

AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT



2023-2024

STUDENT CODE OF CONDUCT

708 Palm Blvd. • Brownsville, Texas 78521 • (956) 544-3966 • <http://www.bisd.us/pupilservices/>



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

**STUDENT CODE OF CONDUCT
TABLE OF CONTENTS**

BISD 2022-2023 Academic Calendar	I
BISD Directory of Campus Telephone Numbers	II
BISD Student Code of Conduct and Student Parent Handbook Receipt of Hardcopy	III
BISD Student Code of Conduct and Student/Parent Handbook Acknowledgment	IV
Student Directory Information Objection Form, District Policy for Videotaping, Photographing, or Recording	V
Contractual Disclaimer/Nondiscrimination	VI
Mission Statement	V
ATTENDANCE AND ENROLLMENT REQUIREMENTS	VII
Attendance for Credit (All Absences Considered, Excused Absences, Parent Conferences for Excessive Absences, Parent Notice of Excessive Absences, Principal’s Plan, Methods for Regaining Credit, Campus Attendance Committee, Extenuating Circumstances, Conditions for Awarding Credit or a Final Grade, Appeal Process for Regaining Credit or a Final Grade and Flowchart, Attendance Recognition, Change of Address/Name, Compulsory Attendance, Early Dismissal or Release in Custody of Adults, Official Attendance, Transfers (Intra-District, Inter-District, Open Enrollment, Support Services for Foster Care), Truancy (Failure to Comply with Compulsory Attendance, Notices to Parents-Warning of Absences), Tardiness, Withdrawal from School,	
BISD POLICE DEPARTMENT	XIII
Action Taken by Police, Confiscated Contraband, Custody of Student, K-Nine Program, K-Nine Searches, Personal Property, Personal Searches, Questioning of Students, Search Areas, Search of Property and Students, Smoking, Sobriety Testing/Physical Neurological Testing. Surveillance Cameras, Under the Influence, Vehicle Searches, X-Ray and Metal Detectors	
BISD POLICE TYPES OF OFFENSE AND GENERAL CONSEQUENCES	XV
DISCIPLINE AND BEHAVIORAL EXPECTATIONS	XV
Criminal Trespass, Gangs and Gang Affiliations, School Bus Behavior, School Bus Discipline Procedures, Technology Resource and/or Internet: Bring Your Own Device (BYOD) Agreement, Vehicles on Campus	
DISCIPLINE AND STUDENT RIGHTS	XVIII
Student Rights, Students under Section 504, Students with Special Needs, Student Process for Concerns / Complaints / Grievances, Student Right of Appeal (Suspension, Short Term Removal, Long Term Removal, Placements), Student Welfare: Freedom from Harassment, Student Welfare: Harassment Reporting Procedures	
DISCIPLINARY ALTERNATIVE EDUCATION PLACEMENT (DAEP)	XXI
Brownsville Academic Center (BAC), Juvenile Justice Alternative Education (JJAEP)	
BISD DRESS CODE	XXI

STUDENT CODE OF CONDUCT TABLE OF CONTENTS

STUDENT CODE OF CONDUCT (TASB MODEL)	1
Accessibility, Purpose	
BISD AUTHORITY AND JURISDICTION	1
Campus Behavior Coordinator, Reporting Crimes, ‘Parent’ Defined, Participating in Graduation Activities, Unauthorized Persons	
STUDENT CONDUCT STANDARDS	3
REMOVAL FOR GENERAL CONDUCT VIOLATIONS	3
Disregard for Authority, Mistreatment of Others, Property Offenses, Possession of Prohibited Items, Possession of Telecommunication Device, Illegal Prescription and Over-the-Counter Drugs, Misuse of Technology Resources and the Internet, Safety Transgression, Miscellaneous Offenses	
DISCIPLINE MANAGEMENT TECHNIQUES	5
Students with Disabilities, Techniques, Notification, Appeals	
REMOVAL FROM THE SCHOOL BUS	7
REMOVAL FROM THE REGULAR EDUCATIONAL SETTING	7
Routine Referral, Formal Removal, Returning Student to Classroom	
OUT OF SCHOOL SUSPENSION	8
Misconduct, Process	
DISCRETIONARY REMOVAL TO DAEP (BAC)	9
Discretionary Removal (BAC), Misconduct Identified in State Law	
MANDATORY REMOVAL TO DAEP (BAC)	10
Misconduct that requires Removal, Sexual Assault & Campus Assignments	
REMOVAL PROCEDURES FOR DAEP (BAC)	10
Process, Conference & Campus Hearing (Consideration of Mitigating Factors, Removal Order, Coursework Notice), Length of Removal (Exceeds One Year, Exceeds School Year, Exceeds 60 Days), Appeals, Restrictions during Removal, Removal Review, Additional Misconduct, Notice of Criminal Proceedings, Withdrawal during Removal Process, Newly Enrolled Students, Emergency Removal	
PLACEMENT FOR CERTAIN OFFENSES AT DAEP	13
1) Registered Sex Offender (Newly Enrolled Student, Appeal), 2) Placement for Certain Felonies (Hearing and Required Findings of Certain Offenses, Length of Placement, Newly Enrolled Students)	
DISCRETIONARY PLACEMENT AT DAEP (JJAEP)	14
Discretionary Placement: Misconduct that may result in Placement: Any Location, Property of Another District, While Placed in DAEP (BAC)	
MANDATORY PLACEMENT AT DAEP (JJAEP)	15
Misconduct that requires Placement at JJAEP, Under Federal Law, Under the Texas Penal Code, Under Age Ten,	
PLACEMENT PROCEDURES AT DAEP	16
Placement Process and Hearing, Placement Reviewed by District Committee, Placement Reviewed by School Board, Placement Order, Length of Placement, Withdrawal during Process of Placement, Additional Misconduct, Restrictions during Placement, Placement of Newly Enrolled Students, Emergency Placement Procedures, Placement of DAEP Students	
CYBERBULLY TERMINOLOGY	18
GLOSSARY	18



AN EARLY COLLEGE DISTRICT

BROWNSVILLE

INDEPENDENT SCHOOL DISTRICT

2023-2024 Instructional Calendar

JULY 2023							AUGUST 2023							SEPTEMBER 2023							OCTOBER 2023							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
						1			1	2	3	4	5							1	2	1	2	3	4	5	6	7
2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	
9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	
16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	
23	24	25	26	27	28	29	27	28	29	30	31	24	25	26	27	28	29	30	29	30	31							
30	31																											

NOVEMBER 2023							DECEMBER 2023							JANUARY 2024							FEBRUARY 2024											
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa					
			1	2	3	4						1	2			1	2	3	4	5	6					1	2	3				
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10					
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17					
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24					
26	27	28	29	30	24	25	26	27	28	29	30	28	29	30	31	25	26	27	28	29	25	26	27	28	29							
							31																									

MARCH 2024							APRIL 2024							MAY 2024							JUNE 2024								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa		
					1	2		1	2	3	4	5	6				1	2	3	4							1		
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8		
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15		
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22		
24	25	26	27	28	29	30	28	29	30	26	27	28	29	30	31	23	24	25	26	27	28	29	23	24	25	26	27	28	29
31																					30								

School Schedule:

Middle Schools – 7:40 AM - 2:50 PM
 Elementary Schools – 8:00 AM - 3:15 PM
 High Schools – 8:45 AM - 4:10 PM

Early Dismissal Schedule

Middle Schools – 11:45 AM
 Elementary Schools – 12:15 PM
 High Schools – 1:00 PM

Meet the Teacher

August 9 – High Schools
 August 10 – Middle Schools
 August 11 – Elementary

District Rally

August 8

First Class Day: August 14

Last Class Day: May 30

PEIMS Snapshot: October 27

Revised and Board Approved: June 13, 2023

Six Weeks Grading Periods

Period	Total Days	Last Day
1st 6 Wks.	29 Days	September 22
2nd 6 Wks.	29 Days	November 3
3rd 6 Wks.	29 Days	December 21
1st Semester	87 Days	December 21
4th 6 Wks.	34 Days	February 23
5th 6 Wks.	31 Days	April 19
6th 6 Wks.	28 Days	May 30
2nd Semester	93 Days	May 30
TOTAL: 180 Instructional Days		

