# Texas Education Data Standards (TEDS)

## Appendix E

## PEIMS Additional Information Related to Discipline

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Prepared by: State Education Data Systems (SEDS) Team, TEA

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# Additional Information regarding Disciplinary Alternative Education Program (DAEP) Conferences, Expulsion Hearings, Placement Reviews, and Other Actions

## 1. What is required in order to send a student to a Disciplinary Alternative Education Program?

Before removing a student to a DAEP under Texas Education Code (TEC) §37.008, the appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice 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. **If the student has been alleged to have committed an offense as described in TEC §37.006 then the district official holding the conference meeting must present substantiated documentation of the alleged behavior as provided by a law enforcement agency or as created/obtained by the school district administrator.** Refer to PEIMS Data Standards Section 2, 425 Student Disciplinary Action Record for more information on this requirement.

## 2. What is required in order to expel a student?

Before a student may be expelled under TEC §37.007, the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the decision to expel a student is made by the board's designee, the decision may be appealed to the board. The decision of the board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located**. If the student has been alleged to have committed an offense as described in TEC §37.007 then a district official holding the expulsion hearing must present substantiated documentation of the alleged behavior as provided by a law enforcement agency or as created/obtained by the school district administrator.** Refer to PEIMS Data Standards Section 2, 425 Student Disciplinary Action Record for more information on this requirement.

## 3. What is required if a student's DAEP placement will extend beyond the end of the next grading period?

If the student's **placement** in a DAEP is to extend beyond the end of the next grading period, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the board of trustees of the school district or the board's designee, as provided by policy of the board of trustees of the district. Any decision of the board or the board's designee under this subsection is final and may not be appealed.

## 4. What is the maximum length for an out-of-school suspension placement?

In accordance with TEC §37.005, under no circumstance may an OSS exceed (3) three days. If a student receives out-of-school suspension for a partial school day (even if for one class period), that partial day is considered one of the three total allowable out-of-school suspension days.

## 5. What is required if the student's DAEP placement will extend beyond the end of the current school year and into the next school year?

Before assigning a student to a disciplinary alternative education setting that extends beyond the end of the school year in which the initial assignment was made, the board or the board's designee must determine that: **(1)** the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual, **or (2)** the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct.

A student placed in a DAEP under TEC §37.002 or 37.006 shall be provided a review of the student's status, including a review of the student's academic status, by the board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parents or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student.

At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus.

## 6. What is required regarding special education students who commit behaviors that require a disciplinary removal action?

The disciplinary placement of all students who are served in special education with an Individualized Education Program (IEP) must be determined by an Admission, Review, and Dismissal (ARD) committee. TEC §37.004(a) Further, 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 ARD committee conducts a manifestation determination review under 20 U.S.C. Section 1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulation, including laws or regulations requiring the provision of:

1. Functional behavioral assessments;
2. Positive behavioral interventions, strategies, and supports; and
3. Behavioral intervention plans. TEC §37.004(b).

For disciplinary removals of a student who is receiving special education and related services from the student's current educational placement, a change of placement occurs if the removal is for more than 10 consecutive days (CFR §300.530 - §300.536). The ARD committee that deals with the change of placement must review the student's IEP to detail the special education and related services to be administered to the student while he is removed for discipline reasons. Be careful not to confuse the 10-day change of placement requirement for special education purposes with the 1-day removal requirement for 425 record reporting purposes. A 425 record is required for all students who are receiving special education and related services and are removed from their regularly scheduled classes for one day or more. A change of placement occurs when the removal is for more than 10 consecutive days, and a change of placement may occur when the removal is for more than 10 cumulative days in a school year based on factors such as the length of each removal, the total amount of the time the child is removed, and the proximity of the removals to one another. An ARD committee must be involved when the removal or series of removals constitute a change in placement.

## 7. What are the factors to be determined when determining truancy violations?

A student commits truancy if the student is required to attend school under Section 25.085; AND (1) fails to enroll **or** (2) fails to attend school on three or more days or parts of days within a four week period or fails to attend school on 10 or more days or parts of days within a six month period in the same school year.

**Truancy**

For truancy violations, a juvenile court always has original jurisdiction under the Family Code. Once jurisdiction is waived to a Justice of the Peace or Municipal court, truancy becomes "failure to attend" under Chapter 45 code of Criminal Procedure. Under TEC §25.0951, a court is required to dismiss a complaint regarding absences if the school fails to file the complaint within ten school days of the student's tenth absence.

A parent contributes to truancy if the parent fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 25.094.

## 8. What is the minimum age that a student can be placed in a Disciplinary Alternative Education Program?

Under TEC §37.006(a), (b), (c), and (l), all students, who are at least 6 years of age on the date that an offense is committed, **must be removed to a DAEP**, for a time period that is determined by the local Student Code of Conduct, if one of the following acts are committed: on or within 300 feet of school property, or while the student is attending a school-sponsored, or school related activity, on or off of school property. The school administrator designated must first establish a reasonable belief that the act has been committed and then corroborate and document that belief with appropriate law enforcement officials.

### 9. What is the minimum age that a student can be expelled?

Under TEC §37.007(a), (d), and (h), and §37.007(f) students who are ~~at~~ younger than 10 years of age on the date that an offense is committed, and have committed a mandatory expellable offense other than bringing a firearm to school, **must be placed in a DAEP** for a period of time that is determined by the superintendent or their designee.

Under TEC §37.007(e), (student brings a firearm to school), students who are ~~at~~ younger than 10 years of age on the date that an offense is committed, **must be expelled and placed in a DAEP** for a minimum term of one year, unless the expulsion term is reduced by the superintendent or their designee.

### 10. What are the required procedures for using Discipline Action Reason Code 23 – Emergency Placement/Emergency Expulsion?

DISCIPLINARY-ACTION-REASON-CODE 23, as authorized by TEC §37.019, allows for either emergency placement or emergency expulsion. The law states that immediate placement (Emergency Placement) of a student in an alternative program is allowed if the principal or principal's designee has a reasonable belief that the student is unruly, disruptive, or has abusive behavior that seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of a school or school-sponsored activity. The law also states that immediate expulsion (Emergency Expulsion) of a student is allowed if the principal or the principal's designee has a reasonable belief that immediate action is needed to protect persons or property from imminent harm. Thus, emergency action under TEC §37.019 should not be the only/final action taken. Code 23 allows for emergency action prior to the due process required under TEC §37.009. Within a reasonable time after the emergency action, due process must then be accorded the student. These two situations may overlap with other codes on the Disciplinary Action Code Table. However, the central focus of this code is the principal's decision to take immediate action in an emergency situation that cannot wait for due process to occur. This code should not be used on a routine basis, only for emergency situations.

