

Public Education Information Management System (PEIMS) Discipline Data
Chart for Determining Mandatory and Discretionary
Disciplinary Alternative Education Program (DAEP) Placements and Expulsions

This document outlines the mandatory and discretionary disciplinary actions required for school districts. The guidelines presented herein generally do not apply to open-enrollment charter schools, except to the extent a charter school has adopted the applicable Chapter 37 disciplinary provisions in its student code of conduct.

[TEC §37.001\(a\)\(4\)](#), requires consideration of the following factors before removing a student from their regular educational setting as part of a disciplinary action:

- (A) self-defense;
- (B) intent or lack of intent at the time the student engaged in the conduct;
- (C) a student's disciplinary history;
- (D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
- (E) a student's status in the conservatorship of the Department of Family and Protective Services; or
- (F) a student's status as a student who is homeless.

Legend for Colors, Symbols, and Annotations:

-  **Mandatory DAEP Placement**
-  **Mandatory Expulsion**
-  **Discretionary DAEP Placement**
-  **Discretionary Expulsion**

N/A – Not Applicable

- DAEP Capacity Rule – [TEC §37.009\(a-1\) – \(a-2\)](#)

Applicable PEIMS Discipline Code Descriptor Tables:

- [Behavior \(C165\)](#)
- [Incident Location \(C190\)](#)
- [Discipline \(C164\)](#)

01 - Permanent removal by a teacher from class

Behavior (C165) Code: [TEC §37.002\(c\)](#)

Translation: Teacher has removed the student from classroom and denied the student the right to return.

Note: Another appropriate classroom, in-school suspension (ISS), or disciplinary alternative education program (DAEP) are the only allowable actions for Behavior Code 01. Placement decisions are subject to the procedures in [TEC §§37.002 and 37.003](#), including review by the placement review committee when applicable.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	N/A	Discretionary	N/A

02 – Conduct punishable as a felony

Behavior (C165) Code: [TEC §37.006\(a\)\(2\)\(A\)](#)

Translation: Defined under [Chapter 12, Penal Code](#).

Note: Felony offenses are defined throughout the Texas Penal Code. A felony is defined in [Penal Code §1.07\(a\)\(23\)](#). Refer to [TEC §37.006\(d\)\(2\)\(A\)](#) and (B) for Incident Location 04. Use Behavior 02 only if no other behavior code is applicable.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	N/A
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	N/A
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	N/A
Off Campus, no school related/ sponsored activity (04)	N/A	N/A	Discretionary	N/A

05 - Alcohol

Behavior (C165) Code: [TEC §37.006\(a\)\(2\)\(D\)](#) and [TEC §37.007\(b\)\(2\)\(A\)\(iii\)](#)

Translation: Defined under [§1.04, Alcoholic Beverage Code](#).

Note: Includes conduct engaged with any element of alcohol.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	#Mandatory	N/A	N/A	Discretionary
Off Campus, within 300 ft. (02)	#Mandatory	N/A	N/A	Discretionary
School Related/ Sponsored Activity Off Campus (03)	#Mandatory	N/A	N/A	Discretionary

06 - Abusable volatile chemical

Behavior (C165) Code: [TEC §37.006\(a\)\(2\)\(E\)](#) and [TEC §37.007\(b\)\(2\)\(B\)](#)

Translation: Defined under [§485.031 through §485.034, Health and Safety Code](#).

Note: Abusable Volatile Chemical is defined under [§485.001, Health and Safety Code](#). Such a chemical is labeled specifically with “Vapor Harmful” or other specific labeling requirements under the [Federal Hazardous Substances Act \(15 U.S.C. Section 1261 et seq.\)](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	#Mandatory	N/A	N/A	Discretionary
Off Campus, within 300 ft. (02)	#Mandatory	N/A	N/A	Discretionary
School Related/ Sponsored Activity Off Campus (03)	#Mandatory	N/A	N/A	Discretionary

07 – Public lewdness or indecent exposure

Behavior (C165) Code: [TEC §37.006\(a\)\(2\)\(F\)](#)

Translation: Defined under Penal Code §§[21.07](#) and [21.08](#).