Holidays and Vacations

Independence Day	July 4
Labor Day	September 4
Columbus Day	October 9
Thanksgiving	November 20-24
Christmas (Employees)	Dec. 25-Jan. 5
Christmas (Students)	Dec. 22-Jan. 8
Charro Days	March 1
Primary Elections	March 5
Spring Break	March 11-15
Easter Break	March 29, April 1
Memorial Day	May 27

Make-Up Days

October 9 • March 1

Additional Days (subject to change)

Oct. 14, 21 • Jan. 13, 20, 27
 Feb. 3, 10, 17, 24 • Mar. 23
 Apr. 6, 13, 20 • June 4-26

New Employee Orientation

August 4 • January 13

T-TESS Day (New Teachers)

August 3 • January 20

District Staff Dev. Days

August 8 • January 8

Teacher Preparation Days

August 11 • December 22

Campus Staff Development Days

August 9, 10 • May 31

Early Dismissal Day

February 29

2023-2024 BROWNSVILLE ISD STUDENT CODE OF CONDUCT and STUDENT PARENT HANDBOOK RECEIPT OF HARDCOPY
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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 Handbook in order to promote a safe and orderly learning environment for every student. We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher, campus behavior coordinator or appropriate campus administrator. The student and parent 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 we have received a paper copy of the Brownsville ISD Student Code of Conduct and Student Parent Handbook for the 2023 - 2024 school year. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in this document. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the Board becomes effective for the next school year.

Signature of Parent/Guardian Date	Signature of Student (Grades 6th-12th) 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 2023 - 2024 Student Code of Conduct and Student Parent Handbook.

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.

**2023-2024 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 2023 - 2024 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 2023 - 2024 Student Code of Conduct and Student Parent Handbook.

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**2023-2024 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 Sept. 5, 2023. 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 Sept. 5, 2023 or within 10 days of enrollment.

- I object to any release of my child's directory information by Brownsville ISD during the 2023 - 2024 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 2023 - 2024 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 2023 - 2024 school year:

- | | |
|-------------------------------|--|
| _____ Name | _____ Degrees |
| _____ Address | _____ Honors and Awards Received |
| _____ Telephone Listing | _____ Dates of Attendance |
| _____ E-mail Address | _____ Grade Level |
| _____ Photograph | _____ Most Recent Educational Institution Attended |
| _____ Date and Place of Birth | _____ Participation in Activities and Sports |
| _____ Major Field of Study | _____ Weight and Height of Athletic Team Member |

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

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BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

2023-2024 CONTRACTUAL DISCLAIMER

The provisions and information set forth in this handbook are intended to be informational and not contractual in nature. Thus, this handbook is not intended and shall not be construed to constitute a contract between the Brownsville Independent School District and any student, prospective student, agency of the local, state or federal government, or any other person or legal entity of any and every nature whatsoever.

The District hereby reserves and retains the right to amend, alter, change, delete, or modify any of the provisions of this handbook at any time, without notice, in any manner that the Administration or the Board of Trustees of the District deems to be in the best interest of the District. The contents of this student handbook apply to all students and programs in the District and do not amend, abridge or replace Board Policies of Administrative Regulations established by the District. As necessary, principals may include supplementary regulations and directives pertinent to their individual campuses.

Students and their parents are required to acknowledge that they have received and read the 2023 - 2024 Student Code of Conduct Handbook by signing and returning the Receipt Form. A copy of this handbook may also be downloaded at www.bisd.us under the Students and Parents – Important Documents link.

Questions regarding BISD procedures and policies can be directed to:
Records Management/Policy Officer at (956) 544-3972
4310 Morrison Road, Brownsville Texas 78521

NONDISCRIMINATION

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, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

The following district staff members have been designated to coordinate compliance with these requirements:

- Section 504 for student concerns regarding discrimination:
Julie A. Salinas, Dyslexia/504 Administrator, 708 Palm Blvd., Suite #227, (956) 548-8679.
- Section 504 for employee concerns regarding discrimination:
Dr. Linda Gallegos, Personnel/504 Administrator, 1900 Price Road Suite #104, (956) 698-0210 -
- Title IX for employee and student concerns regarding discrimination:
Dr. Linda Gallegos, Title IX Administrator, 1900 Price Road Suite #104, (956) 698-0210.
- Liaison for District Foster Care Students:
Randy Park, Pupil Services Administrator, 708 Palm Blvd. Suite #121, (956) 544-3966.

Services for the Homeless and for Title I Participants

Other designated BISD staff you may need to contact include:

- Liaison for Homeless Children and Youths who coordinates services for homeless students:
Diana Clough, 708 Palm Blvd., Suite #117, (956) 544-6612.
- Parent Involvement Coordinator who works with parents of students participating in Title I programs:
Alejandra Aldrete, 708 Palm Blvd., Suite #124, (956) 548-8173.

Services for Students with Special Needs

Pursuant to students with special needs under federal law (Individuals with Disabilities Education Act and Section 504 or the Rehabilitation Act of 1973), the district has a duty to identify, refer, evaluate and, if eligible, provide a free, appropriate public education to disabled students. For additional information, contact **Julie A. Salinas**, Dyslexia/504 Administrator, 708 Palm Blvd., Suite #227, (956) 548-8679, or contact the Special Services Administrator, 2467 Price Road, (956) 548-8400.

Early Mental Health Intervention and Suicide Prevention

For information on early mental health intervention and suicide prevention programs, contact the Guidance and Counseling Administrator, 708 Palm Blvd., Suite #228, (956) 548-8251.

Mission Statement

- The mission of the Brownsville Independent School District, rich in cultural heritage,
- will produce well-educated graduates who can pursue higher educational opportunities and
 - will become responsible citizens in a changing global society by
 - utilizing all resources to provide equitable opportunities for students.

ATTENDANCE AND ENROLLMENT REQUIREMENTS

ATTENDANCE FOR CREDIT OR FINAL GRADE (K-GRADE 12)

All Absences Considered- In order to receive credit or a final grade for a class, a student is required to attend class 90% of the days class is offered regardless of whether the student's absences are **excused or unexcused** (see FEC LEGAL).

In order to maintain credit, a student may not exceed the number of absences listed:

- Elementary Schools..... 18 days per year
- Middle Schools.....8 days 1st semester; 10 days 2nd semester
- High Schools..... 8 days 1st semester; 10 days 2nd semester

Excused Absences-Within 5 days of returning to school, the parent must submit a written note stating the reason for the student's absence. The student shall only be allowed 5 written excused absences per academic calendar year. Additional absences after 5 shall be unexcused unless excused by the campus principal (see FEC LOCAL).

The limitations on extracurricular or school-related absences are explained in the section entitled "Extracurricular Activities." District procedures for perfect attendance recognition are outlined in "Attendance Recognition." Campus Incentives and Awards will be available at the end of each semester for Pk-12th graders who meet the District Student Attendance Goals. For a student with special needs who has excessive absences due to extended hospitalization and/or treatment sessions, the ARD committee will meet to determine and document the options for regaining credit.

Parent Conference for Excessive Absences- If a student has been absent 5 days in a semester that have not been covered by an excuse signed by a doctor, nurse, or a clinic, the parent or guardian shall be required to come to school and speak with an administrator (FEC LOCAL).

Parental Notice of Excessive Absences- A student and the parent or guardian, shall be given written notice prior to and at such time when a student's attendance in any class drops below 90% of the days the class is offered (FEC LOCAL).