### 11. What are the requirements for keeping documentation under Article 15.27, Code of Criminal Procedure received from law enforcement personnel investigating alleged criminal behaviors at/for a school?

With regards to the documentation requirements mentioned above, “TEC §37.017 Destruction of Certain Records” states Information received by a school district under Article 15.27, Code of Criminal Procedure, may not be attached to the permanent academic file of the student who is the subject of the report. The school district shall destroy the information at the end of the school year in which the report was filed. <u>In light of this requirement to destroy information received under Article 15.27, Code of Criminal Procedure, the district must retain documentation other than the information received under Article 15.27, Code of Criminal Procedure to support the discipline data submitted on the 425 record for a period of 5 years.</u>

### 12. How should a school handle situations where a student(s) have committed multiple violations in the course of one disciplinary event?

Multiple violations are sometimes committed in the course of one disciplinary event. When completing a 425 record, the district should report only the violations DISCIPLINARY-ACTION-REASON-CODE(s) for which disciplinary action(s) DISCIPLINARY-ACTION-CODE(s) are taken. If actions are only taken for the most serious violation, then only one DISCIPLINARY-INCIDENT-NUMBER should be entered on a 425 record when reporting the DISCIPLINARY-ACTION-REASON-CODEs and DISCIPLINARY-ACTION-CODEs.

If the district takes disciplinary action on each violation that occurred during one disciplinary event, the district should enter a new DISCIPLINARY-INCIDENT-NUMBER for each separate DISCIPLINARY-ACTION-REASON-CODE (violation) being reported.

### 13. What should a school do if a student attempts to withdraw from school before a disciplinary removal action has been determined for a particular incident?

If a student is involved in a reportable disciplinary incident, and the student attempts to withdraw from school before the disciplinary assignment is made, the district/school should complete the due-process proceedings that result in a disciplinary assignment before the student is allowed to withdraw and then the district is required to report the 425 record reflecting that assignment in order to remain in compliance with TEC §37.009.

### 14. How does a school administrator distinguish between an illegal knife and a non-illegal knife?

In making the distinction between an illegal knife which is a mandatory expellable offense and a non-illegal knife which is a discretionary expellable offense the following must be taken into consideration:

An illegal knife (DISCIPLINARY-ACTION-REASON-CODE 12) as defined by Section 46.01, Penal Code has a blade length longer than 5.5 inches and meets other definitional requirements as stated in Appendix E.

A non-illegal knife (DISCIPLINARY-ACTION-REASON-CODE 50) as defined by local policy has a blade less than 5.5 inches and meets other definitional requirements as stated in Appendix E.

### 15. What part of Texas Education Code Chapter 37 must a charter school follow?

While Open Enrollment Charter Schools are not required to participate in the Chapter 37 Discipline Management Program detailed in the TEC, they are required to submit 425 records on any students that they have suspended or expelled. The reason for the suspension or expulsion does not alter the reporting requirement. This issue relates to the federal data reporting requirements for IDEA 2004. Also, federal rules are specific as to the expulsion of students caught with a firearm at school. They must be expelled whether they are enrolled at a public school or an Open Enrollment Charter School. The suspension codes and expulsion codes from Code Table C164 should be sufficient to handle any categorization of those disciplinary actions taken. And, the DISCIPLINARY-ACTION-REASON-CODEs in Code Table C165 should be sufficient to handle any categorization of those disciplinary action reasons identified. For DISCIPLINARY-ACTION-REASON-CODEs that are not specifically identified in Code Table C165, code 21, Violated Student Code of Conduct, should be used to report the suspensions and expulsions.

### 16. What are the procedures for reporting Truancy actions on the 425 Discipline record?

If a student withdraws from the district or is withdrawn by the district after truancy charges are filed and the court during the same school year issues a finding of truancy then the district is to report a 425 record using the date of withdrawal as the DATE-OF-DISCIPLINARY-ACTION.

If a court hearing does not occur until the summer following the school year in which the truancy charges are filed a 425 record for truancy (if there is a finding of truancy by the court) will be reported the following school year (if the student re-enrolls in the district the following year) with the DATE-OF-DISCIPLINARY-ACTION being the first day of school.

In cases where the school district files truancy proceedings against the parent(s) and the student for the same event, if the court makes a finding (disposition/order) against the parent and student, a 425 record is required for the student.

Districts have the option of reporting both parent(s) and student truancy findings but must report the student and must use two different incident numbers. If truancy is only found against the parent and not the student then a 425 record must be reported on the findings against the parent(s).

Finding or filing of truancy charges does not constitute a disciplinary assignment in and of itself. Any action by the district requiring removal from the regular classroom for truancy must be documented in the district's student code of conduct TEC 37.001.

### 17. What is an In-School Suspension setting?

ISS includes any disciplinary setting other than DAEP, JJAEP, or OSS. For Special Education student's behavior management or behavior adjustment classes are not considered ISS programs as established by the ARD committee and are not considered ISS programs.

### 18. When is it appropriate to use Discipline Action Code 13 – Court Ordered Placement to a JJAEP and 14 – Court Ordered Placement to a DAEP?

DISCIPLINARY-ACTION-CODE 13 may only be used when a Court order requires a student to attend the JJAEP independent of any action required to be taken by the school district and described in TEC Chapter 37. Do not use DISCIPLINARY-ACTION-CODE 13 for students that are incarcerated in either a jail or juvenile detention center. A term of incarceration does not constitute a removal by a school district. The DISCIPLINARY-ACTION-REASON-CODE for DISCIPLINARY-ACTION-CODE 13 should always be 21 because the district is reporting a court ordered placement for a behavior which the district either could not or would not have acted.

DISCIPLINARY-ACTION-CODE 14 may only be used when a Court order requires a student to attend a DAEP independent of any action required to be taken by the school district and described in TEC Chapter 37. Do not use DISCIPLINARY-ACTION-CODE 14 for students that are incarcerated in either a jail or juvenile detention center. A term of incarceration does not constitute a removal by a school district. The DISCIPLINARY-ACTION-REASON-CODE for DISCIPLINARY-ACTION-CODE 14 should always be 21 because the district is reporting a court ordered placement for a behavior which the district either could not or would not have acted.

