

**TARKINGTON I.S.D.**  
**STUDENT CODE OF CONDUCT**

**2009-2010**



# ACKNOWLEDGMENT

## Student Code of Conduct Acknowledgment

Dear Student and Parent:

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

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

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

Thank you.

John Kirchner, Superintendent

.....  
We acknowledge that we have received a copy of the Tarkington I.S.D. Student Code of Conduct for the 2009–2010 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

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

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

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

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

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

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

Grade level: \_\_\_\_\_

Please sign this page, remove it, and return it to the student's school. Thank you.



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# STUDENT CODE OF CONDUCT

## *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, suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

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

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. Additionally, the Code will be posted on the district's Web site. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

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

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

## **School District Authority and Jurisdiction**

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 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 criminal mischief is committed on or off school property or at a school-related event;
7. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
8. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
9. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
10. When the student is required to register as a sex offender.

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

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

### ***Reporting Crimes***

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

### ***Revoking Transfers***

The district has the right to revoke the transfer of a nonresident student for violating the district's Code.

## **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.

## **Disciplinary Authority of the School District**

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. A student whose behavior shows disrespect for other, including interference with learning and a safe environment, will be subject to disciplinary action.

The District has disciplinary authority and jurisdiction over a student:

1. During the regular school day and while the student is going to and from school on District transportation;
2. Within 300 feet of school property, as measured from any point on the school's real property boundary line.
3. For any school-related misconduct, regardless of time or location;
4. While the student is in attendance or participation at any school-related activity, regardless of time or location;
5. When retaliation against another student, a school employee, or a volunteer occurs or is threatened, regardless of time or location;
6. When the student commits a felony, as provided by Texas Education Code 37.006, On or off school property; and
7. When criminal mischief is committed on or off school property or at a school-related event.

## **General Guidelines for Assessing Discipline Penalties**

### ***Administering Discipline***

In general, discipline is designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of both teachers and administrators and on a range of discipline management techniques.

Based on a careful assessment of the circumstances of each case, student discipline will be administered fairly and equitably. Factors to be considered will include:

- The seriousness of the offense;
- The student's age and grade level;

- The frequency of misbehavior;
- The student's attitude;
- The effect or potential effect of the misconduct on the school environment; and
- Statutory requirements
- Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

## **General Conduct Violations**

The categories of conduct below are prohibited at school and all school-related activities, but the list does not include the most serious offenses. In the subsequent sections on 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.

### ***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 school buses.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

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

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion)
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary)

- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

### ***Property Offenses***

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion)
- Deface or damage school property—including textbooks, lockers, furniture, 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 and theft see DAEP Placement and Expulsion)

### ***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;
  - a “look-alike” weapon;
  - an air gun or BB gun;
  - ammunition;
  - a stun gun;
  - a pocketknife or any other small knife;
  - mace or pepper spray;
  - pornographic material;
  - tobacco products;
  - 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 Expulsion)

### ***Possession of Telecommunications Devices:***

Students will not be allowed to:

- Display, turn on, allow to ring, or use a cellular telephone or other telecommunications device on school property during the school day.

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

Students shall not:

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia”)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse”)
- Abuse over-the-counter drugs. (See glossary for “abuse”)
- Be under the influence of prescription or over-the-counter drugs that cause 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.

### ***Misuse of Computers and the Internet***

Students shall not:

- Violate computer use policies, rules, or agreements signed by the student or the student’s parent.
- 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 computer 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, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or Web sites at school to encourage illegal behavior or threaten school safety.

### ***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.
- 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 the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

## **Discipline Management Techniques**

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

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

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

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

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

### ***Techniques***

The following discipline management techniques may be used—alone or in combination—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or “time-out.”
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- 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.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment.
- Out-of-school suspension, as specified in the Suspension section of this Code.
- 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.
- Other strategies and consequences as determined by school officials.

### ***Notification***

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that may result in a suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

### ***Appeals***

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: [www.tarkingtonisd.net](http://www.tarkingtonisd.net)).

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

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

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

### ***Routine Referral***

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques.

### ***Formal Removal***

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

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

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

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

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

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

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

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

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

## **Suspension**

### ***Misconduct***

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

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

### ***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 will have an informal conference with the appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension will be determined by the appropriate administrator, but will not exceed three school days.

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

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

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 DAEP in addition to the expulsion.

In deciding whether to order placement in a DAEP, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

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

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

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

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

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary)
- Involvement in criminal street gang activity. (See glossary)
- Any criminal mischief, including a felony.

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 those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The appropriate administrator **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***

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (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 a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence”)
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as 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:
  1. The student receives deferred prosecution (see glossary),
  2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

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

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

## ***Emergencies***

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

## ***Process***

Removals to a DAEP will be made by the campus principal.

