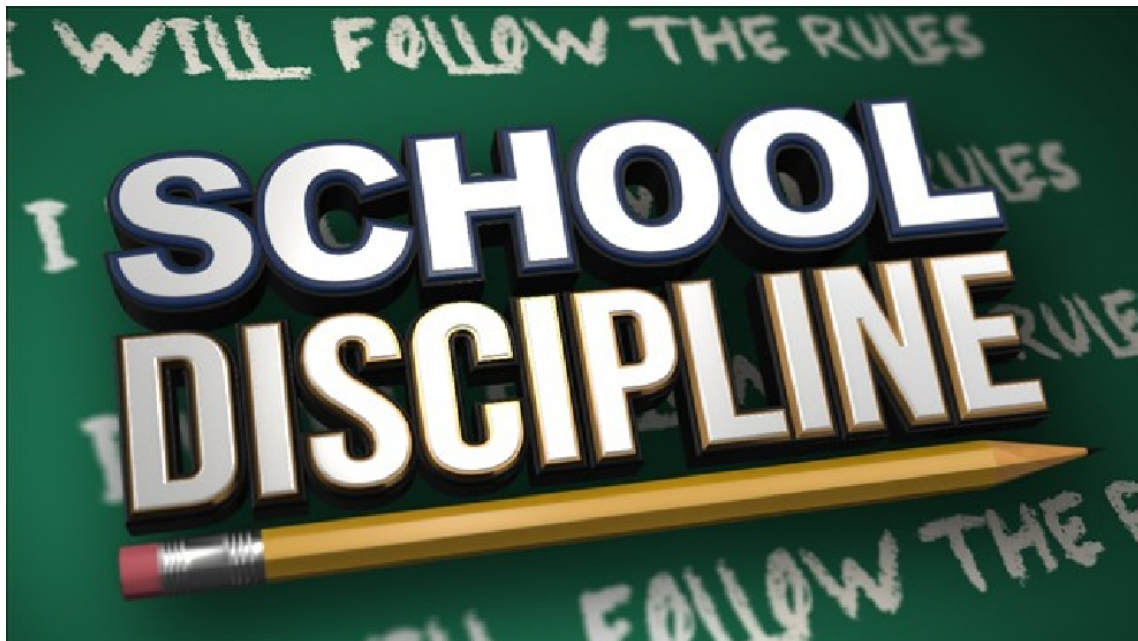




2021-2022 Disciplinary Updates



As per the 87th Texas Legislative Session ending in June 2021.

2021– 2022 Student Code Of Conduct

Section

BISD Authority and Jurisdiction:

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2021-2022 BROWNSVILLE ISD
STUDENT CODE OF CONDUCT and STUDENT PARENT HANDBOOK
ACKNOWLEDGEMENT



Print Name of Student	School	Grade
Student's ID #	Homeroom Teacher	

Dear Student and Parent/Guardian,

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 these publications 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, campus behavior coordinator or appropriate campus administrator. The student and parent/guardian must sign this page in the space provided below, and then return the page to the student's school.

Thank you,

[Dr. René](#) Gutiérrez, Superintendent of Schools

We acknowledge that the Brownsville ISD Student Code of Conduct and Student Parent Handbook for the 2021 - 2022 school year are electronically accessible on the district's website at www.bisd.us. Hardcopies of these handbooks are also available at the office of the campus behavior coordinator for all campuses. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in these handbooks. The Student Code of Conduct Handbook remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the Board becomes effective for the next school year.

Signature of Parent/Guardian	Date	Signature of Student (Grades 6th-12th Only)	Date

Note: The student must return this form to the homeroom teacher. Failure to sign and return this receipt does not take away the responsibility to abide by the contents of the 2020 - 2021 Student Code of Conduct and Student Parent Handbook.

2021-2022 BROWNSVILLE ISD

STUDENT DIRECTORY INFORMATION OBJECTION FORM

Print Name of Student:	School:	Grade:
Student's ID #:	Homeroom Teacher:	

Under the Family Education Rights and Privacy Act, certain information about district students is considered directory information and will be released to anyone who follows the procedure for requesting the information unless the parent or guardian objects to the release of the directory information about the student. If you do not want Brownsville ISD to disclose directory information from your child's education record without your prior written consent, you must notify the district in writing by Aug. 30, 2021. As defined in District Policy FL (Local) "directory information" includes student name, address, telephone listing, electronic mail address, photograph, and date and place of birth, as well as major field of study; degrees, honors, awards received; dates of attendance; grade level; most recent educational institution attended; participation in officially recognized activities and sports; weight and height of members of athletic teams.