Principal's Plan- A student who is **in attendance for less than 90% of** the days a class is offered may be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. (FEC LEGAL).

Methods for Regaining Credit- The student may earn credit for the class or a final grade by completing a plan approved by the campus principal, which must provide for the student to meet the instructional requirements of the class as determined by the campus principal. If the student fails to successfully complete the plan, then the student, parent or representative may request award of credit or a final grade by submitting a written petition to the appropriate attendance committee. Petition for credit or a final grade may be filed at any time the student receives notice, but, in any event, no later than 15 days after the last day of classes.

Campus Attendance Committee- The attendance committee shall review the student's entire attendance record and the reasons for absences and shall determine whether to award credit or a final grade. Students who have lost credit or have not received a final grade because of excessive absences may regain credit or be awarded a final grade by fulfilling the requirements established by the attendance committee (see FEC LOCAL).

Special Notes:

- For a student with a disability who has excessive absences due to a medical condition, the Section 504 committee will meet to determine and document options for regaining credit.
- For a student with special needs who has excessive absences due to extended hospitalization and/or treatment sessions, the ARD committee will meet to determine and document the options for regaining credit.

Extenuating Circumstances- The attendance committee shall adhere to the following guidelines to determine attendance for award of credit or a final grade (FEC LOCAL):

- 1) Days of attendance – if makeup work is completed satisfactorily, excused absences that are allowed under Compulsory Attendance requirements shall be considered (FEA LEGAL);
- 2) Transfers/ Migrant Students- student incurs absences only after his/her enrollment;
- 3) Best Interest Standard- the committee shall attempt to ensure that its decision is in the best interest of the student;
- 4) Documentation- the committee shall consider the acceptability and authenticity of documented reasons for the student's absences;

- 5) Consideration of Control- the committee shall consider whether the absences were for reasons out of the student's or parent's control;
- 6) Student's Academic Record- the committee shall consider whether or not the student has completed assignments, mastered that essential knowledge and skills, and maintained passing grades in the course of subject;
- 7) Information from Student or Parent- the student/parent shall be given an opportunity to present any information to the committee about the absences and to discuss ways to earn or gain credit or be awarded a final grade.

Conditions for Awarding Credit or a Final Grade- The attendance committee may impose any of the following conditions for students with excessive absences to regain credit or be awarded a final grade:

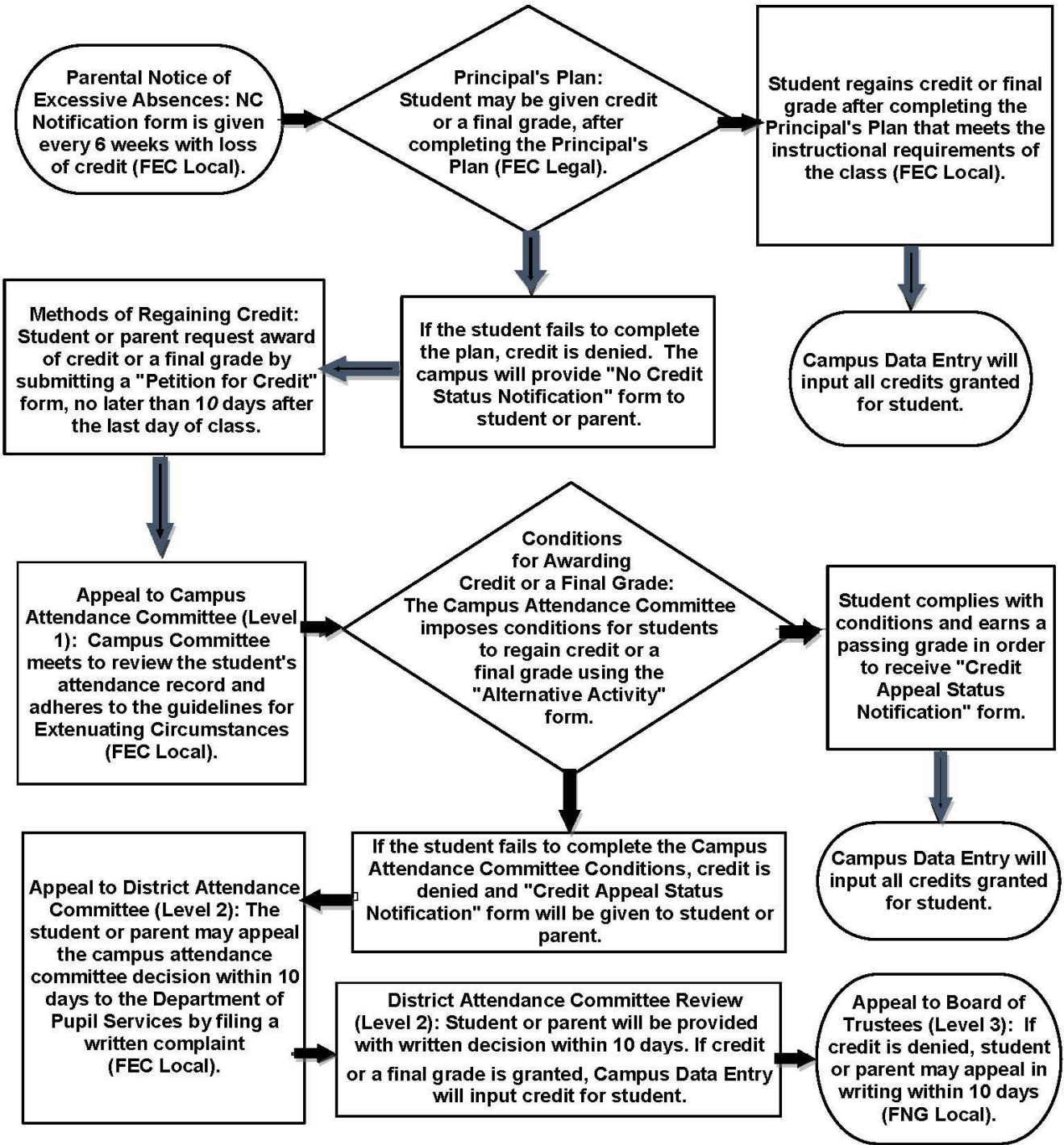
- **Completing** additional assignments, specified by the committee or teacher;
- **Attending** Tutorial, which may include Saturday classes or before school and after school programs;
- **Maintaining** the attendance standards for the rest of the semester;
- **Taking** an examination to earn credit (see EHDB);
- **Attending** a flexible school day program;
- **Taking** distance-learning courses;
- **Undertaking** independent student projects;
- **Complying** with student contracts;
- **Taking** computer-assisted instruction;
- **Participating** in school/community services as assigned;
- **Competing** their activities deems appropriate.

In all cases, the student must also earn a passing grade in order to receive credit (see FEC LOCAL).

Appeal Process- If the student is denied credit or a final grade, due to attendance, the student or parent may appeal the decision for the campus attendance committee (Level 1). Classroom teachers shall comprise a majority of the attendance committee (FEC LEGAL). If a student or parent provides a written complaint form within 10 days after being informed of the denial of credit, the campus attendance committee will provide the student or parent a written response within 10 days (see FNG LOCAL). The committee may give class credit to a student who is in attendance less than the days required if, in its opinion, there were extenuating circumstances or if the student performs an assigned activity. For a student with special needs who has excessive absences due to extended hospitalization and/or treatment sessions, the ARD committee will meet to determine and document the options for regaining credit.

If the student or parent did not receive, the relief requested from the Campus Attendance Committee (Level 1), or if the time for a response has expired, the student or parent may request a conference with the Superintendent's designee, the Pupil Services Administrator, to appeal the campus decision (Level 1) to the District Attendance Committee. The district appeal notice (Level 1) must be filed in writing within 10 days of the campus response deadline, at the Department of Pupil Services, 708 Palm Blvd. (see FNG LOCAL). If the outcome of the hearing with the District Attendance Committee is not to the student's satisfaction, the student or parent may appeal to decision to the Board (Level 3) in accordance with FNG (See FEC LOCAL).

