

# TAFT INDEPENDENT SCHOOL DISTRICT



## STUDENT CODE OF CONDUCT

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2017-2018

Adopted by Taft ISD Board of Trustees: August 15, 2017

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***ACKNOWLEDGMENT***

**Student Code of Conduct  
Electronic Distribution**

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student’s teacher or appropriate campus administrator.

The student and parent should each sign this page in the space provided below, and then return the page to the student’s school.

Thank you.  
Jose Lopez, Superintendent of Schools

We acknowledge that we have been offered the option to receive a paper copy of the Taft ISD Student Code of Conduct for the **2017-2018** school year or to electronically access them on the district’s Website at [www.taftisd.net](http://www.taftisd.net). We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Receive a paper copy of the Student Code of Conduct
- Accept responsibility for accessing the Student Code of Conduct on the district’s Website.

Print name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of parent: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

# STUDENT CODE OF CONDUCT

## ***Purpose***

The Student Code of Conduct ("Code") is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Taft Independent School District Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be posted on the district's Web site <http://www.taftisd.net>. Each student, teacher, and parent annually shall sign a statement that they have received and read the Student Code of Conduct and acknowledge the rules and responsibilities outline therein. Failure to read and sign the Student Code of Conduct does not excuse the student from any consequences if they are in violation. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Because the Student Code of Conduct is adopted by the district's board of trustees, it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code shall prevail.

**Please Note:** The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

# School District Authority and Jurisdiction

## ***Campus Behavior Coordinator***

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district maintains a current list of the persons serving as a campus behavior coordinator in the student handbook or on the district's website at [www.taftisd.net](http://www.taftisd.net).

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, at all times of the day, in conjunction with or independent of classes and school-sponsored activities. Students need to be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on district transportation;
2. During lunch periods, on or off campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. While the student is attending summer school programs, clubs, campus, or any after school activity regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.

The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district.

## ***Reporting Crimes***

The principal or campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

## ***Participating in Graduation Activities***

The district has the right to limit a student's participation in graduation activities for violating the district's Code of Conduct.

See **DAEP-Restrictions During Placement**, for further information regarding a student assigned to DAEP at the time of graduation

## **Rights and Responsibilities of Students**

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and District staff. Students shall exercise their rights responsibly, in compliance with rules established for the orderly conduct of the District's educational mission. The District's rules of conduct and discipline are established to achieve and maintain order in the school. These rules apply regardless of whether a student commits an offense on his/her home campus, on another TISD campus, or away from any TISD campus while at a school-related function. Students who violate the rights of others, or who violate District or school rules, shall be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to the responsibilities of citizens in the school community.

## **Standards for Student Conduct**

Each student is expected to:

- Adhere to the requirements of the Student Code of Conduct.
- Attend school daily.
- During the year, report to class on time.
- Pass all courses/subjects and all state mandated tests.
- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Prepare for each class; take appropriate materials and assignments to class.
- Paying required fees and fines on time.
- Seek changes in school policies and regulations in an orderly and responsible manner through appropriate channels.
- Cooperate with staff in investigation of disciplinary cases, and volunteering information with the students' knowledge relating to a serious offense.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order and discipline.

## **General Conduct Violations**

The categories of conduct below are prohibited at school and all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any offense, however, may



be severe enough to result in Removal from the Regular Educational Setting as detailed in that section.

### ***Disregard for Authority***

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Leave class during scheduled instructional time or not being in assigned/designated area.
- Loitering on school grounds before school and after school. Students should be on campus for school related purposes such as tutorials or extracurricular activities.
- Disobey rules for conduct on school buses/vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

### ***Mistreatment of Others***

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)
- Engage in conduct that constitutes sexual harassment or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

### ***Property Offenses***

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, lockers, furniture, vehicles and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft see DAEP Placement and Expulsion.)

## ***Possession of Prohibited Items***

Students shall not possess or use:

- Fireworks of any kind, poppers, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon;
- An air gun or BB gun;
- Ammunition;
- Possessing or using unloaded firearm parts or accessories (Barrels, Magazines, Optics)
- A stun gun;
- A pocketknife or any other small knife;
- Possession of any martial arts weapons like shurikan, bolo, nunchakus, tonfa, staff or baton.
- Mace, pepper spray or any other substance or device used in a manner to cause harm, shock, physical irritation, or allergic reaction;
- Pornographic material;
- Tobacco products;
- Matches or a lighter
- Drug paraphernalia
- Tattoo equipment
- Electronic Cigarettes or Vaporizers
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)

## ***Under the Influence***

When administration has reason to believe that a student is under the influence, the student will be expected to cooperate and submit to the DIBREP (Drug Impairment and Behavior Recognition for Educators & Professionals) – Texas High School Assessment conducted by the school nurse. Refusal to submit and cooperate will create an inference that the student is under the influence of a prohibited substance.

## ***Possession of Telecommunications or Other Electronic Devices***

***Petty and Jr. High School Students shall not:***

- Have visible, display, turn on, or use a telecommunications device, including a cellular telephone, or ANY other electronic device such as iPod or camera on school property during the school day from arrival to dismissal, including messaging, charging, placing or receiving phone calls, listening to music, or texting in violation of district and campus rules. The phone will be confiscated and fine will apply.

***High School Students shall not:***

- Have visible, display, turn on, or use a telecommunications device, including a cellular telephone, or ANY other electronic device such as iPod or camera on school property during scheduled class periods or in hallways during scheduled class periods, including messaging,

charging, placing or receiving phone calls, listening to music, or texting without explicit consent of the classroom instructor or administrator. Students with administrative permission must have documentation on them at all times outlining the conditions of their electronics usage. Students may use electronics appropriately during their scheduled lunch. Violations will lead to confiscation and fine will apply. Repeat offenders will result in loss of privileges.