If the parent or guardian objects to the release of directory information, please complete the following information and return to the homeroom teacher by Aug. 30, 2021 or within 10 days of enrollment.

☐ I object to any release of my child's directory information by Brownsville ISD during the 2021 - 2022 school year.

☐ I only object to the release of my secondary child's directory information to a military recruiter or institution of higher education by Brownsville ISD during the 2021 - 2022 school year.

☐ I object to the release of one or more of the following categories of my child's directory information by Brownsville ISD during the 2021 - 2022 school year:

<input type="checkbox"/> Name <input type="checkbox"/> Address <input type="checkbox"/> Telephone Listing <input type="checkbox"/> E-mail Address <input type="checkbox"/> Photograph <input type="checkbox"/> Date and Place of Birth <input type="checkbox"/> Major Field of Study	<input type="checkbox"/> Degrees <input type="checkbox"/> Honors and Awards Received <input type="checkbox"/> Dates of Attendance <input type="checkbox"/> Grade Level <input type="checkbox"/> Most Recent Educational Institution Attended <input type="checkbox"/> Participation in Activities and Sports <input type="checkbox"/> Weight and Height of Athletic Team Member
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Signature of Parent/ Guardian	Signature of Student (Grades 6th-12th Only)
Date	Date

Student directory information will be released by Brownsville ISD if signature is not in place.

BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

District Policy for Videotaping, Photographing, or Recording Students

Be advised that Section 26.009 (b) of the Texas Education Code permits school districts to make a videotape or photograph of a child or record or authorize the recording of a child's voice if the videotape or voice recording is used for purposes of safety, including the maintenance of order and discipline, in common areas of the school or on school buses; for purposes related to a co-curricular or extracurricular activity; or for a purpose related to regular classroom instruction or media coverage of the school. Parent permission is not required by law; however, if you have an objection to the videotaping, photographing, or recording of your child, or the use of those images as described above, please contact the campus principal.

*For more information, call the Public Information Office at (956) 548-8000,
Monday through Friday, 8:00a.m. to 5:00p.m., except holidays.*

subject to change depending on the severity of the rule violation.

Exceptions: A student with a disability who has transportation designated as a related service in the student's IEP or who requires district transportation in order to receive FAPE, and as detailed under Section 504, a change in transportation services for a student with a disability for whom transportation is a related services requires Section 504 committee or the student's ARD committee attention for appropriate action.

Technology Resources and/or Internet

Access to technology continues to increase throughout the District. With access comes student responsibility to use the equipment carefully and appropriately. Campus level administrators are responsible for disseminating and enforcing applicable District policies and acceptable user guidelines. They are also responsible for securing a signed user agreement from all student users to ensure compliance with the policies and guidelines.

A particularly powerful component of technology usage is access to the Internet. The responsibility for using the Internet appropriately includes four components: (1) District-installed software, which blocks identified inappropriate sites; (2) Student acknowledgment of acceptable use guidelines; (3) Teacher supervision; and (4) Student self-monitoring.

The District has taken action to block inappropriate sites; however, no software can be fully effective. Access to the Internet is given as a privilege to students who agree to act in a considerate and responsible manner. Students are responsible for good behavior on the Internet just as they are in a school building. General school rules for behavior and communications apply. Network storage areas may be treated like school lockers. Network administrators/teachers may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files would always be private. The following are not permitted during on-line usage:

1. Sending or displaying offensive messages or pictures, or video;
2. Creating, accessing, or processing obscene or threatening language or harassing, insulting, or discriminatory remarks;
3. Damaging or injecting viruses into computers, computer systems, or computer networks;
4. Violating copyright laws, including illegal installation of copyrighted software for use on District computers;
5. Using another person's password.
6. Trespassing, deleting, examining, copying, or modifying files, data, or work belonging to others without their prior consent;
7. Intentionally wasting limited resources, including the use of "chain letters" and messages broadcast to mailing lists or individuals; Employing the network for commercial purposes or private business; and
8. Revealing the personal address, Social Security number, account number(s), or phone number of yourself or any other person without written permission from the teacher.
10. Using proxies to bypass BISD's internet filtering system.
11. Willfully and knowingly manipulate and/or hack into BISD's network system.

