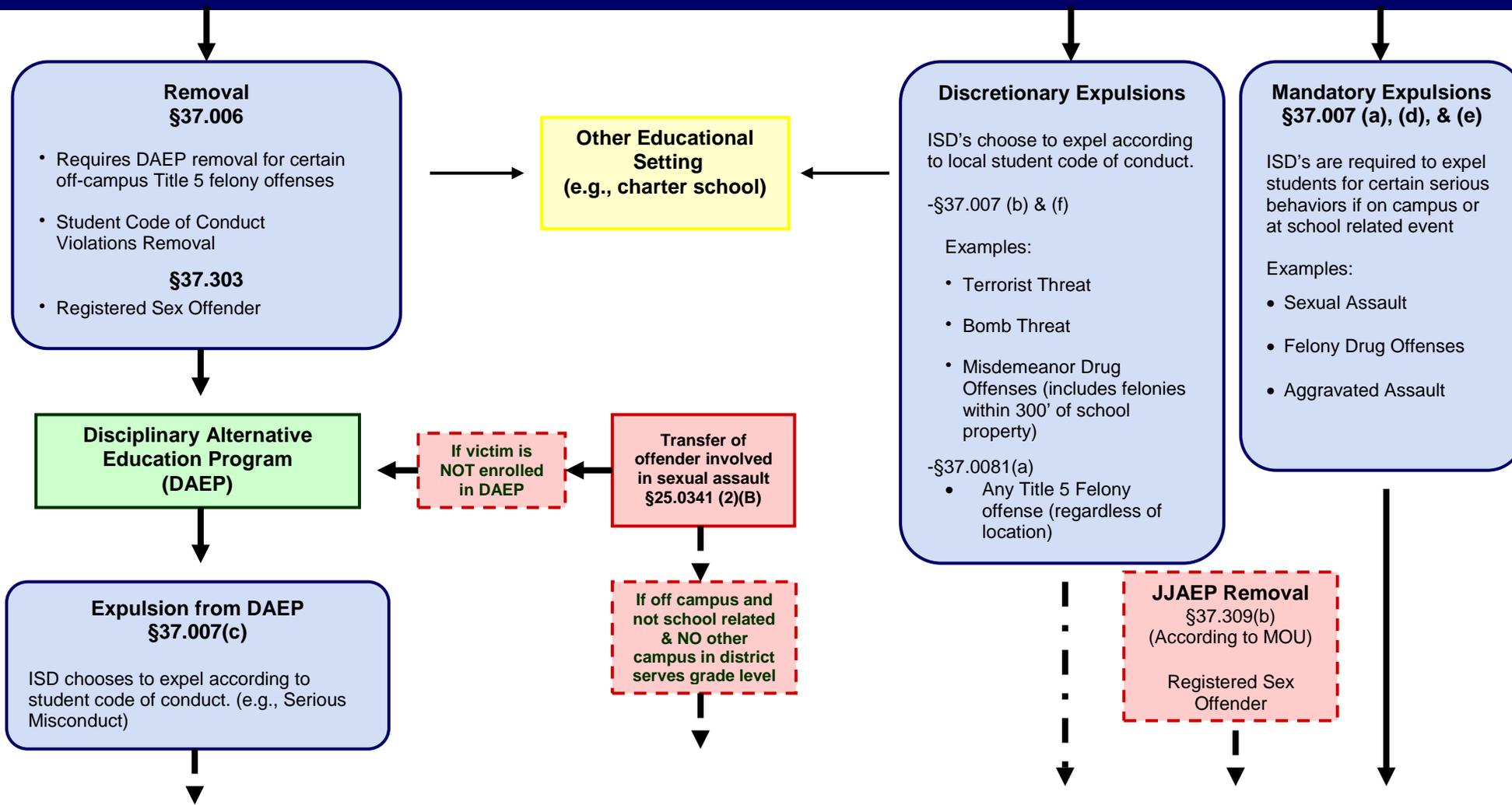




Student Discipline Flowchart

2015/16 and 2016/17 School Years

Regular Education Setting



Juvenile Justice Alternative Education Program

Student Discipline 2015/16 and 2016/17 School Years

Disciplinary Alternative Education Program Removals

Discretionary Removals

- 37.001 (a)**
- Violations of the Student Code of Conduct
 - Example: Serious Misconduct
- 37.006 (d)** - Off campus and not school related event:
- Felony offense other than a Penal Code Title 5 offense if:
 - o Superintendent has "reasonable belief" that student engaged in felony offense and the student's presence in the regular classroom is a threat to other students or teachers or will be detrimental to the educational setting.
-
- ### Mandatory Removals
- 37.006 (a)**
- False alarm or report (Penal Code 42.06)*
 - Terroristic threat (Penal Code 22.07)*
 - While on school property/school related event or within 300' of school property:
 - o Any conduct punishable as a felony except for those listed under "Mandatory Expulsions"
 - o Assault (Penal Code 22.01(a)(1))
 - o Misdemeanor drug, alcohol or inhalants offenses*
 - o Felony drugs within 300' only (all on school property/school related events are mandatory expulsions)*
 - o Public lewdness (Penal Code 21.07)/indecent exposure (Penal Code 21.08)
 - o Breach of computer security / Computer hacking (Penal Code 33.02)
- 37.006 (b)** – Regardless of location:
- o Retaliation against any school employee (Penal Code 36.06, see also Mandatory Expulsions)
- 37.006(c)** - While off campus and not school related:
- o Any Penal Code Title 5 felony offense or Aggravated Robbery (Penal Code 29.03) for which:*
 - A student is placed on deferred prosecution;
 - A student is adjudicated delinquent; or
 - A superintendent has "reasonable belief" the student engaged in the conduct
- 37.303**
- Registered Sex Offender*

* May also be expelled as a discretionary expulsion or removal

JJAEP Placements

Mandatory Expulsions

- 37.007(a)** – On school property or at school related event:
- Unlawful carrying weapon - Gun (Penal Code 46.02(a)) or (*18 USC Section 921, includes charter schools)
 - Unlawful carrying weapon - a handgun, illegal knife, or club (Penal Code 46.02(a))
 - Prohibited Weapon (1) an explosive weapon; (2) a machine gun; (3) a short-barrel firearm; (4) a firearm silencer; (5) knuckles; (6) armor-piercing ammunition; (7) a chemical dispensing device; (8) a zip gun; or (9) a tire deflation device. (Penal Code 46.05 (a))
 - Aggravated assault (Penal Code 22.02)
 - Sexual assault (22.011)
 - Aggravated sexual assault (Penal Code 22.021)
 - Arson (Penal Code 28.02)
 - Murder (Penal Code 19.02)