Attendance Credit Appeal Process for Excessive Absences



SCHOOL ATTENDANCE AND ENROLLMENT REQUIRMENTS

ATTENDANCE RECOGNITION

Good attendance in school is directly related to student achievement. Individual schools sponsor various programs and activities that stress the importance of good attendance. Recognizing students who have perfect attendance is one way of doing this. "PERFECT ATTENDANCE is as defined: No absences, tardies, early releases for any part of the day that the student is scheduled to be in attendance at school with the exception of documented school business or school-related activities. Students approved to participate in school-related or school-sanctioned activities shall not be counted absent from school for perfect attendance recognition. Upon early release, a parent form will be signed stating the parent acknowledges that their child will not be eligible for any Perfect Attendance Award for that six weeks marking period. The recognition of students who have perfect attendance shall be at the discretion of the school. Campus Incentives and Awards will be available at the end of each semester for PK-12th graders who meet the District Student Attendance Goals.

CHANGE OF ADDRESS/NAME

Students who move during the school year must notify the school office of their new address, telephone number and/or name change as soon as possible. This is done in order to enhance communication with parents. Documentation substantiating any changes should be submitted to school officials immediately.

COMPULSORY ATTENDANCE

State law requires that a student between the ages of 6 and 18 attend school in person (Ed Code 25.085), as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt. A student shall receive full credit for assignments missed due to the following excused absences, if the student satisfactorily completes the assignments within the number of school days equal to or commensurate with the number of school days absent. The District accepts the following as excused absences for a class if adequate documentation is provided (refer to PEIMS Student Attendance Accounting Handbook):

Students who are absent as a result of observance of religious holy days or documented health care appointments that make up the work missed may not be penalized for the absences. [Ed. Code 25.087] The District shall excuse students from attending school for the purpose of observing religious holy days when it is a tenet of their faith that they must be absent from school during such time and if the parent submits a written request for the excused absence. **Days missed to attend religious conventions are not considered excused absences.**

- Extracurricular Activity
- Approved Field Trip
- Health Care Appointment
- Religious Holy Day
- UIL Activity
- Required Court Appearance
- Distinguished Achievement Program
- Obtaining a Driver's License or Permit
- Dual Credit Program
- Election Clerk
- Government Office for U.S. Citizenship
- TAP – Military Veteran Funeral
- Visiting an Institution of Higher Education
- U.S. Naturalization Oath Ceremony
- Military Visit
- Pursuing Enlistment in U.S. Military

As required by law, an 18-year-old student must be allowed to register (Ed Code 25.085). A student who voluntarily attends or enrolls after his or her 19th birthday is required to attend each school day until the end of the school year. If an enrolled student under the age of 6, or if a student is 19 or older, and that student has more than 5 unexcused absences in a semester the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [See policy FEA.]

Students enrolled in prekindergarten or kindergarten are required to attend school in person. State law requires attendance in an accelerated reading instruction program when kindergarten, 1st grade, or 2nd grade students are assigned to such a program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program as a result of a diagnostic reading instrument. A student in grades 3rd–8th will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and applicable subject area.

Official Attendance

The official attendance roll during the **2nd instructional hour** for all grades:

- | | | |
|----|--------------------|----------|
| 1. | Elementary Schools | 9:40 AM |
| 2. | Middle Schools | 9:15 AM |
| 3. | High Schools | 10:15 AM |

ATTENDANCE TAKING FOR DELAYED START OF SCHOOL DAY

If the Superintendent delays the start of the school day for reasons related to health or safety (for example,

because of flooding or bad weather), campuses will choose an alternative attendance taking time for that day. The campus must maintain documentation of the alternative time, the attendance recorded at that time, and the official reason for the delayed attendance taking (refer to PEIMS Student Attendance Accounting Handbook).

EARLY DISMISSAL OR RELEASE IN CUSTODY OF ADULTS

Early dismissal will be granted for the same reasons allowed for excused absences. Students are encouraged to schedule appointments with their doctors or dentists other than during school hours. However, when emergency demands, the appointment should be made as early or as late in the school day as possible. Students leaving the campus for any reason must check out through the health clinic (nurse's office) and the school's main office. Upon early release, **it is the campus' option** to have the parent sign an Early Release Form stating the parent acknowledges that their child may not be eligible for the campus perfect attendance award.

No student shall be taken from a class to talk with any adult or be permitted to leave school with any adult unless the identity of the adult and his or her relation to the student is clearly established to the satisfaction of the principal or designee. The administration will make every effort to notify the student's parents in every case. Parents must notify the campus administration in writing of the adult members of the family who are authorized to pick up their children from campus. Each school will use the District form for this purpose.

HOME SCHOOLING (As per Policy FEA Local)

Parents have the right to provide home schooling for their children. To be home schooled the following must be met;

- A letter, signed and dated, from the parent/guardian stating that the student is being home schooled is acceptable documentation when addressed to the District and received by the campus administrator. Letters from parents/guardians must indicate the actual date home schooling began.
- If the parents refuse to submit a letter of notification or if the District has evidence that the school-age child is not being home-schooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

TRANSFERS - INTRA-DISTRICT (9th-12th grade) - School of Choice (Updated FDB Local 2/7/23)

When a student resides within the BISD district boundaries and is requesting a campus that is not within his/her attendance zone, the parent must complete an intra-district transfer application. These applications may be completed in person at the Department of Pupil Services located at 708 Palm Blvd #121 or online at <https://www.bisd.us/departments/business-and-operations/pupil-services>.

Approval of such a request shall follow policy FDB Local and departmental guidelines. A parent applying for a student transfer shall provide the following: 1) proof of residence; any correspondence reflecting parents mailing address delivered through USPS, 2) student's birth certificate, 3) photo identification card of person submitting the application, and 4) student's school identification number or state I.D. number (FDB Local). Only one Intra-District transfer per student per school year may be provided. **Transportation is the responsibility of the parent.**

A student who engages in bullying or is a victim of bullying (**includes cyberbullying**) may be transferred to another class or another campus if it's opened for transfers. In such cases, transfer students may be returned to their home school. Students should check with their campus principals for additional details.

Note: An intra-district transfer does not imply eligibility to participate in extracurricular or UIL activities (athletics, band, etc.), special programs at the requested school, transportation, or placement in the student's present high school ranking at the requested school (see UIL Requirements). **All existent transfer shall roll over and be handled at the existing campus.**

TRANSFERS - INTER-DISTRICT

When a non-resident student, who lives outside Brownsville, desires to attend BISD, an Inter-district transfer application form is requested. These forms are available the entire instructional year and may be obtained online through the Department of Pupil Services, or www.bisd.us. The Texas Education Code does not allow a district the authority to revoke any transfer mid-year except for nonpayment of tuition.

TRANSFERS – OPEN ENROLLMENT (PK-8th grade)

Open Enrollment for PK-8th grade allows parents to enroll their children at any BISD Elementary and Middle School campus of their choice throughout the instructional school year provided:

1. Space is available for additional students,
2. Parent will be responsible for providing their own transportation, and
3. Special Services Department approval based upon program availability at the campus.

TRANSFERS – SUPPORT SERVICES FOR FOSTER CARE

Student in Foster Care Educational Best Interest Factors. A student in foster care may remain at his or her school of origin unless the Department of Family and Protective Services (DFPS) makes a determination that it is not in the child's best interest. "School of origin"

is defined as the school that the student is attending at the time of the student's placement in foster care or of a change in placement. Based on the determination that it is in the student's best interest to remain in the school of origin, transportation may be provided. For more information, contact Department of Pupil Services Administrator, Mr. Randy Park, at 708 Palm Blvd., Room 121, call (956) 544-3966, or email at rampark@bisd.us.

