

Student Code of Conduct

General Overview

In order to promote a safe and secure learning environment for all of our students, the Board of Trustees has adopted this Student Code of Conduct. Inside you will find information regarding:

- The District-wide discipline management plan,
- A description of prohibited misconduct,
- The disciplinary options, methods, and consequences for preventing and addressing student misconduct, and
- The process the District will follow when administering disciplinary consequences.

If there is a conflict between the Student Code of Conduct and the Student Handbook, the terms of the Student Code of Conduct will control. If there is a conflict between the Student Code of Conduct and District policy, the more recently adopted provision will control.

The Student Code of Conduct (SCOC) is enforced from the time the student enters a school bus or steps on the school campus or when a student attends any school-sponsored or school-related activities. In addition, pursuant to State law, the SCOC includes disciplinary consequences for certain conduct and behaviors that occur off-campus and not at any school-sponsored or school-related activities.

Students **may** be subject to campus, classroom, or organization rules in addition to those found in the Student Code of Conduct. Depending on the nature of the misconduct, students **may** face consequences under these additional rules as well as possible disciplinary action under the Student Code of Conduct.

References to the Texas Penal Code made in this SCOC are to define offenses only; in order to be punished under the SCOC, it is not necessary for the student to be charged or convicted under the Texas Penal Code or the Texas Family Code.

In situations where a student engages in conduct that is not specifically addressed in the Student Code of Conduct, the student **may** be disciplined if the conduct interferes with the educational process or learning environment.

Administrators and teachers have the right to question students regarding their conduct or the conduct of others, and in doing so are not required to comply with the procedural requirements imposed upon law enforcement officials. In the context of school discipline, students have no claim to a right not to incriminate themselves.

Teachers and administrators strive to notify parents/guardians of student conduct concerns as they occur. More serious violations of the Student Code of Conduct may result in out-of-school suspension, removal of participation in extra-curricular activities, DAEP placement, Boot Camp Placement or expulsion from school. The campus administrator will contact the parent/guardian by phone or in writing within three school days of becoming aware of the violation. (The failure to make contact or to send any notice within the time period noted above or a time period noted elsewhere in the Student Code of Conduct will **not** preclude disciplining a student involved in a violation of the Student Code of Conduct.)

Students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 will be disciplined in accordance with those laws. For more information about those specific procedures, please contact the Coordinator of Student Services, John Hernandez at 210-649-4481, Director of Special Education, Section 504 Coordinator, Mary Eitniear, and Jennifer Kasper Dyslexia Coordinator at 648-7861. A student enrolled in a special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD meeting is conducted.

With respect to students who are not receiving special education services, any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student that the employee reasonably believes is necessary in order to:

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- protect a person, including the person using the physical restraint, from physical injury;
- obtain possession of a weapon or other dangerous object;
- protect property from serious damage;
- remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to maintain or restore order or impose disciplinary measures; or
- restrain an irrational student.

The use of force, but not deadly force, against a student is justified if the teacher, administrator or other person is entrusted with the care, supervision or administration of the student, and when and to the degree the teacher, administrator or person reasonably believes the force is necessary to further the purpose of education or to maintain discipline in a group.

Students with disabilities will be restrained in accordance with limits imposed by state law and regulations.

The District shall not discriminate against students on the basis of race, sex, national origin, disability, religion, color, or ethnicity when enforcing the provisions of the Student Code of Conduct.

Appeals of disciplinary measures should be directed to the teacher or campus administration, as described in local District policy FNG. Depending on the disciplinary consequence assigned, different complaint procedures may apply. A copy of the appropriate policy is available at the campus or central administration office. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.

Withdrawal from school after a student has been accused of or charged with a violation of the Student Code of Conduct will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence to the fullest extent permitted by law should the student re-enroll in the District.

Dress Code

In the following Clothing, Accessories, and Grooming Requirements, the campus administration reserves the right to determine whether a student's dress and grooming is in compliance and/or appropriate for his/her grade level and age.

The following clothing items, accessories, and grooming items are prohibited at school or at school-related or sanctioned activities. The ECISD Dress Code is intended to encourage good grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards and teach respect for self and others, including persons of authority.

Prohibited Clothing

- Displays printed statements or pictures that:
 - are vulgar or obscene
 - relate to or depict sexual activity
 - depict death or violence
 - promote hate or violence in general or are directed at any specific person or group of persons
 - relate to or depict the use of drugs, alcohol, or tobacco
- Is revealing, see-through, sheer, and/or exposes undergarments
- Is excessively dirty, torn, tattered, or has holes
- Are pajamas or pajama pants

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- Worn below the waist line (pants/shorts/skirts)
- Indicates a student's affiliation to a gang
- **Excessively large or oversized pants, shorts or shirts**
- Shirt length below wrists or not hemmed
- Exposes the midsection
- Has excessively low neckline (front or back)
- Has shirt or blouse straps less than 3" wide and/or unhemmed for girls
- Tops that are spaghetti straps for girls
- Is a sleeveless shirt for boys
- Razor back shirts or overly revealing tops (front or back)
- Is inappropriate length – including slits: shirt, blouse, skirt, pants, or shorts

PreK-3rd: shorter than mid-thigh. 4th – 12th: higher than 3 inches above the knee

All leggings must be worn with a skirt or skirt/shorts dress that is the appropriate length.

