



Student Code of Conduct

2019-2020

RESPONSIBILITY ~ COOPERATION ~ RESPECT ~
COMPASSION ~ SELF-DISCIPLINE ~ SELFLESSNESS ~
TRUSTWORTHINESS/HONESTY ~ COURAGE ~ TOLERANCE ~
CHARACTER EDUCATION TRAITS ~

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STUDENT CODE OF CONDUCT

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact helpdesk@wacoisd.org or call 254-755-9599.

Purpose

The Student Code of Conduct 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), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Student Code of Conduct (sometimes referred to herein as “Code”) has been adopted by the Waco ISD Board of Trustees and developed with the advice of a District-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the Board becomes effective for the next year.

In accordance with state law, this Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, this Code shall be available at the office of the campus behavior coordinator and posted on the District’s website (www.wacoisd.org). Parents shall be notified of any conduct violation or alleged conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Texas Education Code.

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 this 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, to the extent those laws conflict with this Code; otherwise students with disabilities are still subject to the provisions of this Code. (See paragraph on “Students with Disabilities in Section 4 – Discipline Management Techniques”.)

Contents

This Code is organized into the following sections:

- 1. School District Authority and Jurisdiction page 8
- 2. Standards for Student Conduct page 11
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- 5. Removal from the Regular Educational Setting page 24
- 6. Out-of-School Suspension page 26
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1. School District Authority and Jurisdiction

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, in conjunction with or independent of classes and school-sponsored activities.

The District has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school related activity on District transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Texas Education Code 37.0832;
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 Texas Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

Campus Behavior Coordinator

As required by law, at least one person at each campus must be designated to serve as campus behavior coordinator. The designated person(s) may be the principal of the campus or any other campus administrator selected by the principal. A campus behavior coordinator is primarily responsible for maintaining student discipline. Waco ISD utilizes a multi-administrator team process for student discipline which includes the campus principal and assistant principal(s). The campus administrative personnel assigned to a campus are designated as the campus behavior coordinator(s) for their campus. The District maintains a current list of the persons serving as campus behavior coordinator on the District's website at (www.wacoisd.org).

Threat Assessment and Safe and Supportive School Team

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the District's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

Searches

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. For additional information and notifications regarding searches, see the Student Handbook and Board Policy FNF (Local) (entitled "Student Rights and Responsibilities; Interrogations and Searches").

Reporting Crimes

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

Security Personnel

To ensure sufficient security and protection of students, staff, and property, the Board employs police officers/school resource officers (SROs) and security personnel. In accordance with law, the Board has coordinated with campus behavior coordinators and other District employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of District peace officers are listed in Board Policy CKE (Local).

'Parent' Defined

Throughout this Code and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

Participating in Graduation Activities

The District has the right to limit a student's participation in graduation activities for violating the District's Student Code of Conduct. Participation might include a speaking role, as established by District policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the District's Student Code of Conduct resulting in an out-of-school suspension, removal to a DAEP, JJAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of this Code resulting in an out-of-school suspension, removal to a DAEP, JJAEP, or expulsion during the semester immediately preceding graduation.

See **DAEP—Restrictions during Placement** on page 33, for information regarding a student assigned to DAEP at the time of graduation.

Unauthorized Persons

In accordance with Texas Education Code 37.105, a school administrator or District police officer/ school resource officer (SRO) shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with Board Policy FNG (Local) or GF (Local), as appropriate. However, the timelines for the District's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

2. Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- 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.
- Adhere to the requirements of the Student Code of Conduct.

It is the responsibility of parents or guardians to see that a student is dressed and groomed according to the standards of the District. All students enrolled at a school with a Standard Mode of Dress Policy must follow the District dress code as well as the mode of dress regulations of the campus that they are attending.