When reporting DISCIPLINARY-ACTION-CODEs 13 (Placement in a JJAEP by Court order) and 14 (Placement in a DAEP by Court order), please refer to the ADMINISTRATOR ADDRESSED letter dated May 29, 2002. This letter is available on the TEA website under the Correspondence link. In order to place a student in a JJAEP or DAEP by a Court order, there must be a MOU between the court ordering the placement and the school district that will effect and make the placement. **In all circumstances of court ordered placements to a JJAEP or DAEP, the DISCIPLINARY-ACTION-REASON-CODE must be a 21 (Violation of student code of conduct not included under TEC §§37.002(b), 37.006, or 37.007). The use of DISCIPLINARY-ACTION-REASON-CODEs 09 (Off-Campus Title 5 Felony) and 10 (Off-Campus Non-Title 5 Felony) for Court ordered placements to a JJAEP or DAEP is not acceptable because the school district has original jurisdiction and a due-process responsibility to hold a conference meeting to enforce a DAEP removal/action as required or permitted in TEC 37.006 (c) and (d).** The provisions for these court ordered placements must also be outlined in the Local Student Code of Conduct. Any behavior that a student engages in at school or a school related activity for which they will receive disciplinary attention as provided for under either the minimum requirements of TEC 37.006/TEC 37.007, or the minimum standards of the Local Student Code of Conduct, must be initiated and actuated by the local school district.

In the event that a school district finds it necessary to continue a Court ordered placement to a JJAEP or a DAEP from a prior school year or a prior school district, a new 425 record must be reported with a **DISCIPLINARY-ACTION-REASON-CODE of 21** and a **DISCIPLINARY-ACTION-CODE of 13 or 14** depending on the action taken. Remember that DAEP assignments that continue into a new school year are subject to the requirements of TEC 37.009(c) referenced on the first page of Appendix E.

### 19. Please explain the Discipline Action Reason Code 01 – Permanent Removal from Class by a Teacher.

Permanent removal by a teacher from class (DISCIPLINARY-ACTION-REASON-CODE 01) under TEC §37.002(b) is limited for use in those situations where the teacher has refused re-admittance of the student to that teacher's class. Otherwise, if the teacher allows re-admittance of the student to the class, then Code 21 (other Student Code of Conduct violation) should be used.

### 20. What are the consequences of a school not reporting its discipline removal events through the PEIMS 425 record?

Under TEC 37.008(m-1), failure to report all disciplinary removals and truancy actions as required by state and federal law may result in a review by the commissioner of education and notice to the local school board of any problems noted in the district's data, or a violation of a law or other rule. This review may also result in a notification to the county attorney, district attorney, criminal district attorney, as appropriate, and the attorney general. This provision can apply to missing, inaccurate, and/or falsified information/data.

### 21. Which LEAs are required to participate in the county run Juvenile Justice Alternative Education Program (JJAEP)?

In counties where the population is over 125,000, state law requires that expelled students be placed in an alternative education setting of some type. Districts located in these counties may place discretionary expelled students in a DAEP operated by the district and Mandatory expelled students in a JJAEP operated by the juvenile board for the county.

### 22. What options exist for an LEA that expels a student in a county that does not have a JJAEP?

If a student has been expelled in a county that does not have a JJAEP program, the LEA may either expel the student without academic placement or the student may be expelled with placement to the LEA DAEP.

## ADDITIONAL INFORMATION RELATED TO DISCIPLINE ACTION REASON CODE

## PEIMS Code Table C165 Disciplinary Action Reasons Codes and Definitions

| Discipline Reason Code | Translation/Definition |
|---|---|
| 01 | **Permanent removal by a teacher from class** – A teacher may permanently remove a student from the classroom **(1)** 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 **(2)** whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. |
| 02 | **Engages in Conduct Punishable as a Felony** - Includes all felony activities that are not otherwise more specifically defined or included as a behavior that requires a mandatory expulsion action. |
| 04 | **Marihuana or Controlled Substance or Dangerous Drug** - sells, gives, or delivers to another person or possesses or uses or is under the influence of marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or a dangerous drug, as defined by Chapter 483, Health and Safety Code.<br><br>Chapter 481, Health and Safety Code, defines **marihuana** as Cannabis Sativa whether growing or not, the seeds of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds. The term does not include resin extracted from a part of the plant, the mature stalks of the plant or fiber produced from the stalks, oil or cake made from the seeds of the plant, the sterilized seeds of the plant or a compound, manufacture, salt, derivative, mixture, or preparations of the mature stalks, fiber, oil or cake.<br><br>Chapter 481, Health and Safety Code, defines a **controlled substance** as a substance, including a drug and an immediate precursor, listed in Schedules I-V or penalty Groups 1-4 of the Health and Safety Code. Possession of any amount in Penalty Groups 1 and 2 is a felony. Possession of a controlled substance in Penalty Groups 3 and 4 is a felony if the amount is more than 28 grams. It is also a felony to deliver a controlled substance to a minor. (However, this offense does not apply to minors in some circumstances.)<br><br>Chapter 483, Health and Safety Code, defines a **dangerous drug** as a device or a drug that is unsafe for self-medication and that is not included in Schedules I-V or penalty Groups 1-4 of the Health and Safety Code. The term includes a device or drug that bears or is required to bear the legend:<br><br>(a) Caution: federal law prohibits dispensing without a prescription; or<br><br>(b) Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian.<br><br>"Marihuana or Controlled Substance or Dangerous Drug" *violation is also a discretionary expellable offense dependent on the local Student Code of Conduct.*<br><br>If a violation under this category is committed at a felony level, then the student must be expelled from their regular education setting. Use Action Reason Code 36 for when this occurs. |
| 05 | **Alcohol** - sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, 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.<br><br>Section 1.04, Alcoholic Beverage Code, defines an alcoholic beverage as alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.<br><br>"Alcohol" *violation is also a discretionary expellable offense dependent on the local Student Code of Conduct.*<br><br>If a violation under this category is committed at a felony level, then the student must be expelled from their |