Violations may result in suspension or revocation of on-line access as well as other student disciplinary or legal action.

Brownsville Independent School District Issued Mobile Devices.

Students are responsible for the general care of the mobile device that has been issued to them by their home school. Mobile Devices that are broken or fail to work properly must be taken to the home campus for an evaluation of the device.

1. General Precautions

- a. Follow the Mobile Device and Brownsville Independent School District Acceptable Use Agreements.
- b. Students must keep the device and its case free of damage, while not in use.
- c. Secure the Mobile Device at all times. Never leave the Mobile Device in an area that is unsupervised or unlocked.

2. Repairs and Replacement: Relate Costs

- a. Students will be held responsible for ALL damage to their devices resulting from misuse, neglect, or accidental damage including but not limited to: broken screens, cracked plastic pieces, inoperability, etc.
- b. Damage to a mobile device due to vandalism, horseplay, etc. will result in disciplinary action and repair or replacement costs accrued by the person responsible for such damage.

Bring Your Own Device (BYOD)

Student who choose to bring their own devices to school will adhere to the BISD **Bring Your Own Device (BYOD)** Administrative Procedures as stated below:

- 1) "Definition of "Device"- For purpose of BYOD, "Device" means a privately owned wireless and/or portable electronic hand held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart technologies, portable internet devices, etc.
- 2) Internet- Only the internet gateway provided by the school may be accessed while on campus. Personal internet connective devices such as but not limited to cell phones / cell network adapters are not permitted to be used to access outside internet sources at any time.
- 3) Security and Damages - Responsibility to keep the device secure rests with the individual owner. BISD is not liable for any device stolen or damaged while on campus. If a device is stolen or damaged, it will be handled through the administrative office similar to other personal artifacts that are impacted in similar situations. It is recommended that skins (decals) and other custom touches are used to physically identify your device from others. Additionally, protective cases for technology are encouraged.

comply with Section 504 of the Rehabilitation Act of 1973.

STUDENTS UNDER SECTION 504

The placement of a student with a disability who receives services under Section 504 of the Rehabilitation Act of 1973, as amended, may be made only by a duly constituted campus Section 504 committee. This committee must be composed of persons who are knowledgeable about the student, the evaluation data, and the placement options. Any disciplinary action regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's Section 504 committee. OCR considers a suspension or placement of a student with a disability for more than 10 consecutive school days a significant change in placement. A series of short-term suspensions that are each 10 days or fewer in duration may create a pattern of removals that constitutes a significant change in placement according to OCR. *Suspension of Handicapped Students*, 307 IDELR 07 (OCR 1989); *Long-Term Suspension or Expulsion of Handicapped Students*, 307 IDELR 05 (OCR 1988).

Accordingly, the same procedural safeguards and substantive protections granted to a student in connection with long-term suspensions, including the right to not be excluded for disability-related misconduct, are extended to the student in this instance. OCR cites the following factors as relevant to the determination as to whether a series of short-term suspensions constitutes a change in placement:

- The length of each suspensions
- The total amount of time that the student is excluded from school.
- The proximity of the suspensions to each other.

All determinations must be made on a case-by-case basis. Under Section 504, manifestation determinations must be conducted before the disciplinary hearing. Any disciplinary actions regarding a student with a disability who receives Section 504 accommodations/services due to a disability shall be determined in accordance with federal law and implementing regulations, including OCR letters of finding; OCR Senior Staff Memorandum; the implementation of positive behavior intervention plans and/or strategies; and the manifestation determination review.

In-School Suspensions

In-school suspensions that total more than 10 consecutive school days (or a total of more than 10 school days) may be a significant change in placement under IDEA and Section 504 if they result in an interruption in the services or educational program that the district must provide to the student with a disability. For purposes of Section 504, an in-school suspension does not count toward a pattern where the services provided are comparable to those given prior to the suspension. 52 IDELR 138 (OCR 2009).

Engaging in the use of Illegal Drugs and Alcohol

Section 504 allows districts to discipline all students with disabilities who are current drug users for use or possession of drugs in violation of the district's disciplinary code. 29 USC 705 (20) (C) (iv). Because a student who is currently using illegal drugs is *not* considered a student with a disability under Section 504, the student can be disciplined under the district's regular code of student conduct, even with a drug addiction. OCR defines "current illegal use of drugs" as "illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem." *OCR Senior Staff Memorandum*, 19 IDELR 859 (OCR 1992).