## ***Conference***

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

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

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

## ***Placement Order***

After the conference, if the student is placed in the DAEP, the appropriate administrator will write a placement order. A copy of the DAEP placement order will be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee will 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 will give notice of the inconsistency.

## ***Length of Placement***

The duration of a student's placement in a DAEP will be determined by the campus principal. The duration of a student's placement will be determined on a case-by-case basis. DAEP placement will 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 maximum period of DAEP placement shall be one calendar year except as provided below.

## ***Exceeds One Year***

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

1. The student is a threat to the safety of other students or to district employees, or

2. Extended placement is in the best interest of the student.

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

### **Exceeds School Year**

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

For placement in a DAEP to extend beyond the end of the school year, the superintendent or 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 the district's 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 will be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

### ***Appeals***

Questions or complaints from parents regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address:  
www.tarkingtonisd.net.

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

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

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP may 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 program will be the last instructional day, and the student will 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 will be provided a review of his or her status, including academic status, by the superintendent or 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 will also be reviewed. At the review, the student or the student's parent will 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 the appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

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

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

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

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

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board will, 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 will 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 the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the district may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

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

The district will decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

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

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, will 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 occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for assignment to a DAEP.

## **Placement and/or Expulsion for Certain Serious Offenses**

This section includes two categories of serious offenses for which the 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 administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

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

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

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

## **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 will recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its 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 Student**

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

## **Appeal**

A student or the student's parent may appeal the placement by requesting a conference between the board or its 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 or its 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, in accordance with Education

Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board or its designee makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

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

### **Hearing and Required Findings**

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

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

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

### **Length of Placement**

The student is subject to the placement until:

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

### **Newly Enrolled Students**

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

## **Expulsion**

In deciding whether to order expulsion, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

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

#### **Any Location**

A student **may** be expelled for:

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

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

- Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary)

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

- 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.
  - 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.
  - Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

### **Property of Another District**

- Committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **While in DAEP**

- Engaging in serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP.

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

A student **must** 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:

#### **Federal Law**

- Bringing to school a firearm, as defined by federal law. “Firearm” under federal law includes:
  - 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.
  - The frame or receiver of any such weapon.
  - Any firearm muffler or firearm weapon.
  - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

#### **Texas Penal Code**

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
  - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
  - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
  - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
  - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.

- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or children.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

### ***Under Age Ten***

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

### ***Emergency***

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

### ***Process***

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within a reasonable time. The student's parent will be invited in writing to attend the hearing.

Until a hearing can be held, the principal may place the student in:

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

### ***Hearing***

A student facing expulsion will 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 district's witnesses.

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

The board of trustees delegates to the District Hearing Officer authority to conduct hearings and expel students.

### **Board Review of Expulsion**

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

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

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

### **Expulsion Order**

After the due process hearing, if the student is expelled, the board or its designee will 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 hear, the District Hearing Officer will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

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

The length of an expulsion will 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 will be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

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

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

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

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

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

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

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

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

### ***Additional Misconduct***

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

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

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

No district academic credit will 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 will continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

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

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

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

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

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

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

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

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

## **DISCIPLINE OF SPECIAL EDUCATION STUDENTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

**Disciplinary Procedures for Students with Disabilities:** Disciplinary actions regarding students with disabilities shall be in accordance with all applicable statutes, rules, and regulations.

**Definition of a Student with a Disability under IDEA:** For purposes of this section, a student with a disability is a student who has been evaluated in accordance with 34 Code of Federal Regulations relating to comprehensive individual assessment and determined by an Admission, Review, and Dismissal (ARD) Committee as meeting the eligibility criteria for orthopedically handicapped, visually handicapped, deaf/blind, mentally retarded, emotionally disturbed, learning disabled, speech handicapped, autistic, multiply handicapped, or traumatic brain injured, who, because of these impairments, needs special education and related services.

**Discipline of Special Education Students Under IDEA:** Students with disabilities served under IDEA will be disciplined in accordance with state and federal law. *The Plan and the Code* applies to all students, including a student with disabilities. Students with disabilities may be subject to a series of removals for disciplinary reasons; each one of which may be for up to ten (10) school days at a time, for different acts of misconduct. So long as the series of removals does not constitute a change of placement, and the disciplinary consequences are those applied to non-disabled students, the admission, review, and dismissal (ARD) committee does not have to determine if the misbehavior was a manifestation of the disability. The educational placement of a student with a disability who receives special education services may not be placed in alternative education programs solely for education purposes if the student does not meet the criteria for alternative placement in TEC 37.006(a) or 37.007(a). The education placement of a student with disabilities may be changed for disciplinary reasons if an admission, review,

and dismissal committee determines the misbehavior is not a manifestation of the student's disability, in which case regular disciplinary consequences will be applied, including long-term removal to a disciplinary setting or expulsion. The student with disabilities will continue to receive educational services that enable the student to continue to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP.