Prohibited Accessories

- Visible piercing and adornments of body parts (nose, cheek, tongue, lip, or eyebrow rings or studs). Covering these piercings with a Band-Aid does not make them acceptable.
- Facial jewelry worn anywhere other than the ear - boys may not wear large loop or dangle earrings
- Spikes and spacers
- Chains (including wallet, watch, or decorative chains)
- Visible body tattoo
- Hats or other headwear (scarves, do-rags, stocking caps, caps, cowboy hats, headbands, and the like) except as may be required for certain courses. *Caps or hats worn to school activities must be worn bill forward and must be removed during the National Anthem. All hats must be removed while inside a building.*
- Dangling belts
- Bandanas, lanyards, rosaries, and any other accessory that indicates a student's colors and affiliation to a gang

Prohibited Grooming

- **Unconventional hair styles as determined by campus principal:** design fading, carved, mo-hawk hair style, excessive spiked hair style, multi-colored hair and hair that covers eyes or obstructs vision. Hair coloring must be a natural hair color.
- Makeup (Pre-K – 5th grade)
- All facial hair must be well groomed. Poorly groomed full beards, mustaches, or goatees; sideburns below bottom of the earlobes.

Prohibited Shoes and Footwear

- Bare feet
- Slippers or house shoes
- Flip-flops and open toed shoes (for Pre-K, Kinder, and Elementary Campuses)

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- Shoes with rollers in the soles
- Steel-toed or hard-plastic-toed boots or shoes.

Because fads in dress and grooming are subject to sudden and sometimes radical change, a basic rule of thumb is that student's dress and grooming should not be suggestive or indecent, or bizarre and unusual as to detract from the classroom environment.

Scope of the District's Disciplinary Authority

In addition to the disciplinary authority established for certain types of offenses as described within the Student Code of Conduct, the District has general disciplinary authority over a student at the following times:

- At any time during the school day
- While on school property
- While traveling to and from school or school activities on District transportation
- For any school-related misconduct, regardless of time or location
- While attending any school-sponsored or school-related activity, regardless of time or location
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line
- As provided in extracurricular or organization handbooks, by-laws, or constitutions
- During lunch periods, including those in which a student leaves the campus
- Other off campus conduct as permitted by Chapter 37 of the Texas Education Code

The District has a right to search a student's clothing, personal property, vehicle, or other method of transportation whenever there is reasonable cause to believe the search will reveal articles or materials prohibited by the District. School property used by the student (such as lockers or desks) may be searched in some circumstances. Students **may** be disciplined for possession of prohibited items discovered during a search. For more information about searches, please review the District's Student Handbook and local policy FNF and FNCE.

Pursuant to Board Policy FNF (Local), the District may use specially trained non-aggressive dogs to sniff out and alert school officials to the presence of concealed prohibited items, illicit drugs and substances and alcohol. Parents and students are hereby put on notice that:

- Lockers may be sniffed by trained dogs at any time;
- Vehicles parked on school property may be sniffed by trained dogs at any time;
- Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present; and
- If any contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with this Student Code of Conduct.

Search of Telecommunication Devices

In accordance with the local policy (FNCE) a search of a cellular phone or paging device shall only be conducted based on reasonable suspicion of inappropriate usage of the telecommunication device. A search of the telecommunication device will occur if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating Federal and/or State Law or the Student Code of Conduct.

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Please take note: Nearly every year there is an incident involving a student whose vehicle is found to contain some prohibited item, and the student claims that he or she had no knowledge it was in the vehicle. Students **are** held responsible for making sure that whatever vehicle they drive to and park on any school property does not contain any prohibited items. Therefore, it is important to check the vehicle **before** the student comes onto school property.

A school administrator will report crimes as required by law and **may** contact local law enforcement regarding suspected criminal activity.

Certain acts of misconduct may also be considered criminal offenses in addition to violations of the Student Code of Conduct. Because school discipline is independent of criminal prosecution, disciplinary consequences usually will **not** be postponed pending the outcome of any criminal proceeding. As previously noted, it is not necessary for a student to be charged or convicted under the Texas Penal Code or the Texas Family Code in order to be disciplined pursuant to this Student Code of Conduct.

Discipline Considerations and Techniques

Using their professional judgment, District employees will consider a variety of factors when administering disciplinary consequences and determining the duration of the consequence, including but not limited to:

- the degree of severity and the effect of the misconduct
- the frequency of the misconduct
- the age and grade level of the student
- the student's disciplinary history
- the student's demeanor
- legal requirements
- a disability that substantially impairs the student's capacity
- to appreciate the wrongfulness of the student's conduct to the extent required by
- state and federal law.

When deciding to order the out-of-school suspension, DAEP placement, or expulsion to JJAEP/Boot Camp of a student, the District will consider either: (1) self-defense, (2) the student's intent at the time of the misconduct, (3) the student's disciplinary history or (4) a student's disability.

