

2024- 2025

STUDENT
Code of Conduct



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Vision and Mission

Vision

Dallas ISD seeks to be a premier urban school district

Mission

Educating all students for success

Welcome to Dallas ISD's Student Code of Conduct. The basic philosophy of the District's reimagined discipline system is rooted in restorative practices to support campuses in developing a culture that is conducive to the growth of "habits of thinking" as it relates to adult and student behaviors.

This handbook contains information that parents, guardians and students must know to ensure a successful school year. The *Student Code of Conduct* is required by state law and is intended to promote a positive learning environment and safe schools. More information regarding District policies and procedures may be found in board policies and the *Student Handbook*.

Dallas ISD board policies, as well as state and federal law, are legal guidelines that bind the District, its employees, and students. Such policies and laws take precedence over the information in this *Student Code of Conduct*, and any conflicts between such shall be interpreted and resolved in compliance with and in favor of board policy and/or applicable laws.

1.1 Overview and Purpose

The Dallas Independent School District's 2024-2025 *Student Code of Conduct* has been revised to comply with state law as delineated in Chapter 37, Safe Schools Act, and Texas Education Code. The revised code is a collaborative effort between central and campus staff, parents/guardians, and other concerned community members. The *Student Code of Conduct*, as adopted by the Dallas ISD Board of Trustees, articulates specific expectations regarding appropriate conduct to all students, parents/guardians, teachers, and school administrators of the Dallas ISD. In accordance with state law, the Code shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the District's website.

The four key functions of the *Student Code of Conduct* are to:

- describe behavior that builds a positive environment for learning;
- delineate specific examples of student misconduct;
- define penalties that will be imposed for specific misconduct; and
- provide for District consistency in the matter of student discipline.

Levels I, II, III and IV Behaviors:

The law requires that the District define and communicate to students and parents/guardians, student behavioral expectations and the various kinds of misconduct that may, or in some cases, must result in disciplinary actions. The District's *Student Code of Conduct* categorizes these infractions as Level I, II, III, and IV Offenses.

Level I – Violations of classroom rules:

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

Level II – Reset Center and/or optional removal to a Disciplinary Alternative Education Program:

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

Level III – Mandatory placement in a DAEP:

- Criminal offenses as defined in Level III. All offenses listed in Level III are according to TEC Chapter 37.006.

Level IV – Expulsion:

- Offenses that include those which a student may be expelled under state law TEC 37.007

In general, disciplinary actions will be designed not merely to correct misconduct, but to teach appropriate ways to behave by identifying the root cause in order to encourage and motivate students to become responsible citizens of the school community. District personnel will be responsible for implementing all accessible prevention and intervention measures, to the extent possible, prior to taking punitive action. These measures would include a range of District programs and the services of specialized personnel, as well as appropriate community resources that are available to students and families. In all cases prior to a student being removed to a disciplinary alternative education placement, teachers, administrators, and campus behavior coordinators will draw from a range of current discipline management techniques and consider the following factors:

- seriousness of the offense
- student's age
- grade level
- ability and functioning level
- student's apparent mindset
- effect of the misconduct on the school environment
- statutory requirements
- self-defense, as defined in the *Student Code of Conduct*
- intent or lack of intent at the time student engaged in the misconduct
- student's disciplinary history (frequency of misbehavior)
- a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct
- a student's status in the conservatorship of the Department of Family and Protective Services; or
- a student's status as a student who is homeless

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

Level IV Offenses may mandate interaction with the judicial system. A Memorandum of Understanding (MOU) exists between the Dallas Independent School District and Dallas County Juvenile Board. The MOU must be carefully observed in order to provide a DCJJAEP that meets the needs of both the District and the community through the provision of quality, rehabilitative services to the expelled youth of Dallas County.

1.2 Free Appropriate Public Education (FAPE)

Students shall not be excluded or limited from continued school participation, as a result of a violation of the student code of conduct and/or misbehavior without invoking the school's disciplinary procedures. Such exclusions are considered informal disciplinary removals, and informal disciplinary removals are subject to the same legal requirements as formal disciplinary removals and may cause the school to violate the procedural or FAPE (Free Appropriate Public Education) requirements.

1.3 The District's Right to Discipline

When students do not show respect for others, whether they are causing problems that disrupt learning or put safety at risk, they are subject to disciplinary action. In other words, when students violate the *Student Code of Conduct*, there will be certain actions taken.

The Dallas Independent School District may discipline a student:

- during the regular school day and while a student is going to and from school on District buses;
- while the student is attending any school-related activity no matter when or where it takes place;
- for certain Level III and IV Offenses that occur within 300 feet of school property as measured from any point on the real property boundary line;
- for any Level IV Offense committed while a student is:
 - a. on school property;
 - b. at a school-related event on or off school property;
 - c. on the school property of another Texas school district;
 - d. attending another district's school-sponsored or school-related activity; or
 - e. off school property.
- when a school employee or volunteer is a victim of retaliation no matter when or where it takes place;
- when a felony is committed, as provided in the Texas Education Code 37.006 or 37.0081; or
- when criminal mischief is committed on or off school property or at a school-related event (felony level).

1.4 Standards of Student Conduct

The District is committed to the rights of students as recognized and protected under state and federal laws. In addition, the District has enumerated certain expectations (responsibilities) regarding student behavior that, when adopted by students, effect a positive influence on the school and community. A proper balance between rights and responsibilities is essential if the District is to provide the kinds of educational experiences that promote self-responsibility and enhance educational opportunities for all students.

Five standards of student conduct are offered as guides to the development of Campus Classroom Rules for each campus, as well as a districtwide model. These standards assert that responsible students should be encouraged and taught to:

- Exercise self-control
- Demonstrate a positive attitude
- Respect the rights and feelings of others
- Take responsibility for school property
- Support the learning process

The districtwide plan to promote positive student conduct in conjunction with the campus/classroom rules is designed to maintain order in the school, foster a climate of mutual respect for the rights of others, and teach students that they are responsible for conducting themselves in a manner appropriate to their age and level of maturity.

2.0 OVERVIEW OF RESPONSIBILITIES AND PROCESSES

Achieving and maintaining a positive learning environment for students at school and/or school-related activities is a collaborative effort and the responsibility of stakeholders:

2.1 Student Responsibilities

- Exhibit the highest standards of behavior to create a positive and welcoming school atmosphere
- Develop constructive student relationships with peers and school personnel
- Contribute to the overall safety of the campus and campus community by reporting anything that would threaten an individual or the school community; if you see something, say something
- Adhere to District, school, classroom, and school-related activity rules and regulations consistent with this Code and campus specific procedures

2.2 Parent Responsibilities

- Support District, school, classroom, and school-related activity rules for student behavior and ensure that their children conduct themselves according to the District standards.
- Provide the school with their current domicile address and, when available, current telephone numbers and email addresses.
- Ensure student attendance at school. By state law, student attendance is the responsibility of parents and guardians.
- Provide the appropriate school personnel with any student information that will affect the student's ability to learn and the student's behavior.
- Read, acknowledge, and understand these rules and the rules applicable to their children's conduct while they are at school.

2.3 Teacher Responsibilities

- Establish classroom-management procedures that promote good student conduct and positive learning environments.
- Contribute to the academic and social/motional growth of all students.
- Develop constructive and positive relationships with peers, students, and parents.
- Support and adhere to all school and District policies, procedures, and regulations.

2.4 Administrator/Campus Behavior Coordinator (CBC) Responsibilities

- Maintain student management and the implementation of any student management actions under the Chapter 37, Texas Education Code
- Review campus level student management data monthly to see what changes need to be made to reduce Student Code of Conduct infractions [Texas Education Code Sec. 37.0012]
- Develop with all members of the school community an effective School-Based Student Management plan that promotes and maintains the support of good student behavior.
- Monitor all school systems to ensure that they are conducive to the academic and social/ emotional growth of all students.
- Develop constructive and positive relationships with peers, students, and parents.
- Implement progressive student management techniques that include positive behavioral interventions and supports.
- Ensure and protect staff and student's rights to due process procedures.
- Promptly notify parents/guardians of any violation of the Code that results in a discretionary or mandatory action (i.e., Reset Center placement, loss of bus privileges, DAEP, etc.)
- Support and adhere to all school and District policies, procedures, and regulations.

2.5 Campus Behavior Coordinator Discipline Process

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

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

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

2.6 CBC'S Role in Level I Offenses and Actions

37.0012 TEC. The campus behavior coordinator is primarily responsible for maintaining effective discipline in the school environment. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct adopted under Section 37.001 (Student Code of Conduct) that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the Student Code of Conduct.

Investigation Process:

1. The campus behavior coordinator/administrator should thoroughly investigate all behavioral incidents within a timely manner.
2. This investigation should involve all parties to ensure details and information are collected in order to make the appropriate behavioral decision.
3. This decision should be determined in the best interest of the students involved and the school environment.
4. The campus behavior coordinator shall schedule the conference/hearing within three days (Texas Education Code Sec. 37.009)
5. The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort and exhaust all reasonable means to contact the parent or guardian to provide written notice of the disciplinary action to the student, on the day the action is taken. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.
6. Considerations: Before ordering the removal from the regular classroom setting, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the campus behavior coordinator must consider the following: seriousness of the offense, student's age, grade level, ability and functioning level, student's apparent mindset, effect of the misconduct on the school environment, statutory requirements, whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history (frequency of misbehavior), whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action, a student's status in the conservatorship of the Department of Family and Protective Services, or a student's status as a student who is homeless [Texas Education Code Sec. 37.001 (a) (4)].
7. In the event the offense is not a DAEP or JJAEP removal, please utilize additional behavioral supports which are required in conjunction with other non-punitive actions listed:
 - Referral to School Counselor
 - Student Support Team (SST) Process
 - Implementation of individualized MTSS/Engagement Plan(s)
 - Behavior Intervention Plan under Section 504 or IDEA is required
 - School Counselor may refer student(s) to intensive support service; example: Mental Health Services, and Youth & Family Center

Note: Please consult with a District officer for Assaults, Major School Altercations (fights), Pellet/BB Gun or Stun Gun, Brass Knuckles or Club and Level III & Level IV Offenses.

Removals from the regular classroom setting are not permissible for PK – 2nd grade students that commit any Level I Offenses.

2.7 Parental Questions or Complaints

When parents/guardians have questions or complaints (also called grievances) regarding disciplinary actions, they should talk to the teacher or the campus administrator, as appropriate and in accordance with FNG (LOCAL). Parents/guardians may get a copy of the policy from the principal's office or the handbook can be accessed online at www.dallasisd.org. However, the consequence will not be delayed while waiting for the outcome of a grievance.

If parent concerns cannot be satisfied at the campus level, they can also contact the Parent Advocacy Office at 972-925-3505 or parentadvocacy@dallasisd.org.

2.8 Student and Parent Acknowledgment

The Dallas Independent School District shall foster a climate of mutual respect for the rights and privileges of students, teachers, and District personnel. The student's responsibilities for fostering this climate of mutual respect and achieving a positive learning environment at school and/or school-related activities shall include the following:

- Engage in restorative practices as a way of working with conflict that puts the focus on repairing the harm that has been done. This approach to conflict resolution includes all parties involved
- Show respect toward others
- Conduct yourself in a responsible manner
- Attend all classes each day on time and be prepared to respectfully and actively engage with teachers and peers
- Adhere to District and school dress guidelines
- Obey all behavior expectations outlined in the Student Code of Conduct and campus student management plan
- Know that the possession, use, and/or sale of illegal or unauthorized drugs, alcohol, and weapons are unlawful and prohibited
- Understand that all cell phones must not be visible and must be turned off during instruction time, unless given permission by a teacher or campus administrator.
- Report threats and/or misconduct by any students or staff members to the principal or administrator
- Comply with the Acceptable Use Policy for Computers and Technology
- Understand that principals, coaches, and sponsors of extracurricular activities may develop and enforce standards of conduct that are higher than the District-developed Student Code of Conduct
- Appropriately wear Dallas ISD badges at school and/or school-related activities

The purpose of this Student Code Conduct is to inform all students and parents of their rights and responsibilities and Dallas ISD's expectations regarding student behavior. Please sign this form and return it to the school. Signatures of parent(s)/guardian(s) and the student acknowledging the existence of the *Student Code of Conduct* and where it is located on the Dallas ISD website, available at www.dallasisd.org.

_____	_____	_____	
Student Printed Name	Student Signature	Date	
_____	_____	_____	
Parent or Guardian Printed Name	Parent or Guardian Signature	Date	
_____	_____	_____	
Parent or Guardian Printed Name	Parent or Guardian Signature	Date	
_____	_____	_____	_____
Student ID Number	Grade	Homeroom (if applicable)	School Name

Note: Place original form in student's cumulative folder.

3.0 GENERAL GUIDELINES AND NOTIFICATIONS

3.1 Student Management

Student Management does not solely focus on the behavior. It also helps students become responsible members of the school community and the larger community in which they live.

