



STUDENT CODE OF CONDUCT

2025-2026

Table of Contents

Application of the Code.....	2
Expectations for Student Conduct.....	3
Prohibited Conduct.....	4
General Student Behavior.....	5
Violation of School Rules and Policies.....	5
Violent, Illegal, and Other Serious Offenses.....	6
Determining Appropriate Discipline.....	7
Investigation of Discipline Issues.....	8
Discipline of Students with Special Needs.....	9
Types of Discipline.....	10
Detention/In School Suspension.....	10
Out of School Suspension.....	11
Discipline Alternative Education Program Placement(DAEP).....	11
Discretionary Placement.....	12
Mandatory Placement.....	13
DAEP at Capacity.....	15
Coursework Notice.....	16
Length of Placement.....	16
Placement Review.....	16
Additional Misconduct.....	16
Notice of Criminal Proceedings.....	17
Withdrawal During Process.....	18
Newly Enrolled Students.....	18
Emergency Placement Procedure.....	18
Transition Services.....	19
Reasons for Expulsion.....	19
Expulsion Process.....	20
Terms of Expulsion.....	21
Discipline Appeal Process.....	22
Definitions.....	22

APPLICATION OF THE CODE

The Island Foundation Board of Directors governing Seashore Charter Schools (SCS) has adopted this Student Code of Conduct (the “Code”) in accordance with Section 12.131 of the Texas Education Code (TEC), in order to clearly communicate standards for expected student conduct, the disciplinary consequences which may be applied to students who violate those standards, and the applicable procedures for the implementation of disciplinary consequences. All students must comply with the Code.

Parents and students are encouraged to contact campus administration with any questions or concerns regarding the requirements and provisions of the Code and are expected to review and be familiar with the provisions of the Code. ***Lack of knowledge or awareness about any School rules, including this Code, will not excuse violations of the Code.*** Parents and students will be required to sign a statement acknowledging receipt and understanding of the Code.

A copy of this Code is available on school websites as well as each campus office.

The school has the authority to create and enforce rules related to student conduct and behavior while on school property, traveling to or in attendance at a school-sponsored or school-related event or activity, whether on or off-campus. The school has the authority to issue disciplinary consequences for certain conduct that relates to, affects, or shares a nexus with the school, its students, or its employees regardless of when or where the conduct occurs. ***The school may also issue discipline based on a student’s use of electronic media, whether on or off-campus.***

Other school rules, codes, or policies may apply to a student’s misconduct and may result in multiple disciplinary consequences issued for the same conduct. In considering a student’s request for admission, the School may consider the student’s history of a criminal offense(s), juvenile court adjudication(s), or disciplinary problems under subchapter A, Chapter 37 of the Education Code, as evidenced by records received from schools previously attended by the student, law enforcement, or any other relevant documentation, and may exclude the student from admission on this basis.

If a student who would otherwise be ineligible for admission to the school provides false information on an admissions application or other enrollment document and as a result of the false information is admitted to the school, the student shall be immediately withdrawn from

enrollment from the school upon discovery of the falsification. Falsification of information for the purpose of gaining enrollment in a public school is a criminal offense under § 37.10 of the Texas Penal Code. The school may elect to report the falsification to law enforcement or take any other action permitted by law.

EXPECTATIONS FOR STUDENT CONDUCT

The mission of Seashore Charter Schools is to provide high-quality education in a respectful and inclusive environment that builds a foundation for lifelong learning. To achieve that mission, the school must be environmentally safe, secure, and free from disruption. Students are expected to demonstrate behavior appropriate to the school's learning environment and to treat other students, school personnel, and visitors to the School with respect. Each student is expected to:

- Behave in a responsible and respectful manner;
- Demonstrate courtesy and respect for others, especially other students and school personnel;
- Attend classes and required school activities and events regularly and on time;
- Respect the rights and privileges of other students and school personnel in-person and online;
- Comply with the Anti-Bullying Policy and promote a bully-free learning Environment;
- Respect and care for school property and facilities;
- Comply with the written policy banning the use of personal communication devices during instructional time in accordance with House Bill 1481;
- Cooperate with school personnel in maintaining safety, order and discipline;
- Dress appropriately in accordance with the school's dress code;
- Review and comply with the Student Handbook and other school and campus rules;
- Obey classroom rules and classroom expectations for behavior;
- Avoid violations of this Code.