Teachers have the responsibility to enforce the dress code. The final authority for interpreting, enforcing, and permitting deviations of the dress code rests with the principal, campus behavior coordinator or his/her designee. Students are expected to be appropriately dressed and groomed at school and at school functions. Specific standards for appropriate dress and grooming for all District students are as follows:

General Dress and Grooming Code:

- a. Articles of clothing with pictures, emblems, or writings that are lewd, offensive, vulgar, or obscene, or advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under Board Policy FNCA (Local) are not allowed.
- b. Students must wear shoes. No beach-style flip-flops or house shoes will be allowed.
- c. Hats, caps, and hoods may not be worn inside the school building during the school day. These items may be worn at other school sponsored events as determined appropriate by the principal or designee.
- d. Doo rags, bandannas, and visors are not to be worn at school or at any school sponsored activities.
- e. Sunglasses, or other glasses not required for vision correction, may not be worn inside the building.
- f. Pants with holes or are frayed may not be worn. Garments must be hemmed or cuffed appropriately.
- g. Athletic/gym styled shorts may not be worn except in PE/athletic type class.
- h. Undergarments must be appropriately covered by a student's clothing.

- i. Inappropriate appearance will not be allowed. Clothes should fit and be worn appropriately. Pants are to be worn at waist and with a belt (if the pants have belt loops), and shirts buttoned. All shirts shall be tucked in pants and/or skirts if they extend beyond the end of the student's fingertips. Cardigan sweaters, pullover sweaters, and sweatshirts may be worn outside of pants and skirts. No sagging pants or oversized clothes are permitted. Underwear type shirts such as tank tops or muscle shirts are not acceptable and may only be worn with t-shirts under them. The decision on whether a style is appropriate will be at the discretion of the principal or his/her designee.
- j. Tattoos or fake tattoos are allowed if they are not lewd, offensive, vulgar, or obscene, or advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under Board Policy FNCA (Local).
- k. "Grillz" or temporary decorations on teeth are not to be worn.

Girls' Dress and Grooming Code:

- a. Girls will not wear halters, tank tops, tops that expose any part of the midriff, low-cut dresses/tops, short-shorts or excessively tight clothing. The neck opening on any type of dress, shirt, or blouse may not exceed the equivalent of the second button below the collar.
- b. Hair must not be rolled, tied in a scarf, or covered by a hat, bandanna, or a cap. Hair must not be dyed to extremes and haircuts that are unusual or bizarre such as lines, numbers, and design shapes will not be allowed.
- c. Girls must wear brassieres or appropriate undergarments.
- d. Pierced earrings may be worn on the ear(s) only. All other body-piercing jewelry is prohibited. Piercing in the ears must be of a nature or amount that is not distracting to the educational environment.
- e. Skirts, dresses, and shorts must extend beyond the end of the student's fingertips when standing.

Boys' Dress and Grooming Code:

- a. Boys must wear shirts with sleeves. The neck opening on any type of shirt may not exceed the equivalent of the second button below the collar.
- b. Boys' haircuts must be neat and in good taste. Hair may not be dyed to extremes and haircuts which are bizarre or unusual will not be allowed, such as lines, numbers, and design shapes. Mustaches and beards shall be acceptable if neatly trimmed.
- c. Pierced earrings may be worn on the ear(s) only. All other body-piercing jewelry is prohibited.
- d. Boys' hair shall not be tied up in a scarf, bandanna, or covered by a hat, a hood, cap or visor.

Dress and Grooming Code Violation Procedure:

One of the following procedures will be followed when students are found to be inappropriately dressed:

- a. The student will be given a change of clothing and the parent/guardian notified or,
- b. Parents/guardians will be notified and requested to bring the appropriate apparel to school. If parents cannot come with a change of clothes, the student will be asked to change into clothing provided by the school or they will be assigned to in-school suspension (ISS) for the remainder of the day or until the problem is corrected.