The District takes a proactive approach to addressing behaviors and will intervene to mitigate inappropriate behaviors from getting worse before taking disciplinary actions. The District uses special programs and trained personnel for prevention and intervention; and uses community resources that are available to students and their families.

3.2 Educator-Student Relationships

The Texas Penal Code Subchapter F, Section 9.62 provides that: “The use of force, but not deadly force, against a person is justified: (1) if the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and (2) when and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.”

Further, TEC 22.0512 provides that; “A professional employee of a school district may not be subject to disciplinary proceedings for the employee’s use of physical force against a student to the extent justified under Section 9.62 of the Penal Code.”

3.3 Reporting a Crime

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

3.4 False Accusations

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

3.5 Self-Defense

In accordance with Chapter 37 of the Texas Education Code, prior to a removal from a regular classroom setting to a disciplinary alternative education program or expulsion, school districts must consider self-defense as a factor in the decision to order such removal. Under the *Student Code of Conduct* self-defense is defined as, “the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.”

3.6 Physical Restraint

Within the scope of an employee’s duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

- 3.6.1 Protect a person, including the person using physical restraint, from physical injury (FO (LOCAL))
- 3.6.2 Obtain possession of a weapon or other dangerous object (FO (LOCAL))
- 3.6.3 Protect property from serious damage (FO (LOCAL))
- 3.6.4 Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures, that further the purpose of education and/or are necessary to maintain discipline in a group. (FO (LOCAL) & FO(LEGAL))

NOTE: A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF(LEGAL)]

For physical restraint guidelines regarding students with disabilities, refer to The Use of Restraints on Students with Disabilities section in the Student Code of Conduct, in accordance with FOF(LEGAL).

3.7 Campus Classroom Expectations

In order to establish a positive school climate in which every student can achieve his or her potential, each school is required to develop campus classroom rules that address the kinds of minor misbehaviors that impede the educational process in the classroom or school.

This plan is developed through a committee comprised of administrators, campus behavior coordinator, parents/guardians, teachers, students, support personnel, and community representatives. From the committee's collaborative effort, a consensus regarding minor offenses, student responsibilities, and discipline management techniques for school offenses only is reached. Campus Classroom Rules and the *Student Code of Conduct* are designed as guidelines for determining behavior expectations and should be disseminated or communicated to the school community. Teachers should also utilize effective [strategies for classroom management](#) to help minimize misbehaviors.

It should be noted that once an offense has gone beyond the designation of "school" and is listed as a Level I, II, III, or IV Offense, the regulations (responses) set forth in the District's *Student Code of Conduct* apply.

The *Student Code of Conduct* applies districtwide and cannot be added to, deleted from, changed, or modified without approval of the Board of Trustees. The *Student Code of Conduct* must be displayed in every school in a location accessible to all students, parents/guardians, or community members.

3.8 Offensive Language

It is the position of the Dallas ISD Board of Trustees that the use of offensive language in the school environment is unacceptable and tends to create a hostile work and educational environment. Such language includes, but is not limited to, the use of slurs or offensive language related to race, ethnicity, gender and/or gender orientation, disability and religious beliefs. In order to maintain a safe and appropriate educational environment for students and employees, all District employees are required to report such violations of the *Student Code of Conduct* to the appropriate campus administrator. The actions for such behavior are listed under the category of Level I Offenses.

3.9 Extracurricular Activities

With approval of school leadership administration and the school principal, sponsors and coaches of extracurricular activities may develop and enforce standards of conduct that are higher than the District-developed *Student Code of Conduct*. Adherence to these higher standards may be required for a student to establish and maintain membership and eligibility for participation in those activities. These organizational standards of behavior are independent of the *Student Code of Conduct*, and violations may result in independent disciplinary action by the school.

Students shall be informed of any extracurricular behavior standards for the organization in conjunction with tryout, practice, or acceptance/induction into membership.

Students and their parents/guardians shall sign and return to the sponsor or coach a statement acknowledging recognition of the extracurricular behavior standards and consent to abide by them as a condition of membership or participation in the activity.

A student may be removed from membership or participation in extracurricular activities or may be excluded from school honors for violation of organizational standards of behavior or for violations of the *Student Code of Conduct*.

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

4.0 SPECIAL EDUCATION SERVICES

For more details or to request help from Special Education Services, please visit <https://www.dallasisd.org/Page/82967> or call (972) 581-4100. You may also email the department at NotifySPED@dallasisd.org Special Education Services provides support on the following, but not limited to:

- Full & Individual Evaluations
- Individualized Educational Programs, Supports, and Services
- Manifestation Determination Reviews
- Functional Behavioral Assessments
- Behavior Specialist Consultation
- Behavior, De-escalation, & CPI Trainings
- Counseling as a related service
- Redirection & Wraparound Intensive Network Classrooms

4.1 Students with Disabilities Under the Individuals with Disabilities Education Act (“IDEA”)

The discipline of students with disabilities is subject to applicable state and federal law in addition to the *Student Code of Conduct*. To the extent any conflict exists, the District shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LLEGAL).

In deciding whether to order a removal to the Reset Center, DAEP placement, or expulsion, the District will take into consideration a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct. TEC 37.001 (a)(4) Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. TEC 37.004

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. TEC 37.004(c)–(d), FOF(Legal)

School personnel may remove a student with a disability who violates a Student Code of Conduct from his or her current placement to an appropriate interim alternative educational setting, or another setting, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities. 20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)

In accordance with the Education Code, a student receiving special education services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. TEC 37.001 (b-1)

School personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). 34 C.F.R. 300.530(b)(1)

After a student has been removed from his or her current placement for ten school days in the same school year, for any additional removals that do not constitute a change of placement, services must be provided starting on the 11th day, in consultation with at least one of the student’s teachers to determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s individualized education program (IEP). 20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student’s current educational placement for more than ten school days; or
2. Subjected to a series of removals that constitute a pattern because;
 - a. The series of removals total more than ten school days in a school year;
 - b. The student’s behavior is substantially similar to the student’s behavior in the previous incidents that resulted in the series of removals; and
 - c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The District determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The District’s determination is subject to review through due process and judicial proceedings. 34 C.F.R. 300.536

HB3928 DAEP Information Requirements: To provide information to a student’s parent/guardian about the process for requesting a special education initial evaluation when a student is placed in a Disciplinary Alternative Education Program (DAEP) and/or when a student transitions back to the regular campus.

4.2 District Knowledge of Students with Disabilities

The District shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

- (1) the parent of the student expressed concern in writing to supervisory or administrative personnel of Dallas ISD, or to a teacher of the student that the student is in need of special education and related services
- (2) the parent of the student requested an initial evaluation to determine if the child qualifies as a child with a disability under IDEA
- (3) the teacher of the student or other personnel of Dallas ISD directly expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education services or to other supervisory personnel of the District.

EXCEPTION: Dallas ISD shall not be deemed to have knowledge that the student is a disabled student if the parent/guardian of the student has not allowed an evaluation of the student or has refused special education services or the student has been evaluated and it was determined that the student was not eligible for special education services. Additionally, in cases where the student has previously been determined eligible and has been receiving special education services, but the parent/guardian or adult student has withdrawn consent for provision of Special Education services, Dallas ISD will be deemed to have no knowledge that the student is a disabled student. FOF (LEGAL)

4.3 Manifestation Determination Review

Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review and dismissal committee conducts a manifestation determination review. Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, the ARD Committee shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was;

- 4.3.1 caused by, or had a direct and substantial relationship to, the student's disability; or
- 4.3.2 the direct result of the District's failure to implement the IEP.

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. 20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)

If the District, the parent/guardian, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability. 20 U.S.C. 1415(k)(1)(E); 34 CFR 300.530(e)

If the District, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavior assessment (FBA), unless the District had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the District agree to a change in placement as part of the modification of the BIP. 20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)

4.4 Manifestation Determination Review Appeal

A parent who disagrees with a placement decision or the manifestation determination may request a due process hearing. A District that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a due process hearing. 20 U.S.C. 1415(k)(3)(A); 34 CFR 300.532(a); 19 TAC 89.1151.

When an appeal has been requested by a parent or the District, the student shall remain in the interim alternative education setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and District agree otherwise. 20 U.S.C. 1415(k)(4); 34 CFR 300.533.

Transportation is not provided to DAEP or JJAEP for students with disabilities, unless the student's IEP states that the student needs transportation as a related service.

4.5 Education Services During Removals

The student must:

- 4.5.1 Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
- 4.5.2 Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting. 34 C.F.R. 300.530(d)(1)

4.6 Special Circumstances for Weapons, Drugs, or Bodily Harm

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student: (1) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or the District; or (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or the District; or (3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the District. 20 U.S.C. 1415(k)(1)(G); 34 CFR 300.530(g). The ARD committee shall determine the interim alternative education setting. 20 U.S.C. 1415(k)(2). Services must also be provided during special circumstances removals.

4.7 The Use of Restraint on Students with Disabilities

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

- 4.7.1 Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
- 4.7.2 Restraint shall be discontinued at the point at which the emergency no longer exists.
- 4.7.3 Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- 4.7.4 Restraint shall not deprive the student of basic human necessities. 19 TAC 89.1053(c)
 - "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.
 - "Emergency" means a situation in which a student's behavior poses a threat of:
 - Imminent, serious physical harm to the student or others; or
 - Imminent, serious property destruction. 19 TAC 89.1053(b)(1)–(2)
 - Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).
 - In the case that restraint is used, the documentation requirements set forth in FOF (Legal) will be complied.

4.8 Section 504

The aforementioned change of placement/MDR/timeline/ provision of services requirements are applicable to students eligible for Section 504 services. However, these decisions are made by the Section 504 committee. See policy FOF(LEGAL).

4.9 Exception for Section 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. 34 C.F.R. 104.35(a)

A district may take disciplinary action pertaining to the use of illegal drugs or alcohol against any student receiving Section 504 services, who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504, including a right to an MDR do not apply to such disciplinary action. 29 U.S.C. 705(20)(C)(iv)

4.10 Protection for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if the District had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. 20 U.S.C. 1415(k)(5)(A); 34 CFR 300.534 (a)

5.0 TRANSPORTATION

The purpose of school transportation is to safely transport students to and from school. The slightest distraction to the driver may have significant student safety actions. Appropriate student behavior is essential to the safe operation of the school bus. Therefore, school bus safety regulations must be followed.

Campus behavior coordinators are responsible for the students while on the bus and reserve the right to resolve discipline problems that occur between home and campus. It is the duty of the campus behavior coordinator, not the driver, to exclude a child from riding a school bus.

“The campus behavior coordinator shall take steps to maintain acceptable student conduct while riding school buses, including the discretion to deny the privilege of school bus transportation. This privilege may be temporarily denied or permanently revoked, if misconduct jeopardizes the safe operation of the school bus or the safety of students riding the bus.

Students should be aware that the bus is an extension of the school. Therefore, all *Student Code of Conduct Offenses* are subject to the same disciplinary actions while riding Dallas ISD provided transportation. Aside from compliance with the rules contained in the *Student Code of Conduct Offenses Level I through IV*, students are expected to follow bus rules.



Transportation Helpline: 972-925-4287

5.1 Bus Misconduct and Progressive Discipline

Bus misconduct includes, but is not limited to the following:

- failure to remain seated when directed or when the bus is moving;
- failure to wear a seat belt when directed or when the bus is moving (if the bus is equipped with seat belts);
- extending any part of a student's body, clothing, or any other article outside a bus window;
- throwing, pitching, or shooting objects inside or out of the bus; and
- failure to remain in an assigned seat directed by the driver.

Bus Misconduct:

- Eating/Drinking on the bus
- Disrupting the driver with excessive / unnecessary noise level while the bus is in operation
- Riding unassigned bus using unassigned stop
- Tampering with or using emergency exits without authorization
- Vandalism to or destruction of the bus

NOTE: A change in transportation services, for a student with a disability who receives transportation as a related service as identified in the student's IEP or Section 504 plan, requires ARD committee or Section 504 committee action prior to the change in services. This guidance is not applicable to changes in bus routes, or identification of a particular bus a student is to ride. Disciplinary bus removals for students with transportation as a related service applies to the analysis under the TEC 37.004(a) and whether a removal constitutes a disciplinary change of placement requiring a Manifestation Determination Review ("MDR").

1st offense – Student misconduct on the bus - The parent/guardian of the student will be notified by Service Center personnel.

2nd offense – Continued misconduct on the bus - The parent/guardian of the student will be notified by the Campus Behavior Coordinator / Administrator and will issue a warning against losing bus privileges.

3rd offense – After third violation of bus misconduct - The student will lose bus privileges - The amount of time will be determined by the Campus Behavior Coordinator / Administrator based on the severity of the behavior incident and all offenses. The Campus Behavior Coordinator / Administrator should document the amount of time the student will be removed from the bus on the discipline referral in the appropriate discipline system and communicate the disciplinary measure to the parent and the Student Transportation Services Department.