Students are expected to comply with the school's technology and electronic media use policies and procedures. Students are also expected to demonstrate the same behavior online or while using electronic media as is expected in the classroom, on school property, or at school-related events. Sending, posting, or possessing electronic messages that are disrespectful, disruptive, abusive, obscene, illegal, threatening, harassing, or damaging to another person disrupts the learning environment and will not be tolerated by Seashore Charter Schools.

PROHIBITED CONDUCT

The following conduct constitutes a violation of the Code. Any student found to have engaged in such conduct shall be subject to disciplinary consequences as identified within the Code.

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's guardian regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school. Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

GENERAL STUDENT BEHAVIOR

1. Cursing, using offensive language, name-calling, ethnic, racial, or gender slurs, other derogatory statements, or yelling;
2. Disrespectful behavior towards adults;
3. Failure to follow directives;
4. Disruption of instruction or other school activities or operations;
5. Unexcused or excessive tardiness;
6. False statements or false accusations;
7. Bullying (*including cyberbullying*), teasing, or targeting other students;
8. Inappropriate cell phone or electronic media use; see Seashore Charter Schools Anti-Bullying Policy.

Violation of School Rules and Policies

Failure to comply with the Student Handbook, or other school or campus rules;

1. Leaving the classroom, school building, mandatory school activities or events, or adult supervision without permission;
2. Skipping a class period or other mandatory activity, in whole or in part,
3. Violation of school or campus policies or rules related to the use of electronic media, including personal or school-owned electronic devices (*e.g.*, cellphones, tablets, game systems, computers, cameras), or the school's network or Internet connection;
4. Truancy or other failures to attend school without excuse;
5. Defacing, destroying, or otherwise modifying school property;
6. Taking photographs or making a video or audio recordings of students, employees, or other persons without the consent of the other person;
7. Soliciting or attempting to solicit another student to violate the Code, school policies and rules, or the law;
8. Failing to follow school directives and classroom rules and expectations;
9. Disobeying rules and expectations regarding school transportation;
10. Inappropriate or unauthorized use of school property, including posting or distributing literature or materials without school authorization;

Violent, Illegal, and Other Serious Offenses

1. Possession of prohibited items;
2. Conduct which meets the elements of a criminal offense, as determined by the school;
3. Physical, verbal, or sexual harassment of others;
4. Inappropriate physical or sexual behavior, including jokes, comments, gestures or unwelcome physical conduct or contact;
5. False statements or false accusations;
6. Hazing or initiations;
7. Participation in a gang, soliciting or attempting to solicit participation in a gang;
8. Possessing, distributing, using, or being under the influence of tobacco products, electronic cigarettes, drugs, alcohol, or controlled substances, including prescription drugs if the student has not been prescribed the drugs or is taking the drugs in excess of the dosage specified by the prescription;
9. Possessing drug paraphernalia;
10. Stealing, lying, cheating, or copying the work of another without authorization (plagiarism)—misuse of Artificial Intelligence (AI).
11. Misuse of Artificial Intelligence
 - a. Users must not employ AI tools to conduct or support cheating, plagiarism, or any academic dishonesty.
 - b. Users must not employ AI tools to automate decision making without human oversight.
 - c. Generative AI content that is inappropriate, offensive, or harmful is strictly prohibited.
12. Deliberately, and without school authorization, accessing, damaging, or altering school data and records, including but not limited to confidential records, electronic data, networks, or systems;
13. Violence of any kind, including dating violence;
14. Fighting;
15. Gambling;
16. Setting or attempting to set a fire;
17. Inappropriate or indecent exposure of body parts;
18. Retaliation of any form against other students or school personnel;