Discipline is designed to correct student behavior and encourage students to comply with school rules. The District may use any one or a combination of the following strategies or techniques to manage student behavior, prevent or intervene in discipline problems, or address violations of the Student Code of Conduct or campus or classroom rules:

- Verbal correction
- Calming-down time/Timeout
- Seating changes
- Counseling
- Parent conferences
- Confiscation of items
- Grade reductions as permitted by policy
- Demerits or rewards
- Contracts to modify student behavior
- Sending the student to the office or other area

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- Removal from the classroom
- Transfer to a different classroom or campus due to bullying
- Assignment of school-related tasks or duties
- Consequences identified in extracurricular codes of conduct, constitutions, or by-laws
- Detention, Impact 180, Extended Day
- Out-of-school suspension
- Student intervention classes
- Charging an administrative fee of not more than \$15 for a confiscated telecommunication device.
- Saturday school
- Referral to outside agency
- Letter to parents
- Restitution
- Continuation of other Districts' DAEP
- Community service
- Continuation of expulsion previous year (not to JJAEP)
- Continuation of expulsion previous year (to JJAEP)
- Placement in DAEP by court order
- Loss or restriction of privileges, including transportation privileges, participation or membership in extracurricular activities, and seeking or holding honorary positions, loss of parking permit
- Corporal punishment
- PBSI
- Rebound
- Placement at DAEP, the District's Disciplinary Alternative Education Program (DAEP)
- Expulsion to Boot Camp
- Other methods and consequences as stated in the Student Code of Conduct
- Exclusion from extracurricular activities
- Shave/Change clothes
- Time management class
- Confiscate prohibited property and forward to East Central Police Department
- Ticket/fine
- Continuation of DAEP or Boot Camp placement previous year
- Placement in JJAEP by court order
- Expulsion to Bexar County JJAEP

The District has a number of policies and rules involving computer use and accessing the internet; violations of those policies and rules may result in termination of privileges involving computer use and internet access as well as disciplinary action under this Student Code of Conduct.

General Types of Prohibited Conduct

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more “*Discipline Management Techniques*,” up to and including placement at DAEP, if the behavior is committed at school, a school-sponsored or school-related activity, or when the District has “*Disciplinary Authority*” as described in the Student Code of Conduct.

Prohibited Conduct

- Fighting or scuffling that does not result in physical pain, illness, or any impairment of a physical condition
- Conduct that can cause bodily injury (*see definitions*) or property damage
- Stealing from others, including the District
- Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or other means
- Making false accusations of bullying and/or harassment or providing false statements concerning wrongful, unlawful, inappropriate or illegal conduct against any District officer, official, employee volunteer or student
- Possessing or using matches or a lighter
- Using laser pointers in an unauthorized manner
- Possessing or using pepper spray or other small chemical dispenser to spray other students
- Possessing or using razor blades, box cutters, or chains
- Possessing or using CD or DVD players, iPods, electronic games, MP3 players, PSP’s, stereo head sets, or other electronic equipment such as cellular telephone, smart phone or telecommunications device for other than approved use.
- Violating dress and grooming criteria
- Being insubordinate or otherwise failing to comply with lawful directives given by school personnel
- Leaving the campus or school events without permission
- Violating rules for conduct on school transportation
- Violating policies or rules involving computer use and/or accessing the internet
- Violating the District’s medications policy regarding prescription and over-the-counter drugs
- Violating other campus or classroom rules for behavior or district policies
- Engaging in academic dishonesty, including cheating or copying the work of another, plagiarism, or the unauthorized collaboration with another person in preparing an assignment
- Skipping class or leaving assigned area without the District’s or parent/guardian’s permission
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Student Code of Conduct
- Making false statements or hoaxes regarding school safety
- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Engaging in evasion (*see definitions*)
- Damaging, destroying, or vandalizing property owned by others or the District

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- Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to school employees
- Forcing an unwilling person to act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student or District employee to physical confinement or restraint
- Engaging in bullying (*see definitions*)
- Engaging in retaliation against a victim, a witness, or another person in relation to bullying
- Name-calling, ethnic or racial slurs or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence
- Adding any substance, whether harmful or not, to food or beverages belonging to, in the possession of, or meant to be consumed by any District official, officer, employee, volunteer or student without permission of the person who is consuming or intending to consume the food or beverage
- Engaging in harassment (*see definitions*) toward another student or District employee, including harassment motivated by race, color, religion, national origin, disability, sex, or age
- Engaging in sexual harassment, (*see definitions*) sexual abuse, or dating violence
- Engaging in inappropriate verbal, physical, or sexual contact toward another student or District employee regardless of whether it is consensual
- Engages in conduct that contains the elements of the offense of breach of computer security 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.
- Engaging in oral or written threats to cause harm or bodily injury to another student, an employee or school property, including threats made using the Internet or other computer resources at school. Students may be disciplined for threats made outside of school if the threat causes a material or substantial disruption at school
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, harassing, or illegal
- Engaging in assault by contact
- Engaging in hazing (*see definitions*)
- Using in an operational mode any device that permits recording the voice or image of another person, unless all persons whose voices or images are being recorded are made aware of the recording prior to the actual recording of their voices or images. Students are prohibited from using any type of recording device in any matter that interferes with or is disruptive of the educational process **or invades the privacy of District officers, students, employees, volunteers or visitors.** If they violate this prohibition, then they are subject to discipline under this provision and/or any other provision in the Student Code of Conduct that may be applicable to the circumstances involved
- Possessing, using or selling tobacco products, to include electronic cigarettes.
- Possessing, using or selling fireworks, smoke or stink bombs or any other pyrotechnic device
- Possessing, using or selling “Look-alike” drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy
- Possessing or using a knife with a blade less than or equal to 5 ½ inches