Note: Campus Behavior Coordinator (CBC) / Administrator should ensure students that receive services under Special Education and Section 504 are reviewed through the appropriate ARD or 504 committee relating to a change in transportation services.

6.0 SAFETY AND SECURITY

Dallas Independent School District Police Department protects and serves more than 140,000 students, and 21,000 staff members in 228 schools and numerous administrative and service buildings. The department employs more than 200 police officers, security officers, and administrative staff.

For more information, please visit <https://www.dallasisd.org/domain/19062>. Contacts for questions on threat assessment, metal detectors, raptor system and emergency responses are located on the organization chart at <https://www.dallasisd.org/Page/54098>



Important Contact Numbers:	
Emergency	9-1-1
Non-Emergency	(972) 749-2300
Police Dispatch	(214) 932-5627

6.1 ID Badges

Secondary students will be required to wear ID badges at all times. The first ID badge will be issued to the student at no charge. There will be a \$5.00 fee charged for each lost or damaged ID badge. A temporary badge will be provided until the replacement badge is issued. Lanyards will be available for students to purchase. Badges are considered a part of the student dress code. Consequently, refusing to wear a badge can be classified as failure to comply with directives, a level I behavior.

6.2 The District's Right to Search

The District has the right to search:

1. A student's outer clothing, pockets, or property by establishing reasonable suspicion or with the voluntary consent of the student FNF(LEGAL)
2. A vehicle driven to school by a student and parked on school property when there is reasonable suspicion to believe the vehicle contains things prohibited by the District FNF(LOCAL)
3. A student's locker, desk or any other District property when there is reasonable suspicion to believe it contains items prohibited by the District.

A student may be searched by other noninvasive means.

The District's local policy requires that students be notified on an annual basis, at the beginning of each school year, that they may be subject to search by a metal detector on a random or regular basis, or on the basis of individualized reasonable suspicion that the student possesses a weapon.

6.3 Search of Cell Phone

A peace officer may not search a person's cellular telephone or other wireless communications device pursuant to a lawful arrest of the person without obtaining a warrant.

A peace officer may search a person's cellular telephone or other wireless communications device without a warrant if the owner or possessor of the telephone or device consents to the search; the telephone or device is reported stolen by the owner or possessor; or the officer reasonably believes that the telephone or device is in the possession of a fugitive from justice for whom an arrest warrant has been issued for committing a felony offense, or there exists an immediate life-threatening situation.

6.4 The District's Right to Interview Students

School officials have the legal authority and responsibility to investigate violations of the Student Code of Conduct and to interview students without prior notice to parents/legal guardians or the consent of parents/legal guardians in order to do so. This authority derives from the common law doctrine of "*in loco parentis*", which means school officials are standing in the place of the parents when students are at school or attending school activities. School officials, including law enforcement officers acting as school officials, exercise this authority to maintain the safety and security of the school environment and to prevent the disruption of instructional programs.

6.5 Electronic Surveillance

Electronic surveillance may be used to monitor student behavior and school-owned property for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses in accordance with Texas Education Code Section 26.009. Student behavior recorded by electronic surveillance equipment may be subject to disciplinary actions consistent with the *Student Code of Conduct*.

6.6 Use of Trained Dogs

The District may use specially trained, non-aggressive dogs to sniff out and alert to the current presence of all controlled substances. Visits to campuses will be unannounced. The dogs shall not be used with students. If the dog alerts on a bag, locker, vehicle, or classroom, school officials may search it.

6.7 Registered Sex Offenders

Upon receiving notification that a student committed an offense on or after September 1, 2007 and is currently required to register as a sex offender, the principal must remove the student from the regular classroom and determine appropriate placement unless the court orders DCJJAEP placement. If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in either DAEP or DCJJAEP for at least one semester.

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

- 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 students.

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the District shall convene a committee to review the student's placement. The committee must be composed of:

- 1) a teacher from the home school to which the student would be assigned;
- 2) the student's parole or probation officer or, in the case of a student who does not have a parole or probation officer, a representative of the local Juvenile Probation Department;
- 3) an instructor from the DAEP to which the student was assigned;
- 4) a school district designee; and
- 5) a counselor employed by the school district.

The review under Section 37.306 of the placement of a student with a disability who receives special education services may be made only by a duly constituted Admission, Review, and Dismissal Committee.

Newly Enrolled/Currently Enrolled Students

As a registered sex offender, if a student enrolls or registers in the District during a Level IV assignment, the District may count any time already accrued. There is only one factual issue to be resolved at the conference, whether a student must register as a sex offender under a court order, parent/guardians and students have the burden of proof.

7.0 REMOVAL BY TEACHER

Chapter 37.002 - Texas Education Code

The principal shall respond by employing appropriate discipline management techniques consistent with the Dallas ISD *Student Code of Conduct*.

- (a) A teacher may send a student to the campus behavior coordinator office to maintain effective discipline in the classroom. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the *Student Code of Conduct* adopted under Section 37.001.
- (b) A teacher may remove from class a student:
who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the other students in the class or with the ability of the student's classmates to learn.
- (c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into the Reset Center, or into a disciplinary alternative education program as provided by Section 37.008. The campus behavior coordinator may not return the student to that teacher's class without the teacher's consent unless the Placement Review Committee established under Section 37.003 determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.
- (d) A teacher shall remove from class and send to the campus behavior coordinator for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C) against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

7.1 Placement Review Committee

Each school shall have a Placement Review Committee composed of three members. The committee will determine placement of a student when a teacher has removed the student and refuses to allow the return of the student to the teacher's class. The committee will make a final determination of the student's placement when a student is removed under this section.

- The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member.
- The campus behavior coordinator shall choose one member from the professional staff of the campus.
- The teacher refusing to readmit the student may not serve on the committee.

If the teacher removed the student from class for engaging in assault, aggravated assault, sexual assault, aggravated sexual assault, or assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent. In accordance with federal law, the placement of a student with disabilities may be changed only by a duly constituted ARD Committee.

7.2 Removal Notifications

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. The campus behavior coordinator 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. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

7.3 Emergency Removal based on Allegations of Sexual Harassment

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

If the District decides to remove the respondent student from campus, it will notify the respondent student and provide the respondent student an immediate opportunity to challenge the removal decision. The District's process for challenging a removal decision is subject to the appeals procedures set forth in this Student Code of Conduct and policy FNG(LEGAL)(LOCAL)(EXHIBIT), FOC(LEGAL) AND FOD(LEGAL).

If the alleged perpetrator is an individual with a disability, all state and federal legal protections pertaining to the removal of students with disabilities apply, as detailed in this Student Code of Conduct and policy FOF(LEGAL).

8.0 REMOVALS TO DAEP OR JJAEP

DAEP serves as alternative education settings for students temporarily removed for disciplinary purposes from their regular instructional settings. Instruction is provided for students' educational and behavioral needs and focuses on English, math, science, history, and restorative practices.

8.1 Assignment to the Disciplinary Alternative Education Program

Students will be assigned to a Disciplinary Alternative Education Program (DAEP) for a minimum of 10 days through a maximum of 40 days depending on the age/grade and level of offense. While students are in the DAEP at the high-school level, only four basic courses are offered: English, social studies, math, and science. Certain electives, honors, and Advanced Placement (AP) courses may be provided. In addition, administrators at the DAEP will work with the student's home school to meet course requirements and allow the home campus to send work to be completed by the student. The Texas Education Code 37.008 does not require the District to provide elective courses while a student is in a DAEP. The District provides students with assistance in learning how to change the behavior that caused them to be placed in the program.

A student's four-year graduation plan may not be altered when the student is assigned to a Disciplinary Alternative Education Program. A student must be offered an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal before the beginning of the next school year, including correspondence, distance learning opportunities, or summer school. The District may not charge for a course required under this section.

A student remains in the home school or in the Reset Center pending placement in the DAEP unless he/she is considered a safety threat or continues to violate the *Student Code of Conduct*. (see diagram 9.12)

8.2 Assignment to the Dallas County Juvenile Justice Alternative Education Program

When students commit Mandatory Level IV Expulsion Offenses as listed in the *Student Code of Conduct*, they are assigned to the Dallas County Juvenile Justice Alternative Education Program (DCJJAEP), 1673 Terre Colony Court, Dallas, Texas, 75212. If students are younger than 10, they are assigned to the District's Disciplinary Alternative Education Program.

The DCJJAEP is a school program operated by Dallas County, Monday through Friday. While in the program, students must wear uniforms. Students are transported to and from their homes by bus. Only basic courses are provided as required by Texas Education Code Chapter 37. While students are in the Dallas County Juvenile Justice Alternative Education Program at the high-school level, only four basic courses are offered: English, social studies, math, and science. Electives and AP (Advanced Placement) courses are not provided. The program provides students with assistance in learning how to change the behavior that caused them to be assigned to the program.

Students are assigned to the program for 90 days. However, students whose offenses involve firearms must be assigned to the DCJJAEP for one year. Pursuant to Public Law 103-382 Sec. 14601 GUN-FREE REQUIREMENTS, a local educational agency must expel from school for a period of no less than one year any student who is determined to have brought a weapon to a school.

Students assigned to the DCJJAEP shall not be on any public school campus or attend any school activities until the student completes the disciplinary assignment. If a student returns to school, they can be charged with trespassing or a loss of a good day at DCJJAEP.

8.3 Administrative Hearings

A student facing a removal to the DAEP or JJAEP shall be given a hearing with appropriate due process. The student is entitled to:

- 8.3.1 representation by the student's parent or guardian who can provide guidance to the student;
- 8.3.2 an opportunity to be heard and to present evidence in the student's defense; and
- 8.3.3 an opportunity to question the District's representative.

Hearing procedures: Parents or students that are (1) 18 years of age or older, (2) emancipated, or (3) homeless may designate a "guardian", organization, or legal counsel.

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

8.4 Students with Disabilities

On the date on which the decision is made to make a removal that constitutes a change of placement requiring an MDR under the IDEA or Section 504, then the administrator must notify the parent/s of that decision, and provide the parent/s with a copy of the applicable IDEA Notice of Procedural Safeguards, or Notice of Section 504 rights. 34 CFR 300.530(h), 300 CFR 504

Student service must continue to be implemented pending the outcome of the MDR.

For students with disabilities who are homeless, the administrator must provide notice to the child's educational decision-maker and caseworker. TEC 25.007(b)(10)(d)

8.5 Student Withdrawal Prior to Discipline

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

8.6 Continuations to the Disciplinary Alternative Education Program

Level II Assignments for all students will terminate at the end of the school year, regardless of the number of days assigned.

Level III Assignments for all students will terminate at the end of summer school, regardless of the number of days assigned. If a student fails to attend summer school to complete their assignment, he/she must return to the DAEP at the beginning of the school year to complete the days assigned.

This provision does not apply to students assigned to the Dallas County Juvenile Justice Alternative Education Program for Level IV Offenses.

8.7 DAEP Good Day (Time Reduction)

Student assignments to the Disciplinary Alternative Education Program may be reduced by one day for every full week (Monday-Friday) the student has had perfect attendance with no behavior referrals. This applies to all Disciplinary Alternative Education Programs, but not to the Dallas County Juvenile Justice Alternative Education Program.

Credit for good days will not count for additional DAEP placements.

In order to help both elementary and secondary students who are assigned to the District's Disciplinary Alternative Education Programs (DAEP) to improve their behavior and to include parents/guardians in this process, the District is offering the following optional plan, provided funding is available. The parent/guardian will be informed of this plan at the time of the orientation at the DAEP. Students assigned to the Off-Campus Secondary DAEP can achieve early release from their assignment by earning two days for each Saturday they attend supporting sessions that focus on Developmental Asset Building. Parent/guardian and students must attend sessions together, be on time, and remain for the entirety. These supporting sessions allow parent/guardian and student to build bridges of communication and expectations of behavior at home, in the community, and at school. The student and parent/guardian work separately and then together during these sessions to discover how to resolve disagreements, earn respect, and avoid future incidents of poor behavior at school. Once the parent/guardian and student have completed the Saturday sessions, the DAEP principal will determine compliance and award the number of days earned.

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

The DAEP principal shall reduce days or change the date of return based on the plan and/or the perfect attendance good day policy.

The Good Day Policy will not apply to the following offenses, due to the nature of these offenses:

- Level II – Major Disruptive School Behavior
- Level II – Assault (Class C) (student on student)
- Level II – Assault (Class C) (student on personnel, volunteer or visitor/parent)
- Level II – Bullying
- Level II – Possession of a pellet/BB gun or stun gun, brass knuckles or club
- Level III – Assault (Class A) (student on student)
- Level III – Harassment (student on personnel)
- All Level IV Expellable offenses

A student receiving special education services under Texas Education Code Chapter 29 Subchapter A, may not be disciplined for bullying, harassment or hit-list-making until an Admission, Review and Dismissal Committee (ARD) has been held to review the conduct. Such review shall be consistent with a MD-ARD as required under the Individuals with Disabilities Education Improvement Act (IDEIA). Consistent with state law, no disciplinary action of any kind may be imposed prior to the MD-ARD Committee meeting, including removals from class or school or change of placement for any period of time. The federal 10-day change of placement rule does not apply for this category of misconduct.