## **DISCIPLINE OF STUDENTS SERVED UNDER 504 OF THE REHABILITATION ACT**

**Disciplinary Procedures for Students with Disabilities:** Disciplinary actions regarding students with disabilities shall be in accordance with all applicable statutes, rules and regulations.

**Definition of a Student with a Disability under 504\*:** A student is considered to have a disability under 504 of the Rehabilitation Act of 1973 if the student:

1. Has a physical or mental impairment which substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment. 34 CRF 104.3(j);

\*Diagnosis of dyslexia is considered a part of 504.

**Discipline of Students Served under 504 of the Rehabilitation Act:** Students with disabilities served pursuant to 504 will be disciplined in accordance with state and federal laws. *The Plan and The Code* applies to all students, including 504 students. 504 students may be subject to a series of removals for disciplinary reasons; each one of which may be for up to ten (10) school days at a time, for different acts of misconduct. So long as the series of removals does not constitute a change in placement, and the disciplinary consequences are those applicable to non-disabled students, there is no requirement that the 504 Committee determine whether the misbehavior is a manifestation of the student's ability. The same group of people who make placement decisions may make that determination. The 504 Committee must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior. At a minimum, the 504 Committee shall include persons knowledgeable about the student and the meaning of the evaluation data.

Discipline for students with disabilities under 504 will be handled in the same manner as for students without disabilities except in cases where discipline will result in a significant change of placement.

### **Bus Conduct**

Buses are provided to transport students to and from school. In order to promote a safe and pleasant method of transporting students, it is necessary that certain rules of conduct

be followed. District rules and guidelines are applicable on the buses. Video cameras may be used to assist the District in assuring safe transportation for all students. Conduct that is not permitted includes the following:

- Bringing glass containers or animals on the bus;
- Boarding or unloading at incorrect stops;
- Being disobedient or disrespectful to driver;
- Disturbing others;
- Being excessively loud;
- Using unacceptable language;
- Eating/drinking on bus or using tobacco;
- Failing to follow safe street-crossing procedures;
- Fighting/Scuffling on bus;
- Littering the bus;
- Moving/not sitting properly while bus is in motion;
- Putting head or hands out of window;
- Putting self or others in danger;
- Tampering with bus or equipment; and/or
- Throwing objects.

Bus reports are cumulative from the beginning of the school year. Should the rules be broken, the bus driver will notify the student immediately, and the following consequences will be invoked:

- **First Bus Report:** The student will have a conference with the principal or designee, and/or other disciplinary action as outlined in *The Code* may be taken. Parent(s) or guardian will be notified of the offense, the consequence, and/or other disciplinary action.
- **Second Bus Report:** If the student receives a second bus report, he/she may be removed from the bus for three (3) days, and/or other disciplinary action as outlined in *The Code* may be taken. Parent(s) or guardian will be notified of the offense, the consequences, and/or other disciplinary action.
- **Third Bus Report:** The student will be removed from the bus for five (5) days and/or other disciplinary action as outlined in *The Code* may be taken. Parent(s) or guardian will be notified of the offense, the consequence, and/or other disciplinary action.
- **Fourth and Subsequent Bus Reports:** The student will be removed for a minimum of ten (10) days and/or other disciplinary action as outlined in *The Code* may be taken. Parent(s) or guardian will be notified of the offense, the consequence, and/or other disciplinary action.
- **Fifth and Subsequent Bus Reports:** The student will be removed from the bus for a maximum of twenty (20) days and/or other disciplinary action as outlined in

*The Code* may be taken. Parent(s) or guardian will be notified of the offense, the consequence, and/or other disciplinary action.

Any flagrant misbehavior could result in immediate removal from the bus so long as such removal does not endanger the health or safety of the student. Restitution for any damages incurred must be made before returning to the bus.

## **GENERAL PROCEDURE FOR RESOLVING SCHOOL PROBLEMS**

School problems can best be resolved at the campus level. To resolve problems, students and their parent or guardian are to conference or contact teachers to discuss existing problems or concerns. If additional resolution is needed, the student or parent then may meet with the appropriate campus administrator or designee. If dissatisfied with the campus administrator's decision, the concern can be referred to the appropriate District-level administrator. FNG(LOCAL) describes this procedure.

### **Levels of Student Misconduct/Violations**

The Student Code of Conduct provides a description of a broad range of behaviors considered to be student misconduct. The behavior described should be viewed as representative of the misconduct that most frequently causes a disruption to the orderly educational process. The acts of misconduct listed in Levels I, II, III, IV, and V are not all-inclusive. The student who commits an act of misconduct that may be classified into any of the five levels or commits an act that is not listed will be subject to the disciplinary action determined by the classroom teacher, assistant principal, principal, or other designated District personnel.