| Discipline Reason Code | Translation/Definition |
|---|---|
| | regular education setting. Use Action Reason Code 37 for when this occurs. |
| 06 | **Abuse of a Volatile Chemical** - engages in conduct that contains the elements of an offense relating to an abusable volatile chemical (glue, aerosol paint, etc) under Sections 485.031 through 485.034, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code.<br><br>Chapter 485.031, Health and Safety Code, defines the offense abuse of a volatile chemical as when a person inhales, ingests, applies, uses, or possesses a volatile chemical with the intent to inhale, ingest, apply, or use a volatile chemical (glue, aerosol paint, etc) in a manner contrary to the directions for use, cautions or warnings appearing on a label of a container of chemical and is designed to affect the persons 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.<br><br>"Abuse of a Volatile Chemical" *violation is also a discretionary expellable offense dependent on the local Student Code of Conduct.* |
| 07 | **Public Lewdness/Indecent Exposure** - engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.<br><br>Chapter 21.07, Penal Code, defines public lewdness as when a person knowingly engages in any of the following acts in a public place or, if not in a public place, is reckless about whether another is present or will be offended or alarmed by:<br><br>an act of sexual intercourse;<br><br>act of deviate sexual intercourse;<br><br>act of sexual contact; or<br><br>act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl.<br><br>Chapter 21.08, Penal Code, defines indecent exposure as an offense when a person exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended or alarmed by his act. |
| 08 | **Retaliation against School Employee** - engages in conduct that contains the elements of the offense of retaliation under Section 36.06, Penal Code, against any school employee.<br><br>Section 36.06, Penal Code, defines the offense of retaliation as when a person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime or to prevent or delay the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime.<br><br>"Retaliation against School Employee" *violation is also a discretionary expellable offense dependent on the local Student Code of Conduct.*<br><br>**If a violation under this reason is committed at a felony level, then the student must be expelled from their regular education setting.** |
| 09 | **Title 5 Felony Committed Off Campus** - A student who commits an off-campus felony **must be removed from their regular education program and placed** in a DAEP if:<br><br>(a) the student receives deferred prosecution for conduct and the conduct is defined as a felony under Title 5 of the Penal Code;<br><br>(b) a court or jury finds that the off-campus conduct engaged in by the student constitutes delinquent |

| Discipline Reason Code | Translation/Definition |
|---|---|
| | conduct and is defined as a felony under Title 5 of the Penal Code; or,<br><br>(c) the superintendent or the superintendent's designee has a reasonable belief that the student engaged in conduct defined as a felony under Title 5 of the Penal Code.<br><br>**Title 5 felonies include**: murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; indecency with a child; felony assault; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding suicide; and tampering with a consumer product.<br><br>A student who is at least 10 years of age **may be expelled** if the student engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) (**murder**, **capital murder**, **criminal attempt to commit murder** or **capital murder**; **aggravated assault** under Penal Code §22.02; **sexual assault** under Penal Code §22.011 or **aggravated sexual assault** under Penal code §22.021), **against another student from the same campus**, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.<br><br>"The provision for a *discretionary expulsion under for these offenses* is *dependent on the local Student Code of Conduct."* |
| 10 | **Non-Title 5 Felony Committed Off Campus** - A student **may be removed** from class and placed in a DAEP under TEC §37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if;<br><br>(a) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code; and<br><br>(b) the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.<br><br>A student who is at least 10 years of age **may be expelled** if the student engages in conduct that contains the elements of **aggravated robbery** under Penal Code §29.03, **against another student from the same campus**, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.<br><br>"The provision for a *discretionary expulsion under this offense* is *dependent on the local Student Code of Conduct."* |
| 11 | **Firearm** (Action Reason Code 11) - uses, exhibits, or possesses a firearm as defined by Section 46.01(3), Penal Code.<br><br>Section 46.01(3) defines a **firearm** as any device designed, made, or adapted to expel a projectile thorough a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. This definition does not include antique or curio firearms manufactured prior to 1899.<br><br>In accordance with federal law, a local educational agency (LEA), including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:<br><br>(a) the superintendent or other chief administrative officer of the school district or of the other LEA, as defined by 20 U.S.C. Section 2891, may modify the length of the expulsion in the case of an individual student; |

| Discipline Reason Code | Translation/Definition |
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| | (b) the district or other LEA shall provide educational services to [the] an expelled student in an alternative education program as provided by TEC §37.008 if the student is younger than 10 years of age on the date of expulsion; and<br><br>(c) the district or other LEA may provide educational services to an expelled student who is older than 10 years of age in an alternative education program as provided in TEC §37.008.<br><br>**BB and pellet guns are not considered firearms under this definition**. The use, exhibition, or possession of these items, while probably prohibited by the local Student Code of Conduct, is not an acceptable reason for expelling a student. |
| 12 | **Illegal Knife** - uses, exhibits, or possesses an illegal knife as defined by Section 46.01, Penal Code, or by local policy.<br><br>Section 46.01 defines an **illegal knife** as one with a **blade length longer than 5.5 inches** and includes in the definition of knife a hand instrument designed to cut or stab another by being thrown, a dagger, a bowie knife, a sword or a spear. School districts wishing to ban any other knives should adopt an appropriate local policy. |
| 13 | **Club** - uses, exhibits, or possesses a club as defined by Section 46.01(1), Penal Code.<br><br>Section 46.01(1) defines a **club** as an instrument that is specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, or a tomahawk. |
| 14 | **Weapon** - uses, exhibits, or possesses a weapon listed as a prohibited weapon under Section 46.05, Penal Code.<br><br>Section 46.05 defines a **prohibited weapon** as one of the following: an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles (i.e. brass knuckles), armor-piercing ammunition, a chemical dispensing device (i.e. Mace or Pepper Gas), or a zip gun. |
| 16 | **Arson** - Section 28.02, Penal Code, defines **arson** as when a person starts a fire or causes an explosion with intent to destroy or damage any vegetation, fence, structure, open-space land, building or vehicle knowing that it is within the limits of an incorporated city or town, it is insured, it is subject to mortgage or it is located on property belonging to another. |
| 17 | **Murder, Capital Murder, or Criminal Attempt to Commit Murder/Capital Murder** – Section 19.02, Penal Code, defines **murder** as when a person intentionally or knowingly causes the death of another person, 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 thereof he commits an act clearly dangerous to human life that causes the death of an individual.<br><br>Section 19.03, Penal Code, defines **capital murder** as when a person commits an offense defined under Section 19.02 and the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty, the person intentionally commits murder during the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, or obstruction or retaliation. A person also commits capital murder if the person commits murder for remuneration or the promise of remuneration or employs another to commit murder for remuneration.<br><br>Section 15.01, Penal Code, defines **criminal attempt** as when a person if, with specific intent to commit an offense, does the act amounting to more than mere preparation but fails to effect the commission of the offense intended. |