TRUANCY

Failure to Comply with Compulsory Attendance

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school; from any class; from required special programs, such as additional special instruction, termed "accelerated instruction" by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

A court of law may also impose penalties against both the student and his or her parents if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court.

Notices to Parents - Warning of Absences

- The student's parent will receive an attendance notice letter when a student is truant after he/she is absent 3 or more days or parts of days (cumulative) without proper excuse in the school year.
- The campus will notify a student's parent with a warning notice letter if the student is absent from school, without excuses, after three or more days (cumulative).
- **After the 5th absence, a parent conference will be held to implement Truancy Prevention Measures (Ed Code 25.0915): student Attendance Plan, counseling, attendance contract and extended day program.**
- Then a court warning notice letter will be given to the student's parent after the student has been absent 10 or more days without proper excuses (cumulative) in the same school year.
- As per state law, (1), it is the parent's duty to monitor the student's attendance and require the student to attend school. (2) Failure to comply may be subject the parents to legal prosecution. (3) Parents are required to schedule a conference with school officials to discuss excessive absences (FEA Legal).

A court of law may impose penalties against a student's parent if a criminal complaint is filed after the student's tenth unexcused absence (Ed Code 25.0951). If a student age 12 through age 18 and violates the compulsory attendance law, the student could be charged with a civil offense. [See policy FEA Legal]

TARDINESS

According to the Texas Education Agency Student Attendance Accounting Handbook, "Tardies" do not exist. However, locally-designed codes may be implemented which indicate (1) a student arrived late to class before official roll call and was counted present for ADA and FSP purposes, or (2) a student arrived late to class after official roll call and was counted absent for ADA and FSP purposes. A teacher, principal, nurse, or counselor of the school in which a student is enrolled may excuse the temporary absence of the student for any reason they deem acceptable with adequate documentation (See policy FEA LEGAL). **Tardiness does not equal an unexcused absence** as per (op. Texas Attorney General, DM -2000 (1993). Tardiness is a discipline matter that should be handled through the Campus Discipline Rules.

WITHDRAWAL FROM SCHOOL

State law requires all children between the ages of 6-18 years to be enrolled in school in person. In addition, once a child is enrolled in pre-kindergarten or kindergarten, he/she is required by state law to attend. This also applies to tutorials and/or extended year service programs (EYS) which a student is required to attend.

Minor students, ages 6 through ages 18, may withdraw from school by presenting a request signed by the student's parent/guardian and stating the reason for the withdrawal, but the student must re-enroll in another public/private school within a 5-day period. Students 19 or older may request withdrawal without parent/guardian signature. The principal must be notified immediately when withdrawal procedures are initiated. A student who has applied for a transfer, or who anticipates moving to the residence of a person other than the parent or legal guardian, **should not withdraw from school unless he/she has obtained a transfer approval.**

Students who are moving out of the District when schools are not in operation should contact the campus to withdraw from school. This ensures that a student is not counted as a "dropout."

BISD POLICE DEPARTMENT

BISD's philosophy is that District campuses are places to learn and should be safe, secure, and violence-free. Therefore, drugs, weapons, and disruptive misbehavior have no place on campuses and will not be tolerated.

Action Taken by Police

If a student is found to be in possession of illegal drugs, drug paraphernalia, alcoholic beverages, or weapons, the student will be

arrested immediately. Criminal charges will be filed in all cases of possession of drugs, delivery of drugs, or dangerous weapons offenses. If a student possesses any usable amount of marijuana or a dangerous drug without a prescription, the student will be subject to arrest.

Confiscated Contraband

All drugs, weapons, or other contraband that are found on the school premises will be turned over to the BISDPolice Department and removed from campus.

Custody of Student

If law enforcement officers determine that a student needs to be taken into custody, it will be done out of the presence of other students, whenever possible. The administration will make every effort to notify the student's parents. Reasonable efforts will be made by school officials to document when a parent cannot be contacted.

Texas Law authorizes Police Officers to take a child into custody for a delinquent conduct or violation of the law (misdemeanor, felony, local ordinance). The laws of arrest that apply to an adult also apply to a juvenile.

When a juvenile is taken into custody by an officer, the following procedures will be followed by the arresting officer who will:

1. Handcuff the juvenile and transport him or her to a designated juvenile processing office in accordance with Chapter 52 of the Texas Family Code, the Cameron County Juvenile Center, his or her residence, or other appropriate location. The fact that a prisoner is a juvenile does not preclude the use of handcuffs.
2. When transporting a juvenile, notify a dispatcher of the destination, beginning and ending mileage, and departure and arrival time.
3. Make every reasonable effort to notify the parent or legal custodian that the child is in police custody as soon as feasible. Upon notification of a parent or guardian, the following will be provided immediately:
 - a. The reason for detention
 - b. The place of detention
 - c. The parent's or guardian's right to an initial visit.
4. Check NCIC and/or TCIC to determine if the juvenile has any active warrants, a directive to apprehend, is a runaway, or has been adjudicated as an adult.
5. Under no circumstances will a juvenile be transported with an adult prisoner

Narcotic Program

The District utilizes trained canines that are able to detect narcotics and weapons contraband. Although it is not the intent of the program to have students arrested, students will risk arrest and prosecution if they bring contraband drugs or weapons onto school grounds.

Narcotic Searches

All contraband search locations will be unannounced. When the canine unit arrives at the campus/department, the team will go directly to the principal's/administrator's office or a designated area. The search will be conducted with the assistance of the principal/administrator or his/her designee.

Personal Property

Personal property brought onto school property or to school-related activities is permitted as a matter of privilege, not of right, with the understanding and agreement that the owner or possessor of the property will consent to a search of that property when there are any reasonable grounds to suspect that a search may disclose evidence that a student has violated or is violating the rules of the school. Included in this category of property are non-District-owned vehicles; personal books, supplies, and equipment (including athletic equipment); and personal items such as lunch boxes, briefcases, backpacks, and/or similar containers used to carry materials.

If a school official has a reasonable suspicion to suspect that a search of personal property may disclose evidence that a student has violated or is violating the rules of the school, the school official may institute a search. If circumstances permit, the student shall be required to be present during the search.

Personal Searches

No student will be searched by the BISDP Narcotic Detection dog under any circumstances. Personal searches of students' purses, handbags, or billfolds include the emptying of pockets and the like, which do not involve the removal of clothing or wearing apparel, are authorized if a school official has a reasonable suspicion to suspect a search may disclose evidence that a student has violated or is violating the rules of the school. The official should advise the student of the reason for the search.

Personal searches of students which involve the removal of outer clothing or wearing apparel only (shoes, socks, jackets, coats, sweaters, raincoats, etc.) are authorized if a school official has a reasonable suspicion to suspect a search may disclose evidence that a student has violated or is violating the rules to the school.

Questioning of Students

The following guidelines shall apply when law enforcement officers or other lawful authorities desire to question, interview or take a student into custody while on campus:

1. The principal shall verify and record the identity of the officer or other authority and may request an explanation of the need to question or interview the student.
2. Unless the interviewer requests that the parent/guardian or custodial parent not be notified, the principal shall make reasonable

- efforts to notify the student's parents or other person having lawful control of the student; and
3. The interviewer will determine if the principal or a designee need to be present during the questioning or interview.

Search Areas

Areas subject to search are those properties owned by the District, including areas in school buildings such as classrooms, gymnasiums, halls, offices, assembly rooms, and other facilities; school grounds including parking lots, athletic facilities, and buildings; books, educational equipment (including athletic equipment), and supplies; vehicles owned by the School District; and student lockers, desks, work tables, cabinets, and storage areas located within school buildings. Students are responsible for whatever is contained in desks, lockers, or other property issued to them by the school.