Repeated offenses may result in more serious disciplinary action. Appropriate discipline action shall be followed in all cases in accordance with this Code. Absences incurred due to inappropriate dress will be considered unexcused. [See Board Policies FO, FOA, FOD]

3. General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the District, and at all school-related activities, but the list does not include the most serious offenses. In the subsequent sections on **Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Serious Offenses**, and **Expulsion**, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in **Removal from the Regular Educational Setting** as detailed in that section.

Fighting

ABSOLUTELY NO FIGHTING WILL BE ALLOWED. (See DAEP Placement and glossary.)

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.
- Disobey rules for conduct on District 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/or Expulsion for Certain Offenses**.)
- Threaten a District student, employee, or volunteer (including off school property if the conduct causes a substantial disruption to the educational environment).
- Engage in conduct that constitutes sexual or gender harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a District student, Board member, 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.
- Retaliate against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying.
- Make a false report against an employee.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP—Placement and/or Expulsion for Certain Offenses.**)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, 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/or Expulsion for Certain Offenses.**)

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, 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 (For weapons and firearms see DAEP Placement and Expulsion.);
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun, pellet gun or BB gun;
- Ammunition;
- A stun gun;
- * Knuckles;
- A hand instrument designed to cut or stab another by being thrown;
- *A firearm;
- * A club;
- *A location-restricted knife;(blade over five and one-half inches; see Mandatory Expulsion)

- * A firearm;
- A pocketknife or any other small knife; (blade under five and one-half inches)
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes (see glossary); and any component, part, or accessory of an e-cigarette device.
- Matches or a lighter;
- 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/or Expulsion for Certain Offenses**. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunications or Other Electronic Communication Devices

In the 21st Century, technological advances have increased. Schools have not been left out of these advancements. Instructional technology has become increasingly more popular. Technology tools are must haves for the classroom of today. Each tool provides teachers with a method in which they can actively engage their students in the learning process. Today's students are digital natives and as such the use of technology in education has proven to be effective.

The District permits students to possess personal cellular telephones; however, except for high school students (addressed below) these devices must remain turned off and out of sight during the instructional day unless they are being used for approved instructional purposes as identified by their teachers.

Elementary and middle school students may not use such devices in the hall or common/corporate areas or times (lunch, etc.) during the school day.

High school students may carry cellular phones as long as the phones are not visible and remain in the off mode except during lunch and passing periods at which times use is permitted. Campus administrators shall have the discretion to determine the appropriate use of cellular phones for students participating in or attending extracurricular activities while on school property or while attending school- sponsored school-related activities on or off school property.

Students shall not use a telecommunications device, including a cellular telephone, or other electronic device in violation of District and campus rules. If a student violates the cell phone rules, it may be confiscated by school staff. If confiscated, the parent may pick it up from the office for a fee of \$15.00.

The use of mobile telephones or any device capable of capturing images (whether pictures or video) is strictly prohibited in locker rooms, or restroom areas while at school or at school-related or school-sponsored events.

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.
- 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 alter, destroy, or disable District technology resources including but not limited to computers and related equipment, 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, Board members or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyber bullying and “sexting” (including off school property), if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication 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 or infringes on the rights of another student at school.

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

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement and Expulsion** for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for “paraphernalia.”)
- Possess, use, abuse, 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 prescription or over-the-counter drugs that causes impairment of the physical or mental faculties. (See **glossary** for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by District policy. Board Policy FFAC (Local)

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. (For false alarm or report and terroristic threat (including bomb threats) see **DAEP Placement and Expulsion**.)
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in this Code and /or the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions (whether on or off school property) or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct. (See below.)

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

4. Discipline Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative discipline practices. Discipline shall be based on 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.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to this Code. To the extent any conflict exists, state and/or federal law shall prevail. The District shall comply with federal law. For more information regarding discipline of students with disabilities, see Board Policy FOF (Legal).

In accordance with the Texas Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, 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.

Special Education Disciplinary Procedures

The discipline of students with disabilities is subject to applicable state and federal laws in addition to this Code. To the extent any conflict exists, the District shall comply with federal law.