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- Possessing or using fake or “look-alike” weapons
- Possessing or using BB gun, air gun, or stun gun
- Possessing or using ammunition, shells, or bullets
- Possessing material that is sexually-oriented, pornographic, or reveals a person’s private body parts
- Possessing material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety
- Possessing articles not generally considered to be weapons when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another
- Using profanity, vulgar language, or obscene gestures
- Engaging in gambling
- Engaging in inappropriate exposure of a student’s private body parts, including mooning, streaking, or flashing
- Attempting to start or starting a fire on or in any property owned, used, or controlled by the District that does not rise to the level of arson or criminal mischief
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony
- Discharging a fire extinguisher or pulling a fire alarm when there is no smoke, fire, danger, or emergency
- Fighting/engaging in mutual combat
- Engaging in school-related gang activities and/or violence
- Unauthorized possession or destruction of standardized testing materials including but not limited to materials involving or related to STAAR, EOC, TAKS, AP, ACT, PSAT, and SAT tests
- Engaging in deadly conduct
- Threatening another person with imminent bodily injury, or causing physical contact with another person when the student knows or should reasonably believe that the other person will regard the contact as offensive or provocative
- Substantially disrupting the educational process as a result of showing disrespect to school employees or officials by the use of a computer or the internet, wherever the computer is located or however the internet is accessed, including the posting of any comments about or images of school employees or officials on any internet website that are demeaning, obscene vulgar or profane, and which comments or images can be accessed using a District computer
- Substantially disrupting the educational process as a result of using, in any manner or format, any voice recording, picture or visual display of any school employee or official without the written authorization of the campus principal and the school employee or official in the picture or visual display or on the recording
- Installing any device or software onto or into any part of the District’s computer or electronic communications system that will permit or facilitate the recording of any keystrokes or the acquisition of any passwords or other security-related information
- Engaging in organized criminal activity, gang-related or other criminal acts within the gang-free zone

Gang Free Zone

The term ***gang-free zone*** in a school zone means in, on the grounds of any real property that is owned, rented, or leased by a school district and within a distance of 1,000 feet from the grounds of public, parochial or private schools.

The term **school** means an educational facility which provides elementary or secondary education.

The term **Gang** means an organization, combination or association composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of the membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization, or that seeks to advance its interests by illegal and/or violent means. In determining the identity of gangs and associated gang attire, the District will consult with law enforcement authorities. For a list of gangs and associated or related gang attire, contact the school principal.

More prohibited conduct information is listed on the following pages under Discipline Alternative Education Program (DAEP), Boot Camp and Expulsion.

Removal from Classroom by Teacher

A teacher **may** send a student to the administrator's office to maintain effective discipline in the classroom or when the student engages in behavior that violates the Student Code of Conduct. The administrator **may** use one or more discipline management techniques to address the behavior.

A teacher **may** remove a student from class when:

- The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach or with learning of other students; or
- The behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach or with the learning of other students.

A teacher **must** remove a student from class if the student engages in conduct that requires or permits DAEP placement, Boot Camp or expulsion under the Texas Education Code.

No later than three school days after a teacher has formally removed a student from class, the administrator will schedule a conference between the administrator, the student's parent/guardian, the student, and the teacher. At the conference, the student will be provided an explanation of the basis for removal and be given an opportunity to respond. After the conference, the administrator will render a discipline decision and inform the student and parent/guardian of the consequences.

When a teacher utilizes a formal removal of the student from the classroom, the administrator **may** place the student in: (1) another appropriate classroom, (2) in-school suspension, (3) out-of-school suspension, or (4) DAEP.

If the teacher removed the student from class because the student engaged in assault resulting in bodily injury, aggravated assault, sexual assault, or aggravated sexual assault against the teacher, the student **may not** be returned to the teacher's class without the teacher's consent. In other cases where the teacher initiates a formal removal, the student **may** only 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.

Removal by a School Bus Driver

The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus. The principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct.

Positive Behavior Support and Instruction (PBSI)

In this District, In-School Suspension (ISS) is also referred to as Positive Behavior Support and Instruction (PBSI). Students **may** be placed in PBSI for any misconduct listed in any category of the Student Code of

Conduct. An assignment to PBSI **may** exceed three consecutive school days. While assigned to PBSI and under the supervision of a paraprofessional employee, students will complete assignments given them by their regular teachers, as well as participate in and complete positive change activities.

The student will be informed of the reason for placement in ISS or PBSI, and will be given an opportunity to respond before the administrator's decision is final. If the ISS or PBSI placement is going to extend the three consecutive days, the campus administrator shall schedule a conference among the parent, student and administrator to discuss the reason for the removal. Whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the extended placement of the student in ISS or PBSI.