***All Students shall not:***

- Possess or use a cell phone, pager, telecommunication device, camera device, or any electronic device during standardized testing or benchmark exams. Students are given notice and opportunity to turn in all electronic devices, without penalty, to the test administrator prior to the start of testing. These devices are not allowed in the testing areas, whether the device is turned off or on. Using or possessing an electronic device during standardized testing or benchmark exams is a serious offense and may result in a DAEP Placement.

***Campus principals will communicate to students specific rules regarding electronic devices. During standardized testing students may be prohibited, whether testing or not testing, from possessing cell phones or other electronic devices on campus.***

Refusal to relinquish an electronic device is considered a serious offense and may result in an in-school suspension up to 10 days each offense. Administrative fines will still apply.

- Use of any device that permits recording the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or is made without the prior consent of the individuals being recorded.
- Use of any device that permits recording the voice or image of another to take, disseminate, transfer, or share audio, images, video, or photographs that reveal private parts of the body that are ordinarily covered by clothing (aka sexting).
- Use of any device that permits recording in dressing rooms, locker rooms, or restrooms.

***Confiscation of Telecommunications or Other Electronic Devices***

Students who engage in conduct which violates the Telecommunications or Other Electronic Devices Code as described above shall be subject to disciplinary action and an Administrative Fine of \$15 in accordance with State law and local Board policy. Devices not picked up by the end of the school year in which it was confiscated, will be disposed of in accordance to state law and School Board policy FNCE (Local).

***Illegal, Prescription, and Over-the-Counter Drugs***

Students shall not:

- Possess or sell seeds, stems, pieces of stems, residue or pieces of marijuana, alcohol, drug or alcohol containers, or any illegal drug in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance, including scales, pipes, rolling papers, or any item intended to assist with the use, distribution, or preparation of drugs. (See glossary for “paraphernalia.”)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband .
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)

- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of, possess, give, or sell prescription or over-the-counter drugs that cause impairment of the physical or mental faculties (See glossary for “under the influence.”); be under the influence of a known or unknown substance, whether legal or illegal.
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.
- Participate by conversation, text, written note, or other means any information related to drug transactions, including using, purchasing or selling.
- Fail a field sobriety test.

### ***Misuse of Technology Resources and the Internet***

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Be in possession of, use, or attempt to obtain software used to bypass district computer monitoring.
- Use any other user name, login or computer than the one provided by the school to access district technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to remove, alter, destroy, or disable district technology resources including but not limited to computers and related equipment, software, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyber-bullying and “sexting,” either on or off school property, if the conduct causes, or can cause, a substantial disruption to the educational environment.
  - The District will punish any student via the Student Code of Conduct if the student engages in off-campus electronic communication that causes, or can cause, a substantial disruption or substantially interferes with the individual rights of others. The student may also face punishment via the Texas Penal Code, as applicable.
- Use e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the name or persona of another person to create web pages, social network identities, internet accounts, or other forms of online impersonation.

### ***Safety Transgressions***

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Throw objects that can cause bodily injury or property damage.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program, create an unsafe environment, or incite violence.
- Discharge a fire extinguisher without valid cause.

### ***Miscellaneous Offenses***

Students shall not:

- Violate dress and grooming standards as communicated in the student handbook.
- Cheat, copy the work of another or have unauthorized communications during examinations
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code of Conduct.

### **Discipline Management Techniques**

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

Please note: Discipline Management techniques may be applied to an individual student or a group of students such as but not limited to an organization, team, classroom, or students in a particular grade level and with appropriate due process to each individual student, if applicable and appropriate.

### ***Students with Disabilities***

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law shall prevail.

In accordance with the Education Code, a student receives special education services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

## ***Techniques***

The following discipline management techniques may be used, alone or in combination, for behavior prohibited by the Student Code of Conduct or by campus or classroom rules. The techniques will be used in accordance with Individual Education Plans of students whom receive special education services:

- Student Discipline Referral
- Verbal Correction
- Student/parent Conference
- Loss of Privileges
- Cooling-off or "time-out"
- Assessment of fines
- Community Service
- Behavioral Contracts
- Counseling by school personnel or outside services (i.e. Gang Intervention Facilitator, Connections)
- Peer conflict resolution proceedings
- Parent and Teacher conferences
- Rewards or demerits
- Seating changes within the classroom
- Detention. Parents will be notified of assigned detention by school personnel. Transportation will not be provided.
- Saturday school
- Temporary Removal
- In-School-Suspension
- Out of School Suspension
- Temporary confiscation of items that disrupt the educational process
- DAEP
- SRO issued ticket or citation
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Assignment of school duties such as cleaning or picking up litter
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- Corporal punishment, unless the student's parent or guardian has provided a statement prohibiting its use.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, attending school events outside the school day, or membership in school-sponsored clubs and organizations.

- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Physical Restraint as allowed and in accordance with state and federal laws.
- Other strategies and consequences as determined by school officials.

## ***Notification***

The campus behavior coordinator shall notify a student's parent by phone or in writing of any violation that may result in a detention outside of regular school hours, out-of-school suspension, placement in a DAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

## ***Appeals***

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, or campus behavior coordinator, as appropriate.

Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: [www.taftisd.net](http://www.taftisd.net)

Consequences shall not be deferred pending the outcome of a grievance.

## ***Corporal Punishment***

Corporal punishment may be used as a discipline management technique in accordance with the Student Code of Conduct and board policy FO (Local)/(Legal). Corporal punishment shall not be administered to a student whose parent has submitted to the principal a signed statement for the current school year prohibiting the use of corporal punishment with his/her child. The parent may reinstate permission to use corporal punishment at any time during the school year by submitting a signed statement to the principal.