A student cannot be assigned a consequence for bullying if the student is acting in self-defense.

A student who is a victim of bullying may exercise mandatory transfer rights. FDB(LOCAL)

The 300-foot rule does not apply to Level II Offenses.

Graduating seniors assigned to a DAEP will complete their assigned placement through graduation, if applicable. The student will not be allowed to attend any senior activities, except graduation rehearsal and the graduation ceremony.

Graduating seniors will be allowed to receive the minimum coursework required for graduation. The home school will provide AP course work and elective courses not taught at the DAEP.

Students that have been assigned to a DAEP may not return to their home school except for student appeal hearings.

8.8 Transition from Alternative Education Program to Regular Classroom

“Alternative education program” includes: a disciplinary alternative education program operated by a school district or open-enrollment charter school; a juvenile justice alternative education program.

In regard to the transition process the committee must include recommendations for the best educational placement of the student; and may include recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student’s academic or career goals [TEC 37.023 (a)]. (**see diagram 9.13**)

8.9 Students Transferring to the Dallas ISD Owing Time to the Disciplinary Alternative Education Program

Students enrolling in the District from another school district while on placement in a DAEP will serve out the placement imposed by the transferring district before being admitted to a regular classroom setting.

A student transferring in from an open-enrollment charter school may continue the disciplinary alternative education program placement under the terms of the placement order or may be allowed to attend regular classes without completing the period of placement. The student will continue the DAEP placement if:

- 1) the student was placed in a disciplinary alternative education program by an open-enrollment charter school under TEC Section 12.131 and the charter school provides to the District a copy of the placement order; or,
- 2) the student was placed in a disciplinary alternative education program by a school district in another state and:
 - a) The out-of-state district provides to the District a copy of the placement order; and
 - b) The grounds for the placement by the out-of-state district are grounds for placement in the Dallas ISD.

8.10 Appeal Process/Procedure for Off-Campus Disciplinary Alternative Education Program (DAEP)/Dallas County Juvenile Justice Education Program (DCJJAEP)

A hearing will be held to determine whether a student will be assigned to an off-campus Disciplinary Alternative Education Program (DAEP) or the Dallas County Juvenile Justice Education Program (DCJJAEP). If the student is assigned to a DAEP or the DCJJAEP, their parent/guardian will be provided with a copy of the referral, the appeal process, and an appeal form at the conclusion of the hearing. A parent/guardian has the right to request an appeal within 5 school days following a hearing. The student may be represented by the parent/guardian or legal custodian/guardian. The student will continue to serve the assignment at the DAEP/DCJJAEP and may not return to the regular classroom pending the appeal. Appeals should be made through the following progression:

All Off-Campus DAEP/DCJJAEP assignments for Level II, III and IV Offenses shall be appealed in the following order:

1. Districtwide Student Discipline Hearing Officer
2. Student Engagement and Support Department/Student Engagement and Support Panel
3. Board of Trustees— The decision of the Board is final, except for:
 - Level IV Offenses, which can be appealed to the State District Court of Dallas County. The decision of the District Court is final.

NOTE: Students returning from DAEP are expected to re-enroll at the campus they attended prior to their DAEP assignment.

8.11 Students with Disabilities

- The Special Education Appeal Process is used if the parent/guardian disagrees with the disciplinary action decided at the formal hearing. The disciplinary action shall be appealed in the following order:
 1. Districtwide Student Discipline Hearing Officer
 2. Student Engagement and Support Department/Student Engagement and Support Panel
 3. Board of Trustees – The decision of the board is final except for:
 - Level IV Offenses, which can be appealed to the State District Court of Dallas County. The decision of the District Court is final.
- If the parent/guardian disagrees with the Manifestation Determination, Review, and Dismissal (MD-ARD) Committee decision, the parent/guardian has a right to a Texas Education Agency expedited administrative hearing.

MD-ARD Appeal Process

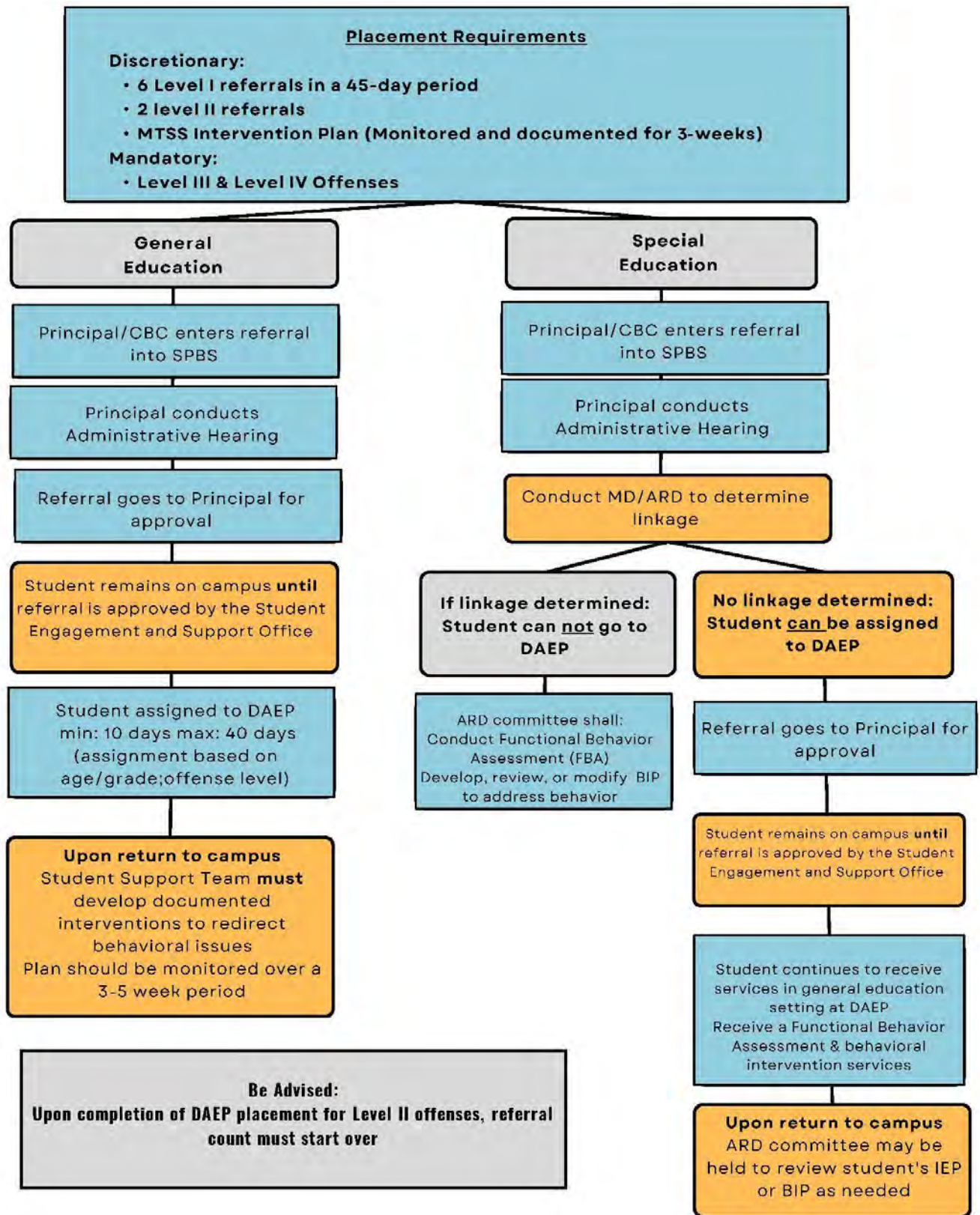
1. Request a Texas Education Agency expedited administrative hearing.
2. Stay-put rule does not apply for disciplinary placements.

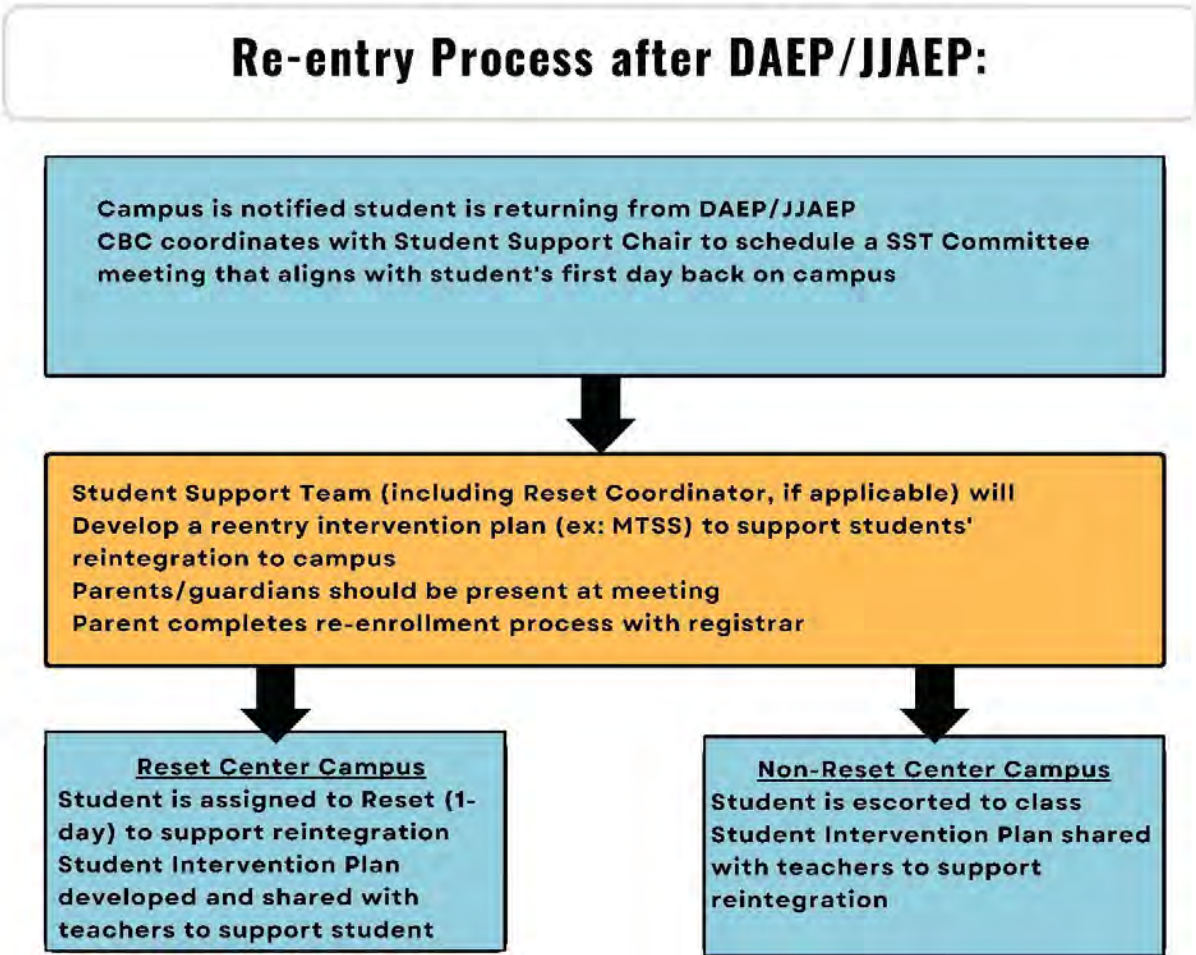
If a student withdraws from Dallas ISD, the school district loses its jurisdiction to consider appeals.

Actions will not be deferred pending the outcome of an appeal.

Removals to the Reset Center may only be appealed to the campus behavior coordinator.

Discipline Referral Process for DAEP:





Students Transferring into Dallas ISD owing time to DAEP
Students will serve out placement imposed by transferring district in accordance to Dallas' DAEP day assignment

Charter/Out-of-state School
Students transferring from an open-enrollment charter school may continue the DAEP placement if:

1. The student was placed in disciplinary alternative education program by charter with proper documentation or,
2. Student was placed in DAEP program by out-of-state district and:
 - a. The out-of-district provides a copy of the placement to district
 - b. The grounds for the placement by out-of-district are aligned to placement in Dallas ISD

9.0 CELLULAR PHONE/ELECTRONIC DEVICES



For safety purposes, the district permits students to possess personal telecommunication devices, such as cellular phones. However, such devices shall not be visible and shall remain off during instructional time unless approved by the teacher or administrator.