Rebound

A student who is removed from the regular classroom may be placed in PBSI for an extended period of time, not to exceed 30 days. In such cases, students are considered to be assigned to the "Rebound" program. Students in the Rebound program are required to wear a uniform similar to the DAEP uniform. They may or may not be assigned to their home campus, and may or may not be provided transportation to and from school while in the Rebound program.

Out-of-School Suspension (OSS)

Students **may** be suspended from school for any misconduct listed in any category of the Student Code of Conduct.

The student will be informed of the reason for out-of-school suspension and be given an opportunity to respond before the administrator's decision is final. While the student is suspended, the administrator **may** place restrictions on the student's participation in school-sponsored or school-related activities. Students **may** be suspended for a maximum of three school days per behavior violation.

Disciplinary Alternative Education Program (DAEP) **Reasons for Mandatory DAEP Placement**

School-Related

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

- Engages in conduct punishable as a felony.
- Commits an assault (*see definitions*) resulting in bodily injury to another.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage in any amount not punishable as a felony.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not punishable as a felony.
- Engages in an offense relating to abuse of volatile chemicals.
- Engages in public lewdness.
- Engages in indecent exposure.
- Possesses or uses martial arts objects.
- Engages in expellable conduct if the student is between six and nine years of age.
- Engages in a federal firearm offense if the student is six years of age or younger.

Off-Campus

A student **must** be placed in DAEP for the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:

Regardless of location a student **shall** be placed in DAEP as provided by Texas Education Code § 37.0081, if:

- (1) the student received deferred prosecution for a Title 5 felony (*see definitions*) offense, or was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense, and
- (2) the administrator believes 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 interest of the District's students.

In this circumstance, DAEP placement **shall** 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 court or jury finds the student engaged in delinquent conduct for a Title 5 felony offense.
 - The administrator reasonably believes that the student engaged in a Title 5 felony offense.

Regardless of Location

A student **must** be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Issues a false alarm or report (*see definitions*) or a terroristic threat (*see definitions*) involving a public school.
- Retaliates (*see definitions*) against any school employee.
- Students who are convicted, receive deferred adjudication, been found to have engaged in delinquent conduct or conduct in need of supervision, or been placed on probation for either sexual assault or aggravated sexual assault against another student assigned to the same campus at the time the offense occurred shall be placed in DAEP, (or may be placed in JJAEP as appropriate) if the victim student does not wish to transfer, and there is only one campus serving that grade level.

Reasons for Discretionary DAEP Placement

School-Related

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

- Criminal mischief if the damage is less than \$1,500.
- Possessing or selling less than a useable amount of stems, seeds, or other pieces of marijuana
- Is involved with a public school fraternity, sorority, secret society, or gang, including participating as a member or pledge, or solicits another person to become a member or pledge.
- Possessing, using, selling, or giving paraphernalia (*see definitions*) related to any prohibited substance, including but not limited to marijuana, a controlled substance, dangerous drug, or an alcoholic beverage.

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- Abusing the student’s own prescription drug; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person’s prescription drug if not a felony.
- Preparing a hit list (*see definitions*).
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony or possessing stolen property.
- Engaging in persistent misbehavior that violates this Student Code of Conduct as identified in “General Type of Prohibited Misconduct”. Persistent misbehavior is defined as two or more violations of the Student Code of Conduct in general, or repeated occurrences of the same violation.
- Engaging in serious misbehavior that violates the Student Code of Conduct. Student engages in deliberate violent behavior that poses a direct threat to the health or safety of others; or extortion, coercion, public lewdness, indecent exposure, criminal mischief, personal hazing, or harassment of a student or district employee.

Off-Campus

A student **may** be placed in DAEP for engaging in the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:

- The administrator reasonably believes the student engaged in conduct punishable as a felony (other than a Title 5 felony), and the student’s continued presence in the regular classroom is a threat to the safety of others or is detrimental to the educational process.
- Off-campus conduct for which DAEP placement is required by state law when the administrator does not learn of the conduct until more than a year passes after the conduct occurred.

Any student who commits a discretionary expulsion offense and who is not expelled may be placed into the District’s DAEP.

An administrator **may** order an emergency DAEP placement if the student has been so unruly, disruptive, or abusive that it seriously interferes with the teacher’s ability to teach the class, the learning of other students, or the operation of a school or a school-sponsored activity. The reason for emergency placement **must** also be a reason for which DAEP placement could be ordered on a non-emergency basis. At the time of the emergency placement, the student will be told the reason for the action. No later than the tenth day after the date of emergency DAEP placement, the student will be given a conference as required for regular placement in DAEP; see below.

Conference

No later than three school days after the student is removed from class, the administrator will schedule a conference between the hearing officer, administrator, the student’s parent/guardian, and the student or the District **may** conduct the conference and make a discipline decision regardless of whether the student or the student’s parent/guardian attends if the District made reasonable attempts to have them attend.

At the conference, the administrator will explain the allegations against the student, inform the student of the basis for the proposed DAEP placement, and give the student an opportunity to explain his or her version of the incident.

If during the term of DAEP placement the student engages in additional misconduct, additional conferences **may** be conducted and additional discipline may be imposed.

Interim Placement

Until a placement conference can be held, the student **may** be placed in another appropriate classroom, in-school suspension, Rebound, or out-of-school suspension.