Corporal punishment shall be limited to spanking or paddling the student, and shall be administered only in accordance with the following guidelines:

1. The student shall be informed of the offense and be afforded an opportunity to explain his or her actions before corporal punishment is administered.
2. Corporal punishment shall be administered only by the principal or designee .

3. The instrument to be used in administering corporal punishment shall be approved by the principal.
4. Corporal punishment shall be administered in the presence of one other District professional employee and in a designated place out of view of other students. The person administering corporal punishment shall be the same gender as the child.

The District shall honor a parent request that corporal punishment not be administered to his or her child; however, the District shall impose other disciplinary measures consistent with the offense.

## **Removal from the School Bus**

A bus driver may refer a student to the principal's office or the campus behavior coordinator's office to maintain effective discipline on the bus. The principal or campus behavior coordinator must employ additional discipline techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

## **Removal from the Regular Educational Setting**

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

### ***Routine Referral***

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions.

### ***Formal Removal***

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.



At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The administrator shall give the student an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

### ***Returning Student to Classroom***

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent, if the placement review committee determines that the teacher's class is the best or only alternative available.

## **In-School/Out-of-School Suspension**

### ***Misconduct***

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

In deciding whether to order a suspension, the district shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### ***Out-of-School Suspension Process***

State law allows a student to be suspended home for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended home in a semester or school year.

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by the campus behavior coordinator, but shall not exceed three school days.

The appropriate administrator shall determine any restrictions on participation in school- sponsored or school-related extracurricular and co-curricular activities.

## **Disciplinary Alternative Education Program (DAEP) Placement**

The DAEP shall be provided in a setting other than the student’s regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. For purposes of DAEP, elementary classification shall be kindergarten–grade 6 and secondary classification shall be grades 7–12. Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students. A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the district shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student’s disciplinary history or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

The district shall have the discretion to decide on a case-by-case basis whether to assign a student to DAEP or to expel for repeated offenses, cases of persistent misbehavior, or where extenuating circumstances exist.

### ***Discretionary Placement: Misconduct That May Result in DAEP Placement***

A student **may** be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

A student may be placed in a Disciplinary Alternative Education Program if the student commits the following on campus or within 300 feet of School District property or while attending a school-sponsored or school-related activity on or off campus:

1. Is found in possession of a knife with a blade length up to and including 5-1/2 inches.
2. Engages in behavior that the Principal or designee 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.
3. Engages in a public school fraternity, sorority, gang, or secret society, including participation as a member or pledge or soliciting another person to become a pledge or member of a public school fraternity, sorority, gang, or secret society. (See Glossary)
4. Possession of residue (including seeds) of marijuana, any controlled substance or dangerous drug.
5. Engages in conduct constituting vandalism, or otherwise tampering with the property of another and causing substantial inconvenience or pecuniary loss up to and including \$1,499.99 on school property or at a school-related or school-sponsored event. The taxpayers of the community have made a sustained financial commitment for the

construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended—both this year and in the coming years—littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

6. Remove any technology equipment (hardware or software) without written permission of the Principal or director or breach of computer security.
7. Possessing/exhibiting or using a BB gun, pellet gun, air-powered rifle/ pistol or paint ball gun, stunning device or stun gun, a Taser or any device that emits an electrical charge.
8. Engages in inappropriate physical contact against a teacher or school employee.
9. Engages in a fight.
10. Threatens or assists in making threats against a district student, employee, visitor or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
11. Engages in unruly, persistent disruptive, disrespectful, or abusive conduct at any location on campus (i.e., the cafeteria, auditorium, parking lots, or in front of or behind campus) or at a school-related event that substantially interferes with the orderly operation of the campus or school-related event.
12. Engages in bullying or hazing offenses including cyber bullying offenses.
13. Engages in conduct leading to or intended to disrupt school, incite a riot, violence, or disturbance, or encourage others to disrupt school program (i.e. walkout, sit out).
14. Placing a prohibited substance in another person's food, drink, and/or other possessions.
15. Using any device, chemical, irritant, or substance in a manner inconsistent with its intended or prescribed use, or in a manner designed to cause harm, shock, physical irritation, or allergic reaction. Examples include, but are not limited to, mace, pepper spray, "itching powder".

### ***Offenses Occurring Off Campus/Not at School-Sponsored or School-Related Activities:***

In accordance with Education Code § 37.006, a student shall be removed and placed in a Disciplinary Alternative Education Program or may be expelled if the student engages in conduct punishable as a felony listed under Title 5 of the Texas penal Code or aggravated robbery when the conduct occurs off school property and while the student is not in attendance at a school-sponsored or school-related activity or event and:

1. The student receives deferred prosecution under Family Code, Section 53.03, for conduct defined as a felony offense in Title 5, Penal Code, or the felony offense of aggravated robbery under section 29.09, Penal Code;
2. A court or jury finds that the student has engaged in delinquent conduct under Family Code, Section 54.03 for conduct defined as a felony offense in Title 5, Penal Code, or the felony offense of aggravated robbery under section 29.03, Penal Code; or
3. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under section 29.03, Penal Code. In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent's designee may consider all

available information including the information furnished under Article 15.27, Code of Criminal Procedures.