| Discipline Reason Code | Translation/Definition |
|---|---|
| 18 | **Indecency with a Child** - Section 21.11, Penal Code, defines **indecency with a child** as when a person, with a person younger than 17 years, engages in sexual contact with student or exposes his anus or any part of his genitals knowing the student is present with intent to arouse or gratify the sexual desire of any person. |
| 19 | **Aggravated Kidnapping** – Section 20.04, Penal Code, defines **aggravated kidnapping** as when a person intentionally or knowingly abducts another person with intent to hold him for ransom, use him as a hostage, facilitate the commission of a felony, afflict bodily injury on him or abuse him sexually, terrorize him or a third person, or interfere with the performance of any governmental or political function. |
| 21 | **Violation of Student Code of Conduct** - This category includes bullying, harassment, and making hit lists (TEC §37.001) and reasons not specifically identified in TEC Chapter 37 that are adopted by the local school board and itemized and identified in the local Student Code of Conduct. |
| 22 | **Criminal Mischief** - A student may be expelled under Section 37.007(f) for conduct that contains the offense of criminal mischief **if that conduct is punishable as a felony**. Otherwise, the most severe action that may be taken would be placement in a DAEP.<br><br>Section 28.03, Penal Code, defines criminal mischief as when a person intentionally or knowingly damages or destroys the tangible property of the owner, intentionally or knowingly tampers with the tangible property of the owner and causes a pecuniary loss or substantial inconvenience to the owner or a third person. A felony under this section occurs when damage exceeds $1,500. For example, this section would apply to cases of graffiti if the total cost of repair and cleaning exceeds $1,500. |
| 23 | **Emergency Placement/Expulsion** - The use of this code is limited based upon the behavior the student has committed.<br><br>If the student has committed a behavior that either under state law (TEC §37.006) or the local Student Code of Conduct requires a DAEP placement and the principal or their designee **reasonably believes** that the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity, then the student may be placed on an **emergency and temporary basis** to a DAEP pending a conference hearing required under TEC §37.009 taking place.<br><br>If the student has committed a behavior under state law (TEC §37.007) that would require an expulsion or the student has committed a behavior under state law (TEC §37.007) that would allow for a discretionary expulsion and the local Student Code of Conduct requires/allows for the discretionary expulsion and the principal or their designee **reasonably believes** that the immediate expulsion of the student is necessary to protect persons or property from imminent harm, then the student may be expelled on an **emergency and temporary basis** to a setting without educational services available pending an expulsion hearing required under TEC §37.009 taking place. |
| 26 | **Terroristic Threat** - Under Section 22.07 Penal Code, a person commits an offense if he threatens to commit any offense involving violence to any person or property with the intent to:<br><br>(a) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies; or<br><br>(b) place any person in fear of imminent serious bodily injury; or<br><br>(c) prevent or interrupt the occupation or use of a building; room; place of assemble; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of |

| Discipline Reason Code | Translation/Definition |
|---|---|
| | conveyance; or other public place; or<br>(d) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service.<br>A person who receives a terroristic threat must not only believe the threat, but also believe that the person making the threat will carry it out.<br>"Terroristic Threat" *violation is also a discretionary expellable offense dependent on the local Student Code of Conduct.* |
| 27 | **Assault of School Staff** - Section 22.01 (a) (1), Penal Code, defines assault as when a person intentionally, knowingly, or recklessly causes bodily injury to another person.<br>For purposes of this reason, an assault must involve a victim and a perpetrator(s) and the victim must receive bodily injury.<br>If these criteria are not met, then the proper category would be **Other Student Code of Conduct Violation** (Action Reason Code 21). |
| 28 | **Assault of Someone other than School Staff** - Section 22.01 (a) (1), Penal Code, defines assault as when a person intentionally, knowingly, or recklessly causes bodily injury to another person. **Two or more students cannot assault each other.**<br>For purposes of this reason, an assault must involve a victim and a perpetrator(s) and the victim must receive bodily injury.<br>If these criteria are not met, then the proper category would be **Other Student Code of Conduct Violation** (Action Reason Code 21). |
| 29 | **Aggravated Assault against School Staff** - Aggravated assault against a school district employee or volunteer under Section 22.02, Penal Code.<br>Section 22.02, Penal Code, defines **aggravated assault** as an offense as defined in §22.01 if the person causes **serious bodily** injury to another, including the person's spouse, or **uses or exhibits a deadly weapon** during the commission of the assault.<br>For this Action Reason there must be a victim(s) and a perpetrator(s). Two students cannot commit aggravated assault against each other. |
| 30 | **Aggravated Assault against Student** - Aggravated assault against someone other than a school district employee or volunteer under Section 22.02, Penal Code.<br>Section 22.02, Penal Code, defines **aggravated assault** as an offense as defined in §22.01 if the person causes **serious bodily** injury to another, including the person's spouse, or **uses or exhibits a deadly weapon** during the commission of the assault.<br>For this Action Reason there must be a victim(s) and a perpetrator(s). Two students cannot commit aggravated assault against each other. |
| 31 | **Sexual Assault/Aggravated Sexual Assault against School Staff** - sexual assault under Section 22.011, Penal Code or aggravated sexual assault under Section 22.021, Penal Code against a school district employee or volunteer.<br>Section 22.011, Penal Code, defines **sexual assault** as when a person intentionally or knowingly causes the penetration of the anus or female sexual organ of another person by any means without that person's consent, causes the penetration of the mouth of another person by the sexual organ of the actor without |

