

EANES INDEPENDENT SCHOOL DISTRICT

STUDENT CODE OF CONDUCT 20187-20198



Approved by the Eanes ISD Board of Trustees on _____

TABLE OF CONTENTS

GENERAL OVERVIEW.....	3	REMOVAL FROM THE CLASSROOM.....	19
Purpose		Routine Removal	
Additional Rules		Formal Removal	
General Standards of Conduct		Placement During Removal	
Notice of Disciplinary Action		Procedures for Formal Removal	
Elementary Students		Return to the Classroom	
Anti-Discrimination			
Discipline of Students with Special Needs		IN-SCHOOL SUSPENSION (ISS).....	20
Discipline Appeals		Reasons for ISS	
Effect of Student Withdrawal		Procedure for ISS	
Academic and Discipline Records			
SCOPE OF THE DISTRICT'S DISCIPLINARY AUTHORITY.....	7	OUT-OF-SCHOOL SUSPENSION (OSS).....	20
General Authority		Reasons for OSS	
Searches		Procedure for OSS	
Criminal Conduct		Make-Up Work	
Ejection from Campus		Students in Grades Two or Below	
DISCIPLINE CONSIDERATIONS & TECHNIQUES.....	9	DISCIPLINARY ALTERNATIVE EDUCATION	
Discipline Considerations		PROGRAM(DAEP).....	21
Discipline Management Techniques		Reasons for Mandatory DAEP Placement	
		Reasons for Discretionary DAEP Placement	
GENERAL TYPES OF PROHIBITED CONDUCT.....	12	Emergency DAEP Placement	
Misconduct Involving Others		Procedure for DAEP Placement	
Possessing, Using, Offering, Giving, Selling, or Buying		Length of DAEP Placement	
Prohibited Items		Appeals	
Misuse of Property		Other DAEP Issues	
Safety/Disruption		Particular Rules for Registered Sex Offenders	
Technology			
Failure to Follow Rules		EXPULSION.....	32
Other Misconduct		Reasons for Mandatory Expulsion	
REMOVAL FROM DISTRICT OWNED OR OPERATED		Reasons for Discretionary Expulsion	
TRANSPORTATION.....	18	Emergency Expulsion	
Reasons for Removal		Procedure for Expulsion	
Procedure for Removal		Length of Expulsion	
		Expulsion Appeals	
		Other Expulsion Issues	
		DEFINITIONS.....	39

**REASONS FOR
DISCRETIONARY
EXPULSION**

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

- Sells, gives, delivers, possesses, uses, or is under the influence of any amount of marijuana, a controlled substance, dangerous drug, or alcoholic beverage, if it is the second infraction in the same school year and the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision with regard to possession and use.
- Commits a serious act while under the influence of an alcoholic beverage if it is the second infraction in the same school year and the conduct is not punishable as a felony.
- Engages in misconduct that contains the elements of an offense relating to abusable volatile chemicals (see definitions) if it is the second infraction in the same school year.

Regardless of Location. A student must be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Retaliates against a school employee or volunteer by committing a state-mandated expellable offense.
- Issues a false alarm or report (see *definitions*) or a terroristic threat (see *definitions*) involving a public school and it is the second infraction.

At School. A student may be expelled for engaging in documented serious misbehavior (see *definitions*) while the student is placed in DAEP or on the DAEP site/campus despite documented behavioral interventions.

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

- Commits an assault (see *definitions*) resulting in bodily injury to a school employee or volunteer.
- Engages in deadly conduct (see *definitions*).
- Engages in a second or multiple infraction(s) that are reasons for mandatory DAEP placement.

Three Hundred Feet. Additionally, a student may be expelled for any of the following offenses that occur within 300 feet of school property as measured from any point on the District's real property boundary line:

- Possesses a firearm, as defined by federal law (see *definitions*).
- Carries on or about the student's person any of the following items, as defined by state law: (1) a handgun, (2) a location-restricted knife, or (3) a club. (see *definitions*)
- Possesses, manufactures, transports, repairs, or sells a prohibited weapon, as defined by state law (see *definitions*).
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault (3) aggravated sexual assault (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (see *definitions*), a dangerous drug (see *definitions*), or an alcoholic beverage (see *definitions*) if the behavior is punishable as a felony.
- Commits a serious or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony.