A principal or other appropriate administrator may, but is not required to, remove and place to a disciplinary alternative education program or expel a student for off campus conduct for which removal is required by state law if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

### ***Misconduct Identified in State Law***

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury
- Assault by offensive or provocative physical contact
- In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.
- The campus behavior coordinator **may**, but is not required to, place a student in a DAEP for off- campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

### ***Title 5 Offenses:***

Title 5 offenses are crimes (not on school property) against the person. The following offenses are considered Title 5 Penal Code Offenses and are mandatory DAEP placements. Title 5 Penal Code Offenses include, but are not limited to, the following offenses:

1. Murder, capital murder, or manslaughter
2. Kidnapping or aggravated kidnapping
3. Assault (felony level) or aggravated assault
4. Sexual assault or aggravated sexual assault
5. Unlawful restraint (felony level)
6. Kidnapping
7. Criminally negligent homicide
8. Coercing, soliciting, or inducing gang membership if it causes bodily injury to a child or by threatening the child with imminent bodily injury

9. Indecency with a child
10. Injury to a child, elderly individual, or disabled individual
11. Abandoning or endangering a child
12. Terroristic threat (Felony)
13. Deadly conduct
14. Aiding a person to commit suicide
15. Tampering with a consumer product
16. Trafficking of Persons (Section 20a.02)
17. Improper Photography or Visual Recording (Section 21.15)

### ***Mandatory Placement: Misconduct That Requires DAEP Placement***

A student **must** be placed in a DAEP if the student commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Engages in conduct punishable as a felony.
- Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
- Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence.”)
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  - The student receives deferred prosecution (see glossary),
  - A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  - The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

## ***Sexual Assault and Campus Assignments***

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

## ***Emergencies***

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.

## ***Process***

Removals to a DAEP shall be made by the campus behavior coordinator.

## ***Conference***

When a student is removed from class for a DAEP offense, the campus behavior coordinator shall schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference. The final decision shall be communicated promptly to the student and parent.

## ***Placement Order***

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent. Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code. If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

## ***Coursework Notice***

The curriculum of the DAEP shall consist of English/language arts, mathematics, science, history, and shall provide for the student's behavioral needs through supervision and counseling. The District shall provide for the continuing education of a student placed in a Disciplinary Alternative Education Program, which may include:

1. Transfer to a different campus.

2. Transfer to a school-community guidance center.
3. Transfer to a community-based alternative school.
4. Transfer to an off-campus Disciplinary Alternative Education Program.

**Dual Enrollment status during DAEP Placement/Expulsion: A student who is placed or expelled shall be withdrawn from the Dual Enrollment Program.**

### ***Notice to Teachers***

The principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any code of conduct violation that results in a DAEP placement or expulsion or that is required by Article 15.27(a)(1) of the Code of Criminal Procedure. Additionally, if a student placed in a DAEP in another district enrolls in Taft ISD before the expiration of the period of placement, Taft ISD will inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

### ***Placement of Students with Disabilities in a Disciplinary Alternative Education Program:***

A student with a disability, being served in special education, may be placed in a DAEP for engaging in conduct that would warrant such action for a student without such disabilities only if the ARD committee determines the misconduct is not a manifestation of the student's disabling condition. However, the student may be placed in an interim disciplinary alternative educational setting for a period of up to 45 days for certain drug or weapons offenses or for offenses causing serious bodily injury regardless of whether the student's behavior is linked to his or her disability. This applies even if the student's ARD Committee finds that the student's conduct was a manifestation of the student's disability.

In determining whether a student's disruptive behavior is a manifestation of a student's disabling condition, the ARD Committee shall base its decision on currently effective evaluation and/or assessment data and on review of the current IEP documentation, rather than on established eligibility or previous Committee decisions. The ARD Committee shall consider whether the student's behavior indicates the need for new assessment or evaluation data. Unless the parents agree otherwise, the student must be returned to his or her placement while additional assessments are being conducted.

The ARD Committee shall determine the instructional and related services to be provided during the time of placement. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

If the ARD Committee determines that the student's disruptive behavior is related to the disabling condition or inappropriate placement, the student shall not be placed in a DAEP (except when the violation involves drugs, weapons, or serious bodily injury.) If the disruptive behavior on the part

of the student indicates an inappropriate placement, the ARD Committee shall review the placement and recommend alternatives. If the ARD Committee determines that the behavior was related to the disabling condition, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.

A student with a disability who receives Special Education services may not be placed in Disciplinary Alternative Education Programs solely for educational purposes if the student has not also committed one of the offenses warranting placement in the Disciplinary Alternative Education Program.

A student who is disabled according to Section 504 shall not be placed in a DAEP unless the District first determines that the misbehavior is not a manifestation of the student's disabling condition (except when the violation involves drugs, weapons or serious bodily injury.) That determination may be made by the same group of people who make placement decisions. The group must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior. The 504 Committee should consider whether the student's behavior warrants new evaluation data. The 504 Committee may adjourn to obtain the new data. At a minimum, the 504 Committee shall include persons knowledgeable about the student and the meaning of the evaluation data.

A student with a disability who receives Section 504 services may not be placed in Disciplinary Alternative Education Programs solely for educational purposes if the student has not also committed one of the offenses warranting placement in the Disciplinary Alternative Education Program.

### ***Length of Placement***

The duration of a student's placement in a DAEP shall be determined by the campus behavior coordinator.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

Regardless of the duration of the student's placement, the student or the student's parent or guardian is entitled to participate in a proceeding before the District's Hearing Officer.

The duration/term of placement at a Disciplinary Alternative Education Program refers to a minimum number of days of successful attendance in the DAEP. Students are in control of the factors (i.e. attendance, grades, and behavior) that may extend their length of placement at a DAEP. Students placed at TAFT I.S.D.'s DAEP earn their way back to their home campus.

Students can only return to their home campus following the completion of all the following requirements:

1. Successful attendance of 96% or better;
2. Passing grades & completed assignments (as per any effective IEP) in all courses; and
3. Successful Days as documented by the DAEP instructor.



