;
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- **Sells, gives, or delivers to another person or possesses or uses an e-cigarette.**
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)

**Text**

<ul style="list-style-type: none"> <li>Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).</li> </ul>
<ul style="list-style-type: none"> <li>Engages in expellable conduct and is six to-nine years of age.</li> </ul>
<ul style="list-style-type: none"> <li>Commits a federal firearms violation and is younger than six years of age.</li> </ul>

*Disciplinary Alternative Education Program (DAEP) Placement*

Text
<ul style="list-style-type: none"> <li>Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in <b>Expulsion</b> on page 54.)</li> </ul>
<ul style="list-style-type: none"> <li>Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see <b>glossary</b>) of the Penal Code when the conduct occurs off school property and not at a school sponsored or school-related event and:             <ol style="list-style-type: none"> <li>The student receives deferred prosecution (see <b>glossary</b>),</li> <li>A court or jury finds that the student has engaged in delinquent conduct (see <b>glossary</b>), or</li> <li>The superintendent or designee has a reasonable belief (see <b>glossary</b>) that the student engaged in the conduct.</li> </ol> </li> </ul>

## Sexual Assault and Campus Assignments

A student shall be placed in DAEP if:

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### *Disciplinary Alternative Education Program (DAEP) Placement*

<b>Text</b>
<ul style="list-style-type: none"><li>• The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and</li><li>• The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus.</li></ul>
<b>Process</b>
Removals to a DAEP shall be made by the <b>CBC</b>
<b>Conference</b>

When a student is removed from class for a DAEP offense, the **CBC**-or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and, in the case of a teacher removal, the teacher.

At the conference, the **CBC**-or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

*Disciplinary Alternative Education Program (DAEP) Placement*

<b>Text</b>
<p><b>Consideration of Mitigating Factors</b></p> <p>In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the <b>CBC</b>-shall take into consideration:</p> <ol style="list-style-type: none"> <li>1. Self-defense (see <b>glossary</b>),</li> <li>2. Intent or lack of intent at the time the student engaged in the conduct,</li> <li>3. The student's disciplinary history,</li> <li>4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,</li> <li>5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or</li> <li>6. A student's status as homeless.</li> </ol>
<p><b>Placement Order</b></p>

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.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in a DAEP and the length of placement is inconsistent with the guidelines included in this Code **of Conduct**, the placement order shall give notice of the inconsistency.

*Disciplinary Alternative Education Program (DAEP) Placement*

Text
<b>DAEP at Capacity</b>
<p><b>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.</b></p> <p><b>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.</b></p>
<b>Coursework Notice</b>

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete, at no cost to the student, a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation. The notice shall include information regarding all methods available for completing the coursework.

**Length of Placement**

The **CBC** shall determine the duration of a student's placement in a DAEP.

*Disciplinary Alternative Education Program (DAEP) Placement*

Text
<p>The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.</p>
<p>The maximum period of DAEP placement shall be one calendar year, except as provided below.</p>
<p>Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.</p>
<p>The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.</p>
<b>Exceeds One Year</b>
<p>Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.</p>

*Disciplinary Alternative Education Program (DAEP) Placement*

<b>Text</b>
<p>The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.</p>
<p><b>Exceeds School Year</b></p>
<p>Students who are in a DAEP placement 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.</p> <p>For placement in a DAEP to extend beyond the end of the school year, the <b>CBC</b> or the board's designee must determine that:</p> <ol style="list-style-type: none"> <li>1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or</li> <li>2. The student has engaged in serious or persistent misbehavior (see <b>glossary</b>) that violates the district's Code of <b>Conduct</b>.</li> </ol>
<p><b>Exceeds 60 Days</b></p>
<p>For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.</p>
<p><b>Appeals</b></p>
<p>Questions from parents regarding disciplinary measures should be addressed to the campus administration.</p> <p>Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the <b>CBC</b> office, the central administration office, <a href="http://www.ezellisd.org">www.ezellisd.org</a></p>

*Disciplinary Alternative Education Program (DAEP) Placement*

Text
Appeals shall begin at <i>Level One</i> with the <i>superintendent</i> .
The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.
Restrictions During Placement
State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.  <b>and</b>  The district does not permit a student who is placed in a DAEP to participate in any school sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

*Disciplinary Alternative Education Program (DAEP) Placement*

Text
A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's <del>(IEP)</del> or Section 504 plan.