Regardless of Location. A student may be expelled if the student engages in the following misconduct regardless of whether the conduct occurred on or off campus:

- Commits aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder, or aggravated robbery against another student.
- Retaliates against a school employee or volunteer by committing an assault (see *definitions*) resulting in bodily injury.
- Engages in criminal mischief if the damage is \$1,500 or more.
- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.
- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of a school district and knowingly alters, damages, or deletes school district property or information or breaches any other computer, computer network, or computer system.

Bullying. A student may be removed from class and placed in DAEP or expelled if the student:

- Engages in bullying (see *definitions*) that encourages a student to commit or attempt to commit suicide;
- Incites violence against a student through group bullying; or
- Releases or threatens to release intimate visual material (see *definitions*) of a minor or a student who is 18 years of age or older without the student's consent.

Title 5 Felonies Regardless of Location. In addition to the expellable conduct listed above, a student may also be expelled and placed in Juvenile Justice Alternative Education Program if the student:

- Is arrested for, charged with, or convicted of a Title 5 felony offense (see *definitions*) or aggravated robbery,
- Received deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery,
- Is on probation for a Title 5 felony offense or aggravated robbery,
- Was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery, or
- Has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery, and in addition, if
- The administrator determines the student's presence in the regular classroom threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students.

In this circumstance, expulsion to an alternative setting may be ordered regardless of: (1) the date on which the conduct occurred, (2) the location at which the conduct occurred, (3) whether the student was enrolled in the District at the time the conduct occurred, or (4) whether the student successfully completed any court disposition requirements regarding the conduct.

A student may be subject to an expulsion under this circumstance until: (1) the student graduates from high school, (2) the charges are dismissed or reduced to a misdemeanor, (3) the student completes the term of the placement, or (4) the District assigns the student to another program. The student will be entitled to the same periodic review afforded to other students in alternate settings. An expulsion ordered in this case is final and may not be appealed beyond the Board or designee.

**EMERGENCY
EXPULSION**

An administrator may order the immediate expulsion of a student if the administrator reasonably believes the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for the emergency expulsion must also be a reason for which expulsion could be ordered on a non-emergency basis. At the time of the emergency expulsion, the student will be told the reason for the action.

No later than the tenth day after the date of emergency expulsion, the student will be given a hearing as required for a regular expulsion; see below.

**PROCEDURE
FOR EXPULSION**

Hearing. Students alleged to have committed an expellable offense will receive a hearing before the campus behavior coordinator or other administrator within a reasonable time following the alleged misconduct. The student’s parent/guardian will be informed of the basis for the proposed expulsion and be invited in writing to attend the hearing. After making an effort to inform the student and parent/guardian of the hearing, the District may hold the hearing regardless of whether the student or the student’s parent/guardian attends. At the hearing, the student is entitled to:

- Representation by an adult, including the student’s parent/guardian, who can provide guidance to the student and who is not an employee of the District;
- An opportunity to question the District’s witnesses; and
- An opportunity to testify and to review and present evidence and witnesses in the student’s defense.

Interim Placement. Until an expulsion hearing can be held, the student may be placed in another appropriate classroom, in-school suspension, out-of-school suspension, or DAEP.

Expulsion Order. If the outcome of the expulsion hearing is that the student will be expelled, the campus behavior coordinator or other administrator will issue an expulsion order and provide a copy to the student and the student’s parent/guardian. If the duration of the expulsion differs from the guidelines in this SCC, the expulsion order will give notice of the inconsistency.

The District will send a copy of the expulsion order to the juvenile court no later than the second business day after the expulsion hearing. A copy of the expulsion order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the expulsion order.

**LENGTH OF
EXPULSION**

Length of Expulsion. The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the *Discipline Considerations* section of this SCC.