Any disciplinary action that would require a change in placement for longer than 10 days (for the entire year), for a student with disabilities will occur only after an ARD committee has met and a manifestation determination hearing has been conducted. All guidelines of the manifestation determination must be followed before any decision by the ARD committee or administrator is made as to placement in a DAEP and/or expulsion. Placement, as it is defined here, means a DAEP placement or an expulsion and a recommendation for placement in the Juvenile Justice Alternative Education Program (JJAEP).

In General

The Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et.seq.) imposes a number of procedural requirements when a school District contemplates disciplinary actions against a student with a disability. A student with a disability who receives special education services may not be placed in a Disciplinary Alternative Education Program (DAEP) solely for educational purposes. The student must have engaged in misconduct warranting DAEP placement and is entitled to all due process afforded to a nondisabled student accused of the same conduct. Any disciplinary action regarding a student with a disability that would constitute a change in placement involves additional legal requirements. School personnel are authorized

by IDEA to consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for the child with a disability who violates a code of student conduct. 20 U.S.C. 141 (k) (1) (A) and TEC 37.004.

State Law Bullying Provisions Concerning Special Education Students

1. Texas law contains two main provisions that relate to bullying and the special education student. Texas Education Code 37.001 (b-1) provides that a student who is enrolled in special education may not be disciplined for bullying, cyberbullying, harassment or making hit lists until an ARD committee meeting has been held to review the conduct.
2. A second provision relates to transfers of special education students. Under Texas Education Code 25.0342 (b-1), the Board of Trustees may transfer a student found to have engaged in bullying or cyberbullying to another classroom or campus in the District. However, under Texas Education Code 37.004, special education placements may be made only by a duly constituted ARD Committee. Further, any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's ARD committee conducts a manifestation determination review under 20 U.S.C. 141 (k)(4). Any disciplinary action shall be in accordance with federal laws and regulations, including laws or regulations requiring the provision of (a) functional behavioral assessments; (b) positive behavior interventions, (c) behavioral intervention plans, and (d) the manifestation determination review. TEC 37.004(b), (1)-(4).

Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions—for conduct/behavior prohibited by or in violation of this Code or by campus or classroom rules:

- Verbal and/or written correction.
- Cooling-off time or a brief “time-out” period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the District.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching
- Mediation (victim-offender).
- Classroom circles
- Family group conferencing
- Restorative Discipline practices

- Student Conference
- Check In – Check Out
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of District transportation privileges.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Peer Mediation -Secondary Schools (See glossary for Peer Mediation)
- Placement in a DAEP, as specified in the **DAEP** section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the **Placement and/or Expulsion for Certain Serious Offenses** section of this Code.
- 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.
- Saturday Diversion Course
- Stay Away Agreement
- RESET classroom assignment
- Other strategies and consequences as determined by school officials.

NOTE: Corporal punishment is NOT an approved discipline management technique.

Prohibited Aversive Techniques

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by District policy. [See Board Policy FO (Local).]

- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique: (i) does not cause the student discomfort or (ii) complies with the student's IEP or behavior intervention plan (BIP).

Notification

A campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. A 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 Texas Education Code. A good faith effort shall be made on the day the action is 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, a campus behavior coordinator shall send written notification by U.S. Mail. If a 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 campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use/imposition of specific discipline management techniques should be addressed in accordance with Board Policy FNG (Local). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through Policy online at the following address: www.wacoisd.org.

The District shall not delay a disciplinary consequence while a student or parent pursues a grievance and/or an appeal.

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 management 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 campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

5. 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 a campus behavior coordinator's office as a discipline management technique. A campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

Formal Removal

A teacher or administrator may send a student to a campus behavior coordinator's office 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 or communicate effectively with his or her class or with the student's classmates' ability to learn; or
2. The student's behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach or communicate effectively with his or her class or with the students in the classroom ability to learn.