Campus administrators shall have the discretion to determine the appropriate use of cellular phones during the instructional day and for students participating in extracurricular activities while on school property or while attending school-sponsored or school-related activities on or off school property. However, all cellular phones must be turned off during instructional time. **The use of cellular phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.**

The District is not liable for lost or stolen cell phones. All confiscated phones must be turned in to the principal's office immediately, if possible, or as soon as practicable the day the phone is confiscated. All staff members must place confiscated cell phones in a secure location. Once the cell phone has been confiscated, the following procedure will be used to return the device:

1. The **first time** a cell phone is confiscated, parents/guardians may pick it up with no fee assessed.
2. The **second time** a cell phone is confiscated, an administrative fee of \$5 will be charged before the device can be returned. Parents/guardians will be notified that the student's device has been confiscated for the second time.
3. If a cell phone is confiscated a **third time**, an administrative fee of \$10 will be charged before the device can be returned.
4. If a cell phone is confiscated a **fourth time**, an administrative fee of \$15 will be charged before the device can be returned. Any device not claimed by September 1 following the end of the school year will be disposed of according to FNCE(LEGAL).
5. Any student refusing to give the device to school personnel will be subject to Level I disciplinary actions.

THIS POLICY WILL BE STRICTLY ENFORCED BY ALL SCHOOL PERSONNEL. All confiscated phones must be turned in to the principal's office immediately, if possible, or as soon as practicable the day the phone is confiscated.

In some cases, students may find it beneficial or might be encouraged to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must obtain prior approval before using personal telecommunications or other personal electronic devices for instructional use. When students are not using the devices for approved instructional purposes, all devices must be turned off during the instructional day. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

In limited circumstances and in accordance with the law, a student's personal telecommunications device may be searched by authorized personnel.

9.1 Possession and Use of Other Personal Electronic Devices

Except as described below, students are not permitted to possess or use personal electronic devices such as MP3 players, video or audio recorders, DVD players, cameras, games, e-readers, or other unauthorized electronic devices at school unless prior permission has been obtained. Without such permission, teachers will collect the items and turn them in to the principal's office. The principal will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

In limited circumstances and in accordance with law, a student's personal electronic device may be searched by authorized personnel.

9.2 Acceptable Use of District Technology Resources

To prepare students for an increasingly technological society, the District has made an investment in the use of District-owned technology resources for instructional purposes. Specific resources may be issued individually to students. Use of these technological resources, which include the District's network systems and use of District equipment, is restricted to approved purposes only.

9.3 Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from sending, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property, regardless of if the equipment used to send such messages is District or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the *Student Code of Conduct* and may, in certain circumstances, be reported to law enforcement.

10.0 BULLYING

10.1 Board Expectations, Beliefs, and Standards

The District shall incorporate information regarding the policy against harassment or bullying into the Student Code of Conduct, the student handbook, and appropriate training programs.

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

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

For examples of bullying, refer to FFI(REGULATION). Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

For definitions, refer to FFI(LLEGAL) and (REGULATION).

10.2 Timely Reporting

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct. (*see diagram 11.17*)

10.3 Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent of Schools or his designee shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

10.4 Employee Report

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

10.5 False Claim

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

10.6 Report Format

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

10.7 Notice of Report

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

10.8 Retaliation

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

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

10.9 Investigation of Report

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

10.10 Concluding the Investigation

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

10.11 Prohibited Conduct

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

10.12 Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

10.13 Bullying Confirmation

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.

10.14 Notice to Parents

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

10.15 Counseling

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

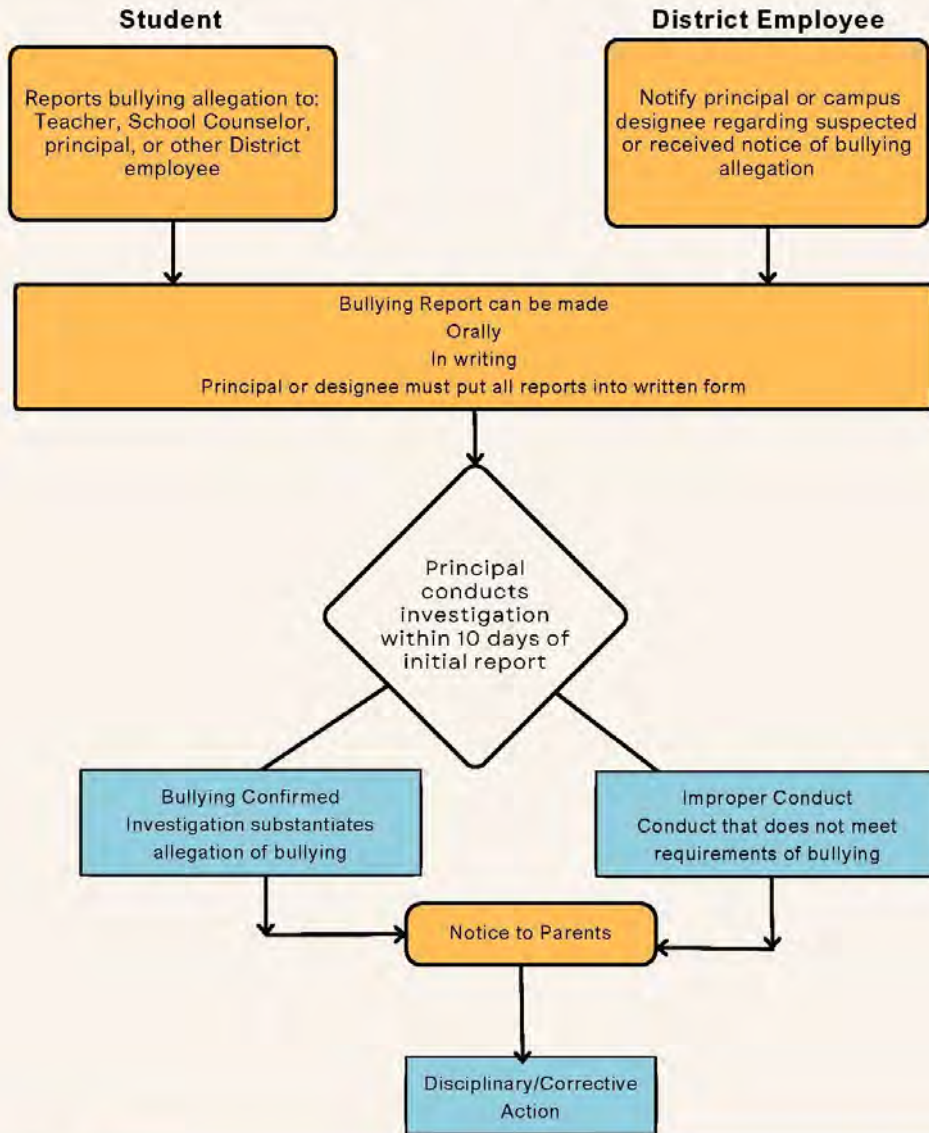
10.16 Counseling Options

Victims of bullying, bystanders, witnesses, and the accused shall be offered counseling services ranging from those provided by school counselors to a referral to Mental Health Services

10.17 Bullying Investigation Flowchart

Bullying Investigation Flowchart

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



Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses

Counseling

Counseling options are available for

- victim
- student who engaged in bullying
- any students who witnessed the bullying

10.18 Discipline

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action. The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

10.19 Corrective Action

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

10.20 Transfers

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

- 10.20.1 Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
- 10.20.2 A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred. The Superintendent of Schools or his designee may transfer the student who engaged in bullying to:
 - 10.20.2.1 Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
 - 10.20.2.2 A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under Education Code 37.004.

The principal or designee shall refer to FDB(LEGAL) for transfer provisions.

10.21 Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

10.22 Appeal

A parent, legal guardian, or adult student who is dissatisfied with the outcome of the investigation or plan of action may appeal through FNG(LOCAL), beginning at the appropriate level.

10.23 Records Retention

Retention of records shall be in accordance with CPC(LOCAL).

11.0 SEX DISCRIMINATION AND SEXUAL HARASSMENT

11.1 Non-Discrimination Statement

Dallas ISD does not discriminate on the basis of race, religion, color, ethnicity, religion, national origin, gender, sex, disability, age, sexual orientation, genetic information, gender identity, or gender expression, or any other basis prohibited by law or District policy in providing education services, activities, and programs.

11.2 Sex Discrimination and Sexual Harassment Prohibited

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

11.3 Title IX Coordinator

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

Dallas ISD's Title IX Coordinator is identified in the Student Handbook, and administrative regulation FB(REGULATION), regarding Equal Educational Opportunity, which can be found at the following website link/address:

[https://pol.tasb.org/Policy/Download/361?filename=FB\(REGULATION\).pdf](https://pol.tasb.org/Policy/Download/361?filename=FB(REGULATION).pdf) or the following physical/ mailing address:

Chelsea Watson
9400 North Central Expressway, Suite 1675
Dallas, TX 75231
TitleX@dallasisd.org
(972) 581-4230

11.4 Retaliation

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

An individual's exercise of rights protected by the First Amendment of the United States Constitution does not constitute prohibited retaliation.

11.5 False Claim

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

11.6 Sexual Harassment Response and Prevention Prohibited Conduct

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

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

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

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

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

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact that a reasonable person would not construe as sexual in nature. However, romantic, sexual, and other inappropriate social relationships between students and District employees are prohibited, even if consensual.

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

Under Dallas ISD Board policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

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

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

Sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v) means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

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

Domestic violence as defined in 34 U.S.C. § 12291(a)(8) includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking is defined in 34 U.S.C. § 12291(a)(30) as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

11.7 Reporting Procedures

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

[https://pol.tasb.org/Policy/Download/361?filename=FB\(REGULATION\).pdf](https://pol.tasb.org/Policy/Download/361?filename=FB(REGULATION).pdf).

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

11.8 District’s Response to Sex-Based Harassment

Upon the District’s receipt of notice or an allegation of sex-based discrimination, harassment, or retaliation—regardless of whether a formal complaint is filed—the Title IX Coordinator will contact the individual who was the alleged victim of sex-based discrimination or harassment to discuss the availability of supportive measures and inform them of the process for filing a formal complaint. If a formal

complaint is filed, the matter will proceed through the District's Title IX grievance process, including an investigation and decision process, which is set forth in policy FFH(LOCAL).

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

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

11.9 Confidentiality

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

12.0 LEVEL I OFFENSES AND ACTIONS

Campus personnel (teachers and staff members) establish guidelines and expectations for on-campus and off-campus behaviors at school-related events. Many Level I behaviors can be addressed, redirected, and managed by the classroom teacher. The teacher may use any of the disciplinary options listed below in maintaining an effective classroom environment.

Level I violations include, but are not limited to, the following:

[\(Progressive Discipline Flowchart\)](#)

Level I – A Offenses

- Bus misconduct (not defined as a Level II, III, or IV Offense)
- Cheating, plagiarism, or copying the work of other students, which includes failure to comply with test security procedures and use of cell phones, smart watches, and electronic devices during testing
- Computer system violations
- Dress and grooming code violations
- Failure to comply with directives given by school personnel, which is considered insubordination
- Falsifying school records
- Gambling
- Inappropriate display of affection, which should be enforced equitably without regard to sexual orientation, gender identity, or gender expression
- Loitering
- Possessing a laser pointer
- Refusing to give a cell phone to school personnel
- Safety rule violation
- Scuffling
- Secret society
- Skipping classes
- Using a cellular phone during class time or in the locker room and bathroom, see *pages 26-27* for liable usage

Level I – B Offenses

- Classroom disruption
- Extortion/blackmail
- Throwing objects that may cause bodily injury or property damages

Reference glossary for definitions and clarifications.

Level I Disciplinary Actions

- Assigned seating during lunch
- Behavioral contracts or individually developed behavior management plans
- Cell phone confiscation - A fee of \$5 - \$15 may be charged for the return of the phone. The Dallas ISD is not liable for lost or stolen cell phones. All confiscated phones must be turned in to the principal's office immediately, if possible, or as soon as practicable the day the phone is confiscated.
- Cooling-off time or "time-out" (on campus)
- Community Service (i.e., Assignment of school duties such as scrubbing desks or picking up litter (commensurate to the offense))
- Counseling by teachers, counselors, or administrative personnel
- Detention before school, after school or Saturday school
- Electronic devices will be confiscated if used during instructional day. The District is not liable for lost or stolen electronic devices.
- Parent/guardian observations in student's classes
- Parent/guardian conference with teacher or campus behavior coordinator
- Peer mediation
- Positive Intervention Support Referral (Reset Center – short term assignment no longer than one class period)
- Referral to Student Support Team, outside agency, legal authority, or Mental Health Services
- Reset Center maximum of three days
- Reset Center placement for the 1st offense is one day.
- Reset Center placement for the 2nd offense is two days.
- Reset Center placement for each additional offense is three days.
- Respect Agreement - Between teacher and student or appropriate staff
- Restitution/restoration, if applicable
- Restorative Practices
- Schedule modification - changing student's schedule/classes to avoid problem environments and situations
- Teacher removal or referral (consistent with *Student Code of Conduct*)
- Temporary confiscation of items that disrupt the educational process
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations
- Withdrawal or restriction of bus privileges

12.1 LEVEL II DISCRETIONARY OFFENSES AND ACTIONS

Level II acts of misconduct include those student behaviors that disrupt or hinder the educational process in the classroom or in the school.