Search of Property and Students

Students are entitled to the guarantees of the Fourth Amendment, and they are subject to reasonable searches and seizures. Students have the responsibility not to carry on their person or to have on school property or at school-sponsored events such items as drugs, weapons, alcohol, digital devices or other contraband materials in violation of school policy or state law.

School officials are empowered to conduct reasonable searches of students and school property when there is reasonable cause to believe that students may be in possession of drugs, weapons, alcohol, and other materials ("contraband") in violation of school policy or state law. Students who bring contraband onto school grounds may be searched in order to secure the school environment so learning can take place and to protect other students from any potentially harmful effects stemming from the contraband. School property such as lockers and desks shall remain under the control of school officials, and shall be subject to search. Students do not have a reasonable expectation of privacy in the use of school lockers or school desks.

The administration may utilize dogs and metal detectors as provided by district policies and applicable laws. Metal detectors and trained dogs may be used at random locations and times by district personnel as determined by school administrators and law enforcement personnel.

Smoking

State law and Board policy expressly prohibit vaping or smoking and/or the possession of tobacco or tobacco-related products on any campus or at school functions. Violation of the policy is an offense, and appropriate disciplinary action may be taken. Violations are punishable as Class C misdemeanors by fines not to exceed \$500.00 under Texas Penal Code 48.01 (1994).

Sobriety Testing/Physical Neurological Testing

BISD Police Officers will administer the Standardized Field Sobriety Test and BISD School Nurses will evaluate the student's behavior. These tests may be done at the request of an administrator. The testing is not a medical diagnosis, but rather a series of assessments and observations used to identify signs and symptoms that may indicate abnormalities/substance ingestion. These screenings together with additional documentation may also be used as a tool for administration to make a decision concerning student discipline.

Surveillance Cameras

The Texas Education Code, Section 26.009(b), authorizes school districts to videotape students in school building for purposes of safety, including the maintenance of order, discipline in common areas, including eligible instructional and related service areas that provide services to students with special needs.

Under the Influence

Under the influence is a removable offense. Under the influence shall mean that a student's mental and/or physical faculties are noticeably impaired by exhibiting characteristics of public intoxication as defined in case law pursuant to the Penal Code.

Such characteristics include, but are not limited to, slurred or incoherent speech, staggering, bloodshot eyes, uncontrollable or violent behavior, or a smell or odor of a controlled substance (e.g., marijuana), an intoxicant, or alcoholic beverage. Under the influence does not require that a student be legally intoxicated to trigger disciplinary action.

Vehicle Searches

BISD campuses will be posting signs at the entrance of each parking lot informing public, staff and student body that vehicles could be searched. A student's vehicle will be subject to search while on school grounds. If, during a search, the dog alerts to a student's vehicle, the student will be asked to consent to the search of the vehicle. If the student refuses, then the administration will call the parent(s) to ask for consent to search the vehicle. If the parents refuse to consent, then the administration will have no other alternative but to turn the matter over to the police. If any contraband is found in a vehicle, appropriate legal action will be taken. In addition, appropriate disciplinary action will be taken against the student.

X-Ray and Metal Detectors

School officials or law enforcement officers may conduct x-ray metal detector checks of groups of individuals if the checks are done in a minimally-intrusive, nondiscriminatory manner (e.g., on all students in a randomly selected class; on every third individual entering an athletic event).

**BISD Police and Security Services Types of Offenses and General Consequences
(Student Behavior)**

A. Felonies (#1 Highest- #5 Lowest)	Possible Consequences
1. Title V Felony *	45 school days at BAC or 180 school days at JJAEP
2. First Degree Felony	45 school days at BAC or 180 school days at JJAEP
3. Second Degree Felony	45 school days at BAC or 180 school days at JJAEP
4. Third Degree Felony *	45 school days at BAC or 180 school days at JJAEP
5. State Jail Felony *	45 school days at BAC or 180 school days at JJAEP

***NOTE: Consequence may vary depending on actual charge.**

B. Misdemeanors (#1 Highest - #3 Lowest)	Possible Consequences
1. Class A Misdemeanor	45 School Days at BAC
2. Class B Misdemeanor * Class C (Drugs or Alcohol)	30 to 45 School Days at BAC* 45 School Days at BAC
3. Class C Misdemeanor (other than Drugs or Alcohol)	30 School Days at BAC

***NOTE: Consequence may vary depending on actual charge.**

DISCIPLINE AND BEHAVIORAL EXPECTATIONS

Criminal Trespass

Any person who enters or remains on District property or in a District building without the consent of the District's representative, or any person, who remains on District property or within a District building after having received oral or written notice from a District representative to depart, shall be subject to prosecution for criminal trespass in accordance with Section 30.05 of the Texas Penal Code.

In compliance with Section 30.05 of the Texas Penal Code, notice is hereby given that no person shall be authorized to be on BISD premises after 10:00 p.m. or before 6:00 a.m. unless such authority as stated above has been given.

Gangs and Gang Affiliations

A student may be placed in a Disciplinary Alternative Education Program if the student is participating in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang on school property or while attending a school-sponsored or school-related activity on or off school property. Any students participating in a public-school fraternity, sorority or secret society as a member or pledge, or solicits another person to become a pledge or member of a public-school fraternity, sorority or secret society may be placed in a Disciplinary Alternative Education Program (DAEP).

School Bus Behavior - (Due Process is at the Campus Level)

The bus driver in order to maintain discipline on the school bus has the authority to write discipline referrals. Misconduct is reported to the campus administration in coordination with the Administrator for Transportation or designee. As a team, they will take the appropriate disciplinary action including placement in a DAEP if the infraction is an expellable offense. Placement of students with disabilities is subject to the procedure set forth in education code §37.004.

Riding the school bus is a privilege and considered an extension of the classroom. Students who do not behave themselves properly may lose the privilege of riding the bus. Students may ride only on their assigned bus, unless authorized in writing by the school administration to do otherwise. Violators will lose bus privileges for the remainder of the school year. Students are expected to follow these safety rules and all BISD Code of Conduct rules whether riding the bus to and from school or on a field trip.

1. Parents are responsible for students at their designated individual bus stops assigned by the transportation department during the morning and afternoon routes. **Students from K to 3rd grade and students with special needs are highly encouraged to have a parent, guardian or designated adult at the bust stop.**
2. Students must follow the driver's directions at all times.
3. **Students should be at their bus stop ten minutes before pick up. The bus driver will not wait for those who are late.**
4. Student must present or scan student identification/school ID and/or RFID card upon request when boarding the school bus.
5. Student must not stand on the traveled portion of the roadway while waiting for the bus.

6. Students should not run while crossing the street. They should cross at least 10 feet in front of a bus and never cross behind it.
7. While waiting at the bus stop, students must respect the property of homeowners and businesses in the area.
8. Students must not run alongside a moving bus, but wait until it has stopped and then walk to the front door.
9. Students must enter the bus in an orderly fashion and in accordance with the bus driver's instructions. They must go directly to their seat and remain seated and not be walking around or change from seat to seat while the bus is in motion.
10. Students may not use profanity, or vulgar language, or make obscene gestures on the bus. Verbal altercations are prohibited and may be constituted as fighting.
11. Students must not extend their arms, legs, or head out of the bus.
12. Students should not talk to driver while the bus is in motion, except in an emergency.
13. When departing the bus, students should move quickly and safely from the unloading area.
14. Students should not throw food or trash in the bus or out of the bus window.
15. Students are permitted on or off the bus **ONLY AT AUTHORIZED STOPS**.
16. Students are not allowed to change their clothing on the bus.
17. Students are not permitted to board the school bus with food items, soft drinks, or bottled containers.
18. Students may not use tobacco products, drugs, alcohol, or any controlled substance on the bus. Again, all BISD Student Code of Conduct Rules applies while riding the bus.
19. Students will be held responsible for any damages they caused to BISD property and will be **required to pay for damages**. The students must inform the bus driver of any damages immediately. Students causing damages will automatically lose bus privileges. If the infraction occurs within the last six weeks of the school year, the privileges will be lost for the time remaining in that semester and for the next semester.
20. Students should never use the emergency door in the rear of the bus for boarding or leaving the bus, unless there is an emergency. Any student opening or jumping out from any emergency exit including the entrance door or triggering the alarm and/or tampering with the emergency handles will automatically lose bus privileges. If the infraction occurs within the last six weeks of the school year, the privileges will be lost for time remaining in that semester and for the next semester.
21. Fighting will not be tolerated as it endangers all students on the bus. Any student fighting on the bus will automatically lose bus privileges for the remainder of the semester. If the infraction occurs within the last six weeks, privileges will be lost until the end of the next semester.
22. Video cameras are placed on school buses for your protection and safety. Any student who tampers with the cameras will lose bus privileges. If the infraction occurs within the last six weeks of the school year, privileges will be lost for the time remaining in that semester and for the next semester.