Within three school days of the formal removal, a 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), Office of Student Management and any other administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct for which he or she is charged and the proposed consequences/discipline management techniques to be imposed. The student shall have 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, a campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP (emergency placement as approved by the Office of Student Management)

A teacher or administrator must remove a student from class if the student engages in behavior that under the Texas 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 shall be followed.

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.

6. Out-of-School Suspension

Misconduct

Students may be suspended for any conduct/behavior listed in the General Conduct Violations section of this Code, for any conduct/behavior listed in the DAEP Placement section of this Code, or for any conduct/behavior listed in the Expulsion section of this Code.

The District shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Texas Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Texas Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The District shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

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

Before being suspended a student shall have an informal conference with a 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 campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-school suspension, a campus behavior coordinator 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
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), and/or
6. A student's status as homeless.

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

Coursework During Suspension

The District shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the Internet.

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The District may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The District will not charge the student for any method of completion provided by the District.

7. 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 5 and secondary classification shall be grades 6–12.

Summer programs provided by the District shall serve students assigned to a DAEP separately from those students who are not assigned to the program.

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 recommend to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, a campus behavior coordinator 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,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student may be placed in a DAEP for any conduct/behaviors prohibited or listed in the General Conduct Violations section of this Code or for any conduct/behavior identified in State Law.

ABSOLUTELY NO FIGHTING WILL BE ALLOWED.

(See glossary – Fighting/Mutual Combat.)

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:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- 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**.)

Disciplinary Alternative Education Program (DAEP) Placement

- 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 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.

A 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.

Mandatory Placement: Misconduct That Requires DAEP Placement

Pursuant to §37.006 of the Texas Education Code a student must be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report or a terroristic threat involving a public school; however, this does not include, bomb threats, which are an expellable offense. (See section on **Expulsion** for bomb threats). (See **glossary**.)
- 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 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 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. (See **glossary**.)

Disciplinary Alternative Education Program (DAEP) Placement

- Engages in conduct that contains the elements of an offense of harassment against an employee under Texas Penal Code 42.07(a)(1), (2), (3), or (7).
- 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:
 - a. The student receives deferred prosecution (see glossary),
 - b. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
 - c. The Superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.
- 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.)
- Commits a federal firearms violation and is younger than six years of age.
- Engages in expellable conduct and is between six and nine years of age.

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.

Process

Recommendations for removals to a DAEP shall be made by a campus behavior coordinator and approved by the Office of Student Management.

Conference

When a student is removed from class because the student is accused of conduct which could result in a DAEP placement, a campus behavior coordinator or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, Office of Student Management, and the teacher, in the case of a teacher removal.

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

Following valid attempts to require attendance, the conference may be held and a placement decision shall be made by the Office of Student Management regardless of whether the student or the student's parents attend the conference.

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the hearing officer or superintendent's designee 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,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), and/or
6. A student's status as homeless.

Placement Order

After the conference, if the student is placed in the DAEP, the hearing officer or superintendent's designee 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 hearing officer or 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 on the inconsistency.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The duration of a student's placement in a DAEP shall be determined by the hearing officer or superintendent's designee.

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.

The minimum DAEP placement shall be three school days and the maximum DAEP placement shall be one calendar year except as provided below.

Disciplinary Alternative Education Program (DAEP) Placement

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of school days required in a student's DAEP placement order.

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 One Year

Placement in a DAEP may exceed one year when a review by the District determines that the student is a threat to the safety of other students or to District employees.

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, a campus behavior coordinator or the board's designee 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 this Code.

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's designee.

Appeals

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

Appeals regarding the decision to place a student in DAEP should be addressed to Student Management and/or the Superintendent's designee.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with Board Policy FNG (Local). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office or through Policy On Line at the following address: www.wacoisd.org.

Appeals shall begin at Level One with the Superintendent's designee.

Disciplinary consequences shall not be deferred pending the outcome of any appeal/grievance. The decision to place a student in a DAEP cannot be appealed beyond the Board.