The building principal or designee has the final authority at the campus level in determining the disciplinary assignment for a student's misconduct, subject to administrative and/or Board review. The exceptions are:

1. An assignment to a DAEP that extends beyond the end of the next grading period;
2. Maintaining a student's placement in a DAEP after receiving notice pursuant to Article 15.27(g), Texas Code of Criminal Procedures; or
3. A recommendation for expulsion.

When these assignments or recommendations occur, the administrator or designee will follow the procedures outlined in this document.

### **Levels of Behavior-Student Code Of Conduct**

Disciplinary offenses in *The Code* are classified into five levels of behavior that identify sample offenses and disciplinary options available to the teacher or administrator. In general, discipline shall be progressively administered so that each level has an

increasing degree of intervention designed to promote student self-discipline. The administrator or designee responsible for the discipline of students in a given situation may use discretion in determining the action(s) most appropriate to the setting and the infraction. Some disciplinary infractions will automatically place a student at a higher level of consequence(s).

If a school official suspects that criminal acts have occurred in school, on District property, or at a school-sponsored or a school-related event, a local law enforcement authority may be notified.

### **Level I- Disruptive Behavior-Minor Infractions**

Level I violations include infractions of classroom management procedures or campus rules that disrupt the educational process. The classroom teacher can successfully manage many behaviors. There should be immediate and consistent intervention of any behavior, which impedes orderly classroom procedures or interferes with the orderly operation of the school. Teachers and other staff members may keep a written record of the violation. For Level I violations, teachers may use their judgment and discretion in determining whether such minor infractions constitute a violation of *The Code* for purposes of the reporting requirement in TEC37.001(b). If the teacher determines that such infractions are a violation of *The Code*, then the teacher shall file with the principal or designee a report, not to exceed one page, documenting the violation. Communication, cooperation, and encouragement of positive behavior are the key ingredients at this level of intervention.

#### **Level I violations include such behaviors as:**

- Tardies;
- Chewing gum;
- Eating or drinking outside of designated area;
- Failure to follow classroom rules;
- Failure to deliver and/or return written communication between home and school;
- Failure to bring required classroom materials and/or assigned work to class;
- Failure to participate in classroom activities, as requested;
- Horseplay (not fighting);
- Cutting in lines; pushing and shoving;
- Possessing and/or using nuisance items, including, but not limited to, laser pens and laser pointers;
- Refusal to complete assigned work;
- Running and/or making excessive noise in the halls, classroom, and/or building;
- and
- Any other act that impedes the orderly classroom procedure or interrupts the orderly operation of the classroom.

#### **Level I – Disciplinary Options**

##### **One or more discipline management techniques may be used:**

- Teacher/student conference;

- In-class disciplinary action (verbal correction, time-out, etc.);
- Parent contact: note or call;
- Counselor/student conference;
- Confiscation of a prohibited nuisance item;
- Withdrawal of various student privileges;
- Environmental change;
- Temporary removal of student from class;
- Detention;
- Administrator/student conference;
- Supervised campus service assignment;
- Extended cooling-off time; or
- Other appropriate disciplinary options.

## **LEVEL II-BEHAVIOR THAT INTERFERES WITH THE ORDERLY OPERATION OF THE CLASSROOM AND/OR SCHOOL**

**Level II** violations include those infractions that are more serious in nature and interfere with the orderly operation of the classroom and/or school. Some of these infractions will result in a referral to an administrator or designee. The disciplinary actions taken will depend on the offense, previous actions, and the seriousness of the violation. More than one disciplinary option may be assigned.

### **Level II violations include such behaviors as:**

- Any repeated violation cited in the previous level;
- Lunchroom (i.e., misuse of food etc.) or restroom misconduct;
- Cheating and/or copying the work of another student;
- Leaving the classroom, building, school grounds, or school-sponsored events without permission;
- Truancy;
- Exhibiting any unacceptable physical contact that could result in injury;
- Violating the medication guidelines; contained in the student handbooks.
- Violating the District or campus dress and grooming standards;
- Altering school records or signing another person's name on school documents;
- Inappropriate public display of affection;
- Unwanted touching by others;
- Selling or soliciting for sale any merchandise on the school campus without the authorization of the building principal or designee;
- Loitering in unauthorized areas;
- Throwing objects that can cause bodily injury or property damage;
- Any other acts that interfere with the orderly educational process of the classroom and/or school.

### **Level II- Disciplinary Options**

#### **One or more may be used:**

- Detention;

- Administrator/counselor/teacher/student conferences;
- Grade penalty for copying and/or cheating;
- Parent conference;
- Exclusion from extracurricular activities (i.e., field trips, assemblies, etc.);
- Restoration and/or restitution, as applicable;
- Supervised campus/community service assignment;
- Withdrawal of various student privileges;
- Involvement of law enforcement/security department;
- Teacher removal of the student from the classroom;
- Extended cooling-off time;
- In-school Suspension (ISS);
- Suspension (at home) for up to three (3) days per occurrence of misconduct; or
- Other appropriate disciplinary options.

