

PEIMS Discipline Data - Chart for Determining Mandatory and Discretionary DAEP Placements and Expulsions

School District Disciplinary Action Chart

Applicability and Table Key

This document outlines the mandatory and discretionary disciplinary actions required for school districts. The guidelines presented herein do not apply to charter schools unless a charter school has incorporated any of the other mandatory provisions into its student code of conduct.

Table Key to the Symbols and Notations Used in the Chart:

- - Not allowed by TEC Chapter 37
- M - Mandatory
- D - Discretionary
- # - DAEP Capacity Rule

Columns Used in the Chart:

- Behavior (C165)
- Incident Location (C190)
- Discipline (C164)

Behavior (C165)		Incident Location (C190)	Discipline (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 §37.002(c) Note: Another appropriate classroom, ISS, or DAEP are the only allowable actions for Behavior Code 01.	On campus (01)	■	■	D	■
02	Conduct punishable as a felony- TEC §37.006(a)(2)(A)	On campus (01)	M	■	■	■
	TEC §37.006(a)(2)(A)	Off Campus, within 300 ft. (02)	M	■	■	■
	TEC §37.006(a)(2)(A)	School Related/Sponsored Activity Off Campus (03)	M	■	■	■
	TEC §37.006(d)(2)(A) and (B)	Off Campus, no school related/sponsored activity (04)	■	■	D	■
05	Alcohol - -TEC §§37.006(a)(2)(D) and 37.007(b)(2)(A)(iii) Sells, gives, or delivers to another person, possesses, uses, under the influence of an alcoholic beverage Commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage. Defined under §1.04, Alcoholic Beverage Code	On campus (01)	#M	■	■	D
	TEC §§37.006(a)(2)(D) and 37.007(b)(2)(A)(iii)	Off Campus, within 300 ft. (02)	#M	■	■	D

Behavior (C165)		Incident Location (C190)	Discipline (C164)			
Code and Translation		Behavior Location Code	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
05	(cont.) Alcohol TEC §§37.006(a)(2)(D) and 37.007(b)(2)(A)(iii)	School Related/Sponsored Activity Off Campus (03)	#M			D

06	Abusable volatile chemical- TEC §§37.006(a)(2)(E) and 37.007(b)(2)(B) Defined under §§485.031 through 485.034, Health and Safety Code	On campus (01)	#M			D
	TEC §37.006(a)(2)(E) and 37.007(b)(2)(B)	Off Campus, within 300 ft. (02)	#M			D
	TEC §37.006(a)(2)(E) and 37.007(b)(2)(B)	School Related/Sponsored Activity Off Campus (03)	#M			D
07	Public lewdness or indecent exposure- TEC §37.006(a)(2)(F) Defined under §21.07, Penal Code and §21.08, Penal Code	On campus (01)	M			
	TEC §37.006(a)(2)(F)	Off Campus, within 300 ft. (02)	M			
	TEC §37.006(a)(2)(F)	School Related/Sponsored Activity Off Campus (03)	M			
09	Title 5 Felony Offenses - TEC §37.006(c)(1)(A), and TEC §37.0081 Defined under Penal Code Chapter 19 – Chapter 22. Refer to local law enforcement and local legal counsel.	Off Campus, no school related/sponsored activity (04)	M			D
10	Felony offenses not in Title 5 - TEC §37.006(d)(2)(A) Refer to local law enforcement and local legal counsel.	Off Campus, no school related/sponsored activity (04)			D	

12	Unlawful Carrying of a Location-restricted Knife – TEC 37.007(a)(1) Defined under Penal Code, §42.01(6), as a knife with a blade longer than 5.5 inches.	Not Applicable (00)		M		
14	Elements of Offense Relating to Prohibited Weapons – TEC §37.007(a)(1) Defined under Penal Code, §46.05 as: <ul style="list-style-type: none"> • an explosive weapon; • a machine gun; or • armor-piercing ammunition; • a chemical dispensing device; • a zip gun; • a tire deflation device; or • an improvised explosive device. 	Not Applicable (00)		M		

16	Arson -TEC §37.007(a)(2)(B) Defined under Penal Code, §28.02	Not Applicable (00)		M	
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Behavior (C165)		Incident Location (C190)	Discipline (C164)			
Code and Translation		Behavior Location Code	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
17	Murder, capital murder, criminal attempt to commit murder, or capital murder -TEC §37.007(a)(2)(C) Defined under Penal Code, §§19.02, 19.03, 15.01	Not Applicable (00)		M		
18	Indecency with a child -TEC §37.007(a)(2)(D) Defined under Penal Code, 21.11	Not Applicable (00)		M		
19	Aggravated kidnapping -TEC §37.007(a)(2)(E) Defined under Penal Code, §20.04	Not Applicable (00)		M		
21	Violation of student code of conduct – TEC, §37.001 Excludes offenses under TEC §§37.002(c), 37.006, or 37.007	Not Applicable (00)			D	
22	Felony Criminal Mischief - TEC §37.007(f) Defined under Penal Code, §28.03	Not Applicable (00)				D