For more information contact the Administrator for Dyslexia /504 (Students) at 548-8679.

STUDENTS WITH SPECIAL NEEDS

It is the policy of this district that all students, including children with disabilities, who receive special education services, shall be treated fairly and equitably (FO Local). Discipline shall be based on an assessment of the circumstances of each case. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the child and others. No discipline management practice shall inflict injury, cause harm, demean, or deprive the child of basic human necessities.

All disciplinary actions regarding a student with a disability, who receives special education services, shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans and the manifestation determination review.

A student with a disability, who receives special education services, may not be confined in an area of seclusion, or any other specially designed locked space as either a discipline management practice or as a behavioral management technique. When a behavior is considered to be imminent harm to self, others, or destruction of school property, an approved restraint technique may be necessary and campus personnel are required to follow local and state PEIMS reporting documentation and required to inform the parents about the incident.

A local educational agency (LEA) that decides to change the placement of the child with a disability, who receives special education services, because of a violation of a code of student conduct must comply with the MANIFESTATION DETERMINATION framework safeguards.

For the purposes of removals of the child with a disability, who receives special education services, from the child's current educational placement, a change of placement occurs if (including OSS and ISS removals):

- The removal is for more than 10 consecutive school days; or
- The child has been subjected to a series of removals that constitute a pattern.

On the date on which the decision is made to make a removal that constitutes a change of placement, the LEA must: notify the parent of that decision and provide the parent the Notice of Procedural Safeguards.

If a student with a disability who receives special education services is placed at the Juvenile Justice Alternative Education Program (JJAEP), the District must notify and invite a JJAEP representative to the Placement ARD Meeting. The representative may participate in the meeting to the extent that the meeting relates to the student's placement in the program.

For more information, contact Special Services at 548-8400.

Student Process for Concerns/Complaints/Grievances

Informal Process - The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal or other campus administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. Thereafter, the respective Area Assistant Superintendent for each campus is available to assist parents and students whose issue was not resolved at the teacher/principal level.

Formal Process - If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process by timely filing the Brownsville Independent School District "written compliant form".

The District has adopted a standard complaint policy FNG (LOCAL) and FNG (EXHIBIT) for those complaints and concerns which cannot be resolved through the informal process. This complaint policy includes specific procedures and timelines that must be followed. A copy of these policies and forms may be obtained in the Principal's or Superintendent's office or at the District's website: www.bisd.us. A student must first seek resolution to the complaint by discussing it informally with the teacher, a counselor, or assistant principal, and/or finally the principal prior to invoking formal grievance procedures. If all the informal levels have been exhausted and the complaint has not been resolved to the student's satisfaction, the student may petition the Superintendent or designee in writing to hear the complaint.

Student Right of Appeal

Suspension- The principal's decision to suspend (out of school or in school) a student is final and cannot be appealed. An out of school (OSS) suspension may not exceed three school days per incident. An in-school suspension (ISS) may vary at the discretion of the principal but is limited to an equivalent total of 30 days within a school year for students who receive special education services.

Short Term Removal - A short-term removal (30 days) to a Disciplinary Alternative Education Placement (DAEP) - Brownsville Academic Center (BAC) is appealable to the Superintendent's Designee. To appeal, parents must submit written notice within **two school days** of receipt of order for removal to the Administrator for Department of Pupil Services whose office is located at 708 Palm Blvd., 544-3966. The Superintendent Designee's decision is final and cannot be appealed.

Long Term Removal- A long term removal (45 days or more) to a Disciplinary Alternative Education Placement (DAEP) - Brownsville Academic Center (BAC) is appealable to the Superintendent's Designee. To appeal, parents must submit written notice within **two school days** of receipt of order for removal to the Administrator for Department of Pupil Services whose office is located at 708 Palm Blvd and telephone number is 544-3966. The Superintendent Designee's decision is final and cannot be appealed.