A teacher with knowledge that a student has violated *The Code* at **Level II** or higher will file with the school principal or designee a written report, not to exceed one page, documenting the violation. The principal or designee will send a copy of the report to the student's parent(s) or guardian(s). All consequences will be recorded and kept on file by the teacher/administrator for future action.

## **LEVEL III-SERIOUS OR DISRUPTIVE BEHAVIOR**

**Level III** acts include violations that may result in a student being suspended or placed in In-School Suspension [*secondary students*] (ISS) or a Disciplinary Alternative Education Program (DAEP). After reasonable discipline management techniques have been imposed and the campus administrator or designee determines that the student's presence in the regular classroom is disruptive to other students, or the student repeatedly violates the previously communicated standards of student conduct, the principal or designee will make the determination regarding the disciplinary option used. [If a student is suspended, the student's absences shall be considered excused.]

### **Level III violations that seriously disrupt the orderly process in the school include:**

- Any repeated violations cited in the previous levels;
- Interfering with school authorities or school operations, programs, or instruction through boycotts, sit-ins, or trespassing (TEC 37.123);
- Bullying, including intimidation by name calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence;
- Fighting, which is defined as a physical conflict between two or more individuals. (A student under attack should detach himself/herself from the situation and get an adult to help; this action may constitute "self defense" on the attacked student's part.);
- Stealing, burglary, robbery, extortion, gambling, or theft from students, staff, other persons, or the school;
- Possession of stolen property;
- Acts of disobedience or disorderly behavior that may prove detrimental to the school, harmful to health and safety, and inhibiting to the rights of others;

- Being disrespectful toward school personnel or school visitors;
- Refusing to comply with reasonable requests of school personnel;
- Failure to comply with assigned disciplinary consequences;
- Using profane, obscene, or indecent remarks, or racially or ethnically offensive language and/or gestures directed toward an adult;
- Wearing clothing that is profane, obscene, or racially/ethnically offensive;
- Failure to report to a teacher or administrator the knowledge of an event, device, object, or substance that could cause harm to property or persons;
- Possessing a device, object, or substance that cause harm to property or persons in a school building;
- Possession of ammunition;
- Posting or distributing unauthorized communication materials on the school grounds;
- Sexual misconduct; engaging in inappropriate verbal, physical, or sexual conduct directed toward another student or district employee;
- Sexual harassment; engaging in inappropriate verbal, physical, or sexual contact directed toward another student or district employee;
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age directed toward another student or district employee;
- Hazing; behavior or activity such as defined by (TEC 37.121);
- Gang-related behavior or activity or gang membership (TEC 37.121);
- Possession of drug paraphernalia;
- Threats (oral or written) to do harm to another or to the property of another;
- Making false accusations or hoaxes regarding school safety;
- Burglary of a TARKINGTON ISD facility;
- Vandalism and/or damaging District or personal property;
- Possession, use, or distribution of any substance represented to be a drug or alcohol (TEC 37.122);
- Abusing the student's own prescription drug, giving a prescription drug to another student, or being under the influence of another person's prescription drug on school property or at a school-related event;
- Violating the tobacco/smoking policy;
- Possession or distribution of pornographic materials, including accessing pornographic materials on the Internet;
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety, using e-mail or websites at school to encourage illegal behavior, or threatening school safety;
- Violating the Software Code of Ethics;
- Misuse of District technology, including, but not limited to, the Internet, the District Network, or District-owned equipment or software;
- Engaging in verbal or written exchange that threatens the safety of another student, a school employee, or school property using e-mail or websites at school to encourage illegal behavior, or threatening school safety;
- Exhibiting any unacceptable physical contact that results in injury; or
- Any other act(s) that seriously disrupt(s) the orderly process of the school.

### **Level III- Disciplinary Options**

In deciding whether to administer **Level III** consequences, the district will take into consideration:

1. Self-defense (see glossary).
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

#### **One or more may be used:**

- Administrator/teacher/parent/student conferences;
- Exclusion from extracurricular activities;
- Suspension (at home) for up to three (3) days per occurrence of misconduct;
- In-School Suspension (ISS);
- Withdrawal of various student privileges;
- Involvement of law enforcement/security department/citations;
- Restitution and/or restoration, as applicable;
- Teacher removal of the student from the classroom;
- Removal to a Disciplinary Alternative Education Program (DAEP)
- Reassignment of classes; or
- Other appropriate disciplinary options.