Note: If conduct is engaged while attending and on the DAEP campus, Behavior 59 will be used instead of Behavior 07.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	N/A
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	N/A
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	N/A

09 - Title 5 Felony Offenses

Behavior (C165) Code: [TEC §37.006\(c\)\(1\)\(A\)](#), and [TEC §37.0081](#)

Translation: Title 5 offenses are offenses against the person under Title 5 of the Texas Penal Code. The student receives deferred prosecution under [§53.03, Family Code](#).

Note: Title 5 of the Texas Penal Code is titled Offenses Against the Person. Behavior 09 is used only with Incident Location 04. Refer to local law enforcement and local legal counsel as needed.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Off Campus, no school related/ sponsored activity (04)	Mandatory	N/A	N/A	Discretionary

10 – Felony Offenses not in Title 5

Behavior (C165) Code: [TEC §37.006\(d\)\(2\)\(A\)](#)

Translation: A felony offense that is not classified as an offense against the person under Title 5 of the Texas Penal Code.

Note: A non-Title 5 felony is a felony offense that is not classified under Title 5 (Offenses Against the Person) of the Texas Penal Code. Behavior 10 is used only with Incident Location 04. Refer to local law enforcement and local legal counsel as needed.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
--------------------------	--------------------------	---------------------	------------------------------	-------------------------

Off Campus, no school related/ sponsored activity (04)	N/A	N/A	Discretionary	N/A
---	-----	-----	---------------	-----

11 – Brings a firearm to school

Behavior (C165) Code: [TEC §37.007\(e\)](#)

Translation: Used when a student brings a firearm to school but does not threaten to, use, or exhibit the firearm.

Note: Refer to the local law enforcement or local legal counsel to determine the difference in reporting Behavior 11 and Behavior 73.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	Mandatory	N/A	N/A

12 – Unlawful carrying of a location-restricted knife

Behavior (C165) Code: [TEC §37.007\(a\)\(1\)](#)

Translation: Defined under [Penal Code §46.01\(6\)](#).

Note: This is a knife with a blade that is longer than 5.5 inches. Carrying a knife with a blade 5.5 inches or shorter is reported as a Behavior 21.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

14 – Elements of Offense Relating to Prohibited Weapons

Behavior (C165) Code: [TEC §37.007\(a\)\(1\)](#)

Translation: Defined under [Penal Code §46.05](#) as:

- an explosive weapon;
- a machine gun; or
- armor-piercing ammunition;
- a chemical dispensing device;
- a zip gun;
- a tire deflation device; or
- an improvised explosive device.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

16 – Arson

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(B\)](#)

Translation: Defined under [Penal Code §28.02](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

17 – Murder, capital murder, criminal attempt to commit murder or capital murder

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(C\)](#)

Translation: Defined under Penal Code [§19.02](#), [§19.03](#), and [§15.01](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

18 – Indecency with a child

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(D\)](#)

Translation: Defined under Penal Code [§21.11](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

19 – Aggravated kidnapping

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(E\)](#).

Translation: Defined under Penal Code [§20.04](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

21 - Violation of student code of conduct

Behavior (C165) Code: [TEC §37.001](#)

Translation: Excludes offenses under [TEC §37.002\(c\)](#), [TEC §37.006](#), or [TEC §37.007](#)

Note: Use this code only when a more applicable behavior code does not accurately define the offense. Court ordered JJAEPs and DAEPs are to be reported with Behavior 21. Expulsion actions are not allowed when reporting a Behavior 21.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	N/A	Discretionary	N/A

22 - Felony Criminal Mischief

Behavior (C165) Code: [TEC §37.007\(f\)](#)

Translation: Defined under [Penal Code §28.03](#).

Note: The student must be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	N/A	N/A	Discretionary

23 - Emergency Placement/Expulsion

Behavior (C165) Code: [TEC §37.019](#)

Translation: An administrator may verbally order the immediate placement of a student in a DAEP for behavior that seriously disrupts the educational environment or the immediate expulsion of a student when necessary to protect people or property from imminent harm.

Note: ISS or OSS is not allowable when reporting a Behavior 23.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	N/A	Discretionary	Discretionary

26 - Terroristic Threat Involving a Public School

Behavior (C165) Code: [TEC §37.006\(a\)\(1\)](#) or [TEC §37.007\(b\)\(1\)](#)

Translation: Defined under [Penal Code §22.07](#).