Placements- A decision by the Superintendent's Designee, the Administrator for Department of Pupil Services, to place a student in a Disciplinary Alternative Education Placement (DAEP)/ Juvenile Justice Alternative Education Placement (JJAEP) may be appealed to the District Committee. Parent's written appeal must be delivered to the Department of Pupil Services within **three school days** of receipt of placement order from the District's Hearing Officer. Failure to meet the required timeline denies the parent the right to appeal. **Student Welfare: Freedom from Harassment- FFH (Local) and FFH (Legal)**

The District encourages parental and student support in its efforts to address and prohibit harassment including sexual harassment in the public schools. The District prohibits sexual harassment and harassment based on person's race, color, gender, national origin, disability, or religion. Sexual harassment of a student by a District employee and/or another student includes both welcome and unwelcome sexual advances; request for sexual favors; sexually motivated physical, verbal, or non-verbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or

Threat Assessment and Sage and Supportive School Team

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

Searches

District official may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF (LEGAL) and FNF (LOCAL) for more information regarding investigations and searches.

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

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

Reporting Crimes

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

Security Personnel

To ensure sufficient security and protection of students, staff, and property, the board shall employ BISD Police Officers, school resource officers [SROs] and/or security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers and school resource officers are listed in policy CKE (LOCAL). The law enforcement duties of district security personnel are:

1. Assists campus/facility administrators in the orderly operation of campuses/facilities within BISD.
2. Proactively monitors activities at duty site to prevent theft, vandalism, burglary and other criminal and/or inappropriate behaviors.
3. Meets with supervisor to discuss upcoming and ongoing events, duties and duty locations pertaining to the security officer's duty assignments.
4. Prepares reports and performs other tasks that may be assigned by supervisor and/or campus administrators.
5. Communicates with supervisors, staff, teachers, students, and the public and law enforcement agents when deemed necessary to resolve any situation.
6. Checks to ensure that personnel have secured all windows, doors and buildings.
7. Monitors campus pedestrians, vehicular traffic day and night reports suspicious and/or unusual activity.
8. Checks any suspicious circumstances.
9. Strives to continuously promote the safety, health and comfort of all students and employees in the performance of duties.
10. Drives District vehicles to and from work site; obeys all traffic laws.
11. Follows established safety procedures and techniques to perform job duties.
12. Maintains confidentiality.

'Parent' Defined

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

Participating in Graduation Activities

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

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

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

See DAEP- Restrictions during Removal, for information regarding a student assigned to DAEP at the time of graduation.

Unauthorized Persons

In accordance with SB 1553 of the Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

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

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

Property Offenses

Students shall not:

- Damage or vandalize property owned by others (For felony criminal mischief, see DAEP).
- Deface or damage school property including textbooks, technology and electronic resources, lockers, furniture, and other equipment with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Penal Code (For felony robbery, aggravated robbery, and theft, see Removals to DAEP).
- Possession of stolen property.
- Enter without authorization, district facilities that are not open for operations. (TASB REC)

Possession of Prohibited Items

Students shall not unlawfully carry, 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 that is intended to be used as a weapon or could reasonably be perceived as a weapon
- An air gun or BB gun;
- Ammunition;
- A firearm silencer or suppressor. (HB957)
- A hand instrument designed to cut or stab another by being thrown;
- *A location-restricted knife;
- *A club;
- *A firearm;
- A stun gun;
- *Knuckles (TASB REC)
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Hemp or any products containing Hemp;
- Tobacco products, including e-cigarettes; and any component, part, or accessory for an e-cigarette device
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*For weapons and firearms, see DAEP – Placement and/or Expulsion for Certain Offenses on page 1. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunication Device

Student shall not:

- Use a telecommunication device, including a cellular telephone, or other electronic device in violation of district and campus rules.

Illegal Prescription and Over-the Counter Drugs

Students shall not violate Health & Safety Code:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana (synthetic marijuana) in less than a usable amount.
- Possess, use, give or sell paraphernalia related to any prohibited substance. (See Glossary for “paraphernalia.”)
- Possess, use, abuse, give, or sell look-alike drugs or attempt to pass items off as drugs or contraband, paraphernalia related to any prohibited substance (See Glossary for “paraphernalia”).
- 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 Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten or harass district students, employees, or volunteers

was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator or appropriate administrator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or appropriate administrator shall provide the notice.

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus behavior coordinator or appropriate administrator. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through Policy on Line at the following address www.bisd.us.

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance.