19. Conduct which requires the student's registration as a sex offender;
20. Possession or distribution of pictures, text messages, electronic messages, or other material of a sexual or obscene nature;
21. Endangering the health or safety of others;
22. Other conduct as identified within this Code;

DETERMINING APPROPRIATE DISCIPLINE

Depending on the nature and severity of the offense, discipline may be issued by the student's classroom teacher or campus administrator in accordance with this Code. In order to make a determination of misconduct or issue disciplinary consequences under this Code, ***the authorized school employee must have a reasonable belief that the student engaged in the suspected conduct.*** The employee's conclusion may be based on any relevant evidence including, but not limited to, observation, other personal knowledge, verbal or written witness statements, other forms of documentation, or information received from law enforcement. In reaching a decision regarding a student discipline matter, the school may consider the specific facts and circumstances of the situation, including but not limited to:

● The student's intent; ● The student's age and grade level; ● The student's past disciplinary history; ● Whether self-defense was involved; ● Student's remorsefulness for the conduct; ● The frequency of the conduct. ● The nature and severity of the alleged conduct;	● Whether the student's conduct may have been the manifestation of a disability; ● The extent of the student's cooperation during the investigation of the matter; ● Whether the student has previously engaged in similar conduct; ● The severity of the effect or harm of the conduct on other persons or property;
--	--

The school may issue discipline based on a determination that a student has engaged in conduct that meets the elements of a criminal offense. The school has the authority to make such a determination without regard for whether the student is arrested, charged, or otherwise processed by the criminal justice system for the criminal offense. The school may consider information received from law enforcement or other entities within the criminal justice system in issuing discipline under this Code. Actions will not be based on a student's race, ethnicity, national origin, gender, sex, religion, disability, or any other unlawful consideration.

INVESTIGATION OF DISCIPLINE ISSUES

In order to determine whether a violation of the Code has occurred, campus administrator(s) or other authorized individuals may conduct an investigation. Investigations of student misconduct may involve but are not limited to, interviews of other students, employees, and adults, review of school surveillance footage, review of relevant documents, review of information on school-owned computers, verification of tips received from other individuals, gathering of physical evidence, contact of or cooperation with law enforcement agencies and officials. Law enforcement may be contacted and informed of student conduct which may constitute a criminal offense.

Students should have no expectation of privacy with respect to the school-owned property. Items provided for student use must remain on school grounds, and students should not expect privacy regarding school property or any personal belongings stored within it. Campus administrators or other authorized personnel may monitor and search student belongings for any reason.

School officials may search any school property, including school property that is within a student's possession or otherwise being used by a student, at any time, with or without notice to the student and without consent. School officials may confiscate any items found during a search, including prohibited items, dangerous items, or other items that violate school policy.

A student's person or property may be searched by authorized school officials if the official has a reasonable belief that the search will result in the discovery of evidence of a violation of the Code or of the law. Any personal property which is brought onto school property or to a school-sponsored or school-related activity or event, on or off school property, may be subject to search (e.g., student cell phone, backpack, personal computer, purse, car, etc.).

Available disciplinary consequences include at least one or more of the following:

● Parent conference ● Removal from class to campus office ● Verbal correction ● Issuance of demerits ● Counseling ● Confiscation of items ● Conference with teacher or administration ● Expulsion; Suspension, or restriction of participation ● Detention	● In-School Suspension ● Improvement plan ● Other alternative placement ● Community service ● Out-of-School Suspension ● School-related assigned tasks or duties; ● Loss or restriction of privileges (e.g., eligibility to hold special positions, etc. ● Education/training
--	---

DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS

Students eligible for services under the Individuals with Disabilities in Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504) are subject to discipline under those laws and in accordance with the provisions of this Code.