The student's success will be evaluated at each of the school progress reporting periods to determine dismissal or extension of placement. If the student does not meet the above requirements, the duration/term of placement at the DAEP will be extended until the next progress reporting period.

Elementary students assigned to a Disciplinary Alternative Education Program must be separated from secondary students assigned to a Disciplinary Alternative Education Program. Students younger than six years of age shall only be placed in a disciplinary alternative education program in the event that the student brings a firearm, as defined by 18 U.S.C. §921, to school.

The maximum period of DAEP placement shall be one calendar year except as provided below.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

### ***Exceeds 60 Days***

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

### ***Exceeds One Year***

Placement in a DAEP may exceed one year when a review by the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended placement is in the best interest of the student.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

### ***Exceeds School Year***

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the campus administrator must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

### ***Appeals***

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Appeals regarding the decision to place a student in a DAEP should be addressed to the TAFT ISD Human Resources Attn: DAEP, 400 College, Taft, TX 78390, in accordance with policy

FOC(LEGAL). The request to appeal the student's placement at the DAEP must be made in writing and received by the Director of Human Resources with five (5) working days from the date of the Informal Due Process Conference. Prior to the review hearing being scheduled, the student must be enrolled and attending a DAEP program or enrolled and attending another educational institution. Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision of the hearing officer is final and may not be appealed. The hearing officer is the only person who shall make a recording of the Review Hearing Process. All other appeals regarding a placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy on Line at the following address: <http://www.taftisd.net>

### ***Restrictions during Placement***

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program shall continue through graduation, and the student may not be allowed to participate in the graduation ceremony and related graduation activities.

### ***Placement Review***

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus administrator at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. During this time High School students will review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required under this subsection to provide in the DAEP program a course not specified under section 37.008 (a) of the Texas Education Code. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### ***Additional Misconduct***

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

### ***Notice of Criminal Proceedings***

The office of the prosecuting attorney shall notify the district if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

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

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement 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 may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a recording of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

### ***Withdrawal during Process***

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Students who transfer out of TISD to another public or private institution, including students who withdraw from TISD for the purpose of home schooling, and students who do not attend the Disciplinary Alternative Education Program for the duration of the placement for any reason, shall be required, upon return to TISD, to complete the number of days missed in the Disciplinary Alternative Education Program before being allowed to return to the regular campus. Any period of the placement that has been served by the student on enrollment in another district's alternative school that honors the order will be credited toward the placement.

### ***Newly Enrolled Students***

The district shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or

another district. The district may place the student in the district's DAEP or a regular classroom setting.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

### ***Emergency Placement Procedure***

The Principal or the Principal's designee may order the immediate placement of a student in the Disciplinary Alternative Education Program if the Principal or the Principal's designee reasonably believes 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.

At the time of the emergency placement, the student shall be given oral notice of the reason for the action. Within a reasonable time after the emergency placement, but not later than the 10th day after the date of the placement, the student shall be offered the appropriate due process required for assignment to a DAEP. If the student subject to the emergency placement is a student with disabilities who receives Special Education services, the term of the student's emergency placement is subject to the requirements of the Individuals with Disabilities Education Act (IDEA) and its accompanying regulations.

### ***Registered Sex Offenders***

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the district's students.

### ***Placement Review After One Semester:***

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee must be composed of:

1. A classroom teacher from the campus to which the student would be assigned if the student was not in the alternative program;
2. The student's parole or probation officer or a representative of the local juvenile probation department;
3. An instructor from the alternative education program to which the student is assigned;
4. A school district designee selected by the board or its designee;
5. A counselor employed by the school district;

The committee must vote (majority vote) and recommend to the board or its designee whether the student should remain in the alternative setting or be returned to the regular classroom. Absent a special finding as set forth below, the board of trustees or its designee must honor the committee's recommendation unless one of the following:

- 1) Recommended regular classroom placement but board's designee determines that the student's presence
  - 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 district's student OR
- 2) Recommended continued alternative setting but the board's designee determines that the student's presence:
  - a) does not threaten the safety of other students or teachers;
  - b) will not be detrimental to the educational process;
  - c) or is not contrary to the best interests of the district's students.

### ***Newly Enrolled Student:***

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

### ***Student Receiving Special Education Services***

A placement for a student with a disability receiving special education services must be made in compliance with Individuals with Disabilities Education Act (IDEA) as amended by the IDEA of 2004 (20 USC § 615 et seq.). At the end of the first semester of a student receiving special education services, the placement review as described above must be made by the student's Admission Review and Dismissal (ARD) Committee. The ARD Committee can request that a placement committee with the members described be convened in order to assist them in conducting the review.

### ***Appeal***

A student or student's parent or guardian may appeal a placement as a registered sex offender by requesting a conference among the board or its designee, the parents or guardian and the student. This conference will be limited to the factual question of whether the student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure. If the determination is made that the student is required to register as a sex offender, the student is subject to placement in an alternative education program. This decision made by the board of trustees or its designee is final and may not be appealed.

### ***Disciplinary Placement for Sexual Assault Occurring Off Campus***

A student who commits a sexual assault against another student, who at the time the offense occurs is assigned to the same campus, but regardless of whether the conduct occurs on or off school property, may be removed from class and placed in a Disciplinary Alternative Education Program. There are no limitations on the term of placement of a student who has engaged in conduct that constitutes a sexual assault.

For purposes of the transfer and student placement provisions related to the commission of a sexual assault against another student, the student committing the assault must have: (1) been convicted of continuous sexual abuse of young child or children under Section 21.02, Penal Code, or convicted of or placed on deferred adjudication for the offense of sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code, committed against another student who, at the time the offense occurred, was assigned to the same campus as the student convicted or placed on deferred adjudication (2) been adjudicated under Section 54.03, Family Code, as having engaged in conduct described in (1) ; (3) received a deferred prosecution under Section 53.03, Family Code, for engaging in conduct described in (1); or (4) been placed on probation under Section 54.04(d)(1), Family Code, for engaging in conduct described in (1).