In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL). (TASB REC)

REMOVAL FROM THE SCHOOL BUS

A bus driver may refer a student to the campus behavior coordinator's office or appropriate administrator to maintain effective discipline on the bus. The campus behavior coordinator's office or appropriate administrator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges. Exception: A student with a disability who has transportation designated as a related service in the student's IEP. (For more information, see the Code of Conduct section on Discipline and Behavioral Expectations under School Bus Behavior and Procedures).

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

REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal. Terms of placement under this section must prohibit students from attending or participating in school-sponsored or school-related activities.

Routine Referral

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

Formal Removal

A teacher **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.

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator. At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations, in person or virtually.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator must consider whether the student acted in self-defense and the other mitigating (consideration) factors before placing the student in:

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

Placement of the student must be separated from other students for the entire school program day and will be provided instruction in the core subjects. Counseling will also be provided to the student.

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. When removing for those reasons, the procedures in the subsequent sections

on DAEP shall be followed.

Alternative Setting	DAEP	Length of Time
ISS		30 days (for SpEd Students)
OSS		3 Days (or parts of days) per Infraction
	BAC	30/45 School Days

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, or (TASB REC) aggravated sexual assault may not be returned to the teacher's class without the teacher's consent.

When the 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.

OUT OF SCHOOL SUSPENSION (OSS)

Misconduct

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

BISD shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law. A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of weapons offense, as provided in Penal Code Section 46.03 or 46.05; Conduct that
- contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

BISD shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension. The program shall meet the requirements of law (HB 674).

Process

State law allows a student to be suspended out of school 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. Any long term disciplinary action (Accumulation of ten instructional course periods and/or days) regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's ARD committee.

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation, either in person or virtually, before the administrator makes a decision.

The campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

A student suspended out of school will be marked absent (OSS) and that absence is excused for "NC" purposes, if the student satisfactorily completes the assignments for the period of suspension within the number of school days equal to the number of school days suspended. It is the student's responsibility to ask teachers for the makeup work. A report of the student's suspension must be sent to the parent.

In deciding whether to order suspension, the campus behavior coordinator or appropriate administrator **shall** take into consideration (mitigating factors):

1. Self-defense (see glossary)
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care, or
6. A student's status as homeless.

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

Coursework During Suspension

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

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

- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possess, 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 Placement section).
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (see Glossary)
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a) (1), (2), (3), or (7).
- Engages in conduct that could result in removal to BAC, then an alternative setting at the campus will be used if a student is attending an elementary campus.
- 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 on or off school property. (Committing retaliation in combination with another offense is addressed in the Placement section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (See Glossary) of the 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, or (See Glossary), or
 3. The Superintendent or designee has a reasonable belief (See Glossary) that the student engaged in such conduct.

Sexual Assault & Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or **disabled individual (HB375)** 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 request that the Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the District. If there is no other campus in the District serving the grade level of the offending student, the offending student shall be transferred to a DAEP (BAC).

REMOVAL PROCEDURES TO DAEP (BAC)

Process

Removals to DAEP (BAC) shall be made by the campus behavior coordinator or appropriate administrator.

Conference and Campus Hearing

When a student is to be removed from class for a DAEP (BAC) offense, the campus behavior coordinator or appropriate campus administrator shall schedule a campus hearing within seven school days from the date of the infraction with the student's parents, the student, and the teacher in the case of a teacher removal, to provide Notice of Hearing and Notice of Representation.

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

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

Consideration of Mitigating Factors (Due Process)

In deciding whether to place a student in a DAEP (BAC), regardless of whether the action is mandatory or discretionary, the campus behavior coordinator or appropriate administrator shall take into consideration (mitigating factors):

1. Self-defense (see glossary)
2. Intent or lack of intent at the time of the student engaged in the conduct, and
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, or
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

DAEP (BAC) Removal Order

After the hearing conference, if the student is placed in a DAEP (BAC), the campus behavior coordinator or appropriate administrator shall write a DAEP (BAC) placement order. A copy shall be provided to the student and/or student's parents.

If the student is placed in the DAEP (BAC) and the length of removal is inconsistent with the guidelines included in this Code, the removal order shall give notice of the inconsistency.

Coursework Notice for DAEP (BAC)

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

Length of Removal

The campus behavior coordinator shall determine the duration of a student's removal in DAEP (BAC). The duration of a student's placement shall be determined case by case based on the seriousness to 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 (BAC) removal shall be one calendar year except as provided below. Unless otherwise specified in the removal order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP removal

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

Breach of Computer Security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.2, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

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

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

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

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

Chemical dispensing device is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

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

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

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

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

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

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

Deadly conduct under Penal Code 22.05 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.