A teacher with knowledge that a student has violated *The Code* at **Level III** or higher will file with the school principal or designee a written report, not to exceed one page, documenting the violation. The principal or designee will send a copy of the report to the student's parent(s) or guardian(s). All consequences will be recorded and kept on file by the teacher/administrator for future action. Persistent misbehavior at Level III may lead to assignment to a Disciplinary Alternative Education Program (DAEP). A student who commits a Level III offense and is suspended or placed in a DAEP is prohibited from attending or participating in school-sponsored or school-related activities.

## **LEVEL IV- OFFENSES FOR WHICH A STUDENT WILL BE PLACED IN A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)**

**Level IV** offenses are acts of misconduct for which mandatory to a Disciplinary Alternative Education Program (DAEP) is required. A student shall be removed from the classroom to a Disciplinary Alternative Education Program (DAEP) by the campus administrator or designee if the student commits the following conduct on school property or within three hundred (300) feet of school property, as measured from any point on the school's real property line, or while attending a school-sponsored or school-related activity on or off school property. [TEC 37.006] Additionally, the campus administrator or designee may remove a student from the classroom to a DAEP when the student engages in any conduct punishable as a felony, whether the conduct occurs on or

off school property and regardless of whether the conduct occurs before, during, or after school hours unless expulsion is authorized or required for the offense.

**Level IV acts of misconduct inside such behaviors as:**

- Repeated violations of the offenses outlined in the previous levels;
- Engaging in any type of conduct punishable as a felony (TEC 37.006);
- Engaging in assault that is defined as intentionally, knowingly, or recklessly causing bodily injury to another [22.01 (a)(1) Penal Code];
- Engaging in terroristic threat(s), defined as, but not limited to, threatening to commit violence or harm to any person or property with intent to cause an emergency response or that places any person in fear of imminent serious bodily injury; or interrupting the occupation or use of a building, room, place of assembly, place that the public has access by threats of violence or other means; or causing impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service (22.07, Penal Code);
- Engaging in threatening behavior toward another student or district employee on or off school property;
- Engaging in conduct that contains the elements of an offense relating to volatile chemicals; including, but not limited to, possession or use, delivery of abusable volatile chemicals to a minor or possession of inhalant paraphernalia (Chapter 484, Health and Safety Code);
- Engaging in conduct that contains the elements of the offense of public lewdness or indecent exposure under which are defined to include offenses against chastity, common decency, morals, and the like (21.07 and 21.08, Penal Code);
- Possessing, using, or being under the influence of alcohol, selling, giving, or delivering an alcoholic beverage to another person, or committing a serious act or offense while under the influence of alcohol [Non-felony offense];
- Selling, giving delivering to another person, possessing, using, or being under the influence of marijuana, a controlled drug, or other controlled substance (Chapter 481, Health and Safety Code, or by 21 U.S.C. 801 et. Seq.) [Non-felony offense];
- Selling, giving, delivering to another person, possessing, using or being under the influence of a dangerous drug (Chapter 483, Health and Safety Code) [Non-felony offense];
- Regardless of whether on or off campus or at a school function, if a student engages in conduct that contains elements of the offense of retaliation under 36.06, Penal Code against any school employee by engaging in conduct including, but not limited to, intentionally or knowingly threatening to harm another by an unlawful act in retaliation for that person's performance of his/her official duties; or
- A student must be placed in a Disciplinary Alternative Education Program (DAEP) if the student engages in conduct relating to a false alarm or report (including bomb threat) or a terroristic threat involving a public school (TEC 37007).

A teacher with knowledge that a student has violated *The Code* at **Level IV** or higher will file with the school principal or designee a written report, not to exceed one page, documenting the violation. The principal or designee will send a copy of the report to the student's parent(s) or guardian(s). All consequences will be recorded and kept on file by the school's administrator or designee for future action.

#### **Level IV- Disciplinary Options**

- Mandatory removal to a Disciplinary Alternative Education Program (DAEP)
- In deciding whether to order placement in a DAEP, the district will take into consideration:
  1. Self- defense (see glossary),
  2. Intent or lack of intent at the time the student engaged in the conduct, and
  3. The student's disciplinary history.

Students younger than ten (10) years of age who engage in conduct for which the student must be expelled shall be removed from class and placed in a Disciplinary Alternative Education Program (DAEP). Students younger than ten (10) who bring a firearm shall be expelled but placed in an in-district DAEP during the term of expulsion. An elementary school student may not be placed in a DAEP with any other student who is not an elementary student, nor can a student younger than six (6) years of age be placed in a DAEP.

## **PROCEDURES FOR REMOVAL TO A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP).**

### **A. General rules applicable to all removals:**

1. A student who is younger than six (6) years of age may not be removed from class and placed in a Disciplinary Alternative Education Program (DAEP).
2. Before placing a student in a DAEP, the administrator or designee shall confer with the student, and the student will be given an opportunity to explain his/her version of the incident.
3. Once the campus administrator makes a determination to refer the student to a DAEP, the parent shall be contacted by phone or notified in writing of the placement, the reasons for the referral, and the term of the placement. The school or District official based on the factors found in *The Code* will determine length of placement
4. The DAEP curriculum shall include English language arts, mathematics, science, history, and self-discipline and shall provide for the student's behavioral needs through supervision and counseling.