DAEP Placement Order

After the conference, if the student is placed in DAEP, the administrator will issue a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student’s parent/guardian. For those students placed in DAEP for a reason identified in the Texas Education Code, the District will

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also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference.

The length of a student's placement in DAEP will be determined on a case-by-case basis using the criteria identified in the "*Discipline Considerations*" section of this Student Code of Conduct. Mandatory DAEP placements will result in placement for up to 180 days. Discretionary DAEP placements will result in placement for up to 90 days. The length of DAEP placement may not exceed one year unless, after review, the District determines that (1) the student is a safety threat, or (2) extended placement is in the best interest of the student.

Students placed in DAEP at the end of one school year **may** be required to complete the assigned term at the beginning of the next school year. For DAEP placement to extend beyond the end of the school year, the administrator must determine that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student has engaged in serious or persistent misbehavior (*see definitions*) that violates the Student Code of Conduct.

If the DAEP placement extends beyond 60 days or the end of the next grading period, whichever is sooner, the student or the student's parent/guardian **may** appeal the decision before the Superintendent or the Superintendent's designee as provided in policy FNG (LOCAL). Any decision of the Superintendent or the Superintendent's designee is final and **may not** be further appealed.

DAEP placements made pursuant to Texas Education Code § 37.0051 and § 37.0081 may be for any length of time considered necessary.

Parental questions or complaints regarding DAEP placement should be addressed to the campus administration in accordance with Board policy FNG (Local). A copy of this policy may be obtained from the principal's office or the central administration office. The student shall remain in the DAEP pending the final resolution of all grievances or complaints concerning or relating to the DAEP placement. Any decision by the Superintendent concerning any such complaint or grievance is final and may not be appealed.

Non Participation in Activities While in DAEP

Students placed in DAEP for mandatory or discretionary reasons are not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities during the period of the DAEP placement.

Impact on Graduation

For graduating seniors who are in DAEP during the last week of school, the last day of placement in DAEP will be the last instructional day. The student will not be allowed to participate in commencement exercises and related graduation activities if placed at the DAEP for mandatory or discretionary placement reasons, unless otherwise specified in the DAEP placement order.

Transportation

A student placed in DAEP will be provided transportation from a pick up / drop off point in the district. It is the responsibility of the parent/guardian to provide transportation to and from the pick up point.

Periodic Review

The District will review a student's DAEP placement and academic status upon completion of the assigned days. In the case of a high school student, the student's progress toward graduation will be reviewed and a graduation plan will be established. At the review, the student or the parent/guardian will have an opportunity to present reasons for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Effect of Student Withdrawal

When a student withdraws from school before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student re-enrolls in the District during the same or subsequent school year, the District **may** enforce the DAEP placement order at that time, minus any portion of the placement that was served by the student during enrollment in another district.

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If the administrator fails to issue a DAEP placement order after the student withdraws, the next district in which the student enrolls **may** complete the proceedings and issue a DAEP placement order.

Student Transfers

The District will place students assigned to DAEP in another Texas district or open-enrollment charter school at the time of enrollment into the District's DAEP to complete the term of their DAEP placement.

If the student was placed in DAEP by an out-of-state school district for behavior that is also a reason for DAEP placement in the enrolling district, the District will place the student in the District's DAEP to complete the term of DAEP placement. If the out-of-state DAEP placement period exceeds one year, the District will reduce the period of placement so that the total placement 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 interests of the student.

Criminal Proceedings

The review and appeal process described below does not apply if the student was placed in DAEP as required by law for conduct occurring on or within 300 feet of school property or a false alarm or report or terroristic threat involving a public school.

If the District receives notice that prosecution of a student's case was refused and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated or a court or jury found the student not guilty or did not engage in delinquent conduct or conduct indicating a need for supervision and dismissed the student's case with prejudice, the District will review the student's DAEP placement and will schedule a review with the student's parent/guardian no later than the third day after receiving notice. The student will not be returned to the regular classroom before the review. After reviewing the notice and receiving information from the student's parent/guardian, the administrator may only continue the student's DAEP placement if there is reason to believe the student's presence in the regular classroom threatens the safety of others.

The administrator's decision **may** be appealed to the Board. In the event of an appeal, at the next scheduled meeting the Board will: (1) review the notice, (2) hear statements from the student, the student's parent/guardian, and the administrator, and (3) confirm or reverse the decision of the administrator.

If the Board confirms the decision of the administrator, the student and the student's parent/guardian have the right to appeal to the Commissioner of Education. The student **may not** be returned to the regular classroom while the appeal is pending.

DAEP Program Rules

ECISD students who are assigned to DAEP will report to the Floresville Alternative Education Center. If your child is assigned to this center, please read the following information:

The Floresville Alternative Education Center has a different Discipline Plan than the regular campuses which allow for additional days to be added in the event that a student violates certain rules or requirements. Your School Board has approved this plan. This is in accordance with the Texas Education Code and Board Policy. If you have any questions, you can reach the principal, Bud Box at (830)-393-5368.

Successful Day

Any day in which a student has not violated any rule contained in the Floresville Alternative Center Discipline Plan and was not absent.