Mandatory expulsions will result in expulsion for up to 180 school days. Discretionary expulsions will result in expulsion for up to 90 school days.

Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the administrator on a case-by-case basis.

Students expelled at the end of one school year may be required to complete the term of their expulsion at the beginning of the next school year.

Exceeds One Calendar Year. An expulsion will not exceed one calendar 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.

**EXPULSION
APPEALS**

Appeals. Student/parent appeals regarding a student's expulsion should be addressed in accordance with Board policy FNG(LOCAL). A copy of the policy may be obtained at the campus office or on the District's website under the *Board Policy Online* page: <http://www.eanesisd.net/school-board>. Appeals shall begin at Level Three with the Board. Consequences will not be delayed pending the outcome of the appeal.

Academic Impact. Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP) or other District-approved program or as required by IDEA or Section 504.

**OTHER
EXPULSION
ISSUES**

Participation in Activities. Expelled students are prohibited from being on school grounds or from attending or participating in school-sponsored or school-related activities while expelled.

Additional Misconduct. If during the term of 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 additional discipline may be imposed.

Age Restrictions. Students under the age of ten that engage in expellable behavior will not be expelled, but will be placed in DAEP.

Effect of Student Withdrawal. If a student withdraws from the District before the expulsion hearing is conducted, the District may proceed with conducting the hearing after sending written notice to the parent/guardian and student. If the student re-enrolls during the same or subsequent school year, the District may enforce the expulsion order at that time; students will be credited for any expulsion period that was served by the student while enrolled in another district.

If the administrator does not issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue an expulsion order.

Student Transfers. The District will continue the expulsion of students expelled from either another Texas school district or from an out-of-state school district for behavior that is also a reason for expulsion in the District, until the term of expulsion has been served. If the out-of-state expulsion exceeds one year, the District will reduce the period of the expulsion so that the total expulsion does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interest of the student.

CLUB: 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.

CONTROLLED SUBSTANCE: Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq. This definition includes synthetic drugs such as synthetic cannabinoids (a.k.a. “Spice” or “K2”) and substituted cathinones (a.k.a. “bath salts”).

CRIMINAL STREET GANG: Three or more persons having a common identifying sign or symbol or an identifiable leadership which continuously or regularly associate in the commission of criminal activities.

CYBERBULLYING: Bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

DANGEROUS DRUG: Substances as defined in Chapter 483 of the Texas Health and Safety Code.

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

DEADLY CONDUCT: Recklessly engaging in conduct that places another in imminent danger of serious bodily injury, such as by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

E-CIGARETTE: An electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. Includes any device that is manufactured, distributed or sold as an e-cigarette, e-cigar, or e-pipe or under another name or description, and a component, part or accessory for the device.

EXPLOSIVE WEAPON: Any explosive or incendiary bomb, grenade, rocket, or mine 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. It includes a device designed, made or adapted for delivery or shooting an explosive weapon.

FALSE ALARM OR REPORT: Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, or place of assembly.

FIGHTING: Two or more persons engaged in any mutually violent or physically aggressive contact toward each other such as scuffling, pushing, shoving, or hitting.

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

FIREARM SILENCER: Any device designed, made, or adapted to muffle the report of a firearm.

GANG: An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the District will consult with law enforcement authorities.

GENDER-BASED HARASSMENT: Physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity, if the conduct is so severe, persistent, or pervasive that the conduct affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or otherwise adversely affects the student's educational opportunities.

GRAFFITI: Making marks of any kind on the tangible property of another without the effective consent of the owner.

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

HARASSMENT: Threatening to cause harm or bodily injury to another, engaging in sexually intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, or other conduct prohibited by District policy FFH or DIA that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

HAZING: Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a school administrator in writing. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

HIT LIST: List of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm.

INDECENT EXPOSURE: Those acts defined in Texas Penal Code section 21.08.