5. All students required to attend a DAEP are prohibited from participating in school-sponsored or school-related activities. Texas law imposes this requirement.
6. A student placed in a DAEP shall be provided a status review by the principal or designee of the Disciplinary Alternative Education Program (DAEP) at intervals not to exceed 120 days. The principal or designee shall schedule an informal meeting with the parent or guardian to discuss the student's status. The student's parent(s) or guardian(s) may present reasons or information in support of returning the student to his or her home campus.

**B. Long-Term removal extending beyond the end of the next grading period:**

1. If the term of the placement, as recommended by the campus administrator or designee, will extend the end of the next grading period (beyond the end of the following six weeks), the student's parent or guardian is entitled to notice and an opportunity to participate in a proceeding before the Office of the Superintendent. The campus administrator or designee shall inform the student's parent or guardian in writing of the right to appeal and shall describe the procedures for scheduling an appeal with the Office of the Superintendent. The parent or guardian may waive the right to an appeal.
2. The procedure for an appeal to the Office of Superintendent is as follows:
  - a. The parent shall contact the Superintendent (281-592-8781) to schedule an appeal hearing within three days following the campus decision to remove the student to a DAEP;
  - b. Notice of the hearing (date, time, and location) shall be provided to the parent;
  - c. The hearing shall be conducted by the superintendent or his/her designee;
  - d. Following the presentation by the campus administration and the student or student's representative, the hearing officer will make a determination to uphold or amend the campus recommendation. The decision will be communicated in writing to the student's parent(s) or guardian; and
  - e. The decision of the hearing officer is final and not appealable.

**C. Removal extending beyond the end of the school year:**

1. Before a student may be placed in a Disciplinary Alternative Education Program (DAEP) for a period that extends beyond the end of the school year, the campus administrator or designee must determine that:
  - a. The misbehavior resulting in DAEP placement occurred in the last six weeks of the school year;
  - b. The student's presence in the regular classroom or at the home school presents a danger of physical harm to the student or to other individuals;  
or

- c. The student has engaged in serious or persistent misbehavior that violates the District's previous communicated standards of student conduct. "Serious" offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom or the school or with any school-related activity. "Persistent" is defined as chronic or repeated instances of misconduct.
2. The campus administrator's determination, as described above, shall be communicated to the student's parent or guardian in writing.
3. The student may appeal a removal extending beyond the end of the school year. See procedure C. #2 above.

## **LEVEL V- EXPULSION FOR SERIOUS OFFENSES FOR WHICH A STUDENT SHALL BE EXPELLED OR REFERRED TO A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)**

**Level V** acts of misconduct include those serious misbehaviors and/or illegal acts that threaten to impair the educational efficiency of the school, and/or which most seriously disrupt the orderly educational process in the classroom and/or the school. Under state law, students may be expelled for any violation listed under this section. Expulsion may occur if the Level V act of misbehavior occurs on school property or at a school-sponsored or school-related activity on or off school property. Participation in conduct punishable as a felony on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or at a school-sponsored/school-related activity on or off school property will result in expulsion or removal to a Disciplinary Alternative Education Program (DAEP).

**Level V Acts of Misconduct include the following acts that may result in Discretionary or Required Expulsion:**

**Discretionary Expulsion.** A student may be expelled or removed to a Disciplinary Alternative Education Program (DAEP) for any of the following:

1. The student, after being placed in a DAEP, and while in a DAEP, continues to engage in serious or persistent misbehavior that violates *The Code*.
2. The student engages in conduct that contains the elements of criminal mischief under 28.03 of the Penal Code (e.g., vandalism), if the conduct is punishable as a felony. For example, if criminal mischief results in property damage exceeding \$1,500 in value, the student may be expelled. The law does not require that the act of criminal mischief occur on school property or at a school-related activity.

3. While on school District property or at a school-related event, the student sells, gives, delivers to another person, or possesses, uses, or is under the influence (if the conduct is punishable as a felony) [TEC 37.007] of:
  - a. Marijuana or a controlled substance as defined by Chapter 481, Health and safety Code;
  - b. A dangerous drug as defined by Chapter 483, Health and Safety Code; or
  - c. An alcoholic beverage as defined by 1.04, Alcoholic Beverage Code.
4. An offense relating to an abusable volatile chemical under 485.031 through 485.035, Health and Safety Code.
5. The student engages in conduct that contains the elements of an offense of 22.01(a)(1), Penal Code, (assault with bodily injury) against a school district employee or volunteer as defined by 22.053 Penal Code, or
6. The student engages in conduct that contains the elements of assault with bodily injury against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district without regard to whether the conduct occurs on or off school property (TEC 37.007).