Note: The threat must be directed at or involve a public school and meet the elements of Penal Code §22.07. (Not every threat made at the school is a terroristic threat involving a public school)

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	Discretionary
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	Discretionary
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	Discretionary
Off Campus, no school related/ sponsored activity (04)	Mandatory	N/A	N/A	Discretionary

27 - Assault against a school district employee or volunteer

Behavior (C165) Code: [TEC §37.007\(a\)\(4\)](#)

Translation: Defined under [Penal Code §22.01\(a\)\(1\)](#).

Note: Bodily injury must have occurred. Bodily injury is defined under [Penal Code §1.07\(a\)\(8\)](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

28 - Assault against a non-school district employee or volunteer

Behavior (C165) Code: [TEC §37.006\(a\)\(2\)\(B\)](#)

Translation: Defined under [Penal Code §22.01\(a\)\(1\)](#).

Note: Bodily injury must have occurred. Bodily injury is defined under [Penal Code §1.07\(a\)\(8\)](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	N/A
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	N/A
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	N/A

29 - Aggravated assault against a school district employee or volunteer

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(A\)](#)

Translation: Defined under [Penal Code §22.02](#).

Note: Serious bodily injury must have occurred. Serious bodily injury is defined under [Penal Code §1.07\(a\)\(46\)](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

30 – Aggravated assault against non-school district employee or volunteer

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(A\)](#)

Translation: Defined under [Penal Code §22.02](#).

Note: Serious bodily injury must have occurred. Serious bodily injury is defined under [Penal Code §1.07\(a\)\(46\)](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

31 – Sexual assault or aggravated sexual assault against a school district employee or volunteer

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(A\)](#)

Translation: Defined under Penal Code [§22.011](#) and [§22.021](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

32 – Sexual assault or aggravated sexual assault against non-school district employee or volunteer

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(A\)](#)

Translation: Defined under Penal Code [§22.011](#) and [§22.021](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

35 - False Alarm/False Report Involving a Public School

Behavior (C165) Code: [TEC §37.006\(a\)\(1\)](#) and [TEC §37.007\(b\)\(1\)](#)

Translation: Defined under [Penal Code §42.06](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	Discretionary
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	Discretionary
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	Discretionary
Off Campus, no school related/ sponsored activity (04)	Mandatory	N/A	N/A	Discretionary

36 - Felony Controlled Substance or Dangerous Drug Violation (Excludes Marihuana/THC)

Behavior (C165) Code: [TEC §37.007\(a\)\(3\)](#)

Translation: Defined under Health and Safety Code [Chapter 481](#) and [Chapter 483](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

41 - Fighting/Mutual Combat

Behavior (C165) Code: [TEC §37.001](#)

Translation: Does not include assaultive offenses under [Penal Code §22.01](#)

Note: Must involve two or more students with the same intent. Expulsion actions are not allowed when reporting a Behavior 41. Each student may receive a different disciplinary action based on their involvement in the incident.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	N/A	Discretionary	N/A

47 – Manslaughter

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(G\)](#)

Translation: Defined under [Penal Code §19.04](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

48 – Criminally Negligent Homicide

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(H\)](#)

Translation: Defined under [Penal Code §19.05](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

49 - Engages in Deadly Conduct

Behavior (C165) Code: [TEC §37.007\(b\)\(2\)\(C\)](#) and [TEC §37.006\(c\)\(1\)\(B\)](#)

Translation: Defined under [Penal Code §22.05](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	N/A	N/A	Discretionary
Off Campus, within 300 ft. (02)	N/A	N/A	N/A	Discretionary
School Related/ Sponsored Activity Off Campus (03)	N/A	N/A	N/A	Discretionary
Off Campus, no school related/ sponsored activity (04)	Mandatory	N/A	N/A	N/A

55 - Student Is Required to Register as a Sex Offender Under Chapter 62 of The Code of Criminal Procedure and is Under Court Supervision

Behavior (C165) Code: [TEC §37.304](#)

Translation: Defined under [Code of Criminal Procedure, Chapter 62](#).