Unsuccessful Day

Any day in which a student has accumulated one or more Minor Rule violations as listed below:

Minor Rules

1. Failure to be in seat by 8:00 a.m.
2. Failure to complete all academic assignments.
3. Failure to bring school supplies (paper, pencil, pen).
4. Communicating with other student(s) (talking, passing notes, signing, hand gestures).
5. Failure to raise hand when needing to communicate with monitor.
6. Dress Code Violation
7. Failure to stay on task (sleeping, head down on desk, idle).
8. Bringing any loose items into the Alternative Center building (any item not acceptable).
9. Displaying or drawing images related to drugs, weapons, violence or gang related writings, logos or paraphernalia.

Excessively frequent Minor Rules violations will be dealt with as follows:

The student may be referred to the Counselor or Assistant Principal after 3 Minor Rules violations during the same day.

The student may be suspended from 1 to 3 days if he/she violates a Minor Rule for the fourth time during the same day.

The disciplinary response to multiple Minor Rule violations will occur in the following sequence:

- 3 days – student is referred to counselor or assistant principal
- 5 days – written warning notice sent to child/parent
- 10 days – Suspension and/or placement in Level II
- 15 days – Placement in Level II for the remainder of the DAEP assignment

Any student suspended three (3) or more times for Minor Rule violations during their DAEP placement may be placed in Level II.

Level II is an extended placement. No afternoon transportation is provided from Floresville.

Excused absence days will be considered neither successful nor unsuccessful. The student will essentially “make up” the day toward the goal of earning 30 successful days (more or less depending upon the length of initial assignment). Unexcused absence recorded for a student will result in an unsuccessful day. TRUANCY will be handled by the district’s truancy officer.

Recommendation for Expulsion/Removal to FISD Boot Camp

A student may be recommended for Expulsion/Removal to Boot Camp If

1. Student engages in serious misconduct.
2. Student is disrespectful or demonstrates insubordination toward Alternative Center Staff members
3. Student threatens an Alternative Center Staff member.
4. Student strikes or has physical contact with an Alternative Center staff member or a fellow student.

5. Student purposely damages the Alternative Center building or its contents, or removes items without permission.
6. Student is in possession of illegal drugs, alcohol, or related paraphernalia.
7. Student is in possession of a knife, or dangerous weapon as described in school policy.
8. Student engages in sexual harassment of students or staff.
9. Student is on any school property in ECISD or Wilson County, including extracurricular activities and school related events on or off school property.

*No afternoon transportation is provided for FISD Boot Camp.

Floresville Alternative Center Dress Code

The Floresville ISD DAEP and Boot Camp have established a dress code that differs from regular campuses. Students who attend the FISD campuses will receive details when they enroll.

Expulsion

Reasons for Mandatory Expulsion (Bexar County JJAEP)

School-Related

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

- Brings to school a firearm, as defined by federal law (*see definitions*).
- Uses, exhibits, or possesses the following items, as defined by state law: (1) a firearm, (2) an illegal knife, (3) a club, or (4) a prohibited weapon. (*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, or (12) criminally negligent homicide.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage if the behavior is punishable as a felony.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony.

Reasons for Discretionary Expulsion to Bexar County JJAEP OR to Wilson County Boot Camp

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:

- Sells, gives, delivers, possesses, uses, or is under the influence of any amount of marijuana, a controlled substance, dangerous drug, or an alcoholic beverage, if it is the 2nd infraction in the same school year and the conduct is not punishable as a felony.
- Commits a serious act or offense while under the influence of an alcoholic beverage, if it is the 2nd 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 if it is the 2nd infraction in the same school year.
- Commits an assault (*see definitions*) resulting in bodily injury to a school employee or volunteer.

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- Engages in deadly conduct (*see definitions*)
- Engages in serious (*see definitions*) misbehavior that violates the Student Code of Conduct while the student is placed in DAEP.
- Engages in conduct that contains the elements of the offense of breach of computer security 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.

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*).
- Uses, exhibits, or possesses the following items, as defined by state law: (1) a firearm, (2) an illegal knife, (3) a club, or (4) a prohibited weapon, (5) felony marijuana, controlled substance, dangerous drug, or alcoholic beverage. (*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, or (12) criminally negligent homicide.

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 capital 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.

Students who are not expelled for commission of a discretionary expulsion offense may be placed into the District's DAEP.

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.

Hearing

Students alleged to have committed an expellable offense will receive a hearing before the District Hearing Officer 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:

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- 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 (generally the assistant principal); and
- An opportunity to testify and to present evidence and witnesses in the student’s defense.
- Additional proceedings **may** be conducted and additional discipline **may** be imposed if the student engages in additional conduct warranting an additional placement for DAEP or expulsion while the student is already expelled.

Interim Placement

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

Expulsion Order

If the outcome of the expulsion hearing is that the student will be expelled, the appropriate 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 the Student Code of Conduct, 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.

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 Student Code of Conduct. Mandatory expulsions will result in expulsion for up to 180 days. Discretionary expulsions will result in expulsion for up to 90 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.

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 interests of the student.

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.

Other Expulsion Issues

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.

Participation in Activities

Expelled students are prohibited from being on school grounds or attending school-sponsored activities while expelled.