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

### **Placement Review**

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the **CBC** or the 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 be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### **Text**

### **Additional Misconduct**

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

### **Notice of Criminal Proceedings**

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication (see **glossary**), or deferred prosecution will be initiated, or
2. The court or jury found a student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

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

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

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

### *Disciplinary Alternative Education Program (DAEP) Placement*

<b>Text</b>
If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.
<b>Withdrawal During Process</b>

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

**Newly Enrolled Students**

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

*Disciplinary Alternative Education Program (DAEP) Placement*

Text
<p>When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.</p>
<p>State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.</p>
Emergency Placement Procedure
<p>When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.</p>

**Transition Services**

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See policy FOCA(LEGAL) for more information.

*Disciplinary Alternative Education Program (DAEP) Placement*

**Text**

*Placement and/or Expulsion for Certain Offenses*

**Text**

**Placement and/or Expulsion for Certain Offenses**

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

**Registered Sex Offenders**

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

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

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

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

*Placement and/or Expulsion for Certain Offenses*

<b>Text</b>
<b>Review Committee</b>
<p>At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.</p> <p>The placement review of a student with a disability who receives special education services must be made by the ARD committee.</p>
<b>Newly Enrolled Students</b>
<p>If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.</p>
<b>Appeal</b>

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

### **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**

**Text**

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.
<b>Length of Placement</b>
The student is subject to the placement until: <ol style="list-style-type: none"> <li>1. The student graduates from high school,</li> <li>2. The charges are dismissed or reduced to a misdemeanor offense, or</li> <li>3. The student completes the term of the placement or is assigned to another program.</li> </ol>
<b>Placement Review</b>
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 <b>CBC</b> -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.
<b>Newly Enrolled Students</b>
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.

<b>Text</b>
<b>Expulsion</b>



In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, 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.

### **Discretionary Expulsion: Misconduct That May Result in Expulsion**

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement** on page 32.)

#### **Any Location**

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit 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.

#### **Text**

- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.

<ul style="list-style-type: none"> <li>• Engaging in conduct that contains the elements of one of the following offenses against another student: <ul style="list-style-type: none"> <li>• Aggravated assault.</li> <li>• Sexual assault.</li> <li>• Aggravated sexual assault.</li> <li>• Murder.</li> <li>• Capital murder.</li> <li>• Criminal attempt to commit murder or capital murder.</li> <li>• Aggravated robbery.</li> </ul> </li> <li>• Breach of computer security. (See <b>glossary</b>.)</li> </ul>
<ul style="list-style-type: none"> <li>• Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.</li> </ul>

<b>Text</b>
<b>At School, Within 300 Feet, or at a School Event</b>
A student <b>may</b> 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, 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 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.

*Expulsion*

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<b>Text</b>
<ul style="list-style-type: none"> <li>• Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.</li> </ul>
<ul style="list-style-type: none"> <li>• Engaging in deadly conduct. (See <b>glossary</b>.)</li> </ul>
<p><b>Within 300 Feet of School</b></p>
<p>A student <b>may</b> be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:</p> <ul style="list-style-type: none"> <li>• Aggravated assault, sexual assault, or aggravated sexual assault.</li> <li>• Arson. (See <b>glossary</b>.)</li> <li>• Murder, capital murder, or criminal attempt to commit murder or capital murder.</li> </ul>

*Expulsion*

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<b>Text</b>
<ul style="list-style-type: none"> <li>• Indecency with a child.</li> <li>• Aggravated kidnapping.</li> <li>• Manslaughter.</li> <li>• Criminally negligent homicide.</li> <li>• Aggravated robbery.</li> </ul>
<ul style="list-style-type: none"> <li>• Continuous sexual abuse of a young child or disabled individual.</li> </ul>
<ul style="list-style-type: none"> <li>• Felony <b>controlled substance or dangerous drug offenses, not including THC.</b></li> <li>• Unlawfully carrying on or about the student’s person a handgun or a location-restricted knife, as these terms are defined by state law. (See <b>glossary</b>.)</li> <li>• Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See <b>glossary</b>.)</li> <li>• Possession of a firearm, as defined by federal law. (See <b>glossary</b>.)</li> </ul>
<p><b>Property of Another District</b></p>
<p>A student <b>may</b> 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.</p>
<p><b>While in a DAEP</b></p>
<p>A student may be expelled for engaging in documented serious misbehavior that violates the district’s <b>Code of Conduct</b>, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:</p> <ol style="list-style-type: none"> <li>1. Deliberate violent behavior that poses a direct threat to the health or safety of others;</li> </ol>