A student who is the victim of conduct described above shall, on the request of a parent or other person with authority to act on behalf of a student, shall receive one of the following transfers:

- 1) To a district campus other than the campus to which the student (victim) was assigned at the time the conduct occurred; or
- 2) To the campus to which the student who engaged in the conduct was assigned, if the student who engaged in the conduct has been assigned to a different campus since the conduct occurred; or
- 3) A neighboring school district, if there is only one campus in the district serving the grade level in which the student is enrolled;

The campus or school district to which the student is transferred must be agreeable to the parent or other person with authority to act on the student victim's behalf. The district is not required to provide transportation to a student who transfers to another campus or school district.

If the student victim does not wish to transfer to another campus in the district, the victim's parent or another person with the authority to act on behalf of the victim may request that the board transfer the offending student to another campus. The board of trustees shall transfer the student who engaged in the conduct to a district campus other than the campus to which the student who is the victim of the conduct is assigned; or the district's disciplinary alternative education program, if there is only one campus in the district serving the grade level in which the student who engaged in the conduct is enrolled. To the extent permitted under federal law, a school district shall notify the parent, or other person with authority to act on behalf of a student who is a victim to whom Subsection (a)(2) applies, of the campus or program to which the student who engaged in conduct described by Subsection (a)(1)(A) is assigned. There are no hearings or appeals regarding this type of transfer.

### ***Certain Felonies***

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a

student **may** be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

### **Hearing and Required Findings**

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

### **Length of Placement**

The student is subject to the placement until:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. The student completes the term of the placement or is assigned to another program.

### **Newly Enrolled Students**

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

## Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### ***Discretionary Expulsion: Misconduct That May Result in Expulsion***

#### **Any Location**

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
  - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
  - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Aggravated robbery.
- Breach of computer security.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

#### **At School, Within 300 Feet, or at a School Event**

A student may be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for "under the influence.")
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.



- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

### **Within 300 Feet of School**

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student's person a handgun, illegal knife, or a club, as these terms are defined by state law. (See glossary).
- Possession of a firearm, as defined by federal law. (See glossary.)

### **Property of Another District**

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **While in DAEP**

A student **may** be expelled for engaging in documented serious misbehavior that violates the district’s Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Penal Code;
  - b. Indecent exposure under Section 21.08, Penal Code;
  - c. Criminal mischief under Section 28.03, Penal Code;
  - d. Personal hazing under Section 37.152, Education Code; or
  - e. Harassment under section 42.07(a)(1), Penal code of a student or district employee.

## ***Mandatory Expulsion: Misconduct That Requires Expulsion***

### **Federal Law**

**A student must be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:**

***Under Federal Law***

- Bring to school, or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.)

*Note:* Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

***Under the Texas Penal Code***

Carrying on or about the "student's" person the following, as defined by the Texas Penal Code:

- A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) *Note:* A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG (Legal).
- An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
- A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
- A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun, or a tire deflation device. (See glossary.)

Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or children
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled

substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol

- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

## ***Under Age Ten***

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

## ***Emergency***

In an emergency, the principal or the principal's designee **may** order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis.

## ***Process***

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing. Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

## ***Hearing***

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

- 1) Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
- 2) An opportunity to testify and to present evidence and witnesses in the student's defense,
- 3) An opportunity to question the district's witnesses.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the Superintendent authority to conduct hearings and expel students.

## ***Board Review of Expulsion***

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent

written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

### **Expulsion Order**

After the due process hearing, if the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Superintendent or the Superintendent's designee shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

### ***Length of Expulsion***

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

### ***Withdrawal during Process***

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

### ***Additional Misconduct***

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator or the board may issue an additional disciplinary order as a result of those proceedings.

### ***Restrictions during Expulsion***

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

### ***Newly Enrolled Students***

The district shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the district.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

### ***Emergency Expulsion Procedures***

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

### ***DAEP Placement of Expelled Students***

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

## Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Texas Penal Code 29.03(a) when a person commits robbery and:

- 1) Causes serious bodily injury to another;
- 2) Uses or exhibits a deadly weapon; or
- 3) Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
  - a) 65 years of age or older, or
  - b) A disabled person.

**ARD** Admissions, Review, and Dismissal. An ARD Committee serves to make decisions regarding the educational program of students who qualify for Special Education services.

**Armor-piercing ammunition** is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
  - a. Any vegetation, fence, or structure on open-space land; or
  - b. Any building, habitation, or vehicle:
    - i. Knowing that it is within the limits of an incorporated city or town,
    - ii. Knowing that it is insured against damage or destruction,
    - iii. Knowing that it is subject to a mortgage or other security interest,
    - iv. Knowing that it is located on property belonging to another,
    - v. Knowing that it has located within it property belonging to another, or
    - vi. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damages or destroys a building belonging to another, or
  - b. Recklessly causes another person to suffer bodily injury or death.

**Assault** is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; § 22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

**BIP** Behavior Intervention Plan (formerly known as Behavior Management Plan). A BIP is the section on an Individual Education Plan, which documents modifications or adaptations to the

School Districts disciplinary rules, which accommodate the unique needs of a student with a disability. A BIP is designed to decrease and/or ultimately eliminate inappropriate behaviors that may interfere with the student's or other students' ability to receive an education.

**Bodily Injury** Physical pain, illness or any impairment of physical condition.

**Bullying** is when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

- 1) Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- 2) Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

- 1) Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
- 2) Interferes with a student's education or substantially disrupts the operation of a school.