Level II violations include, but are not limited to, the following:

[\(Progressive Discipline Flowchart\)](#)

Level II – A Offenses

- False accusation of conduct that would constitute a misdemeanor
- Harassment (student on student)
- Hazing
- Leaving school grounds or school-sponsored events without permission
- Mace or pepper spray (not defined as a Level IV)
- Misdemeanor stealing/theft of property, including computers and related equipment, in an amount under \$750. This can include use of another student's identification or identification number to access services such as the school-lunch program
- Non-Title 5 felonies: A felony offense committed off-campus that is not against another person. The school is notified by the police.
- Online impersonation
- Possession of matches or other flammable materials or use of fireworks of any kind, smoke or stink bombs, live ammunition or any other pyrotechnic device
- Possessing or distributing pornographic materials
- Possessing/selling over the counter drugs/dispensing medicine violation (not defined as a level I, III, or IV Offense)
- Possessing, smoking or using tobacco or related products
- Repetitive Level I Offenses (Six Level I Offense referrals occurring within a period of 45 rolling school days). A Student Support Team meeting or a Behavior Intervention Plan under Section 504 or IDEA is required).
- Setting off the fire alarm (not defined as a Level IV Offense)
- Slap boxing
- Suspicious drug activity
- Vandalism/criminal mischief (not a felony)
- Video or audio recording of students or employees for disruptive purposes

**Level II – A Offenses criteria:

- Reset Center placement for the 1st offense is one day.
- Reset Center placement for the 2nd offense is two days.
- Reset Center placement for each additional offense is three days.

Level II – B Offenses

- Assault (Class C) (student on personnel, volunteer or visitor/parent) (student may be removed on the first offense at the discretion of the campus behavior coordinator)
- Assault (Class C) (student on student)*
- Bullying**
- Cyberbullying
- Fighting*
- Gang activity
- Hate Speech
- Hit list
- Knife possession, not an illegal knife (pocket knives, razorblade, box cutter, etc.)
- Major disruptive school behavior
- Offensive language
- Opening and propping open locked secured doors
- Possessing a toy gun or look-alike gun
- Possession of a pellet/BB gun or stun gun, brass knuckles or club (student may be removed on the first offense at the discretion of the campus behavior coordinator)
- Profanity/obscene gestures
- Resisting arrest
- Threats (student on personnel/facility/student)

**For all bullying allegations a report must be completed in the Bullying Platform located in the Dallas ISD Portal, followed by a thorough investigation before an offense and consequence may be assigned.

** **Level II – B Offenses criteria** – a student may be placed in the Reset Center on the first offense. A maximum of three days is permissible.

Reference glossary for definitions and clarifications.

Level II Disciplinary Actions

- Community Service (i.e., Assignment of school duties such as scrubbing desks or picking up litter (commensurate to the offense))
- Counseling in lieu of other disciplinary actions (parent consent required)
- Detention before school, after school or Saturday school
- Mandated after school counseling sessions with the school counselor and/or a psychologist with the student receiving a behavior contract (parent consent required)
- Mandatory Parent Conference
- Parent/Guardian observation of student in class
- Parent/Guardian conference with teacher or campus behavior coordinator
- Parenting Classes ***
- Positive Intervention Support Referral (Reset Center – short term assignment no longer than one class period)
- Referral to Counselor
- Referral to Student Support Team, outside agency, legal authority, or Mental Health Services (parent consent required)
- Reflective Assignment
- Reset Center maximum of three days
- Restitution/restoration, if applicable
- Restorative Practices
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations
- Withdrawal or restriction of bus privileges

*** Implementation will commence after October 1, 2024, when plans are finalized.

Level II Disciplinary Actions

*Project Safe Space at DAEP is only available for assault (class C) (student on student) and fighting on the first offense. Approval from the Associate Superintendent is required:

- DAEP 3 Day (Project Safe Space at DAEP)
- DAEP 4 Day (Project Safe Space at DAEP)
- DAEP 5 Day (Project Safe Space at DAEP)

Note:

- **Not permissible for elementary students and for secondary students that receive services under SPED and Section 504.**
- **No Reset for Project Safe Space assignments - 3-day, 4-day, 5-day because of the short period of the DAEP placement.**

-
- Off-Campus Disciplinary Alternative Education Program (DAEP) is permissible for: students that commit the same offense more than one time and a minimum of one intervention plan (with documented strategies) to change the behavior in an appropriate format.
 - A student may be placed in a DAEP any time the offense is a Class C Assault (student on personnel), hate speech, major disruptive school behavior, opening and propping open locked secured doors, and possession of a pellet/BB gun or stun gun, brass knuckles or club at the discretion of the campus behavior coordinator.
 - Additionally, for threats (student on personnel/facility/student), a student may be placed in a DAEP at any time at the discretion of the principal and with police classification.

12.2 LEVEL II DISCRETIONARY INTERVENTIONS

Discretionary

Level II Interventions

- **Removals from the regular classroom setting are not permissible for PK – 2nd grade students that commit any Level II Discretionary Offenses.**
- **Please use the behavior management resources below to manage student behavior:**
 - Referral to Student Support Team (SST, Initial team meeting)
 - Behavior intervention plan documented in the appropriate format for a period of three weeks of progress monitoring.
 - Parent Conference (Request parent/guardian consent to referral for services from Mental Health Services)
 - Mentor assigned by the Campus Behavior Coordinator (i.e. upper grade level student, employee, and/or volunteer).
 - Age-appropriate and research-based programs to provide behavior management strategies.

Age/Grade Range	2024-2025	
	1 st DAEP Placement	Additional DAEP Placements*
Discretionary Offenses		
Age 6 - 3 rd Grade	0	0
4 th - 5 th Grade	10 Days	15 Days
6 th - 12 th Grade	15 Days	20 Days
Mandatory Offenses		
Age 6 - 5 th Grade	15 Days	20 Days
6 th - 12 th Grade	20 Days	30 Days
Discretionary Expellable Offenses		
Ages 6 - 9	20 Days	30 Days
Age 10 - 12 th Grade	30 Days	40 Days
Mandatory Expellable Offenses		
Ages 6 - 9	30 Days	40 Days
Age 10 - 12 th Grade	90 JAEP Days	

***Credit for good days will not count for additional DAEP Placements.**

Note: Students under the age of 6 cannot be assigned to a Disciplinary Alternative Education Program. (Texas Education Code 37.006).

12.3 LEVEL III MANDATORY OFFENSES AND ACTIONS

Mandatory

Level III violations include, but are not limited to, the following:

Level III Offenses

- Abuse of a volatile chemical
- Alcohol (non-felony) – Includes possession, delivery, under the influence, or use. (See the definition in the glossary for “under the influence” and “use”).
- Assault (Class A) (student on student)
- Drugs (non-felony) (i.e., THC Vape Pen, marijuana, K-2, and prescription) – Includes possession, delivery, under the influence, or use. (See the definition in the glossary for “under the influence” and “use”). (File with Child Protective Services - CPS)
- Electronic Cigarette – (possession, use, or delivery) – (If the DAEP is “at capacity” the District may use the Reset Center, alternative placement on campus or an applicable Project Safe Space assignment)
- Electronic Cigarette - (selling, giving, or causing to be sold or given to a child under 18 years of age) Class C misdemeanor
- Felony conduct (if not expellable)
- Harassment (student on personnel)
- Indecent exposure
- Public lewdness
- Retaliation against a school employee any place (if not expellable)

- Students enrolling in the Dallas ISD from another school district’s Disciplinary Alternative Education Program (student will be assigned to a Dallas ISD DAEP to complete the required assignment).

Level III Disciplinary Actions

- Continuation of prior year DAEP placement
- Continuation to DAEP from another district
- Placement in DAEP

Note: No Reset or Good Days for HB114 - because the placement is term modified to 5 days once the student is enrolled at the DAEP.

Reference glossary for definitions and clarifications.

Age/Grade Range	1st DAEP Placement	Additional DAEP Placements
Age 6 - 5th Grade	15 Days	20 Days
6th - 12th Grade	20 Days	30 Days

Note: Students under the age of 6 cannot be placed in a DAEP (Texas Education Code 37.006).

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student’s parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent’s or guardian’s last known address.

The DAEP principal will determine the date of return.

A student may be removed for a non-felony drug or felony drug offense on the basis of a field test conducted by law enforcement. Subsequent laboratory testing may result in a change of placement consistent with the *Student Code of Conduct*. If the laboratory results of the substance are negative, the student may be returned to the campus or remain in an appropriate alternative educational setting consistent with the *Student Code of Conduct*.

Graduating seniors assigned to a DAEP prior to the month of May must complete their assigned amount of time through graduation, if applicable. The student will not be allowed to attend any senior activities, except graduation rehearsal and the graduation ceremony.

1. Graduating seniors, who commit a Level III Offense after May 15, cannot participate in any graduation activities including graduation rehearsal or the graduation ceremony. The referral must be approved by the Student Engagement and Support Department.

Students who have been removed for a Level III Offense may not return to any Dallas ISD facility, including extracurricular activities, except the alternative school during the assigned term. Students will be permitted to return to their home campus for student appeals with the approval of the principal.

Graduating seniors will be allowed to receive the minimum coursework required for graduation. The home school will provide AP course work and elective courses not taught at the DAEP.

12.4 LEVEL IV EXPELLABLE OFFENSES AND ACTIONS

Level IV Offenses and Actions

Level IV violations include, but are not limited to, the following:

Discretionary Expulsions

- Aggravated Robbery Off Campus and not a school-sponsored event or related activity
- Assault with bodily injury (student on personnel/volunteer)
- Breach of computer security
- Criminal mischief (felony = \$2500+)
- Deadly conduct
- Exhibition of Firearm "). (File with Child Protective Services - CPS)
- False alarm or report (Penal Code 42.06)
- Serious misbehavior in an Off-Campus Disciplinary Alternative Education Program (see definition)
- Terroristic threat (Penal Code 22.07)
- Title 5 felonies: A felony offense committed off-campus against another person

Mandatory Expulsions

- Aggravated assault (student on personnel/volunteer)
 - Aggravated assault (student on student) *
 - Aggravated kidnapping*
 - Aggravated robbery *
 - Aggravated sexual assault (student on personnel/volunteer)*
 - Aggravated sexual assault (student on student)*
 - Alcohol punishable as a felony
 - Arson*
 - Attempt to commit murder *
 - Criminally negligent homicide*
 - Firearm (including starter gun) as defined 18 U.S.C. § 921(a)(3),(4).*
 - Illegal knife *
 - Indecency with a child*
 - Manslaughter *
 - Murder and capital murder*
 - Possession of drugs punishable as a felony (i.e., heroin, cocaine, cheese, LSD, methamphetamine)
 - Prohibited weapon *
 - Retaliation against school employee or volunteer any place in association with one of the above offenses committed on or off school property or at a school-related activity on or off school property*
 - Sexual assault (student on personnel/volunteer) *
 - Sexual assault (student on student) *
- * The consequence changes from a mandatory expulsion to a discretionary expulsion if the offense occurs off campus, within 300 feet of school property.

Reference glossary for definitions and clarifications.

Level IV Disciplinary Actions

- Continuation of districts prior year expulsion to JJAEP
- Continuation of expulsion to JJAEP from other district
- Expulsion to JJAEP
- Expulsion to JJAEP from DAEP

Level IV (off campus within 300 ft) DAEP

- Continuation of prior year DAEP placement
- Continuation of prior year Expulsion DAEP
- Continuation to DAEP (Expulsion) from another district
- Expulsion in DAEP

Students age 6 through 9

- Placement to the Elementary DAEP for committing discretionary expulsion offenses for 20 or 30 days
- Placement to the Elementary DAEP for committing mandatory expulsion offenses for 30 or 40 days
- Mandatory Expulsion to the DAEP for possessing a firearm in school (all students under the age of 10) for one year

Students age 10 through 12th grade

- Discretionary Expulsion and juvenile court referral to the DAEP for 30 or 40 good days.
- Discretionary Expulsion from the DAEP to JJAEP for 60 good days
- Mandatory Expulsion and juvenile court referral to Dallas County Juvenile Justice Alternative Education Program (DCJJAEP) for 90 days or one year for firearms.
- Mandatory restriction from being on school grounds or extracurricular activities.

Students age 10 and older will be assigned to the Dallas County Juvenile Justice Alternative Education Program for committing Mandatory Level IV Expulsion Offenses.

Students under the age of 10 will not be expelled for committing Level IV Offenses but they will be placed in the Off-Campus Disciplinary Alternative Education Program for 20 to 40 days or one year for firearms.