School Bus Discipline Procedures

Students who do not conduct themselves properly may lose the privilege of riding the bus to or from school or on field trips with their class. Students are expected to follow all safety rules. The following schedule will be followed depending on seriousness of the incident. Parents will be notified at each occurrence by a school administrator. Video cameras are placed on buses to monitor student behavior for safety reasons. Except for

#19, #20, #21 and #22 outlined above, the following procedures will be followed:

1. First Offense-Student will be sent to campus administration and with the cooperation of the Transportation Department; the student will be placed on probation and issued a warning.
2. Second Offense-Student may be suspended from riding the bus for a maximum of five days.
3. Third Offense-Student may be suspended from riding the bus for a maximum of ten days.
4. Fourth Offense-Student will be suspended from riding the bus for the remainder of the semester.
5. **Students sent to an alternative placement for disciplinary reasons are not eligible for transportation services. (see Student Code of Conduct.)**

Note: The above rules and procedures also apply to any student riding in any and all district vehicles. These consequences are 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 service 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.

B.Y.O.D. Student Agreement

The use of technology to provide educational material is not a necessity but a privilege. A student does not have the right to use his or her laptop, cell phone or other electronic device while at school. When abused, privileges will be taken away. When respected, they will benefit the learning environment as a whole.

Students and parents/guardians participating in B.Y.O.D. must adhere to the BISD Student Code of Conduct, as well as all Board policies and Administrative Procedures.

Additionally, technology devices:

- Student takes full responsibility for his or her technology device and keep it with himself or herself at all times. The school is not responsible for the security of the technology device.
- BISD and Technology Services personnel cannot attempt to troubleshoot, repair, correct, or be responsible for malfunctioning personal hardware or software.
- Must be turned off while on school campus unless the teacher, or other designated adult, allows the student to use the

device for educational purposes.

- May not be used to cheat on assignments or tests, or for non-instructional purposes (such as making personal phone calls and text/instant messaging).
- May not be used to record, transmit or post photographic images or video of a person, or persons on campus during school activities and/ or hours.
- Student accesses only files on the technology device or internet sites which are relevant to the classroom curriculum.
- Student complies with teachers' request to shut down the computer or close the screen.
- Student acknowledges that the school's network filters will be applied to one's connection to the internet and will **not** attempt to bypass them.
- Student understands that bringing on premises or infecting the network with a Virus, Trojan, or program designed to damage, alter, destroy, or provide access to unauthorized data or information is in violation of the AUP policy and will result in disciplinary actions.
- The school district has the right to collect and examine any device that is suspected of causing problems or was the source of an attack or virus infection.
- Student realizes that printing from personal technology devices will not be possible at school.
- The technology device is charged prior to bringing it to school **and** runs off its own battery while at school.

Vehicles on Campus

To obtain a driver's license, a student between the ages of 16 and 18 must provide to the Department of Public Safety a copy of the TEA Verification of Enrollment and Attendance Form signed by the principal. The school must verify that the student has met the 90 percent attendance requirement in each class for the semester preceding the date of application. The student can obtain this form at the campus records room where attendance will be verified. It is recommended that students who enrolled in Driver's Education classes during the summer need to secure this form before school closes for summer vacation. Vehicles parked on school property are under the jurisdiction of the school. The school reserves the right to search any vehicle at any time if reasonable grounds exist to do so.

Only high school students are allowed to drive cars to school. All students must have a parking permit for their vehicle in order to park on District property. A student must have a valid driver's license and proof of insurance in order to get a parking permit. If students plan to use their vehicles during school hours, they must have the principal's permission. Loitering in and around automobiles is not permitted.

A student has full responsibility for the security of his/her vehicle. A student is held responsible for any prohibited objects or substances that are found in his/her vehicle and will be subject to disciplinary action by the District as well as referred for criminal prosecution. Note: Parking permits may be revoked for inappropriate behavior/driving on campus.

DISCIPLINE AND STUDENTS' RIGHTS

Students Rights

Students have full rights of citizenship as guaranteed in the United States Constitution and its amendments. These rights must not be bridged, obstructed, or in other ways altered except in accordance with the law. Education is one of these rights. Students are responsible for attending school regularly, for making conscientious efforts in their schoolwork, and for following school rules. Most importantly, students, faculty, staff, and administration alike share a responsibility for making schools good places in which to learn.

The Brownsville Independent School District does not discriminate on the basis of race, religion, color, national origin, sex, age, or disability in providing education or providing access to the benefits of educational services, activities, and programs, including Career and Technology, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975 (34 CFR Part 110); Section 504 of the Rehabilitation Act of 1973, as amended; Title II of the Americans with Disabilities Act of 1990; and local Board policies. The District designates the Area Superintendent for Human Resources or designee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972. The Office of Human Resources is located at 1900 Price Road, Brownsville, Texas 78521. The District designates the Department Administrator to coordinate its effort to 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 decently 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 student and others. No discipline management practice shall inflict injury, cause harm, demean, or deprive the student 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 where applicable.

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 education 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 purpose of removals of a student with a disability, who receives special education services, from the student'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 student 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/adult student of that decision and provide the parent/adult student 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 campus 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 complaint 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 parent/guardian or adult 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, the adult student or parent/guardian may petition the Superintendent or designee in writing to hear the complaint.

Student Right of Appeal (Subject to MDR as Outlined Above)

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
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student’s ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student’s educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Prohibited harassment of a student is defined as physical, verbal, or non-verbal conduct based on the student’s race, color, gender, national origin, disability or religion that is so severe, persistent or pervasive that the conduct:

1. Affects the student’s ability to participate in or benefit from an educational program or activity, or creates an
2. Intimidating, threatening hostile, or offensive educational environment;
3. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or otherwise adversely affects the student’s educational opportunities.

Student Welfare: Harassment Reporting Procedures

Any student who believes that he or she has experienced harassment should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. Reports of harassment shall be made as soon as possible after the alleged acts. The process to be followed is outlined in policy FFH (Local).

DISCIPLINARY ALTERNATIVE EDUCATION PLACEMENT (DAEP)

Aside from in-school suspension (ISS) and out-school suspension (OSS), the District provides the following Disciplinary Alternative Education Placements (DAEP):

Brownsville Academic Center (BAC)

The BISD Brownsville Academic Center (BAC) is an alternative campus for students who have been removed or placed from one of the BISD secondary campuses. This alternative campus will provide students with a well-disciplined environment that provides consistency, structure, intense academics, and supported related services to enable the student to grow intellectually, socially, emotionally and psychologically. Students removed for a discretionary offense will attend BAC for 30 days. Students removed for long term mandatory placement will attend BAC for 45 school days. Upon successful completion of the criteria for exit, BAC students will return to their original campus. Length of term may be reduced for perfect attendance in conjunction with appropriate conduct, at the BAC Principal's discretion, not to exceed one day for each week. Any long-term disciplinary action (accumulation often 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

When a student is being removed or placed at the Brownsville Academic Center (BAC) or placed at Juvenile Justice Alternative Education Program (JJAEP), campus administrators may place the student in In-School Suspension (ISS) or Out-of-School Suspension (OSS) pending a hearing for removal or placement. OSS should be used as a last resort for any offense. When a student placement is being appealed to the District Committee, consequences will not be deferred pending the outcome of the hearing for state mandated offenses. Students placed at the Brownsville Academic Center must comply with the exit requirement before they can return to a BISD campus. This holds true for any placed student who withdraws from BISD. Students charged with a felony outside the school district, may be placed in the Brownsville Academic Center.