Note: Applies only if the offense occurred on or after September 1, 2007, and court involvement is still in effect.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	Mandatory	N/A	N/A	Discretionary

56 - Student Is Required to Register as a Sex Offender Under Chapter 62 of the Code of Criminal Procedure and is Not Under Court Supervision

Behavior (C165) Code: [TEC §37.305](#)

Translation: Defined under [Code of Criminal Procedure, Chapter 62](#).

Note: Applies only if the offense occurred on or after September 1, 2007, and court involvement has ended.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	N/A	Discretionary	Discretionary

57 - Continuous Sexual Abuse of Young Child or Disabled Individual

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(I\)](#)

Translation: Defined under Penal Code [§21.02](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

58 - Breach of Computer Security

Behavior (C165) Code: [TEC §37.007\(b\)\(4\)](#)

Translation: Defined under Penal Code [§33.02](#).

Note: The conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly:

- alters, damages, or deletes school district property or information; or
- commits a breach of any other computer, computer network, or computer system.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	N/A	N/A	Discretionary

59 - Serious Misbehavior while placed in a DAEP

Behavior (C165) Code: [TEC §37.007\(c\)](#)

Translation: Engages in documented serious misbehavior while attending and on the DAEP campus despite documented behavioral interventions. These behaviors are:

- deliberate violent behavior that poses a direct threat to the health or safety of others;
- extortion, meaning the gaining of money or other property by force or threat;
- conduct that constitutes coercion, as defined by Penal Code [§1.07\(a\)\(9\)](#); or
- conduct that constitutes public lewdness under Penal Code [§21.07](#);
- conduct that constitutes indecent exposure under Penal Code [§21.08](#);
- conduct that constitutes criminal mischief under Penal Code [§28.03](#);
- conduct that constitutes personal hazing under [TEC §37.152](#); or
- conduct that constitutes harassment under Penal Code [§42.07\(a\)\(1\)](#), of a student or district employee.

Note: The behavior must have occurred on the DAEP campus at the time the student is enrolled and attending the DAEP.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	N/A	N/A	Discretionary

61 - Certain bullying behavior

Behavior (C165) Code: [TEC §37.0052\(b\)](#)

Translation: These behaviors are:

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

Note: Report Behavior 61 only for the behaviors listed above. All other bullying-related behaviors must be reported under the most applicable behavior code.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	N/A	Discretionary	Discretionary

62 - Possessed, sold, gave, used, delivered, or under the influence of Marihuana or Tetrahydrocannabinol (THC)

Behavior (C165) Code: [TEC §37.006\(a\)\(2\)\(C-1\)](#) and [TEC §37.007\(b\)\(2\)\(A\)\(i\)](#)

Translation: Defined under Health and Safety Code [§481.002\(a\)\(26\)](#), or tetrahydrocannabinol (THC), as defined by rules adopted under Health and Safety Code [§481.003](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	Discretionary
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	Discretionary
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	Discretionary

64 - Non-Felony level-controlled substance or dangerous drug

Behavior (C165) Code: [TEC §37.006\(a\)\(2\)\(C\)\(i\)](#) and [TEC §37.007\(b\)\(2\)\(A\)\(i\)](#)

Translation: Defined under Health and Safety Code, [Chapter 481](#) and [Chapter 483](#).

Note: Includes conduct involving possession, sale, delivery, transfer, use, or being under the influence of a non-felony-controlled substance or dangerous drug.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	Discretionary
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	Discretionary
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	Discretionary

65 - Threatens immediate health and safety of other students in classroom

Behavior (C165) Code: [TEC §37.005\(c\)\(2\)](#)

Translation: Behavior that threatens the immediate health and safety of other students in the classroom.

Note: Behavior 65 should be reported when assigning a student OSS only, specifically with students below third grade or students experiencing homelessness.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	N/A	Discretionary	N/A
School Related/ Sponsored Activity Off Campus (03)	N/A	N/A	Discretionary	N/A

66 - Documented repeated or significant disruption to the classroom

Behavior (C165) Code: [TEC §37.005\(c\)\(3\)](#)

Translation: Documented repeated or a substantial behavior that interferes with classroom instruction or activities.