12.5 TITLE 5 EXPELLABLE OFFENSES AND ACTIONS

Expellable

TITLE 5 OF THE TEXAS PENAL CODE—OFFENSES AGAINST THE PERSON (include the following):

- Abandoning or endangering a child
- Aggravated assault
- Aggravated kidnapping
- Aggravated sexual assault
- Aiding a suicide
- Capital murder
- Continuous sexual abuse of a young child or children
- Criminally negligent homicide
- Deadly conduct
- Indecency with a child
- Improper relationship between educator and student
- Improper photography or visual recording
- Injury to a child, elderly individual, or disabled individual
- Kidnapping
- Manslaughter
- Murder
- Sexual assault
- Tampering with a consumer product
- Terroristic threat
- Trafficking of persons
- Unlawful restraint
- Unlawful transport

Note: Students under the age of 6 cannot be placed in a Disciplinary Alternative Education Program, (Texas Education Code 37.006), unless the student commits a federal firearm offense (Public Law 103-382 Sec. 14601).

Graduating seniors assigned to a Dallas County Juvenile Justice Alternative Education Program prior to May 1 must complete their assigned days through graduation, if applicable. The student will not be allowed to attend any senior activities, except graduation rehearsal and the graduation ceremony.

1. Graduating seniors, who commit a Level IV Offense after May 15, cannot participate in any graduation activities, including graduation rehearsal or the graduation ceremony. The referral must be approved by the Student Engagement and Support Department.

Students who have been expelled may not return to any Dallas ISD facility or attend any extracurricular activities of Dallas ISD.

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

If a parent or guardian entitled to notice has not been reached by

telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

A student shall be removed for any felony drug offense. If laboratory results performed by or obtained by the school district are negative, the student will be returned to the home campus.

A student who is a victim of sexual assault or aggravated assault may exercise mandatory transfer rights. A student convicted or adjudicated for sexual assault or aggravated assault may be subject to a mandatory transfer at the victim's request FDB(LOCAL).

Students assigned to the Dallas County Juvenile Justice Alternative Education Program (DCJJAEP) will remain at home until they are notified by the DCJJAEP.

Graduating seniors assigned to the DCJJAEP will be allowed to receive the minimum coursework required for graduation. The home school will provide AP course work and elective courses not taught at the DCJJAEP.

Age/Grade Range	2024-2025	
	1 st DAEP Placement	Additional DAEP Placements*
Discretionary Expellable Offenses		
Ages 6 - 9	20 Days	30 Days
Age 10 - 12 th Grade	30 Days	40 Days
Mandatory Expellable Offenses		
Ages 6 - 9	30 Days	40 Days
Age 10 - 12 th Grade	90 JJAEP Days	

***Credit for good days will not count for additional DAEP Placements.**

13.0 STUDENT CODE OF CONDUCT GLOSSARY

A

Administrative Hearing – Before removal to an Off-Campus Disciplinary Alternative Education Program or expulsion to Dallas County Juvenile Justice Alternative Education Program, each student must be provided a hearing that includes notice of alleged misconduct and proposed actions and an opportunity to be heard. Student may be represented by the parent/guardian or another adult representative.

Aggravated Assault – (Penal Code 22.02) Causes serious bodily injury to another, including a person's spouse, or uses or exhibits a deadly weapon during the commission of the assault.

Aggravated Robbery – (Penal Code 29.03) A person commits an offense if he/she commits robbery as defined in Section 29.02 and he/she: causes serious bodily injury to another; uses or exhibits a deadly weapon; or causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is 65 years of age or older or disabled.

Alcohol – Any beverage containing more than one-half of one percent of alcohol by volume, that is capable of use for beverage purposes, either alone or when diluted. Beer, ale, malt liquor, and liquor are all alcoholic beverages.

Arson – The willful burning or attempt to maliciously burn a structure.

Assault – Contact Dallas ISD police or dispatch to ensure proper identification for all assaults. Police identification is mandatory for Level III assaults. Level III offenses may require medical attention.

Intentionally, knowingly, or recklessly causing bodily injury to another person; intentionally or knowingly threatening another with imminent bodily injury; intentionally, knowingly, or recklessly causing physical contact with another when the person knows or should reasonably believe that the other would regard the contact as offensive or provocative.

Attempt to Commit Murder – (Penal Code 15.01) A person commits the offense of criminal attempt to commit murder or capital murder if, with the specific intent to commit the murder or capital murder, the person does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

B

Battery – The act of battering: unlawfully beating or using force on a person.

Behavior – The way a person acts.

Behavior Contract – A written agreement between a student and one or more school personnel. The parent/guardian can also be a party in the agreement. The student agrees to meet specific expectations.

Blackmail – Obtaining money or other objects of value from an unwilling person or forcing a person to act through the use of force or threat of force.

Boycott – Collective action to refuse to have any dealing with an event or activity.

Breach of Computer Security – Conduct that contains the elements of breach of security if the student accesses a District network or system and the student knowingly alters, damages, or deletes student District property or information or commits a breach of any other computer, computer network, or computer system.

Bullying – (see pages 22-23) Means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements below and that:

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

Bullying Includes cyberbullying.

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

Bus Misconduct – Includes, but is not limited to the following:

- Failure to remain seated when directed or when the bus is moving;
- Failure to wear a seat belt when directed or when the bus is moving (if the bus is equipped with seat belts);
- Extending any part of a student's body, clothing, or any other article outside a bus window;
- Throwing, pitching, or shooting objects inside or out of the bus;
- Failure to remain in an assigned seat directed by the driver.

C

Campus Behavior Coordinator – A Campus Behavior Coordinator, which has to be an administrator, is primarily responsible for maintaining student discipline and the implementation of any disciplinary actions. A campus behavior coordinator shall respond by employing appropriate discipline

management techniques consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any "progressive interventions" designated as the responsibility of the campus behavior coordinator in the Student Code of Conduct.

Classroom Disruption – (Texas Education Code Sec. 37.124) Disrupting the conduct of classes or other school activities, including:

- (A) emitting noise of an intensity that prevents or hinders classroom instruction;
- (B) enticing or attempting to entice a student away from class or other school activity that the student is required to attend;
- (C) preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and
- (D) entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.

Contract – An agreement between two or more people to do something.

Copying – The action of reproducing the schoolwork of another person with intent to represent it as one's own.

Criminal Mischief – Elements of criminal mischief constituting a felony are defined as intentionally or knowingly damaging or destroying the tangible property of an owner, or tampering with such property in a manner which causes pecuniary loss or substantial inconvenience to the owner or a third person, without the effective consent of the owner.

Criminally Negligent Homicide – A person commits an offense if he/she causes the death of an individual by criminal negligence.

D

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence occurs when a person in a current or past dating relationship used physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship or any of the person's past or subsequent partners.

Deadly Conduct – A person commits an offense if he/she recklessly engages in conduct that places another in imminent danger of serious bodily harm. A person commits an offense if he/she knowingly discharges a firearm at or in the direction of: one or more individuals; a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another vehicle whether or not the actor believed the firearm to be loaded.

Defacing School Property – Destroying or damaging school property, including buses, whether during school hours, out-of-school hours, or vacation time.

Detention – A teacher or administrator may detain a student after school hours for disciplinary action according to Dallas

Independent School District Board of Trustees Policy Code FO(LOCAL). The period of time for which a student is assigned to detention shall be used for educational purposes. For all students, detention shall not begin until notice has been given to the parents. Parents may be required to provide transportation when the student has been assigned detention.

Discretionary – Means something that is to be determined or regulated by a local decision maker.

Disciplinary Alternative Education Program (DAEP) – Instruction is provided in a setting other than a student's regular classroom. The location may be on or off a regular school campus, but students who are assigned to the Disciplinary Alternative Education Program are separated from students who are not assigned to the DAEP. Instruction provides for students' educational and behavioral needs and focuses on English, math, science, history, and self-discipline. Students must be at least 6 years old and have committed an offense that requires removal from the regular education program to a DAEP. Elementary students are separated from secondary students.

Disrespect of School Personnel – The act of putting someone down, trying to make them feel low, treating someone in a horrible manner, showing a person that they mean less than nothing to you, a hurtful act that is both rude and ignorant towards another person's feelings.

- Examples of disrespectful behavior are: talking back, refusing to identify self properly, rude behavior, name calling, and challenging authority.

Disruption on School Bus/Private Bus – Disobedience or misbehavior on a school or private bus.

Domestic Violence – Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Drugs (felony level) – Including but not limited to, cheese, methamphetamine, cocaine, LSD, ecstasy, acid, heroin, and marijuana (four ounces or more).

Drugs (non-felony level) – Including but not limited to marijuana (suspected prohibited substance) (less than four ounces) and prescription drugs.

E

Exhibition of Firearm – A person commits an offense if, in a manner intended to cause alarm or personal injury to another or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm:

- (1) in or on any property, including a parking lot, parking garage, or other parking area, owned by a private or public school; or
- (2) on a school bus being used to transport children to or from activities of a private or public school. (Texas Education Code 37.125)

Expulsion – The most severe consequence of a student's misbehavior at a school, on school property, or at a school-related event on or off school property. Students age 10 and older may be subject to adjudication by District court and assigned to the Dallas County Juvenile Justice Alternative Education Program (DCJJAEP).

Extortion – The act or an instance of obtaining money or other object of value by coercive means, such as threats or intimidation.

Electronic Cigarette – An electronic cigarette/cartridge or 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. The term does not apply to a prescription medical device unrelated to the cessation of smoking.

F

False Fire Alarms – Knowingly making, aiding in the making, or sounding of a fire alarm when the alarm is not needed or there is no fire. Emergency vehicles (police or fire) are dispatched and/or building has to be evacuated.

Falsification of School Records – Falsifying any public school record, report, or assessment instrument required under Chapter 39, Education Code.

Felony Alcohol – An example would be intoxication manslaughter.

Felony Controlled Substance – Examples include four ounces or more of marijuana, any amount of cocaine, and other controlled substances.

Fighting – Two or more students that choose to mutually engage in physical combat using blows or force to strive to overcome the other student(s).

Firearms – Any weapon, including a starter gun, which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler, a firearm silencer, or any destructive device, such as incendiary, any explosive, or poison gas. 18 U.S.C. § 921 (a)(3), (4). Antique firearms and fireworks are not included in this definition. Nor are knives included in the definition; they are regulated only by state law.

Forgery/Forging – Imitating an original piece of writing with the intent to deceive.

Free Appropriate Public Education (FAPE) - Students shall not be excluded or limited from continued school participation, as a result of a violation of the student code of conduct and/or misbehavior without invoking the school's disciplinary procedures. Such exclusions are considered informal disciplinary removals, and informal disciplinary removals are subject to the same legal requirements as formal disciplinary removals and may cause the school to violate the procedural or FAPE requirements.

G

Gang Activity – Three or more students having a common identifying sign/symbol or identifiable leadership who constantly or regularly associate in the commission of criminal activity.

Gambling – Betting money or any other item of value on the outcome of any event, game, or contest.

Gender-Based Harassment – Includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to

stereotypical notions of masculinity or femininity. Gender-based harassment can occur regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity.

Graffiti – (Penal Code 28.08) A person without consent of the owner intentionally or knowingly makes markings including inscriptions, slogans, drawings, or painting, on tangible property of the owner with:

1. aerosol paint;
2. an indelible marker; or
3. an etching or engraving device.

H

Harassment – Threatening to cause harm or bodily injury to another student, engaging in sexually intimidating, embarrassing and or humiliating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

Hate Speech - to any form of communication, whether spoken, written, or symbolic, that attacks or discriminates against a person or group based on attributes such as race, ethnicity, religion, gender, sexual orientation, disability, or other characteristics. It often seeks to demean, intimidate, or incite violence or prejudicial actions against individuals or groups.

Hazing – An intentional or reckless act, on or off campus, by one person alone or acting with others that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit List – A list of people targeted to be harmed, using a firearm or knife as defined in the Penal Code, or any other object to be used with intent to cause bodily injury.

I

Illegal Knife – Unlawful Carrying of an Illegal Knife under Penal Code 46.02 – TEC 37.007(a)(1). Knife with a blade greater than five and a half inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, poniard, bowie knife, sword; or spear.

Immoral Conduct – Lewd, lascivious, or indecent acts, including indecent sexual propositions, indecent exposure, or obscene gestures.

Indecent Exposure – A person commits an offense if he/she exposes his/her anus or any part of his/her genitals with intent to arouse or gratify the sexual desire of any person, and he/she is reckless about whether another is present who will be offended or alarmed by his/her act.

Indecency With a Child – A person commits an offense if, with a child younger than 17 years not his/her spouse, whether the child is of the same or opposite sex, he/she engages in sexual contact with the child or exposes part of his/her genitals, and knows the child is present, with intent to arouse or gratify the sexual desire of any person.