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

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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 fails to 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 an out-of-state school district for behavior that is also a reason for expulsion in the enrolling 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 placement 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.

Expulsion Appeal

A decision by the Director of Student Services to expel a student **may** be appealed to the East Central ISD Board of Trustees. The request for appeal must be in writing and must be received by the Superintendent within three days of the date of the order of expulsion. The appeal will be heard at the next regularly scheduled board meeting. The Superintendent will provide the student or parent with written notice of the date, time, and place of the meeting at which the Board will review the decision.

At the meeting, the Board will review the record made at the expulsion hearing and will provide the parent and/or student with an opportunity to make a brief presentation to the Board. The administration may also be asked to speak. No new evidence, including witnesses or documents, will be permitted. The Board will set reasonable time limitations for presentations. The appeal will be conducted in closed session unless the parent or student request in writing that it will be conducted in open session. The student is expelled pending appeal.

Definitions

ARMOR-PIERCING AMMUNITION: Handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers.

ASSAULT: For student discipline purposes, intentionally, knowingly, or recklessly causing bodily injury to another.

BODILY INJURY: Physical pain, illness, or impairment of a physical condition generally requiring medical attention.

BULLYING: Engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored, or school-related activity, or in a vehicle operated by the school district and 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; or (2) is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for the student. This conduct is considered bullying if it: (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and (2) interferes with a student's education or substantially disrupts the operation of a school.

CHEMICAL DISPENSING DEVICE: A device other than a small chemical dispenser sold commercially for personal protection that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on an individual.

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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.

CYBER BULLYING: Is a form of indirect or social bullying that uses technological communications to intentionally humiliate, harass, embarrass, tease, intimidate, threaten, or slander one or more students. Cyber bullies use instant messages, text messages, e-mail, chat rooms, cell phones, personal websites, blogs, social networks, digital messages or images, and other cyber technologies. Cyber bullying is the act of being cruel to others by sending, circulating, or posting harmful material and/or compromising photographs online or to and through cell phones/mobile devices.

DATING VIOLENCE: Intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship. Dating violence is a pattern of coercive behavior that one partner exerts over the other for the purpose of establishing and maintaining power and control.

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

ELECTRONIC POSTING: Purposely or inadvertently using, displaying, relaying, forwarding or transmitting in any manner images, voice recordings, or data communications from any electronic or telecommunication device to another electronic or telecommunication device, or to any website. **Telecommunication device** is defined as: any type of device that emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor.

EVASION: Students must, upon request of any school official, produce and show some type of identification. If a student refuses to produce and show his identification, that student is subject to disciplinary action for evasion. If a student attempts to evade questioning, discipline or consequences by any school official through an act of running away from that official, or seeks to avoid the questioning through any method, that student, by his or her conduct, is subject to disciplinary action by the District for evasion.

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.

FIREARM (federal): (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 (state): Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

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

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

HARASSMENT: Threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, maliciously taking any action that substantially harms another student's physical or emotional health or safety, or other conduct prohibited by District policy.

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. Consent to or acquiescence in the hazing activity on the part of the student subjected to any act of hazing does not absolve the student engaging in an act of hazing of responsibility for the misconduct.

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

ILLEGAL KNIFE: A knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

INDECENT EXPOSURE: The inappropriate or indecent display of a student's private body parts through such acts as mooning, flashing, streaking, or wearing attire in a sexually suggestive manner. Indecent exposure also includes the conduct defined in Texas Penal Code section 21.08.

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.

MACHINE GUN: Any firearm that is 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: Two or more violations of the Student Code of Conduct 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; or (3) any other

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school property used by the student, such as a locker or desk; regardless of the student's knowledge or intent to possess the item.

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, or zip gun.

REASONABLE BELIEF: A determination that misconduct occurred can be made by the administrator using all available information, including the 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.

SERIOUS: Engaging in deliberate violent behavior that poses a direct threat to the health or safety of others; (2) extortion, coercion, public lewdness, indecent exposure, criminal mischief, personal hazing, or harassment of a student or district employee.

SEXUAL HARASSMENT: Conduct that is severe, pervasive, and objectively offensive in such a manner that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. It is a form of harassment that includes touching someone in ways that are not wanted, sexual jokes, pressuring someone to have sex, threats or intimidation from a dating partner, or any other form of harassment of a sexual nature that would make a reasonable person uncomfortable.

SEXTING: Text messages with sexually suggestive content such as text and nude or near nude accompanying photos of students.

SEXUAL VIOLENCE: Sexual assault, sexual abuse, or sexual stalking of a minor child or teenager, including sexual violence committed by perpetrators who are strangers to the victim and by perpetrators who are known or related by blood or marriage to the victim. This definition includes behavior including but not limited to incest, molestation, child abuse, stranger rape, and non-stranger rape.

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.

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).

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TITLE 5 FELONY OFFENSES: These are offenses against the person and, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; aggravated robbery; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; 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; coercing, soliciting, or inducing gang membership; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; and tampering with a consumer product.

UNDER THE INFLUENCE: In the educator'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 or other abnormal or erratic behavior. The student need not be legally intoxicated.

USE: To voluntarily inject, ingest, inhale, or otherwise introduce a prohibited substance into the body.

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.