

**STUDENT DISCIPLINE:  
EMERGENCY AND ALTERNATIVE PLACEMENT**

**FOE**

EMERGENCY PLACEMENTS	The Superintendent or appropriate designee is not prohibited from ordering the immediate placement of a student in a disciplinary alternative education program (DAEP) if the principal or 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 students in class, with the ability of students to learn, or with the operation of school or a school-sponsored activity. However, as soon as reasonably possible after an emergency placement, the school must conduct an Admission, Review and Dismissal (ARD) committee to determine the best placement for the child and, in addition, if necessary, conduct a manifestation determination.
DAEP	
EXPULSION	<p>The Superintendent or appropriate designee may order the immediate expulsion of a student if the administrator reasonably believes that such action is necessary to protect persons or property from imminent harm.</p> <p>If a TSD student commits an expellable offense, and the ARD committee has reviewed all relevant information [see FO], the student will be referred to the local school district for follow-up disciplinary action</p>
PROCEDURE	At the time of an emergency placement or an emergency expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a DAEP or expulsion may be made on a nonemergency basis. Within a reasonable time, but not later than the tenth day after the placement or expulsion, the student shall be afforded the appropriate due process required for a removal or an expulsion. [FOA, FOC, and FOD]
STUDENTS WITH DISABILITIES	<p>For any TSD student, the emergency placement is subject to federal and state law and regulations and must be consistent with the consequences that would apply under Education Code Chapter 37, Subchapter A, to a student without a disability.</p> <p>The review of the student's placement may be made only by a duly constituted ARD committee [see EHBAB]. The ARD committee may request that the Superintendent convene a review committee to assist in conducting the review.</p> <p>Education Code 37.308 [Moved]</p>
IMMUNITY	<p>The Superintendent or appropriate designee is not liable in civil damages for an emergency placement.</p> <p>Education Code 37.019</p>

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TITLE 5 FELONY OR  
AGGRAVATED ROBBERY

The Superintendent, after an opportunity for a hearing may expel a student if:

1. The student has been arrested for, charged with, referred to a juvenile court for, received deferred prosecution for, received probation for, received deferred adjudication for, found by a court or jury to have engaged in, or been convicted of, conduct defined as a felony offense in Penal Code, Title 5 [see FOC TITLE 5 FELONIES or the felony offense of aggravated robbery under Penal Code 29.03; and
2. The Superintendent, Director of Instruction, Principal or other appropriate administrator determines that the student's presence in the regular classroom:
  - a. Threatens the safety of other students or teachers;
  - b. Will be detrimental to the educational process; or
  - c. Is not in the best interests of the School's students

If the Superintendent or appropriate designee, determines that the TSD student commits an expellable offense, the information will be shared with the local education agency regardless of:

1. The date the conduct occurred;
2. The location of the conduct;
3. Whether the conduct occurred while the student was enrolled in the School; or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct

ALTERNATIVE SETTING

The student must be placed in:

1. A DAEP; or
2. An alternative setting in the local school district where the IEP can be implemented.

REGISTERED SEX  
OFFENDERS

APPLICABILITY

*The following provisions apply to a student who is required to register as a sex offender under Code of Criminal Procedure, Chapter 62 (Chapter 62), but not to a student who is no longer required to register as a sex offender, including a student who receives an exemption from registration or a student who receives an early termination of the obligation to register.*

**TEXAS SCHOOL FOR THE DEAF**

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REMOVAL FROM  
REGULAR CLASSROOM

Notwithstanding any provision of Education Code Chapter 37, Subchapter A, on receiving notice under Code of Criminal Procedure article 15.27 or Chapter 62 that a student is required to register as a sex offender, the School shall remove the student from the regular classroom and, if the student is disabled, his ARD committee shall determine the appropriate placement.

Education Code 37.302, 37.303

ISSUED: *12-10-04*  
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