23	Emergency Placement/Expulsion -TEC §37.019 May be a single incident.	On campus (01)			D	D
26	Terroristic threat involving a public school -TEC §§37.006(a)(1) or 37.007(b)(1) Defined under Penal Code, §22.07	On campus (01)	M			D
	TEC §37.006(a)(1) or 37.007(b)(1)	Off Campus, within 300 ft. (02)	M			D
	TEC §37.006(a)(1) or 37.007(b)(1)	School Related/Sponsored Activity Off Campus (03)	M			D
	TEC §37.006(a)(1) or 37.007(b)(1)	Off Campus, no school related/sponsored activity (04)	M			D
27	Assault against a school district employee or volunteer - TEC §37.007(a)(4) Defined under Penal Code, §22.01(a)(1)	Not Applicable (00)		M		
28	Assault against a non-school district employee or volunteer -TEC §37.006(a)(2)(B) Defined under Penal Code, §22.01(a)(1)	On campus (01)	M			

	TEC §37.006(a)(2)(B)	Off Campus, within 300 ft. (02)	M			
	TEC §37.006(a)(2)(B)	School Related/Sponsored Activity Off Campus (03)	M			
Behavior (C165)		Incident Location (C190)	Discipline (C164)			
Code and Translation		Behavior Location Code	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
29	Aggravated assault against a school district employee or volunteer-TEC §37.007(a)(2)(A) Defied under Penal Code, §22.02	Not Applicable (00)		M		
30	Aggravated assault against non-school district employee or volunteer-TEC §37.007(a)(2)(A) Defied under Penal Code, §22.02	Not Applicable (00)		M		
31	Sexual assault or aggravated sexual assault against a school district employee or volunteer- TEC §37.007(a)(2)(A) Defined under Penal Code, §§22.011, 22.012	Not Applicable (00)		M		
32	Sexual assault or aggravated sexual assault against non-school district employee or volunteer-TEC §37.007(a)(2)(A) Defined under Penal Code, §§22.011, 22.012	Not Applicable (00)		M		
35	False Alarm/False Report Involving a Public School –TEC, §§37.006(a)(1) and 37.007(b)(1) Defined under Penal Code, §42.06 TEC §§37.006(a)(1) and 37.007(b)(1)	On campus (01)	M		D	
		Off Campus, within 300 ft. (02)	M		D	
	TEC §§37.006(a)(1) and 37.007(b)(1)	School Related/Sponsored Activity Off Campus (03)	M		D	
	TEC §§37.006(a)(1) and 37.007(b)(1)	Off Campus, no school related/sponsored activity (04)	M		D	
36	Felony Controlled Substance or Dangerous Drug Violation (Excludes Marihuana/THC) -TEC §37.007(a)(3) Sells, gives, or delivers to another person, possesses, uses, or is under the influence of a felony controlled substance or dangerous drug Defined under Health and Safety Code, Chapter 481 and Chapter 483	Not Applicable (00)		M		

41	Fighting/Mutual Combat- TEC, §37.001 Excludes all assaultive offenses under Penal Code, §22.01	Not Applicable (00)			D	
Behavior (C165)		Incident Location (C190)	Discipline (C164)			
Code and Translation		Behavior Location Code	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
47	Manslaughter – TEC §37.007(a)(2)(G) Defined under Penal Code, §19.04	Not Applicable (00)		M		
48	Criminally Negligent Homicide – TEC §37.007(a)(2)(H) Defined under Penal Code, §19.05	Not Applicable (00)		M		
49	Engages in Deadly Conduct – TEC §37.007(b)(2)(C) Defined under Penal Code, §22.05	On campus (01)				D
	TEC §37.007(b)(2)(C)	Off Campus, within 300 ft. (02)				D
	TEC §37.007(b)(2)(C)	School Related/Sponsored Activity Off Campus (03)				D
	TEC §37.006(c)(1)(B)	Off Campus, no school related/sponsored activity (04)	M			
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	D
57	Continuous Sexual Abuse of Young Child or Disabled Individual - TEC §37.007(a)(2)(I) Defined under Penal Code, §21.02	Not Applicable (00)		M		

58	Breach of Computer Security – TEC §37.007(b)(4) Defined under Penal Code, §33.02	On campus (01)					D
	TEC §37.007(b)(4)	Off Campus, within 300 ft. (02)					D
	TEC §37.007(b)(4)	School Related/Sponsored Activity Off Campus (03)					D
Behavior (C165)		Incident Location (C190)	Discipline (C164)				
Code and Translation		Behavior Location Code	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion	
58	(cont.) Breach of Computer Security TEC §37.007(b)(4)	Off Campus, no school related/sponsored activity (04)					D