Note: Behavior 66 should be reported when assigning a student OSS only, specifically with students below third grade or students experiencing homelessness.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	N/A	Discretionary	N/A
School Related/ Sponsored Activity Off Campus (03)	N/A	N/A	Discretionary	N/A

67 - Possesses or uses e-cigarette

Behavior (C165) Code: [TEC §37.001\(a\)\(2\)](#), and [TEC §37.006\(d\)\(1\)\(C\)](#)

Translation: Defined under Health and Safety Code [§161.081\(1-a\)](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	N/A	Discretionary	N/A

68 - Sells, gives, or delivers e-cigarette

Behavior (C165) Code: TEC §37.006(a)(2)(C-2)

Translation: Defined under Health and Safety Code, §161.082.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	#Mandatory	N/A	N/A	N/A
Off Campus, within 300 ft. (02)	#Mandatory	N/A	N/A	N/A
School Related/ Sponsored Activity Off Campus (03)	#Mandatory	N/A	N/A	N/A

69 - Disorderly conduct involving a firearm

Behavior (C165) Code: TEC §37.006(c)(1)(D)

Translation: Defined under Penal Code, §42.01(a)(7) or (8).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Off Campus, no school related/ sponsored activity (04)	Mandatory	N/A	N/A	N/A

70 - Disruptive activities under TEC §37.123

Behavior (C165) Code: [TEC §37.006\(d\)\(1\)\(A\)](#)

Translation: Alone or with others, intentionally engages in disruptive activities. Defined under [TEC §37.123](#) as:

- obstructing or restraining the passage of people in an exit, entrance, or hallway of a building without authorization;
- seizing control of a building or part of a building to interfere with an authorized activity;
- preventing or attempting to prevent, by force or threat of force or violence, participation in an authorized lawful assembly;
- disrupting a lawful assembly in progress by force or violence or the threat of force or violence; or
- blocking or restricting a person's ability to enter or leave school property without school authorization, including using or threatening force or violence to prevent access to or exit from the campus.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	N/A	N/A	Discretionary	N/A

71 – Disruption of classes under TEC §37.124

Behavior (C165) Code: [TEC §37.006\(d\)\(1\)\(B\)](#)

Translation: Defined under [TEC §37.124](#) as alone or with others, intentionally disrupts school classes or activities by:

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

Note: A student must be 12 years of age or older for Behavior 71 to be applicable. Behavior 71 is the only behavior code for which Incident Location 06 may be reported.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On School Property or on Public Property within 500 Feet of School Property (06)	N/A	N/A	Discretionary	N/A

72 – Kidnapping

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(E\)](#)

Translation: Defined under Penal Code §20.03.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

73 - Exhibits, uses, or threatens to exhibit or use a firearm under TEC §37.125

Behavior (C165) Code: [TEC §37.007\(a\)\(5\)](#)

Translation: Defined under [TEC §37.125](#).

Note: Used when a student threatens to, uses, or exhibits a firearm. Refer to the local law enforcement or local legal counsel to determine the difference in reporting Behavior 73 and Behavior 11.

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A

74 - Retaliation against a school employee or volunteer of the district

Behavior (C165) Code: [TEC §37.006\(b\)\(1\)](#)

Translation: Defined under Penal Code [§36.06](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	N/A
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	N/A
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	N/A
Off Campus, no school related/ sponsored activity (04)	Mandatory	N/A	N/A	N/A

75 - Harassment against an employee or volunteer of the district

Behavior (C165) Code: [TEC §37.006\(b\)\(2\)](#)

Translation: Defined under Penal Code [§42.07](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
On Campus (01)	Mandatory	N/A	N/A	N/A
Off Campus, within 300 ft. (02)	Mandatory	N/A	N/A	N/A
School Related/ Sponsored Activity Off Campus (03)	Mandatory	N/A	N/A	N/A
Off Campus, no school related/ sponsored activity (04)	Mandatory	N/A	N/A	N/A

76 - Burglary/Robbery, Aggravated Robbery

Behavior (C165) Code: [TEC §37.007\(a\)\(2\)\(F\)](#)

Translation: Defined under Penal Code [§30.02](#), [§29.02](#), and [§29.03](#).

Incident Location (C190)	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
Not Applicable (00)	N/A	Mandatory	N/A	N/A