**Mandatory Expulsion.** A student shall be expelled from school if the student, on school property or while attending a school-related activity on or off school property:

**A. Uses, exhibits, or possesses:**

1. A firearm defined as any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. [46.01(3), Penal Code].
2. A firearm as defined by Federal Law 18 U.S.C. 921:
  - a. Any weapon (including a starter gun) that will or is designed to or that may readily be converted to expel a projectile by the action of an explosive;
  - b. The frame or receiver of any such weapon;
  - c. Any firearm muffler or firearm silencer; or
  - d. Any destructive device- "Destructive Device" means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other

than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes\*) by whatever name known that will, or that may be readily converted to expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.

\* A shotgun is considered a firearm under 46.01(3), Penal Code.

3. An illegal knife that includes any knife with a blade over 5 1/2"[46.01(6). Penal Code] or a hand instrument designed to cut or stab another by being thrown, such as a dagger, dirk, stiletto, Bowie knife, sword, or spear.
4. A club, including an instrument that is specially designed to inflict serious bodily injury or death by striking a person with the instrument and includes, but is not limited to, a blackjack, nightstick, mace, or tomahawk. [46.01(1), Penal Code]
5. A weapon listed as a prohibited weapon. In the Penal Code, these weapons are defined as an explosive weapon, forearm silencer, armor piercing ammunition, knuckles, switchblade, zip gun, chemical dispensing device, short-barreled firearm, and machine gun. (46.05, Penal Code)

**B. Engages in conduct that contains the elements of the offense of:**

1. Aggravated assault that includes, but is not limited to, causing serious bodily injury to another during the commission of an assault, or using or exhibiting a deadly weapon during the commission of an assault. (22.02, Penal Code)
2. Sexual assault. (22.011, Penal Code)
3. Aggravated sexual assault that includes, but is not limited to, causing or threatening to cause serious bodily injury to another during the commission of a sexual assault, or using or exhibiting a deadly weapon during the commission of a sexual assault. (22.021, penal Code)
4. Arson. (28.02, Penal Code)
5. Murder. (19.02, Penal Code)

6. Capital murder (19.03, Penal Code) or criminal attempt to commit murder or capital murder. (15.01, Penal Code)
7. Indecency with a child. (21.11, Penal Code)
8. Aggravated kidnapping. (20.04, Penal Code)
9. Aggravated robbery (29.03, Penal Code)
10. Manslaughter (19.04, Penal Code)
11. Criminally negligent homicide (19.05, Penal Code)
12. A student will be expelled for engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school (TEC 37.007).
13. Offense of selling, giving or delivering, using, or possessing marijuana, and/or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801 et seq., a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code, if the conduct is punishable as a felony.
14. Engages in any conduct containing the elements of an offense for which expulsion is required while retaliating against a District employee or volunteer because of the employee's employment with the District, whether it occurs on or off school property or at a school-related function.

The district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

#### **Level V-Disciplinary Options**

- Mandatory removal to an Out-of-District DAEP, which is, Hardin-Chambers County DAEP.

Federal law requires that a student expelled for a firearms violation must be expelled from the student's regular campus for a period of at least one (1) year. The Superintendent or designee, using his/her professional judgment and discretion, may modify the term for an individual student, after considering the totality of the circumstances.

The term of a discretionary expulsion to Hardin-Chambers County JAEP for other misconduct shall be the remainder of the current six weeks grading period plus the

following six weeks grading period. If a student younger than ten (10) years of age on the date of expulsion engages in expellable conduct, the student must be placed in an in-district DAEP except under federal law. Students under six (6) years of age shall not be placed in a DAEP.

## Glossary

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

**Abuse** is improper or excessive use.

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

**Arson** is a crime that involves starting a fire or causing an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
  - a. Knowing that it is within the limits of an incorporated city or town,
  - b. Knowing that it is insured against damage or destruction,
  - c. Knowing that it is subject to a mortgage or other security interest,
  - d. Knowing that it is located on property belonging to another,
  - e. Knowing that it has located within it property belonging to another, or
  - f. 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.

**Assault** is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

**Bullying** is written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines:

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

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

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

**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.

**Dating violence** is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Section 71.0021 of the Family Code.

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

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

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

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

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

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

**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.

**Graffiti** are markings with aerosol paint or an indelible pen or marker 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 policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

**Hazing** is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

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

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

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

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

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

**Persistent misbehavior** is two or more violations of the Code in general or repeated occurrences of the same violation.

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

**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 Education Code are excepted 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 Code of Criminal Procedure.

**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 offenses** include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.

- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

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

**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.

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

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public 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).

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

**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 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.