E-Cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid

solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. (SB248). The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product named or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Explosive weapon is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False Alarm or Report under Penal Code 4206 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.

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

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defines as any device for silencing, muffling or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.

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

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

Harassment includes:

1. Conduct that meets the definition established in district policies DIA (LOCAL) and FFH (LOCAL);
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 as defined in Section 37.001(b)(2) of the Education Code; or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - b) Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
 - c) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
 - d) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
 - e) Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law. (SB 530)

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

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

Hit list is defined in Section 37.001(b) (3) of the Education Code as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

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

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

- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is defined by Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

Terroristic threat is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

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

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

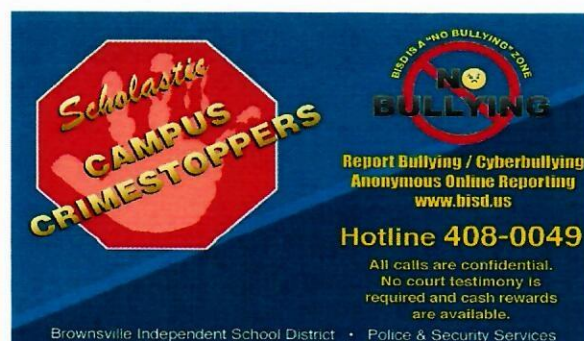
Title 5 Felonies are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and include:

- Murder, manslaughter, or homicide under Section 19.02,-.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Section 20.05-.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.021;
- Continuous sexual abuse of a young child or **disabled individual (HB 375)** under Section 21.02;
- Bestiality under Section 221.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure of promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09. [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 defined by Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.