**Chemical dispensing device** is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**CITATION (TICKET)** Notice of disorderly conduct, tobacco use, or other legal violation that may be issued by school or local law enforcement personnel when a student engages in certain conduct; this is an action separate from any school disciplinary action.

**Club** is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

**Controlled Substance and Dangerous Drug** Controlled substance or dangerous drugs include but are not limited to marijuana; any and all narcotic drugs, any hallucinogens, stimulants, depressants, amphetamines, barbiturates; or prescription medicines provided to any person other than the person for whom the prescription was written. (FNCF Local).

**Criminal Mischief** Without the effective consent of the owner, (a) intentionally or knowingly damaging or destroying the tangible property of the owner; (b) intentionally or knowingly tampering with the tangible property of the owner and causing pecuniary loss or substantial inconvenience to the owner or a third person; or (c) intentionally or knowingly making markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.

**Criminal street gang** is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyber-bullying** Abusive behavior including, but not limited to, tormenting, threatening, taunting, stalking, intimidating, harassing, humiliating, and/or coercing by one or more individuals against



other students or employees using Internet websites (i.e. My Space, personal Web sites, etc.) and/or any other communication technologies (i.e. e-mail, mobile phones, text messaging, instant messaging, etc.) which materially and substantially disrupts the educational process and/or endangers the general health, safety and welfare of District students and/or employees regardless of where the communication originates **or which contains the elements of “online harassment” or “use of computer for unauthorized purposes.**

**Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

**Deadly conduct** occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deferred adjudication** is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

**Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

**Disciplinary Alternative Education Program (DAEP)** An educational program provided by the School District for students who have engaged in serious misconduct, such as assault, drug- or alcohol-related offenses, public lewdness, abuse of volatile chemicals, and unruly, disruptive, or abusive classroom behavior. DAEP’s may be located on or off the regular campus. Students in DAEP’s are separated from students in the regular program. DAEP provides supervision and counseling and focuses on English language arts, mathematics, science, history, and self-discipline.

**District or School** includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

**Discretionary** means that something is left to or regulated by a local decision maker.

**Explosive weapon** is any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

**Expulsion** an act of the school administration, which forbids a student from attending school for a period in excess of three school days. Expulsions can be for periods as long as a semester or a school year. In serious cases, an expulsion can be longer than one school year.

**False Alarm or Report** occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

**Fight** Engaging in a struggle, conflict, quarrel, or argument involving physical contact with one or more students or staff members which does not rise to the level of assault as defined in Section 22.01(a)(1) of the Texas penal code.

**Firearm** is defined by federal law (18 U.S.C. § 921 (a)) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm weapon; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

**Firearm silencer** means any device designed, made, or adapted to muffle the report of a firearm.

**Gang** an organization composed, in whole or in part, of students, which seeks to perpetuate itself by taking in additional members from the student populations on the basis of the decision of the organization's membership as a whole, rather than on the free choice of the individual student.

**Gang Activities, Public School Fraternity, Sorority, and Secret Societies** students shall not become members or promise to become members of any organization composed wholly or in part of students of public schools below the rank of college or junior college which seeks to perpetuate itself by taking in additional members from the students enrolled in such school on the basis of the decision of its membership, rather than upon the free choice of any student in the school who is qualified under the rules of the school to fill the special aims of the organization. Students shall be warned against such membership and, once warned; any student who continues such membership or promise shall be guilty of serious misbehavior and may be recommended for placement in a Disciplinary Alternative Education Program.

More specifically, students are prohibited from engaging in the following activities, at school, at any school- related activity, or on a school bus, which the District considers to be gang-related:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other affiliation in any gang;
2. Committing any act or omission, or using any speech, either verbal or non-verbal (gestures, handshakes, etc.), showing membership or affiliation in a gang;
3. Using any speech, or committing any act or omission in furtherance of interest in any gang or gang activity, including, but not limited to:
  - a. Coercing, inducing, or soliciting others for membership in any gang;
  - b. Requesting any person to pay for protection, or otherwise intimidating or threatening any person;
  - c. Inciting other students to act with physical violence upon any other person;

- d. Engaging in conduct with others in intimidating, fighting, assaulting, or threatening to assault others;
- e. Committing any other illegal acts or other violations of District policies.

Students who engage in these activities shall be subject to disciplinary action, which may include suspension, removal to a Disciplinary Alternative Education Program, or expulsion.

**Graffiti** A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner with:

- 1) Aerosol paint;
- 2) An indelible marker; or
- 3) And etching or engraving device.

An offense under this section is a state jail felony if:

- 1) The marking is made on a school, an institution of higher education, a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs; and
- 2) The amount of the pecuniary loss to real property or to tangible personal property is less than \$20,000.

**Handgun** is defined by Texas Penal Code 46.01 (5) as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** is:

- 1) Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
- 2) Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

**Hazing** means any intentional, knowing, or reckless act directed against a student, whether on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or, safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes, but is not limited to:

- 1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- 2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm, or that adversely affects the mental or physical health or the safety of the student;
- 3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm, or that adversely affects the mental or physical health or the safety of the student;
- 4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student, or discourages the student from entering or remaining registered in a District school,

or that may reasonably be expected to cause a student to leave the organization or the school rather than submit to acts described above;

5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Students shall have prior approval from the principal or designee for any type of initiation rites of a school club or organization. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. Acts of hazing and failure to report known hazing or planned hazing can result in criminal penalties, as well as school discipline, including, but not limited to, suspension, removal to a Disciplinary Alternative Education Program, or expulsion.

