

PEIMS Discipline Data - Disciplinary Action Reason Codes and Definitions

Discipline Action Reason Code	Translation/Definition
01	<p data-bbox="362 415 1047 451"><u>Permanent Removal by a Teacher from Class</u></p> <p data-bbox="362 478 1461 781">TEC, §37.002(c) - 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.</p>

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	<p>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.</p> <p>"Abuse of a Volatile Chemical" violation is also a discretionary expellable offense dependent on the local Student Code of Conduct.</p>

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Public Lewdness or Indecent Exposure

Engages in conduct that contains the elements of the offense of public lewdness under Penal Code Section 21.07 or indecent exposure under Section 21.08, Penal Code.

Penal Code Chapter 21.07 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:

- (a) an act of sexual intercourse;
- (b) act of deviate sexual intercourse;
- (c) act of sexual contact; or
- (d) act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl.

Penal Code Chapter 21.08 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.

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the actor knows intends to report the occurrence of a crime or to prevent or de

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	The provision for a discretionary expulsion under for these offenses is dependent on the local Student Code of Conduct.

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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:

- (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
- (b) the continued presence of the student in the regular classroom threatens the safety of other Jhe coo/Ba8.52 42m
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	<p>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.</p>
12	<p><u>Location-Restricted Knife</u></p> <p>Unlawful Carrying of a Location-restricted Knife under Penal Code 46.02 – TEC 37.007(a)(1) (Location Restricted knife - blade longer than 5.5 inches).</p> <p>Penal Code Section 46.01(6) defines a location-restricted knife as a knife with a blade length longer than 5.5 inches.</p>

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16	<p><u>Arson</u></p> <p>Penal Code Section 28.02 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.</p>
17	<p><u>Murder, Capital Murder, or Criminal Attempt to Commit Murder/Capital Murder</u></p> <p>Penal Code Section 19.02 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.</p> <p>Penal Code Section 19.03 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 conspiracy to commit murder or</p>

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	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	<p><u>Violation of Student Code of Conduct</u></p> <p>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.</p> <p>Also, Code ‘21’ should be used for a Court Ordered JJAEP or DAEP</p>
22	<p><u>Criminal Mischief</u></p> <p>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.</p> <p>Penal Code Section 28.03 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.</p>
23	<p><u>Emergency Placement/Expulsion</u></p> <p>The use of this code is limited to reasons for which placement in a DAEP or expulsion may be made on a non-emergency basis according to TEC, §37.019(c). Not later than the tenth day after the date of the placement or expulsion, the student shall be awarded the appropriate due process as required under TEC, §37.009.</p> <p><u>Emergency DAEP Placement</u></p> <p>Chapter 37 authorizes the immediate placement of a student in a DAEP if 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.</p>

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Emergency Expulsion

Chapter 37 authorizes the immediate expulsion of a student if the principal or

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	<p>For purposes of this reason, an assault must involve a victim and a perpetrator(s) and the victim must receive bodily injury. Two or more students cannot assault each other.</p> <p>If these criteria are not met, then the proper Discipline Action Reason Code would be Other Student Code of Conduct Violation (Action Reason Code 21).</p>

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without the person's consent, to con

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	<p>anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor.</p> <p>Penal Code Section 22.021 defines aggravated sexual assault as any of the offenses listed above in Penal Code 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).</p>

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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 wo81 206.879 (a r)1(f)1.9 91su t(m

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	Always get corroboration from law enforcement before using this Action Reason code.
41	<p><u>Fighting/Mutual Combat</u></p> <p>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).</p>

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Aggravated Robbery

Penal Code §29.03 defines **3 10 (mm 312.7 i)6 (w [an1 Tc 0n(or)7 (f)b1di10 (y)4 (s)4 (**

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	<p>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 Penal Code §22.05(a) is a Class A misdemeanor. An offense under Penal Code §22.05(b) is a felony of the third degree.</p>

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Student Is Required to Register as A Sex Offender Under Chapter 62 Of

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61	<p><u>Bullying</u></p> <p>TEC 37.0052(b)</p> <p>TEC Sec.37.0052 (b) defines bullying behavior as:</p> <ul style="list-style-type: none"> (1) engages in bullying that encourages a student to commit or attempt to commit suicide; (2) incites violence against a student through group bullying; or (3) 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.
62	<p><u>Possessed, Sold, Gave, Used, Delivered, Or Was Under the Influence of Marihuana or Tetrahydrocannabinol (THC) – TEC 37.006(a)(2)(C-1)</u></p> <p>Marihuana as defined by §481.002, Health and Safety Code, or tetrahydrocannabinol (THC), as defined by rule adopted under §481.003 of that code;</p>
63	<p><u>Possessed, Sold, Gave, Delivered, or Used an E-Cigarette – TEC 37.006(a)(2)(C-2)</u></p> <p>E-Cigarette is defined by §161.081, Health and Safety Code;</p> <p>E-Cigarette means: (1) an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or (2) a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this subdivision.</p> <p>The term "e-cigarette" includes: (1) a device described by this subdivision regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and (2) a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.</p>

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64	<p data-bbox="362 352 1442 428"><u>Possessed, Sold, Gave, Used, Delivered, or Was Under the Influence of Other Controlled Substance – TEC, §37.007(b)</u></p> <p data-bbox="362 453 1466 609">§481.002 Health and Safety Code d Controlled Substance as a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4. The term includes the aggregate weight of any mixture, solution, or other substance containing a</p>