The school may take disciplinary action pertaining to the use or possession of illegal drugs, alcohol, or e-cigarettes against any student with a disability under Section 504 who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the school would take disciplinary action against non-disabled students. The due process procedures afforded under Section 504 do not apply to disciplinary action for the use or possession of illegal drugs, alcohol, or e-cigarettes. However, a student who is eligible for special education under the IDEA should have a manifestation determination review conducted to address any use or possession of illegal drugs or alcohol if such conduct could result in a change of placement.

Any disciplinary action that would constitute a “change in the placement” of a student receiving special education services may be taken only after the student’s Admission, Review, and Dismissal (ARD) committee conducts a manifestation determination review in order to determine whether the student’s conduct was a manifestation of his or her disability. A change in placement occurs if a student is:

1. Removed from the student’s current educational placement for more than ten consecutive 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;
 - 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 school will determine, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. A student who has not been determined eligible for special education services and who has engaged in behavior that violates the Code is entitled to the protections under the IDEA regarding discipline of a student with special needs described above if the school has knowledge that the student was a student with a disability before the behavior that

precipitated the disciplinary action occurred. If the school does not have knowledge that a student is a student with a disability prior to taking disciplinary action, the student may be subject to the disciplinary actions applied to students without disabilities. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary action, the evaluation shall be conducted in an expedited manner.

TYPES OF DISCIPLINE

One or more of these disciplinary consequences may be issued to a student found to have violated the Code. If the Code does not specify the appropriate disciplinary consequence for a particular type of student conduct, the school may issue whatever disciplinary consequence is deemed reasonable and appropriate, with the exception of expulsion. A teacher may have additional rules and consequences for student conduct in the classroom which may result in discipline under this Code or may be enforced in addition to any discipline issued under this Code.

If a student withdraws from the school before completing assigned in-school suspension, out-of-school suspension, or expulsion, the school shall send documentation of the discipline to the next school that enrolls the student. If a student withdraws from the school before the expulsion process is completed, the school may choose to complete the expulsion process and send documentation of the expulsion decision to the next school that enrolls the student. If the student returns to enroll in the school at a later date and has not been required to complete the disciplinary consequences previously required, the school may require the student to complete the discipline upon return.

The Code shall be applied and enforced consistently and equitably among students, with the understanding that every disciplinary situation will differ and decisions will be made based on the individual facts and circumstances of a given situation.

Detention/In School Suspension

A student may be assigned to one or more detention sessions or placed in in-school suspension (ISS) for engaging in prohibited conduct under this Code. The student's guardian(s) will be notified by phone and/or in writing of the student's conduct and assignment to detention or ISS. Detention will be held outside of the instructional day, either before or after school, or during lunch period. In-school suspension (ISS) will require the student to report to the ISS classroom

for all or part of one or more school days. ***During the suspension, the suspended student may not participate in or attend school-sponsored or school-related events or activities.*** While in-school suspension, the student will be provided the appropriate class assignments, and will be expected to complete those assignments as if the student were in the regular classroom. If a student fails to cooperate by completing his/her assignments, further disciplinary action could be taken.

Out of School Suspension

A student may be suspended for up to three school days for engaging in prohibited conduct under this Code. The student's guardian(s) will be notified by phone and/or writing of the student's conduct and the length of the period of suspension. A student may not be suspended for more than three consecutive school days. During the suspension, the suspended student may not enter onto school property or participate in or attend school-sponsored or school-related events or activities. The student's teachers will provide assignments that the student will be expected to complete during the period of suspension. Student assignments or other class work completed during a period of suspension will be accepted for grading if completed in a timely fashion.

DISCIPLINE ALTERNATIVE EDUCATION PROGRAM PLACEMENT (DAEP)

The DAEP is an alternative education program for students who violate a district's Student Code of Conduct or certain other offenses such as a felony offense. The DAEP shall be provided in a setting other than the student's regular classroom. Seashore Charter School students who are assigned to DAEP will attend the DAEP in Flour Bluff for the time period mandated by the campus administrator. The DAEP in Flour Bluff is called the Student Discipline and Guidance Center (SDGC). For the purposes of communication, DAEP and SDGC are synonymous throughout this document.