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 last day of placement in the DAEP shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by a campus behavior coordinator or the Office of Student Management 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. 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 conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and a campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings upon approval by the Office of Student Management.

Notice of Criminal Proceedings

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the District if:

1. The student is not going to be prosecuted (i.e. the 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 the 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 required notice from the prosecuting attorney, 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.

Disciplinary Alternative Education Program (DAEP) Placement

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 record 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 this 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, a campus behavior coordinator may complete the proceedings, issue a placement order and forward a copy to the Office of Student Management. 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 a campus behavior coordinator or the Office of Student Management, 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.

Newly Enrolled Students

The District shall continue the DAEP placement of a student who enrolls in the District and was assigned to a DAEP in an open-enrollment charter school or another district.

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 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

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services

In accordance with law and District procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See Board Policy FOCA (Legal) for more information.

8. Placement and/or Expulsion for Certain Serious Offenses

This section includes two categories of serious offenses for which the Texas Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the District 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's 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.

Review Committee

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 shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the Board's designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Students

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.

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the Board's designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the Board's designee under this section is final and may not be appealed.

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections of this Code, in accordance with Texas Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the Office of

Placement and/or Expulsion for Certain Serious Offenses

Student Management or campus behavior coordinator makes certain findings (see below) 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 has been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The District may then 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's 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'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.

Placement Review

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or Board's designee 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 have the opportunity to present arguments for the student's return to the regular classroom or campus.

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.

9. Expulsion

In deciding whether to recommend expulsion, regardless of whether the action is mandatory or discretionary, a campus behavior coordinator will 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.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), and/or
6. A student's status as homeless.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement**)

Misconduct Regardless of Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Texas 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:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- Breach of computer security. (See **glossary**)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

Misconduct at School, Within 300 Feet, or at a School Activity/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:

- Engaging in conduct that contains the elements of assault under Section 22.01(a) (1) of the Texas Penal Code against an employee or a volunteer.
- Engaging in conduct that contains the elements of deadly conduct under section 22.05 of the Texas Penal Code. (See **glossary**.)
- 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.

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.
- Unlawfully carrying or about the student’s person a handgun, or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)
- Unlawfully carrying a weapon under Section 46.02, Texas Penal Code, or possession of a prohibited weapon under Section 46.05, Texas Penal Code, or possession of a firearm (as defined by federal law -18 U.S.C. Section 921).

Misconduct Occurring on 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.

Misconduct Occurring While in DAEP

A student may be expelled for engaging in documented serious misbehavior (see **glossary**) that violates this 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, Texas Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Texas Penal Code;
 - b. Indecent exposure under Section 21.08, Texas Penal Code;
 - c. Criminal mischief under Section 28.03, Texas Penal Code;
 - d. Personal hazing under Section 37.152 Texas Education Code; or
 - e. Harassment under Section 42.07(a) (1), Texas Penal Code, of a student or District employee

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled under federal law, state law or District policy 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 - Firearms

- Bringing 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**.)

Under the Texas Penal Code

- A student shall be expelled 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: Unlawfully carrying a weapon under Section 46.02, Texas Penal Code, or possession of a prohibited weapon under Section 46.05, Texas Penal Code. Carrying on or about the student's person the following, as defined by the Texas Penal Code, "Weapon" includes:
 - 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 range

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 Board Policy FNCG (Legal).]

- A location-restricted knife, as defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (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 of 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 District Policy

- Possession of a switchblade knife on school property or while attending a school-sponsored or school-related activity on or off school property. (See **glossary**)
- Possession of a club on school property or while attending a school-sponsored or school-related activity on or off school property.
- Possession of knuckles on school property or while attending a school-sponsored or school-related activity on or off school property.
- Terroristic threat by making a bomb threat (regardless of location of the person making the threat).

Students Under Age Ten

A student that is under the age of ten, shall not be expelled for behavior that is expellable. Instead, the student 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.