59	Serious Misbehavior while placed in a DAEP - TEC §37.007(c) Engages in documented serious misbehavior while on the DAEP campus despite documented behavioral interventions. These behaviors are: <ul style="list-style-type: none"> • deliberate violent behavior that poses a direct threat to the health or safety of others; • extortion, meaning the gaining of money or other property by force or threat; • conduct that constitutes coercion, as defined by §1.07, Penal Code; or • public lewdness under §21.07, Penal Code; • indecent exposure under §21.08, Penal Code; • criminal mischief under §28.03, Penal Code; • personal hazing under TEC §37.152; or • harassment under §42.07(a)(1), Penal Code, of a student or district employee. 	On campus (01)					D
61	Certain bullying behavior – TEC §37.0052(b) These behaviors are: <ul style="list-style-type: none"> • engages in bullying that encourages a student to commit or attempt to commit suicide; • incites violence against a student through group bullying; or • releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent. 	Not Applicable (00)					D

62	Possessed, sold, gave, used, delivered, or under the influence of Marihuana or Tetrahydrocannabinol (THC) - TEC §37.006(a)(2)(C-1)) and TEC §37.007(b)(2)(A)(i)	On campus (01)	#M			D
	TEC §37.006(a)(2)(C-1)) and TEC §37.007(b)(2)(A)(i)	Off Campus, within 300 ft. (02)	#M			D
	TEC §37.006(a)(2)(C-1)) and TEC §37.007(b)(2)(A)(i)	School Related/Sponsored Activity Off Campus (03)	#M			D
Behavior (C165)		Incident Location (C190)	Discipline (C164)			
Code and Translation		Behavior Location Code	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
64	Non-Felony level controlled substance or dangerous drug– TEC §37.006(a)(2)(C)(i) and TEC §37.007(b)(2)(A)(i) – Sells, gives, delivers to another person, possesses, uses, or is under the influence of a controlled substance Defined under Health and Safety Code. Chapter 481 and 483	On campus (01)	M			D

	TEC, §37.006(a)(2)(C)(i) and TEC §37.007(b)(2)(A)(i)	Off Campus, within 300 ft. (02)	M			D
	TEC, §37.006(a)(2)(C)(i)) and TEC §37.007(b)(2)(A)(i)	School Related/Sponsored Activity Off Campus (03)	M			D
65	Threatens immediate health and safety of other students in classroom TEC §37.005(c)(2)	On campus (01)			D	
66	Documented repeated or significant disruption to the classroom - TEC §37.005(c)(3)	On campus (01)			D	
67	Possesses or uses e-cigarette – TEC §37.001(a)(2), TEC §37.006(d)(1)(C) Defined under Health and Safety Code, §161.081	On campus (01)			D	
68	Sells, gives, or delivers e-cigarette - TEC §37.006(a)(2)(C-2) Defined under Health and Safety Code, §161.081	On campus (01)	#M			
	TEC §37.006(a)(2)(C-2)	Off Campus, within 300 ft. (02)	#M			
	TEC §37.006(a)(2)(C-2)	School Related/Sponsored Activity Off Campus (03)	#M			
69	Disorderly conduct involving a firearm – TEC §37.006(c)(1)(D) Defined under Penal Code,	Off Campus, no school related/sponsored	M			

	§42.01(a)(7) or (8)	activity (04)				
70	Disruptive activities under TEC §37.123 – TEC §37.006(d)(1)(A)	On campus (01)			D	
71	Disruption of classes under TEC §37.124 – TEC §37.006(d)(1)(A) Alone or with others, intentionally disrupts school classes or activities by: <ul style="list-style-type: none"> emitting noise of intensity that prevents or hinders classroom instruction; 	On School Property or on Public Property within 500 Feet of School Property (06)			D	
Behavior (C165)		Incident Location (C190)	Discipline (C164)			
Code and Translation		Behavior Location Code	Mandatory DAEP Placement	Mandatory Expulsion	Discretionary DAEP Placement	Discretionary Expulsion
71	(cont.) Disruption of classes under TEC §37.124 <ul style="list-style-type: none"> attempting to or enticing a student away from a class or school activity that the student is required to attend; preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities. 	On School Property or on Public Property within 500 Feet of School Property (06)			D	
72	Kidnapping – TEC §37.007(a)(2)(E) Defined under Penal Code, §22.03	Not Applicable (00)		M		
73	Exhibits, uses, or threatens to exhibit or use a firearm under TEC §37.125 – TEC §37.007(a)(5)	Not Applicable (00)		M		
74	Retaliation against a school employee or volunteer of the district - TEC §37.006(b) Defined under Penal Code, §36.06	Not Applicable (00)	M			
75	Harassment against an employee or volunteer of the district - TEC §37.006(b) Defined under Penal Code, §42.07	Not Applicable (00)	M			
76	Burglary/Robbery, Aggravated Robbery– TEC §37.007(a)(2)(F) Defined under Penal Code, §§30.02, 29.02, and 29.03	Not Applicable (00)		M		