An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12. A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion. In deciding whether to place a student in a

DAEP, regardless of whether the action is **mandatory** or **discretionary**, the campus administrator shall take into consideration:

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

Discretionary Placement

Misconduct That May Result in DAEP Placement

A student ***may be*** placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code of Conduct Misconduct Identified in State Law in accordance with state law, a student may be placed in a DAEP for any of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or younger without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang.
- Involvement in criminal street gang activity.
- Criminal mischief, not punishable as a felony.
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact. In accordance with state law, a student may be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief that the student engaged in conduct punishable as a

felony, other than aggravated robbery or those listed as offenses in Title 5 of the Penal Code, that occurs off school property and not at a school sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Mandatory Placement

Misconduct That Requires DAEP Placement

A student ***must be*** placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
- Commits the following offenses on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
- Engages in conduct punishable as a felony.
- Commits an assault (see glossary) under Penal Code 22.01(a)(1).
- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in Expulsion, pg. 20.) (See glossary for "under the influence", "controlled substance," and "dangerous drug.")
- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC.
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Sells, gives, or delivers to another person or possesses or uses an e-cigarette.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in conduct that contains the elements of an offense of harassment against an

employee under Penal Code 42.07(a)(1), (2), (3), or (7).

- Engages in expellable conduct and is six to nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in Expulsion.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student receives deferred prosecution.
 2. A court or jury finds that the student has engaged in delinquent conduct.
 3. The superintendent or designee has a reasonable belief that the student engaged in the conduct.
- Sexual Assault and Campus Assignments
 - A student shall be transferred to another campus if:
 - The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus;

DAEP Removal Process by Campus Administrator(s)

When a student is removed from class for a DAEP offense, the appropriate administrator shall schedule a conference within three school days with the student's guardian(s), the student, and, in the case of a teacher removal, the teacher. The campus administrator shall provide the student and guardian(s):

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal. Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's guardians attend the conference.

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP—whether the placement is mandatory or discretionary—the campus administrator shall take into consideration the following:

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

Placement Order After the Conference

If the student is placed in a DAEP, the appropriate administrator shall write a placement order. A copy of the DAEP placement order and information for the guardian or person standing in the guardian's relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's guardian. No later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code. If the student is placed in a DAEP and the length of placement is inconsistent with the guidelines included in this Code of Conduct, the placement order shall give notice of the inconsistency.

DAEP at Capacity

If the DAEP is at capacity when the campus administrator is determining placement for a student due to conduct involving marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in in-school suspension (ISS) and transferred to the DAEP for the remainder of the placement period if space becomes available. However, if a student has engaged in violent conduct and the DAEP is full, a student already assigned to the DAEP for conduct involving marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be moved to ISS to make space for the student involved in the violent offense. If a position

becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

Coursework Notice

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

Length of Placement

The campus administrator shall determine the duration of a student's placement in a Discipline Alternative Education Placement (DAEP). The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements. The maximum period of DAEP placement shall be one calendar year, except as provided below. Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided a review of his/ her status, including academic status, by the appropriate administrator at intervals not to exceed 120 days. At the review, the student or the student's guardian shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

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

Notice of Criminal Proceedings

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

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated, or
2. The court or jury found a student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice. If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's guardian not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review. After reviewing the notice and receiving information from the student's guardian, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student or the student's guardian may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's guardian, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings. If the board confirms the decision of the superintendent or designee, the student and the student's guardian may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

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

Newly Enrolled Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district including a district in another state. When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district. State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP.

REASONS FOR EXPULSION

A student ***must*** be expelled from the school if he or she is found to have committed any of the acts listed below.