Due Process

If a student is believed to have committed an expellable offense, a 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, a campus behavior coordinator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP (emergency placements approved by Student Management).

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, and
3. An opportunity to question the witnesses called by the District at the hearing.
4. After providing notice to the student and parent of the hearing, Office of Student Management may hold the hearing regardless of whether the student or the student's parent attends.

The Board of Trustees delegates to the Office of Student Management the authority to conduct hearings and expel students.

Expulsion Appeal

After the due process expulsion hearing, the expelled student may request an administrative review of the expulsion decision. Any such request shall be in writing and submitted to the office of Student Management within seven days after receipt of the written expulsion order/decision. The appropriate administrator and/or Superintendent's designee must provide the student or parent written notice of the date, time, and place of the meeting at which the Superintendent's designee will conduct the review.

The Superintendent's designee will review the record of the expulsion hearing and hear a statement from the student or parent and or any other administrator. The Superintendent's designee or other District administrator at the review will base its decision on evidence reflected in the record and any statements made by the parties at the review. The Superintendent's designee may make and communicate his/her decision orally at the conclusion of the

presentation and follow up in writing or communicate the decision in writing to all parties within seven school days after the review. Consequences will not be deferred pending the outcome of any appeal/grievance or hearing.

Board Review of Expulsion

After the administrative review, 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 shall hear statements made by the parties at the review and shall 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 Board review.

Expulsion Order

Before ordering the expulsion, the Coordinator of Student Management or Board's designee 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
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), and/or
6. A student's status as homeless.

If the student is expelled, the Coordinator of Student Management or Board's 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 Coordinator of Student Management or Board'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 this Code, 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 may modify the length of such an 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 this 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 campus behavior coordinator or Office of Student Management 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 Coordinator of Student Management or the Board's designee 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.

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 is necessary to protect persons or property from imminent harm, 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.

Educational Services for Expelled Students

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

Transition Services

In accordance with law and District procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See Board Policies FOCA (Legal) and FODA (Legal) for more information.

10. Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to and used in this Code.

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.

Armor-piercing ammunition is defined by Texas Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is defined in part by Texas Penal Code 28.02 as:

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:
 - 1) Knowing that it is within the limits of an incorporated city or town,
 - 2) Knowing that it is insured against damage or destruction,
 - 3) Knowing that it is subject to a mortgage or other security interest,
 - 4) Knowing that it is located on property belonging to another,
 - 5) Knowing that it has located within it property belonging to another, or
 - 6) 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 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.

Breach of Computer Security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Bullying is defined in Section 37.0832 of the Texas Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

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;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below) This State law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Chemical dispensing device is defined by Texas Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable 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.

Club is defined by Texas Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp

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.

Cyberbullying is defined by Section 37.0832 of the Texas Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Dangerous drug is defined by Texas Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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.

DAEP (Disciplinary Alternative Education Programs) is defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades that are removed from their regular classes for mandatory or discretionary disciplinary reasons.

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.

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

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Diversion Course is a combination of four core programs aimed at changing school climate and student behaviors while reducing the number of students that are issued citations at school, given Alternative School placement or creating a record with a juvenile court.

Explosive weapon is defined by Texas Penal Code 46.01 as 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.

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.

Fighting/Mutual Combat is defined as two or more students or persons that chose to mutually engage in physical combat using blows or force to strive to overcome the other student(s) or person(s). **ABSOLUTELY NO FIGHTING WILL BE ALLOWED.**

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 is defined by Texas Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a firearm.

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

Graffiti are markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Harassment is:

1. Conduct that meets the definition established in District Board Policies DIA (Local) and FFH (Local); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a District student, employee, Board member, or volunteer, 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, as defined in Section 37.001(b)(2) of the Texas Education Code; or

3. Conduct that is punishable as a crime under Texas Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person’s family or household, or the person’s property;
 - c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
 - d. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

Hazing is defined by Section 37.151 of the Texas Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Texas Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student’s mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Texas Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

Hit list is defined by Section 37.151 of the Texas Education Code as 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.

