

Upon a voluntary, written request (or documentation of such request) by the student's parent(s), the review committee may consider placement in the DAEP beyond the original term of the placement in the DAEP. The review committee has the discretion to grant or deny the parental request. If the request is granted, the review committee shall determine the term of the voluntary placement. The voluntary placement shall extend to a natural transition point such as the end of a grading cycle, a semester, or the school year in which the original term ends. In addition, at the discretion of the Office of Student Support and upon review, a student may be released prior to the end of the student's assigned days when the assigned length of placement would end within 15 days after the start of the next semester for high school students and within 15 days after the start of the next grading cycle for middle-school students. The parent shall provide a signed acknowledgement that the student will not be allowed to return to a regular campus during the term of the voluntary placement. Students attending a DAEP as a voluntary placement will be subject to the 120-day review described above.

Any student assigned to the DAEP for a period of 90 school days or longer shall be administered an assessment instrument designed to assess at least a student's basic skills in reading and mathematics. The instrument shall be administered initially on placement of the student in the DAEP and again on the date of the student's departure from the DAEP or as near that date as possible.

The HISD *Code of Student Conduct* governs student conduct at the DAEP. Continued misconduct may result in placement for an additional period of time in the DAEP and may further result in expulsion from HISD and placement in the Harris County Juvenile Justice Alternative Education Program.

Review by Principal

If a principal's designee and/or the assistant principal places a student in a DAEP that extends beyond the end of the next grading period, the principal or his/her impartial designee shall hold a review of this decision at the request of the student, the parent, or the guardian. This request for a principal's review must be made to the principal within three school days of the time the punishment was imposed. If the principal initially makes the decision to place the student in a DAEP that extends beyond the end of the next grading period, the review may be taken directly to the area superintendent/designee.

If a student is new to HISD, HISD receives a copy of the placement order, the act is one for which placement in a DAEP is permitted under the HISD *Code of Student Conduct*, and the student was placed in a DAEP by the district from which the student is transferring to HISD, whether in this state or another state, the principal/designee may continue the placement in a DAEP under the terms and conditions set by the other school district prior to the student's arrival in HISD. The term of the placement continued shall not exceed one year in the aggregate, unless after a review the District determines that:

- (1) the student is a threat to the safety of other students or District employees;
- (2) extended placement is in the best interest of the student; or
- (3) the student engaged in sexual assault or aggravated sexual assault against another student, in which case any limitation on the length of placement does not apply

Appeal to Area Superintendent/Designee

Within five days of receipt of notice of the decision to place the student in a DAEP, the student/parent must request a meeting, in writing, with the appropriate area superintendent/designee or the decision shall be final. The area superintendent or designee will review any placement in a DAEP that extends beyond the next grading period at the request of the student, parent, or guardian. The area superintendent/designee will allow the school administration and the parent, guardian, or student to make a 10-minute presentation. The length of the presentation may be increased by the area superintendent/designee. Whether witnesses or documentary

evidence will be considered by the area superintendent is left to his or her discretion. When the area superintendent/designee completes the hearing, he/she will render a decision in writing to the parent within seven school days from the hearing date. A student may be placed in a DAEP pending this appeal. The decision of the area superintendent/designee is final and may not be appealed.

At the hearing, the area superintendent/designee will:

- advise the student orally or in writing of the alleged misconduct
- explain the evidence of the misconduct and give the student the opportunity to present his or her side, if the student denies the allegation of misconduct
- render a final decision on the placement and duration of the placement including, if necessary, continuing placement of a new student in a DAEP under the terms and conditions set by another school district prior to the student's arrival in HISD

Procedures for Continuation of DAEP Placement After Receipt of Notice Under Article 1527(g)

The principal shall review the placement of a student in a Disciplinary Alternative Education Program (DAEP) upon receipt of notice under Article 1527(g), Code of Criminal Procedure:

- (1) that the prosecution of the case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or
- (2) that the court or jury found the student not guilty or made a finding that the child did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

On receipt of a notice under this article, the principal or his/her designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review. The principal or his/her designee shall schedule a review of the student's placement with the student's parent or guardian no later than the third class day after the principal receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the principal or his/her designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent or guardian may appeal the principal's decision to the appropriate area superintendent, who shall rule on the record made before the principal and may consider additional matters. The student may not be returned to the regular classroom pending the appeal. The student, parent, or guardian may appeal the decision of the area superintendent to the Board of Education.

The Board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the principal or principal's designee contained in the record made at the lower-level appeals and confirm or reverse the decision under Subsection (h).

The Board shall make a record of the proceedings. If the Board confirms the decision of the area superintendent or his or her designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Texas Commissioner of Education.