**Hit list** is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**IAP** An Individual Accommodation Plan is developed for each student who receives Section 504 services. The IAP includes a statement of the child's present levels of educational performance and required modifications to classroom instruction or evaluation procedures.

**IEP** An Individual Education Plan is developed for each student who receives Special Education Services. The IEP must include: (1) a statement of the child's present levels of educational performance; (2) a statement of measurable annual goals, including academic and functional goals; (3) a description of how the child's progress toward meeting the goals will be provided; (4) a statement of the special education and related services and supplementary aids and services to be provided to the child; (5) an explanation of the extent, if Any, to which the child will not participate with non-disabled children in the regular class; (6) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments; and (7) the projected dates for the beginning of these services and modifications and the anticipated frequency, location and duration of such services

**Illegal Knife** is defined by Texas Penal Code 46.01(6) as a: (a) A knife with a blade over 5-1/2 inches; (b) a hand instrument designed to cut or stab another by being thrown; (c) a dagger, including, but not limited to, a dirk, stiletto, and poniard; (d) a Bowie knife; (e) a sword; or (f) a spear.

**Indecent Exposure** A person commits an offense if he 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.

**Jurisdiction** The sphere of authority or control; the territorial range over which any authority extends.

**Knuckles** are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Machine gun** is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**Mandatory** means that something is obligatory or required because of an authority.

**Paraphernalia** are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body or preparing a substance for use.

**Placement Review Committee** Each campus will establish a three-member committee composed of two teachers chosen by the faculty and one member chosen by the principal. The purpose of this committee is to determine placement of a student when a teacher refuses the return of a student to the teacher's class and to make recommendations to the district regarding readmission of expelled students.

**Possession** means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

**Privilege** Permission or authorization to participate and/or hold membership in school-related or extracurricular activities, including, but not limited to, the following: honor and scholarship clubs/societies and activities or other school-related clubs/societies and activities; school assemblies, graduation exercises, school dances, junior-senior proms, class or group trips (other than instructional field trips which are part of the curriculum); theater organizations, plays, presentations/performances, and talent shows; student body government, class organizations, and other similar activities and organizations; and participation in field days, carnivals, or other school-related celebrations.

**Prohibited weapon** under Texas Penal Code 46.05(a) means:

1. An explosive weapon;
2. A machine gun;
3. A short-barrel firearm or firearm silencer, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or classified as a curio or relic by the U.S. Department of Justice;
4. Knuckles;
5. Armor-piercing ammunition;
6. A chemical dispensing device;
7. A zip gun; or
8. A tire deflation device.

**Prohibition** a rule, law, order, or decree that forbids something.

**Public Lewdness** Conduct of a sexual nature that is considered obscene or indecent and which is performed in a public place or without regard to whether another person who is present may be offended or alarmed by such conduct. (See TEX. PENAL CODE ' 21.07 for the legal definition of public lewdness).

**Reasonable belief** is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

**Restraint** is the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

**Riot** means the assemblance of seven or more persons resulting in conduct which:

1. Creates an immediate danger of damage to property or injury to persons;
2. Substantially obstructs law enforcement or other governmental functions or services; or
3. By force, threat of force or physical action deprives any person of a legal right or disturbs any person in the enjoyment of a legal right.

**School Day** those days students are in regular attendance (school days may vary from school to school).

**Self-defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

**Serious misbehavior means:**

- 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 Section 1.07, Penal Code; or
- Conduct that constitutes the offense of:
  - Public lewdness under Section 21.07, Penal Code;
  - Indecent exposure under Section 21.08, Penal Code;
  - Criminal mischief under Section 28.03, Penal Code;
  - Personal hazing under Section 37.152, or
  - Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

**Serious or persistent misbehavior** includes but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Sexual Harassment** of a student by an employee includes any welcome or unwelcome sexual advances, requests for sexual favors, and other verbal (oral or written), physical, or visual conduct of a sexual nature. It also includes such activities as engaging in sexually oriented conversations for purposes of personal sexual gratification, telephoning a student at home or elsewhere to solicit inappropriate social relationships, physical contact that would be reasonably construed as sexual in nature, and enticing or threatening a student to engage in sexual behavior in exchange for grades or other school-related benefit.

Sexual harassment of a student by another student includes unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors.

**Short-barrel firearm** is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Suspension** an act of the school administration taken as a disciplinary action which forbids a student from attending school for one, two, or three school days.

**Switchblade** is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The

term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

**Terroristic threat** is a threat of violence to any person or property with intent to:

- 1) Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
- 2) Place any person in fear of imminent serious bodily injury;
- 3) Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
- 4) Cause impairment or interruption of public communications, public transportation, public
- 5) Place the public or a substantial group of the public in fear of serious bodily injury; or
- 6) Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Tire deflation device** is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 offenses** are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]

**Truancy** is failure of a student to attend school for all or part of a school day when the student's absence has not been excused by the School District.

**Under the influence** "Under the influence" means not having normal use of one's mental or physical faculties, as determined by the school nurse, or campus administrator, considering the preponderance of the evidence. Impairment of a person's physical or mental faculties may be evidenced by abnormal or erratic behavior, the presence of abnormal physical symptoms which could be related to drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action. Further, the District is not required to consider or fund an outside drug or alcohol test."

**Vandalism and Damage to School Property** Students shall not vandalize or otherwise damage or deface any property, including furniture and other equipment, belonging to or used by the District or District schools. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with Texas law, and may be subject to criminal penalties.

**Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

**Volatile Chemicals** are harmful chemicals such as chloroform, acetone, ketone, methanol, toluene, etc. (See TEX. HEALTH & SAFETY CODE Section 484)

**Weapon** Any device, such as a gun, club, or knife, which can be or is used to inflict bodily harm upon a person.

**Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.