1. **Weapons.** The student used, exhibited, or possessed any of the following while on school property or while attending a school-sponsored or school-related activity on or off school property:
 - a. A firearm;
 - b. An illegal knife;
 - c. A club; or
 - d. A prohibited weapon.
2. **Violent Conduct.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code, regardless of location:
 - a. Aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or continuous sexual abuse of a child or children;
 - b. Assault against another student, an employee, or a volunteer of the school;
 - c. Deadly conduct;
 - d. A Title V felony under the Penal Code.
3. **Disruptions.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code, regardless of location:
 - a. False alarm or report or terroristic threat involving a public school;
 - b. An offense related to an abusable volatile chemical;
 - c. Breach of computer security if the conduct involves accessing a computer network, or computer system owned by or operated on behalf of a public school 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;
 - d. Criminal mischief if the conduct is punishable as a felony;
 - e. Public lewdness or indecent exposure.
4. **Drugs and Alcohol.** The student engaged in conduct that contains the elements of the following offenses within the Texas Penal Code:
- a. On school property, at school-sponsored or school-related events, or within 300 feet of school property;
 - b. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana, dangerous drug, electronic cigarette (vape), or alcoholic beverage.
 - c. Regardless of location;
 - d. Sells, gives, delivers to another person or possesses or uses or is under the influence of marijuana or a dangerous drug, as defined by the Health and Safety Code if the conduct is punishable as a felony;
 - e. Sells, gives, delivers to another person an alcoholic beverage, as defined by the Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol or possesses, uses, or is under the influence of an alcoholic beverage, and the conduct is punishable as a felony.
5. **Other.** The student, while on campus or at a school-sponsored or school-related event, on or off-campus:
- a. Engages in conduct that constitutes a felony;
 - b. Commits an assault;
 - c. Commits frequent violations of this Code that cause significant disruption to the School environment or substantial interference with the instructional process.

EXPULSION PROCESS

If the campus administrator determines that the student's conduct warrants expulsion, the administrator shall provide written notice to the guardian of the proposed expulsion of the student. The written notice shall also include the reason(s) for the proposed expulsion and the date, time, location, and procedure for the expulsion hearing. The student is entitled to a hearing with the campus administrator during which the student and/or the student's representative (*e.g.*,

parent, guardian, attorney, other) will have the opportunity to review and present evidence and information. The campus administrator may place reasonable restrictions on the conduct of the hearing, including the length of the presentations. At the end of the hearing, the campus administrator may issue a decision immediately or may wait until a later date to communicate a decision. The campus administrator shall send written communication of the decision to the guardian. If the campus administrator determines that expulsion is appropriate, the written decision (“Expulsion Order”) shall include the length of the term of expulsion.

The guardian or student may choose to **voluntarily** waive the right to an expulsion hearing by signing a hearing waiver form provided with the notice of proposed expulsion. If the hearing is waived, the campus administrator will review the relevant evidence and issue a written decision to the guardian as described above. The school will notify the independent school district in which the student resides of the student’s expulsion within three business days of the Expulsion Order.

TERMS OF EXPULSION

The period of expulsion may be determined by many factors, including the severity of the conduct and the existence of a continuing risk of harm to other students and employees if the student were allowed to return. An expulsion may be temporary or permanent. A temporary expulsion may range in length from four school days to one calendar year. A permanent expulsion allows the school to deny future admission to the student based on consideration of the student’s past disciplinary history. In each instance, the Expulsion Order must explain the circumstances which justify the length of the expulsion. [PERMANENT EXCLUSION FROM ADMISSION REQUIRED: A student expelled from the school for any length of time is not eligible for readmission to the school at any time.]

During a period of expulsion, the student is prohibited from entering any school property and attending any school-sponsored or school-related events. Failure to comply with this prohibition will result in the filing of criminal trespass charges against the student. Except as otherwise required by law, students will not receive educational services or receive course credits during a period of expulsion.