| Discipline Reason Code | Translation/Definition |
|---|---|
| | the person's consent or causes the sexual organ of another person, without the person's consent, to contact, or penetrate the mouth, anus, or sexual organ of another person, including the actor.<br><br>**Sexual assault** is also defined as when a person intentionally or knowingly causes the penetration of the anus or female sexual organ of a child by any means, causes the penetration of the mouth of a child by the sexual organ of the actor, causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor, or causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor.<br><br>Section 22.021, Penal Code, defines **aggravated sexual assault** as any of the offenses listed above in Section 22.011 if the person causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode, places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person, by acts or words threatens to cause death or serious bodily injury or kidnapping of any person or who uses or exhibits a deadly weapon in the course of the same criminal episode. A person also commits the offense of aggravated sexual assault if they act in concert with another who engages in such conduct or commits the offense of sexual assault on a person who is younger than 14 or 65 years of age or older (Chapter 318, Section 9). |
| 32 | **Sexual Assault/Aggravated Sexual Assault against Student** - sexual assault under Section 22.011, Penal Code or aggravated sexual assault under Section 22.021, Penal Code against someone other than a school district employee or volunteer.<br><br>Section 22.011, Penal Code, defines **sexual assault** as when a person intentionally or knowingly causes the penetration of the anus or female sexual organ of another person by any means without that person's consent, causes the penetration of the mouth of another person by the sexual organ of the actor without the person's consent or causes the sexual organ of another person, without the person's consent, to contact, or penetrate the mouth, anus, or sexual organ of another person, including the actor.<br><br>**Sexual assault** is also defined as when a person intentionally or knowingly causes the penetration of the anus or female sexual organ of a child by any means, causes the penetration of the mouth of a child by the sexual organ of the actor, causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor, or causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor.<br><br>Section 22.021, Penal Code, defines **aggravated sexual assault** as any of the offenses listed above in Section 22.011 if the person causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode, places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person, by acts or words threatens to cause death or serious bodily injury or kidnapping of any person or who uses or exhibits a deadly weapon in the course of the same criminal episode. A person also commits the offense of aggravated sexual assault if they act in concert with another who engages in such conduct or commits the offense of sexual assault on a person who is younger than 14 or 65 years of age or older (Chapter 318, Section 9). |
| 33 | **Tobacco Violations** – **Health and Safety Code, Section 3.01, Chapter 161.252** – An individual who is younger than 18 years of age commits an offense if the individual: (1) possesses, purchases, consumes, or accepts a cigarette or tobacco product; or (2) falsely represents himself or herself to be 18 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.<br><br>**TEC § 38.006 Tobacco on School Property** – The board of trustees of a school district shall: **(1)** prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property; **(2)** prohibit students from possessing tobacco products at a school-related or school-sanctioned activity on or off school property; and **(3)** ensure that school personnel enforce the policies on school |

| Discipline Reason Code | Translation/Definition |
|---|---|
| | property. |
| 34 | **School Related Gang Violence** – A violent action not otherwise defined under TEC §37.006 and/or §37.007 by three or more persons having a common identifying sign or symbol or an identifiable sign or symbol or an identifiable leadership who associate in the commission of criminal activities under Penal Code §71.01. |
| 35 | **False Alarm/False Report** - A student who commits an offense if he knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily:<br>(a) cause action by an official or volunteer agency organized to deal with emergencies;<br>(b) place a person in fear of imminent serious bodily injury; or<br>(c) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.<br>"False Alarm/False Report" *violation is also a discretionary expellable offense dependent on the local Student Code of Conduct.* |
| 36 | **Felony Controlled Substance Violation** -<br>Examples would include four (4) ounces or more of marijuana, any amount of cocaine, and other controlled substances. Always get corroboration from law enforcement before using this Action Reason code. |
| 37 | **Felony Alcohol Violation** -<br>An example would be intoxication manslaughter. Always get corroboration from law enforcement before using this Action Reason code. |
| 41 | **Fighting/Mutual Combat** - Fighting is defined as two or more students or persons that choose to mutually engage in physical combat using blows or force to strive to overcome the other student(s) or person(s). |
| 42 | **Truancy (failure to attend school) – Parent contributing to truancy** –<br>**TEC § 25.093. Parent Contributing to Truancy -** (a) If a warning is issued as required by Section 25. 095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 25.094, the parent commits an offense. |
| 43 | **Truancy (failure to attend school) – Student with at least 3 unexcused absences** – **TEC § 25.094. Failure to Attend School -** (a) An individual commits an offense if the individual: **(1)** is required to attend school under Section 25.085; and **(2)** fails to attend school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period. |
| 44 | **Truancy (failure to attend school) – Student with 10 unexcused absences** –<br>**TEC § 25.094. Failure to Attend School -** (a) An individual commits an offense if the individual: **(1)** is required to attend school under Section 25.085; and **(2)** fails to attend school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period. |
| 45 | **Truancy (failure to attend school) – Student failure to enroll in school** –<br>**TEC § 25.085. Compulsory School Attendance -** (b) Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been |

| Discipline Reason Code | Translation/Definition |
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| | enrolled in first grade, and who has not yet reached the child's 18th birthday shall attend school. |
| 46 | **Aggravated Robbery -** Section 29.03, Penal Code, defines **aggravated robbery** as when a person commits robbery as defined in Section 29.02, and he: (1) causes serious bodily injury to another; (2) uses or exhibits a deadly weapon; or (3) causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is: (A) 65 years of age or older; or (B) a disabled person.<br><br>**Section 29.02, Penal Code,** defines **robbery** as a person commits an offense if, in the course of committing theft as defined in Chapter 31 and with intent to obtain or maintain control of the property, he: (1) intentionally, knowingly, or recklessly causes bodily injury to another; or (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death. |
| 47 | **Manslaughter -** Section 19.04, Penal Code, defines **manslaughter** as a person commits an offense if he recklessly causes the death of an individual. |
| 48 | **Criminally Negligent Homicide -**<br>Section 19.05, Penal Code, defines **criminally negligent homicide** as a person commits an offense if he causes the death of an individual by criminal negligence. |
| 49 | **Deadly Conduct** – Section 22.05, Penal Code, defines **deadly conduct** as when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, or a person commits an offense if he knowingly discharges a firearm at or in the direction of: (1) one or more individuals; or (2) 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 whether or not the actor believed the firearm to be loaded. For purposes of this section, "building," "habitation," and "vehicle" have the meanings assigned those terms by Section 30.01. An offense under Subsection (a) is a Class A misdemeanor. An offense under Subsection (b) is a felony of the third degree. |
| 50 | **Non-Illegal Knife** – uses, exhibits or possesses a non-illegal knife as defined by local policy.<br><br>Local Policy through the Student Code of Conduct may define a non-illegal knife as one with a blade equal to or less than 5.5 inches and may include in the definition of non-illegal knife a hand instrument designed to cut or stab another or by being thrown. |
| 55 | **Student Is Required To Register As A Sex Offender Under Chapter 62 Of The Code Of Criminal Procedure And Is Under Court Supervision** - TEC §37.304. The offense(s) for which the student is required to register as a sex offender must have occurred on or after Sept. 1, 2007. |
| 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** - TEC §37.305. The offense(s) for which the student is required to register as a sex offender must have occurred on or after Sept. 1, 2007. |
| 57 | **Continuous Sexual Abuse Of Young Child Or Children Under Penal Code §21.02** - Occurring on school property or while attending a school-sponsored or school-related activity on or off school property – TEC §37.007(a) (2) (I) |
| 58 | **Breach of Computer Security Under Penal Code §33.02 – TEC 37.007**<br>A student engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02 if the person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly: (i) alters, damages, or deletes school district property or information; or, (ii) commits a breach of any other |