 - Capital murder (Penal Code 19.03)
 - Criminal attempted murder or capital murder (Penal Code 15.01)
 - Indecency with a child (Penal Code 21.11)
 - Aggravated kidnapping (Penal Code 20.04)
 - Aggravated robbery (Penal Code 29.03)
 - Manslaughter (Penal Code 19.04)
 - Criminal negligent homicide (Penal Code 19.05)
 - Continuous sexual abuse of young child or children (Penal Code 21.02)
 - Felony Drug offenses
- 37.007(d)** – Regardless of location:
- Retaliation against school employee or volunteer (any 37.007(a) offense)
- 37.007(e)** – On school property or at school related event:
- Federal firearm (20 U.S.C. Section 7151).

Discretionary Expulsions

- 37.007(b)**
- False alarm or report (Penal Code 42.06)
 - Terroristic threat (Penal Code 22.07)
 - While on school property/school related event or within 300' of school property:
 - Misdemeanor drug, alcohol or inhalants offenses
 - Class A misdemeanor assault on school employee or volunteer (Penal Code 22.01(a)(1)), regardless of location.
 - Any offense listed as a Mandatory Expulsion, if within 300' of school property
 - Aggravated assault (Penal Code 22.02), sexual assault (22.011), aggravated sexual assault (Penal Code 22.021), murder (Penal Code 19.02), capital murder (Penal Code 19.03), criminal attempted murder or capital murder (Penal Code 15.01) if against another student, (not school related event or on school property).
 - Deadly conduct (Penal Code 22.05)
 - Breach of computer security / Computer hacking (Penal Code 33.02)
- 37.007(c)**
- Serious misconduct while in a DAEP
- 37.007(f)**
- Felony criminal mischief (Penal Code 28.03)
- 37.0081(a)**
- Any Penal Code Title 5 felony offense or aggravated robbery (Penal Code 29.03) regardless of where the offense occurred (including on or off school campus, not school related event)

Removal

- 37.309(b)**
- Any registered sex offender, per MOU

Transfers

Offender Involved in Sexual Assault (TEC §25.0341(b)(2))

If a student is placed on deferred prosecution, deferred adjudication, adjudicated delinquent or found guilty of sexual assault, a school district if requested by the victim shall transfer the victim to an alternate campus or district or if the victim does not wish to transfer, the ISD is required first to remove the offending student to a separate campus that serves the grade level the student is assigned or if there is not separate campus the student could be placed in the JJAEP.

Victim of Bullying (TEC §25.0342(b))

The parent of a student who is a victim of bullying may require the ISD to transfer the victim to another classroom or campus after the ISD verifies the student was in fact a victim of bullying.