Text
<p>2. Extortion, meaning the gaining of money or other property by force or threat;</p> <p>3. Conduct that constitutes coercion, as defined by Penal Code 1.07; or</p> <p>4. Conduct that constitutes the offense of:</p> <ul style="list-style-type: none"> <li>a. Public lewdness under Penal Code 21.07;</li> <li>b. Indecent exposure under Penal Code 21.08;</li> <li>c. Criminal mischief under Penal Code 28.03;</li> <li>d. Hazing under Education Code 37.152; or</li> <li>e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.</li> </ul>
Mandatory Expulsion: Misconduct That Requires Expulsion
<p>A student <b>must</b> be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:</p>
Under Federal Law
<ul style="list-style-type: none"> <li>• Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See <b>glossary</b>.)</li> </ul>

Text
<p><b>Note:</b> Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.</p>
Under the Penal Code

<ul style="list-style-type: none"><li>• Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:</li></ul>
<ul style="list-style-type: none"><li>• A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See <b>glossary</b>.) <i>Note:</i> A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]</li></ul>
<ul style="list-style-type: none"><li>• A location-restricted knife, as defined by state law. (See <b>glossary</b>.)</li></ul>
<ul style="list-style-type: none"><li>• Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See <b>glossary</b>.)</li></ul>

<p><b>Text</b></p>
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<ul style="list-style-type: none"> <li>• Behaving in a manner that contains elements of the following offenses under the Penal Code: <ul style="list-style-type: none"> <li>• Aggravated assault, sexual assault, or aggravated sexual assault.</li> <li>• Arson. (See <b>glossary</b>.)</li> <li>• Murder, capital murder, or criminal attempt to commit murder or capital murder.</li> <li>• Indecency with a child.</li> <li>• Aggravated kidnapping.</li> <li>• Aggravated robbery.</li> <li>• Manslaughter.</li> <li>• Criminally negligent homicide.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Continuous sexual abuse of a young child or disabled individual.</li> </ul>
<ul style="list-style-type: none"> <li>• Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of -a controlled substance-<del>or</del> a dangerous drug.</li> <li>• Engaging in retaliation against a school employee or volunteer combined with one of the above listed mandatory expulsion offenses.</li> </ul>
<p><b>Under Age Ten</b></p>
<p>When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.</p>

<b>Text</b>
<b>Process</b>

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

Until a hearing can be held, the **CBC**-or other administrator may place the student in:

- Another appropriate classroom.
- **ISS**
- Out-of-school suspension.
- DAEP.

### Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

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

The hearing shall be conducted by the board of trustees and the decision to expel shall be made by the board.

**[OR]**

### Text

The board of trustees delegates to the superintendent authority to conduct hearings and expel students.



### **Board Review of Expulsion**

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

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

### **Expulsion Order**

Before ordering the expulsion, the board or **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.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the *principal* shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

### **Length of Expulsion**

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

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

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

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

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

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

**Text**

### **Withdrawal During Process**

When a student's conduct requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the **CBC**-or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

### **Additional Misconduct**

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the **CBC**-or the board may issue an additional disciplinary order as a result of those proceedings.

### **Restrictions During Expulsion**

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

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

<b>Newly Enrolled Students</b>
The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.
<p>If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:</p> <ol style="list-style-type: none"> <li>1. The out-of-state district provides the district with a copy of the expulsion order, and</li> <li>2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.</li> </ol> <p>If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period</p>

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<b>Text</b>
<p>of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:</p> <ol style="list-style-type: none"> <li>1. The student is a threat to the safety of other students or district employees, or</li> <li>2. Extended placement is in the best interest of the student.</li> </ol>
<b>Emergency Expulsion Procedures</b>

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

### **DAEP Placement of Expelled Students**

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

### **Transition Services**

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA(LEGAL) and FODA(LEGAL) for more information.

**Text**

**Glossary**

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by 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.

**Armor-piercing ammunition** is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is defined in part by Penal Code 28.02 as 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:
    - (1) Knowing that it is within the limits of an incorporated city or town,
    - (2) Knowing that it is insured against damage or destruction,
    - (3) Knowing that it is subject to a mortgage or other security interest,
    - (4) Knowing that it is located on property belonging to another,
    - (5) Knowing that it has located within it property belonging to another, or
    - (6) When the person 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 if 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 Penal Code 22.01 as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or 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** is defined as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

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 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;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

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

1. 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;
2. 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
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**Chemical dispensing device** is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Club** is defined by Penal Code 46.01 as an instrument, specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk.

**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, 1-B, 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 tetrahydrocannabinols (THC) in hemp.

**Criminal street gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyberbullying** is defined by Education Code 37.0832 as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, 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.

**Discretionary** means that something is left to or regulated 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.

**Explosive weapon** is defined by Penal Code 46.01 as 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 other emergency that he or she knows is false or baseless and that would ordinarily:

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

**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 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 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 as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** includes:

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