Inhalant Abuse (abuse of a volatile chemical) – A student commits an offense of this category if the student: inhales, ingests, applies, uses, or possesses glue, aerosol paint, or volatile chemical with intent to inhale, ingest, apply, or use it in a

manner contrary to directions for use; cautions or warnings appear on a label of a container of the glue or paint designed to affect the person's central nervous system; create or induce a condition of intoxication, hallucination, or elation or change; or distort or disturb the person's eyesight, thinking process, balance, or coordination.

K

Kidnapping – A person intentionally or knowingly abducts another person.

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

L

Loitering – Linger about the school premises in an aimless fashion.

M

Major disruptive school behavior - Behavior involving a student, alone or in concert with others that intentionally, and physically interrupts the school environment; obstructing movement of the overall campus resulting in the displacement of students and or school operations; and/or, behavior resulting from a group of students that would require a Texas Peace officer or Dallas ISD security officer to use force to discontinue the disruptive behavior. [Texas Education Code Sec. 37.123]

Mandatory – Something is obligatory or required because of an authority.

Manslaughter – A person commits an offense if he/she recklessly causes the death of an individual.

Misbehavior – Behavior that is contrary to expectations stated in the *Student Code of Conduct* and/or behavior that prevents the teacher from carrying out the teaching process.

Murder – A person commits an offense containing the elements of murder if he/she: intentionally or knowingly causes the death of an individual; intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

N

Non-Title 5 Felonies – A felony off campus, occurring any time or place not against another person.

O

Obscene Material – Material that is offensive to the acceptable standards of the majority in a community.

Offense – An act of misbehavior as defined in the *Student Code of Conduct* or implied from the as defined in that code.

Offensive Language – Any form of expression that may include, but is not limited to, words, phrases, or expressions considered offensive, disrespectful, rude, insulting, hurtful, harmful, demeaning, abusive, derogatory, foul, vulgar, obscene,

breaches commonly, acceptable standards of decent and proper speech in a school setting.

Online Impersonation – Creating a Web page on a commercial social networking site or other Internet Web site; or posting or sending messages on or through a commercial networking site or other Internet Web site other than or through electronic mail or a message board. The actions must be taken without the other person's consent and with the intent to harm, defraud, intimidate, or threaten the other person.

P

Paraphernalia – Devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Parents – Includes single parent, legal guardian, person in lawful control or person standing in parental relationship to a student.

Peer Mediation – Peer-to-peer resolution of conflict using good communication skills.

Penalty – A consequence for violating a provision of the *Student Code of Conduct*.

Possession – Shall constitute the intentional, knowing or reckless carrying of "a substance or item" on or about the person, whether or not such "substance or item" is actually found on the student, provided that there are reliable witnesses or other corroborating evidence that the student was previously in possession. "Possession" shall include a "substance or item" found on the premises, or within 300 feet of school property if located in the student's vehicle, locker, book bag, purse, clothing or other personal belongings under the exclusive control of the student.

Profanity – Using language that is outside the standards of acceptable language of the majority of persons in the community. Cursing and vulgar words and phrases are examples of profanity.

Prohibited Weapon – An explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, armor-piercing ammunition, a chemical dispensing device (i.e., mace or pepper gas), or a zip gun.

Protest – To make objection in words or acts.

Public Lewdness – Knowingly engaging in any sexual act in a public place or in the presence of another person who will be offended or alarmed by such act(s).

R

Reassignment of Classes – The removal of a student for persistent misbehavior from his or her assigned classroom to another class on the same campus. To the extent possible, the student should continue to receive instruction in the courses he or she was enrolled in when the removal became effective.

Repetitive Level I Offenses – Six Level I Offense referrals occurring within a period of 45 rolling school days that requires a Student Support Team or Behavioral Intervention Plan (BIP).

Reset Center – Provides short-term educational and behavioral management services for students removed from the regular classroom setting for additional support.

Resisting Arrest – A person commits an offense if he/she intentionally prevents or obstructs a person he knows is a peace officer or a person acting in a peace officer's presence and at his direction from effecting an arrest, search, or transportation of the actor or another by using force against the peace officer or another.

Restitution – Making good or restoring objects that have been lost or damaged, returning them to the owner.

Retaliation – Knowingly, willingly, or recklessly causing harm to a school district employee or volunteer, including but not limited to bodily, property or psychological injury as a result of the person’s employment or association with the school district if committed anywhere.

Robbery – (Penal Code 31.02). A person commits an offense if in the course of committing theft as defined in Chapter 31 and with the intent to obtain or maintain the control of the property when he/she: (1) intentionally, knowingly, or recklessly causes bodily injury to another or (2) intentionally, knowingly, or threatens or places another in fear of imminent bodily injury or death.

Rolling Days – No beginning or ending date. The administrator counts back 45 school days from the date of the last offense to determine the length of time during which the six referrals must have occurred.

S

School Property – Any property owned by the school district or over which the school district or its personnel exert lawful authority and that may include property visited by students in connection that a school-sponsored activity such as a field trip or extracurricular activity

Scuffling – Engaged in a short confused tussle in close quarters.

Secret Societies – An organization composed of pupils of public schools below the rank of college that seeks to gain membership by allowing its members to choose those they deem acceptable rather than upon free choice of any student in the school.

Self-Defense – The use of force against another to the degree that a person reasonably believes the force is immediately necessary to protect himself or herself. Such reasonable belief shall be based on the applicable mitigating factors established in the Student Code of Conduct, including; the actor’s age, grade level, ability and functioning level, frequency of misbehavior/disciplinary history, apparent mindset, effect of the misconduct on the school environment, the actor’s intent or lack of intent at the time the actor engaged in the conduct, and the disability of the actor, if known.

Serious Bodily Injury - Defined in Section 1365(h)(3) of Title 18, U.S. Code, to mean a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. [615(k) (1) (G)]

Serious Misbehavior at a Disciplinary Alternative Education Program

● **Serious misbehavior means:**

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

e. Harassment under Section 42.07 (a) (1), Penal Code, of a student or District employee.

Severity – Seriousness or gravity of a situation.

Sexual Assault – An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Sexual Harassment – For purposes of Title IX and this Student Code of Conduct is conduct on the basis of sex that includes one or more of the following: (1) an employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conducted determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or (3) “sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

Slap boxing – Slap boxing is a physical activity somewhat simulating boxing, where open handed slaps are used instead of fists.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Stealing – Taking and carrying away the personal property of another without the consent of the owner. Removing or taking away school property without permission.

Suspicious Drug Activity – The facts of a situation make it suspicious when the Reasonable Person Rule: (Would any other reasonable person think that what is going on would be suspicious?) is applied.

T

Teacher-Initiated Removal – A teacher may remove from class a student who has been documented by the teacher as repeatedly interfering with the teacher’s ability to communicate effectively with the students in the class. The principal may place the student into another appropriate classroom, Reset Center, or a Disciplinary Alternative Education Program (DAEP). The removal must be consistent with the Dallas ISD *Student Code of Conduct*.

A teacher may remove and prohibit the return of any student to the teacher’s classroom if the teacher was the victim of sexual assault, aggravated assault, aggravated sexual assault or assault with bodily injury by the student. The student may be transferred to another classroom, campus or to a DAEP within the District, (Texas Education Code 37.002)

Terroristic Threat (Penal Code 22.07) – Threatening to commit any offense involving violence to any person or property with intent to cause a reaction by an official or volunteer agency organized to deal with emergencies; place any person in fear of imminent, serious bodily injury; prevent or interrupt the occupation or use of any public place; or cause the impairment or interruption of public services. This offense is a Class A misdemeanor unless false report is of an emergency involving a public primary or secondary school; public communications; public transportation; public water, gas, or power supply; or other public service in which case the offense is a state jail felony.

Theft – Unauthorized possession and/or sale of the property of another without the consent of the owner.

Title 5 offenses – Offenses that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, and elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. See FOC[EXHIBIT]

Trespassing – Entering the school property without permission or right.

U

“Under the Influence” and “Use” have similar meanings – Not having the normal use of mental or physical faculties and may be evident by the presence of physical symptoms of drug/alcohol use, or by admission; or a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student’s physical appearance, actions, breath, odor or speech; or the student admits such use to school personnel. A student “under the influence” need not be legally intoxicated.

V

Vandalism – (Referred to as criminal mischief if less than \$2500). Willful action that results in destruction, damage, or defacement of property belonging to or rented by the District. This includes graffiti. A person commits an offense if, without the effective consent of the owner, the person, intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or painting, on the tangible property of the owner with aerosol paint, an indelible marker, or an etching or engraving device. An offense under this section is a state jail felony if the marking is made on a school.

W

Weapons – Instruments used to cause bodily harm

14.0 BOARD OF TRUSTEES POLICY CODES

A parent/guardian who wishes to access specific Dallas Independent School District Board of Trustees policies affecting student behavior and discipline may use the following list of policy codes to find the topic(s) in which they are interested. The policies are available online at www.dallasisd.org or copies can be requested from principals.

POLICY CODE	TITLE: SUBTITLE	Link
FB (LEGAL) (LOCAL) (REGULATION)	Equal Educational Opportunity	http://pol.tasb.org/Policy/Section/361?filter=F
FDB (LEGAL) (LOCAL) (REGULATION) (EXHIBIT)	ADMISSIONS: INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS	http://pol.tasb.org/Policy/Section/361?filter=F
FDE (LEGAL)	ADMISSIONS: SCHOOL SAFETY TRANSFERS	http://pol.tasb.org/Policy/Section/361?filter=F
FFH (LEGAL) (LOCAL)	STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION	http://pol.tasb.org/Policy/Section/361?filter=F
FFI (LEGAL) (LOCAL) (REGULATION)	STUDENT WELFARE: FREEDOM FROM BULLYING	http://pol.tasb.org/Policy/Section/361?filter=F
FN (LOCAL)	STUDENT RIGHTS AND RESPONSIBILITIES	http://pol.tasb.org/Policy/Section/361?filter=F
FNC (LEGAL)	STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT CONDUCT	http://pol.tasb.org/Policy/Section/361?filter=F
FNCA (LEGAL) (LOCAL) (REGULATION) (EXHIBIT)	STUDENT CONDUCT: DRESS CODE	http://pol.tasb.org/Policy/Section/361?filter=F
FNCC (LEGAL)	STUDENT CONDUCT: PROHIBITED ORGANIZATIONS AND HAZING	http://pol.tasb.org/Policy/Section/361?filter=F
FNCD (LEGAL)	STUDENT CONDUCT: TOBACCO USE AND POSSESSION	http://pol.tasb.org/Policy/Section/361?filter=F
FNCE (LEGAL) (LOCAL)	STUDENT CONDUCT: TELECOMMUNICATIONS/ELECTRONIC DEVICES	http://pol.tasb.org/Policy/Section/361?filter=F
FNCF (LEGAL)	STUDENT CONDUCT: ALCOHOL AND DRUG USE	http://pol.tasb.org/Policy/Section/361?filter=F

FNCG (LEGAL) (REGULATION)	STUDENT CONDUCT: WEAPONS	http://pol.tasb.org/Policy/Section/361?filter=F
FNCI (LEGAL)	STUDENT CONDUCT: DISRUPTIONS	http://pol.tasb.org/Policy/Section/361?filter=F
FNF (LEGAL) (LOCAL) (REGULATION)	STUDENT RIGHTS AND RESPONSIBILITIES: INVESTIGATIONS AND SEARCHES	http://pol.tasb.org/Policy/Section/361?filter=F
FNG (LEGAL) (LOCAL) (EXHIBIT)	STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES	http://pol.tasb.org/Policy/Section/361?filter=F
FO (LEGAL) (LOCAL) (REGULATION)	STUDENT DISCIPLINE	http://pol.tasb.org/Policy/Section/361?filter=F
FOA (LEGAL)	STUDENT DISCIPLINE: REMOVAL BY TEACHER OR BUS DRIVER	http://pol.tasb.org/Policy/Section/361?filter=F
FOB (LEGAL)	STUDENT DISCIPLINE: OUT-OF-SCHOOL SUSPENSION	http://pol.tasb.org/Policy/Section/361?filter=F
FOC (LEGAL)	STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING	http://pol.tasb.org/Policy/Section/361?filter=F
FOCA (LEGAL)	PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING: DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS	http://pol.tasb.org/Policy/Section/361?filter=F
FOD (LEGAL)	STUDENT DISCIPLINE: EXPULSION	http://pol.tasb.org/Policy/Section/361?filter=F
FODA (LEGAL)	EXPULSION: JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM	http://pol.tasb.org/Policy/Section/361?filter=F
FOE (LEGAL)	STUDENT DISCIPLINE: EMERGENCY AND ALTERNATIVE PLACEMENT	http://pol.tasb.org/Policy/Section/361?filter=F
FOF (LEGAL)	STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES	http://pol.tasb.org/Policy/Section/361?filter=F