DISCIPLINE APPEAL PROCESS

With the exception of expulsions, student discipline decisions at the campus level are final and not appealable. A guardian may appeal an expulsion decision by filing a written appeal with the superintendent within five business days of the date of the Expulsion Order. The superintendent will review the record of the expulsion proceedings at the campus level, along with any other relevant information, and will issue a written decision to the appealing party within 10 business days of receiving the request for review. If the appealing party is not satisfied with the decision of the superintendent, he or she may appeal that decision to the Island Foundation Board of Directors by filing a request for review with the superintendent's office within 10 business days of the date of the decision. The superintendent shall notify the Island Foundation Board President and arrange for the Island Foundation Board of Directors to hear the complaints of the appealing party at the next available board meeting. The superintendent shall notify the appealing party of the location, date, and time of the hearing in front of the Island Foundation Board of Directors. The decision of the governing body is final and not appealable. An expulsion action will not be delayed during the appeal process.

DEFINITIONS

The following definitions are provided to further detail and define the terms of this Code. The Island Foundation Board of Directors shall have final authority to interpret or amend any terms or provisions within this Code.

Abusable volatile chemicals: Those substances as defined in Texas Health and Safety Code § 485.001.

Alcoholic Beverage: Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

Assault: Intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying: Written or verbal expression or physical conduct that (1) has 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; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

Club: An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

Controlled substance: Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

Deadly conduct: Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Electronic media: Refers to all forms, kinds, and types of electronic devices, communication systems, networks, software, websites, and any other technology resources including, but not limited to, social media, text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing or file-sharing Web sites, cellular telephones, portable electronic devices, computers.

False alarm or report: Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergencies that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, or place of assembly.

Firearm (federal): (1) any weapon, including a starter gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm weapon; or (4) any destructive device, such as an explosive, incendiary, or poison gas bomb, or grenade.

Firearm (state): Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

Gang: An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the School will consult with law enforcement authorities.

Harassment: Threatening to cause harm or bodily injury to another, engaging in sexually intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, alone or in combination with other conduct prohibited by School policy, rules or the Code.

Hazing: Any act, occurring on or off-campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization or group. Consent to or acquiescence in the hazing activity does not excuse the student from responsibility for the misconduct.

Illegal knife: A knife with a blade over 5 1/2 inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

Paraphernalia: Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, or a dangerous drug into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, bongs, and pipes.

Possession: Regardless of the student's knowledge or intent to possess the item, to have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

Prohibited item: Includes but is not limited to (1) alcoholic beverages, marijuana, controlled substances, or dangerous drugs; (2) paraphernalia; (3) prohibited weapons; any other item prohibited by this Code.

Prohibited weapons: Includes the following items: armor-piercing ammunition, a chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, or zip gun, and a taser gun.

Retaliation: Harming or threatening to harm another: (1) on account of their service as a school employee or volunteer, (2) to prevent or delay another's service to the School, or because the person intends to report a crime or violation of this Code.

Self-defense: When the person who is not the aggressor in an encounter uses the minimum force required to remove himself or herself from the immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense.

Sexual harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's performance or creates an intimidating, hostile, or offensive educational environment.

Soliciting: Requesting, commanding, or attempting to induce another student to engage in specific conduct that would constitute a violation of the Code, and with the intent that a violation of the Code is committed.

Short-barrel firearm: A rifle with a barrel length of fewer than 16 inches or a shotgun with a barrel length of fewer than 18 inches, or any weapon made from a rifle or shotgun if, as altered, it has an overall length of fewer than 26 inches.

Switchblade knife: Any knife with a blade that folds, closes or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force.

Terroristic threat: Threats to commit any offense involving violence to any person or property with intent to (1) cause a reaction by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or another form of conveyance, or another public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or another public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the School).

Title 5 felony offenses: Offenses against the person that, depending on the circumstances, may include the following offenses under the Penal Code: murder; capital murder; transport; assault; aggravated assault; sexual assault; aggravated sexual assault; the improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; coercing,

soliciting, or inducing gang membership; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; and tampering with a consumer product.

Under the influence: When in an employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of marijuana, a controlled substance, dangerous drug, or alcoholic beverage. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior. The student need not be legally intoxicated.

Use: With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, putting into action or service or carrying out an action or purpose with the object or device.

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

Approved