| Discipline Reason Code | Translation/Definition |
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| | computer, computer network, or computer system. |
| 59 | **Serious Misbehavior, as defined by TEC §37.007(c), while expelled to/placed in a Disciplinary Alternative Education Program (DAEP) -**<br>TEC §37.007(c) defines "serious misbehavior" as:<br>(1) deliberate violent behavior that poses a direct threat to the health or safety of others;<br>(2) extortion, meaning the gaining of money or other property by force or threat;<br>(3) conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or<br>(4) conduct that constitutes the offense of:<br>(A) public lewdness under Section 21.07, Penal Code;<br>(B) indecent exposure under Section 21.08, Penal Code;<br>(C) criminal mischief under Section 28.03, Penal Code;<br>(D) personal hazing under Section 37.152; or<br>(E) harassment under Section 42.07(a)(1), Penal Code, of a student or district employee. |

## PEIMS Disciplinary Chart

This chart is used for determining Mandatory and Disciplinary DAEP Placements and Expulsions.

**NOTE:** This chart represents the minimum required actions and maximum allowed actions for school districts. It does not apply to charter schools except for code 11 – (Possession or use of Firearms at school or a school related activity), unless a charter school has adopted one of the other mandatory provisions into its student code of conduct.

| **Disciplinary Action Reason Codes (C165)** | | **Behavior Location Code (C190)** | **Disciplinary Action Codes (C164)** | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| 01 | Permanent removal by a teacher from class (Teacher has removed the student from classroom and denied the student the right to return. TEC §37.003 has been invoked.) – TEC §37.002(c) | On campus (01) | | | D | |
| 02 | Conduct punishable as a felony-TEC §37.006(a)(2)(A) | On campus (01) | M | | | |
| | | Off Campus, within 300 ft (02) | M | | | |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | |
| | | Off Campus, no school related/sponsored activity (04) | | | D | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | D | |
| 04 | Possessed, sold, or used marihuana or other controlled substance-TEC §37.006(a)(2)(C) and 37.007(b) for under the influence | On campus (01) | M | | | D |
| | | Off Campus, within 300 ft (02) | M | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | D |
| 05 | Possessed, sold, used, or was under the influence of an alcoholic beverage-TEC §37.006(a)(2)(D) and 37.007(b) | On campus (01) | M | | | D |
| | Code 37 Felony alcohol violation-TEC §37.007(a)(3) | Off Campus, within 300 ft (02) | M | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | D |
| 06 | Abuse of a volatile chemical- TEC §37.006(a)(2)(E) | On campus (01) | M | | | D |

* Retaliation against school employee or volunteer coupled with an offense in TEC 37.007 (a) or (d).

■ - Not allowed by TEC Chapter 37

■ - Not specified by TEC Chapter 37. Action for these items must be authorized by the local Student Code of Conduct

| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| | | Off Campus, within 300 ft (02) | M | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | D |
| 07 | Public lewdness or indecent exposure-TEC §37.006(a)(2)(F) | On campus (01) | M | | | D |
| | | Off Campus, within 300 ft (02) | M | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | D |
| 08 | Retaliation against school employee-TEC §37.006(b) and 37.007(d) | On campus (01) | M | | | D* |
| | | Off Campus, within 300 ft (02) | M | | | D* |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | D* |
| | | Off Campus, no school related/sponsored activity (04) | M | | | D* |
| 09 | Based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity for felony offenses in Title 5, Penal Code-TEC §37.006(c) , TEC §37.007(b)(4), and TEC §37.0081 | Off Campus, no school related/sponsored activity (04) | M | | | D |
| 10 | Based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity for felony offenses not in Title 5, Penal Code-TEC §37.006(d) and TEC §37.007(b)(4) | Off Campus, no school related/sponsored activity (04) | | | D | D |
| 11 | Used, exhibited, or possessed a firearm-TEC §37.007(a) (1) (A) and/or 37.007(e) brings a firearm to school. | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another | | | | D |

* Retaliation against school employee or volunteer coupled with an offense in TEC 37.007 (a) or (d).

■ - Not allowed by TEC Chapter 37

■ - Not specified by TEC Chapter 37. Action for these items must be authorized by the local Student Code of Conduct

| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| | | school district (05) | | | | |
| 12 | Used exhibited, or possessed an illegal knife-TEC §37.007(a)(1)(B) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 13 | Used exhibited, or possessed an illegal Club-TEC §37.007(a)(1)(C) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 14 | Used exhibited, or possessed a Prohibited weapon under Penal Code Section 46.05-TEC §37.007(a)(1)(D) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 16 | Arson-TEC §37.007(a)(2)(B) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |

* Retaliation against school employee or volunteer coupled with an offense in TEC 37.007 (a) or (d).

- Not allowed by TEC Chapter 37

- Not specified by TEC Chapter 37. Action for these items must be authorized by the local Student Code of Conduct

| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 17 | Murder, capital murder, criminal attempt to commit murder, or capital murder-TEC §37.007(a)(2)(C) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 18 | Indecency with a child-TEC §37.007(a)(2)(D) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 19 | Aggravated kidnapping-TEC §37.007(a)(2)(E) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 21 | Violation of student code of conduct not included under TEC §37.006, 37.007, or 37.002(c) | Not Applicable (00) | | | D | |
| 22 | Criminal mischief (felony violation)- TEC §37.007(f) | Not Applicable (00) | | | | D |
| 23 | Emergency Placement/Expulsion-TEC §37.019 | Not Applicable (00) | | | D | D |

* Retaliation against school employee or volunteer coupled with an offense in TEC 37.007 (a) or (d).

■ - Not allowed by TEC Chapter 37

■ - Not specified by TEC Chapter 37. Action for these items must be authorized by the local Student Code of Conduct

| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| 26 | Terroristic threat-TEC §37.006(a)(1) or 37.007(b)(1) | On campus (01) | M | | | D |
| | | Off Campus, within 300 ft (02) | M | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | D |
| | | Off Campus, no school related/sponsored activity (04) | M | | | D |
| | | On school property, or at school related/sponsored activity, of another school district (05) | M | | | D |
| 27 | Assault under Penal Code Section 22.01(a)(1) against a school district employee or volunteer-TEC §37.007(b)(2)(C) | On campus (01) | M | | | D |
| | | Off Campus, within 300 ft (02) | M | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | D |
| 28 | Assault under Penal Code Section 22.01(a)(1) against someone other than a school district employee or volunteer-TEC §37.006(a)(2)(B) | On campus (01) | M | | | |
| | | Off Campus, within 300 ft (02) | M | | | |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | |
| 29 | Aggravated assault under Penal Code Section 22.02 against a school district employee or volunteer-TEC §37.007(d) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | M | | |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | Off Campus, no school related/sponsored activity (04) | | M | | |
| | | On school property, or at school | | M | | |

* Retaliation against school employee or volunteer coupled with an offense in TEC 37.007 (a) or (d).