Reason Code	Discipline 425 Record Chart (Removal and Placement Codes for "On-Campus" Behaviors)	Mandatory Removal BAC-45 A07	Discretionary Removal BAC-30 A07	Mandatory Placement JJAEP-180 A02	Discretionary Placement JJAEP-90 A04
01	Permanent Removal by a Teacher from Class - TEC §37.002(b)		X		
02	Conduct punishable as a felony - TEC §37.006(a)(2)(A).	X			
04	Possessed, sold, or used marijuana or other controlled substance - TEC §37.006(a)(2)(C) and 37.007(b) for under the influence.	X			
05	Possessed, sold, used, or was under the influence of an alcoholic beverage - TEC §37.006(a)(2)(D) and 37.007(b).	X			
06	Abuse of volatile chemical - TEC §37.006(a)(2)(E)	X			
07	Public lewdness or indecent exposure - TEC §37.006(a)(2)(F)	X			
08	Retaliation/school employee - TEC §37.006(b) and §37.007(d)	*X			
09	Based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity for felony offenses in Title 5, Penal Code - TEC §37.006 (c) TEC § 37.007 (b)(4), and TEC §37.0081.	X			
10	Based on conduct occurring off campus and while the student is not in attendance at a school sponsored or school-related activity for felony offenses not in Title 5, Penal, Code-TEC §37.006(d) and TEC § 37.007 (b)(4).		X		
11	Brought a Firearm to School - TEC §37.007(e) brings a firearm to school or Unlawful Carrying of a Handgun Under Penal Code 46.02 – TEC 37.007 (a) (1)			X	
12	Unlawful Carrying of a Location-Restricted Knife under Texas Penal Code 46.01 – TEC §37.007(a)(1) (Illegal knife – blade longer than 5.5 inches)			X	
14	Conduct containing the elements of an offense relating to Prohibited Weapons under Penal Code 46.05 – TEC §37.007(a)(1)			X	
16	Arson - TEC Section §37.007(a)(2)(B).			X	
17	Murder, capital murder, criminal attempt to commit murder or capital murder-TEC §37.007(a)(2)(C).			X	
18	Indecency with a child - TEC §37.007(a)(2)(D).			X	
19	Aggravated kidnapping - TEC §37.007(a)(2)(E).			X	
21	Violation of student code of conduct not included under –TEC §37.006 or §37.007 or §37.002(b)		X		
22	Criminal Mischief – TEC §37.007(f). FELONY				X
23	Emergency Placement/Expulsion – TEC §37.019.		X		
26	Terroristic threat – TEC §37.006(a)(1) or §37.007(b).	X			***X
27	Assault under Penal Code Section 22.01(a)(1) against a school district employee or volunteer-TEC §37.007(b)(2)(C). (BODILY INJURY)	X			
28	Assault under Penal Code Section 22.01(a)(1) against someone other than a school district employee or volunteer – TEC §37.006(a)(2)(B). (BODILY INJURY)	X			
29	Aggravated assault under Penal Code Section 22.02 against a school district employee or volunteer – TEC §37.007(d).			X	
30	Aggravated assault under Penal Code Section 22.02 against someone other than a school district employee or volunteer – TEC §37.007(a)(2)(A).			X	
31	Sexual Assault under Penal Code Section 22.011 or aggravated sexual assault under 22.021 against a school district employee or volunteer – TEC §37.007(d).			X	
32	Sexual Assault under Penal Code Section 22.011 or aggravated sexual assault under 22.021 against someone other than a school district employee or volunteer – TEC §37.007(a)(2)(A).			X	
35	False alarm/false report – TEC §37.006(a)(1) and 37.007(b)	X			
36	Felony controlled substance violation – TEC §37.007(a)(3)			X	
37	Felony alcohol violation – TEC §37.007(a)(3)			X	
41	Fighting/Mutual Combat – Excludes all offenses under Penal Code §22.01		X		
42	Truancy Conduct– Parent contributing to truancy-TEC §25.093(a)				
44	Truancy Conduct – Student with 10 unexcused absences-TEC §25.094				
45	Truancy Conduct – Student failure to enroll in school-TEC §25.085				
46	Aggravated robbery – TEC §37.007(a)(2)(F)			X	
47	Manslaughter-TEC §37.007(a)(2)(G)			X	
48	Criminally negligent homicide – TEC §37.007(a)(2)(H)			X	
49	Engages in deadly conduct – TEC §37.007(b)(3)				X
55	Student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and is under court supervision-TEC §37.304. The offense(s) for which the student is required to register as a sex offender must have occurred on or after Sept. 1, 2007.	X			
56	Student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and is not under court supervision-TEC §37.305. The offense(s) for which the student is required to register as a sex offender must have occurred on or after Sept. 1, 2007.		X		
57	Continuous sexual abuse of young child or children under Penal Code §21.02, occurring on school property or while attending a school-sponsored or school-related activity on or off school property – TEC §37.007(a)(2)(I).			X	
58	Breach of computer security				X
59	Serious Misbehavior while at Brownsville Academic Center (BAC)				**X
60	Harassment Against an Employee of a School District under Penal Code § 42.07 (a)(1), (2),(3), or (7) – TEC § 37.006 (a)(2)(G) Students must be removed/disciplined if they participate in harassing, threatening, conveying a false report, or sending repeated electronic communications to harass a school employee.	X			
61	Bullying- TEC § 37.0052(b) Students can be removed/disciplined if they encourage a student to attempt or commit suicide, cause violence toward a student through group bullying or releases or threatens to release intimate visual material of a student without consent from the student.		X	X (Felony Level)	

* Retaliation against school employee or volunteer coupled with an offense in TEC 37.007(a) or (d). While a school may find it necessary to temporarily remove a student for safety reasons using in-school or out-of-school suspension, the mandatory actions taken against a student for particular offense should include at least one (1) 425 record that matches this chart.

** Discretionary Placement for 90 day @ JJAEP (MOU)

*** Discretionary Placement for 90 day @ JJAEP (MOU)

(updated 07/2021)

BISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or genetic information in employment or provision of services, programs or activities.

Friendly Reminders

- ❖ HB 674 and HB 692 prohibits BISD from placing students who are homeless or below third grade in out of school suspension except for certain violations of weapons or alcohol/drug related conduct pg. 5
- ❖ BAC extension requests are emailed to Mr. H Hernandez at BAC via email at hherandez@bisd.us
- ❖ JJAEP extension requests are emailed to Mr. Randy Park at Pupil Services at rampark@bisd.us
- ❖ 1 Period of OSS counts for 1 day of OSS .
- ❖ Total of 3 days Max OSS Per incident.
- ❖ Discipline Packet update training is scheduled for Tuesday, August 10, 2021 from 9 am to 12 noon. To register under Professional Development Workshop# 197173 use remote code: JJAEP21