Improvised explosive device is defined by Texas Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

Indecent exposure is defined by Texas Penal Code 21.08 as an offense that occurs when a person exposes his or her anus or any part of his or her genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

Intimate visual material is defined by Texas Civil Practices and Remedies Code 98B.001 and Texas Penal Code 21.16 as visual material that depicts a person with the person’s intimate parts exposed or engaged in sexual conduct. “Visual material” means any film, photograph, video

tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

Location-restricted knife is defined by Texas Penal Code 46.01 as a knife with a blade over five and one-half inches.

In-School Suspension (ISS) is a disciplinary consequence designed to help students learn how to function successfully in the classroom(s). Students may be assigned to ISS for one class period, several class periods, one day to multiple day assignments, depending on the severity of the offense. Students will be counted present in school and will receive credit for work completed. Students may not be assigned to ISS for more than 29 days per school year.

Knuckles means 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.

Look-alike weapon means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

Machine gun as defined by Texas Penal Code 46.01 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.

Peer Mediation involves specially trained students of the same age group who facilitates resolving disputes between two people.

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 school property used by the student, including but not limited to a locker or desk.

Prohibited weapon under Texas Penal Code 46.05(a) means

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
 - a. An explosive weapon;
 - b. A machine gun;
 - c. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device;
6. An improvised explosive device; or
7. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

Public Lewdness is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Texas Education Code are exempted from this definition.

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 Texas Code of Criminal Procedure.

Safe School Ambassador Program empowers leaders from the diverse groups and cliques on campus and equips them with nonviolent communication and intervention skills to stop bullying and violence among their peers.

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:

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, Texas Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Texas Penal Code;
 - b. Indecent exposure under Section 21.08; Texas Penal Code;
 - c. Criminal mischief under Section 28.03, Texas Penal Code;
 - d. Personal hazing under Section 37.152; or Texas Education Code ; or
 - e. Harassment under Section 42.07(a) (1), Texas 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.

Short-barrel firearm is defined by Texas Penal Code 46.01 as 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.

Student Court is a type of judicial system occasionally seen in schools, particularly middle school, high school, and in some colleges and universities. They are most often engaged in conflict resolution and interpretation of student bylaws and constitutions.

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 defined by Texas Penal Code 22.07 as 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 water, gas, or power supply or other public service;
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 Texas 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 felonies are those crimes listed in Title 5 of the Texas Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02, – .05, Texas Penal Code;
- Kidnapping under Section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06, Texas Penal Code;
- Assault under Section 22.01, Texas Penal Code;
- Aggravated assault under Section 22.02, Texas Penal Code;
- Sexual assault under Section 22.011, Texas Penal Code;
- Aggravated sexual assault under Section 22.021, Texas Penal Code;
- Unlawful restraint under Section 20.02, Texas Penal Code;
- Continuous sexual abuse of a young child or children under Section 21.02, Texas Penal Code;

- Bestiality under Section 21.09, Texas Penal Code;
- Improper relationship between educator and student under Section 21.12, Texas Penal Code;
- Voyeurism under Section 21.17, Texas Penal Code;
- Indecency with a child under Section 21.11, Texas Penal Code;
- Invasive visual recording under Section 21.15, Texas Penal Code;
- Disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- Sexual coercion under Section 21.18, Texas Penal Code;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Texas Penal Code;
- Abandoning or endangering a child under Section 22.041, Texas Penal Code;
- Deadly conduct under Section 22.05, Texas Penal Code;
- Terroristic threat under Section 22.07, Texas Penal Code;
- Aiding a person to commit suicide under Section 22.08, Texas Penal Code; and Tampering with a consumer product under Section 22.09, Texas Penal Code.[See Board Policy FOC (Exhibit)]

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person’s physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

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

Zip gun is defined by Texas Penal Code 46.01 as 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.