- Not allowed by TEC Chapter 37

- Not specified by TEC Chapter 37. Action for these items must be authorized by the local Student Code of Conduct

| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| | | related/sponsored activity, of another school district (05) | | | | |
| 30 | Aggravated assault under Penal Code Section 22.02 against someone other than a school district employee or volunteer-TEC §37.007(a)(2)(A) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 31 | Sexual assault under Penal Code Section 22.011 or aggravated sexual assault under 22.021 against a school district employee or volunteer-TEC §37.007(d) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 32 | Sexual assault under Penal Code Section 22.011 or aggravated sexual assault under 22.021 against someone other than a school district employee or volunteer-TEC §37.007(a)(2)(A) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 33 | Possessed, purchased, used or accepted a cigarette or | | | | D | |

* Retaliation against school employee or volunteer coupled with an offense in TEC 37.007 (a) or (d).

■ - Not allowed by TEC Chapter 37

■ - Not specified by TEC Chapter 37. Action for these items must be authorized by the local Student Code of Conduct

| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| | tobacco product as defined in the Health and Safety Code, Section 3.01, chapter 161.252 | Not Applicable (00) | | | | |
| 34 | School-related gang violence | Not Applicable (00) | | | D | |
| 35 | False Alarm/False Report –TEC §§37.006(a)(1) and 37.007(b) | On campus (01) | M | | | D |
| | | Off Campus, within 300 ft (02) | M | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | M | | | D |
| | | Off Campus, no school related/sponsored activity (04) | M | | | D |
| | | On school property, or at school related/sponsored activity, of another school district (05) | M | | | D |
| 36 | Felony Controlled Substance Violation-TEC §37.007(a)(3) | On campus (01) | | M | | |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 37 | Felony alcohol violation-TEC §37.007(a)(3) | On campus (01) | | M | | |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 41 | Fighting/Mutual Combat-Excludes all offenses under Penal Code §22.01 | Not Applicable (00) | | | D | |
| 42 | Truancy (failure to attend school)-Parent contributing to truancy-TEC §25.093(a) | Not Applicable (00) | | | | |
| 43 | Truancy(failure to attend school)-Student with at least 3 | Not Applicable (00) | | | | |

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- Not allowed by TEC Chapter 37

- Not specified by TEC Chapter 37. Action for these items must be authorized by the local Student Code of Conduct

| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| | unexcused absences-TEC §25.094 | | | | | |
| 44 | Truancy(failure to attend school)-Student with 10 unexcused absences-TEC §25.094 | Not Applicable (00) | | | | |
| 45 | Truancy(failure to attend school)-Student failure to enroll in school-TEC §25.085 | Not Applicable (00) | | | | |
| 46 | Aggravated Robbery-TEC §37.007(a)(2)(F), TEC §37.006(C)-(D) (HB 9680) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | Off Campus, no school related/sponsored activity (04) | | | | D |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 47 | Manslaughter – TEC §37.007(a)(2)(G) | On campus (01) | | M | | |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | Off Campus, no school related/sponsored activity (04) | | | | D |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 48 | Criminally Negligent Homicide – TEC §37.007(a)(2)(H) | On campus (01) | | M | | |
| | Code 53 – Criminally Negligent Homicide | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |

* Retaliation against school employee or volunteer coupled with an offense in TEC 37.007 (a) or (d).

- Not allowed by TEC Chapter 37

- Not specified by TEC Chapter 37. Action for these items must be authorized by the local Student Code of Conduct

| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| | | Off Campus, no school related/sponsored activity (04) | | | | D |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 49 | Engages In Deadly Conduct – TEC §37.007(b)(2)(D) | On campus (01) | | | D | D |
| | | Off Campus, within 300 ft (02) | | | D | D |
| | | School Related/Sponsored Activity Off Campus (03) | | | D | D |
| 50 | Used, Exhibited, Or Possessed A Non-Illegal Knife As Defined By Student Code Of Conduct And As Allowed Under TEC §37.007. (Knife blade equal to or less than 5.5 inches) | On campus (01) | | | D | D |
| | | Off Campus, within 300 ft (02) | | | D | D |
| | | School Related/Sponsored Activity Off Campus (03) | | | D | D |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | D | D |
| 55 | Student Is Required To Register As A Sex Offender Under Chapter 62 Of The Code Of Criminal Procedure And Is Under Court Supervision - TEC §37.304. The offense(s) for which the student is required to register as a sex offender must have occurred on or after Sept. 1, 2007 | Not Applicable (00) | M | | | D |
| | | | | | | |
| 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 - TEC §37.305. The offense(s) for which the student is required to register as a sex offender must have occurred on or after Sept. 1, 2007 | Not Applicable (00) | | | D | |
| 57 | Continuous Sexual Abuse Of Young Child Or Children Under Penal Code §21.02 Occurring on school property or while attending a school-sponsored or school-related activity on or off school property – TEC §37.007(a) (2) (I) | On campus (01) | | M | | |

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| Disciplinary Action Reason Codes (C165) | | Behavior Location Code (C190) | Disciplinary Action Codes (C164) | | | |
|---|---|---|---|---|---|---|
| Code and Translation | | Behavior Location Code | Mandatory DAEP Placement | Mandatory Expulsion | Discretionary DAEP Placement | Discretionary Expulsion |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | M | | |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 58 | Breach of Computer Security – TEC §37.007(b)(5) | On campus (01) | | | | D |
| | | Off Campus, within 300 ft (02) | | | | D |
| | | School Related/Sponsored Activity Off Campus (03) | | | | D |
| | | Off Campus, no school related/sponsored activity (04) | | | | D |
| | | On school property, or at school related/sponsored activity, of another school district (05) | | | | D |
| 59 | Serious Misbehavior, as defined by TEC §37.007(c), while expelled to/placed in a Disciplinary Alternative Education Program (DAEP) | On campus (01) | | | | D |

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