INTENT: The design, resolve, determination, or state of mind with which a person acts, ordinarily proven through inferences drawn from the act and/or circumstances surrounding the act. Intent includes the conscious objective or desire to engage in the conduct or cause the result, an awareness that the conduct is reasonably certain to cause the result, or disregard of a substantial and justifiable risk when there is an awareness that the circumstances exist or the result will occur. The fact that a student may not have been motivated by a desire to violate the SCC does not preclude imposing a disciplinary consequence so long as the student intended to engage in the underlying conduct that violated the SCC.

INTIMATE VISUAL MATERIAL: Visual material defined by Texas Civil Practice and Remedies Code 98B.001 and Texas Penal Code 21.16.

KNIFE: A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing.

KNUCKLES: Any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

LOCATION-RESTRICTED KNIFE: A knife with a blade over 5 ½ inches.

MACHINE GUN: Any firearm capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger

PARAPHERNALIA: Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, or a dangerous drug into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, or pipes.

PERSISTENT MISBEHAVIOR: Two or more violations of the SCC or repeated occurrences of the same violation.

POSSESSION: To have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; (3) any other school property used by the student such as a locker or desk; or (4) telecommunications or electronic devices.

PROHIBITED WEAPONS: A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, zip gun, improvised explosive device, or a tire deflation device.

PUBLIC LEWDNESS: Those acts defined in Texas Penal Code § 21.07.

REASONABLE BELIEF: A determination that misconduct occurred made by the administrator using all available factual and legal information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

RETALIATION: Harming or threatening to harm another: (1) on account of their service as a District employee or volunteer, (2) to prevent or delay another's service to the District, or (3) because the person intends to report a crime

SELF-DEFENSE: To claim self-defense, the student must (1) be without fault in provoking the encounter and not act as the aggressor, and (2) use the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense. Interactions prior to the encounter will also be considered.

SERIOUS MISBEHAVIOR: To engage in (1) deliberate violent behavior that poses a direct threat to the health or safety of others, (2) extortion to gain money or other property by force or threat, (3) coercion, meaning to threaten to either commit an offense; inflict bodily harm; accuse a person of any offense; expose a person to hatred, contempt, or ridicule; or to harm the credit of any person, (4) public lewdness as defined in Texas Penal Code § 21.07, (5) indecent exposure as defined in Texas Penal Code § 21.08, (6) criminal mischief as defined in Texas Penal Code § 28.03, (7) personal hazing as defined in Texas Education Code § 37.152, or (8) harassment of a student or District employee as defined in Texas Penal Code § 42.07 (a)(1).

SEX OFFENDER: A student required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure for an offense committed on or after September 1, 2007. The term does not include a student who: (1) is no longer required to register as a sex offender under Chapter 62, (2) is exempt from registering as a sex offender under Chapter 62, or (3) receives an early termination of the obligation to register as a sex offender under Chapter 62.

SEXTING: The electronic transfer of a sexually suggestive or sexually explicit photo, video, or message by using a telecommunications or electronic device

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's performance; creates an intimidating, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; otherwise adversely affects the students educational opportunities, or is prohibited by District policy FFH or FNC.

SHORT-BARREL FIREARM: 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 if, as altered, has an overall length of less than 26 inches.

SWITCHBLADE KNIFE: Any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force. It does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist or arm to overcome the bias toward closure and open the knife (also known as one-handed openers or assisted openers).

TELECOMMUNICATIONS DEVICE: Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images, or information in any format or media, electronic or otherwise. It does not include an amateur radio under control of someone with an amateur radio license.

TERRORISTIC THREAT: Threats to commit any offense involving violence to any person or property with intent to: (1) cause a reaction 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, 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: Those crimes listed in Title 5 of the Texas Penal Code that typically involve injury to a person and may include: murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; sexual coercion; bestiality; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; and tampering with a consumer product.

UNDER THE INFLUENCE: When in the employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use, including but not limited to an odor of alcohol on a student's breath or other abnormal or erratic behavior or by the student's admission. The student need not be legally intoxicated.

USE: With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, puffing into action or service or carrying out an action or purpose with the object or device.

ZIP GUN: A device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.