Juvenile Justice Alternative Education Placement (JJAEP)

Students, who are placed for a mandatory (180 school days) or sometimes, a discretionary offense (90 school days), will be placed to the Juvenile Justice Alternative Education Placement in San Benito, Texas. Students must be at least 10 to 17 years of age, or 18 years of age at the time and throughout the period of placement. Students placed for mandatory offenses will attend for a period not less than 180 attended school days with an optional 90 attended school day review.

Assigning campus is campus of accountability for student performance.

BISD DRESS CODE

The BISD Dress Code guidelines can be found in the Student-Parent Handbook. A student may be disciplined in accordance with the Student Code of Conduct for a violation of the BISD Dress Code.

STUDENT CODE OF CONDUCT

The following section contains the Student Code of Conduct that has been approved by the Board of Trustees of the District. The Code contains the Standards for Student Conduct, General Conduct Violations, and Removal from the Regular Educational Setting and Disciplinary Alternative Education Placement (DAEP). The Code provides a listing of the violations that may cause a student to be removed from a campus and placed in a DAEP from the District. Students and parents are encouraged to become familiar with its contents so that there is no misunderstanding when the campus administration calls parents and informs them that their child is being removed from campus and/or recommended for DAEP.

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Pupil Services Administrator, Mr. Randy Park, at (956) 544-3966 or email rampark@bisd.us.

Purpose

The Student Code of Conduct (“Code”) as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student’s behavior, preventing and intervening in student discipline problems, and imposing discipline.

The law requires the district to define misconduct that may-or must- result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, or in a Disciplinary Alternative Education Placement (DAEP), such as Brownsville Academic Center (BAC) or Juvenile Justice Alternative Education Placement (JJAEP).

This Student Code of Conduct has been adopted by the Brownsville Independent School District’s Board of Trustees and developed with the advice of the attendance/discipline district-level committee. This Code provides information and direction to students and parents regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each campus or shall be available for review at the office of the campus behavior coordinator and posted on the district’s website. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP (BAC/ JJAEP), or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the District Board of Trustees, it has the force of policy: therefore, in case of conflict between the Student Code of Conduct and the Student Parent Handbook, the Code shall prevail.

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

BISD AUTHORITY AND JURISDICTION

CAMPUS BEHAVIOR COORDINATORS

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for being the point of contact for student discipline. The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found at www.bisd.us.

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
- 6. When a student engages in cyberbullying, as provided by Education Code 37.0832;**
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school’s real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.008; and
11. When the student is required to register as a sex offender.

Threat Assessment and Sage and Supportive School Team

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment and 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 principal or campus behavior coordinator 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

The board utilizes BISD Police Officers, school resource officers (SROs), school marshals, *and/or* security personnel to ensure the security and protection of students, staff and property. In accordance with law, the board has coordinated with the campus behavior coordinator (CBC) and other district employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the CKE policy series.

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 of Conduct. Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district's 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, 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.

See – **DEAP – Restrictions during Placement** on page 15, for information regarding a student assigned to DEAP at the time of graduation. *Note: The district property administrator, SRO, or police officer is required to maintain a record of all warnings issued that include the name of the person receiving the warning and the date it was given.*

STANDARDS FOR STUDENT CONDUCT

Each student is expected to:

1. Demonstrate courtesy and respect for others, even when others do not.
2. Behave in a responsible manner
3. Exercise self-discipline.
4. Attend all classes, regularly and on time.
5. Prepare for each class; take appropriate materials and assignments to class.
6. Meet District and campus standards of grooming and dress.
7. Obey all campus and classroom rules.
8. Respect the rights and privileges of other students, teachers, other District staff **and volunteers**.
9. Respect the property of others; including District property and facilities.
10. Cooperate with or assist the school staff in maintaining safety, order, and discipline.
11. Adhere to the requirements of the Student Code of Conduct.

GENERAL CONDUCT VIOLATIONS (30 Days)

The categories of conduct below are prohibited within 300 feet of school, in vehicles owned or operated by the district and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-Suspension, DAEP Removal, and Placement for Certain Offenses**, those offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in **Removal from the Regular Educational Setting** as detailed in that section.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds, or school-sponsored events without permission.
- Disobey rules for conduct on district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language, or make obscene gestures.
- Fight or scuffle (for assault, see DAEP BAC/JJAEP).
- Threaten a district student, employee or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment and making hit lists (See Glossary for all four terms).
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee or volunteer.
- Engage in conduct that constitutes dating violence (See Glossary).
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing (See Glossary).
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual contact directed toward another person, including a district student, employee or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Note: BULLYING. Refer to policy FFI (Local) for the district's provision regarding the anonymous reporting of an incident of bullying and parent notification of alleged bullying as required by SB 179, allegations of bullying, and the procedures for handling an investigation to determine whether bullying has occurred. SB 179, also known as "David's Law," provides for DAEP placement for a student who engages in bullying that encourages a student to commit suicide, incites violence against a student through group bullying, or releases or threatens to release intimate visual material of an adult student without the person's consent or of a minor student.

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.

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
- A hand instrument designed to cut or stab another by being thrown
- *A location-restricted knife
- *A club
- *A firearm
- A stun gun
- *Knuckles
- A pocketknife or any other small knife
- Mace or pepper spray
- Pornographic material
- 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 13. 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 including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting”, either on or off school property if the conduct causes a substantial disruption to the educational environment **or infringes on the rights of another student at school.**
- Use **the Internet or other electronic communication** to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment **or infringes on the rights of another student at school.**

Note: CYBERBULLYING OFF CAMPUS. The changes in this section reflect the provisions of SB 179 that expands district jurisdiction for cyberbullying off campus.

Safety Transgression

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety,
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property,
- Make false accusations or perpetrating hoaxes regarding school safety,
- Engage in any conduct that school officials reasonably believe will substantially disrupt the school program or incite violence,
- Throw objects that can cause bodily injury or property damage,
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the student handbook;
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gamble,
- Falsify records, passes, or other school-related documents,
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities,
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

DISCIPLINE MANAGEMENT TECHNIQUES

Discipline shall be designed to improve conduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, **including restorative practices**. Discipline shall be based on to the seriousness of the offense, the student’s age, and grade level, the frequency of misbehavior, the student’s attitude, the effect of the misconduct on the school environment, and statutory requirements.

Note: HB 674 /HB 692 prohibits BISD from placing students who are homeless or below grade 3 in out-of-school suspension, except for certain violent or weapons offenses or alcohol or drug-related conduct. Implementation of a positive behavior program as a disciplinary alternative for these students must be used (i.e. restorative discipline practices).

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Code of Conduct.

To the extent any conflict exists, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF (LEGAL)

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

In deciding whether to order suspension to a Disciplinary Alternative Education Placement (DAEP), such as BAC or JJAEP, regardless of whether the action is mandatory or discretionary, the District shall take into consideration a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct. (For more information see section in Student Code of Conduct – Students under 504, Students with Special Needs and/or section in Student Parent Handbook under Assistance for Students in Section 504 or Special Education)

Techniques

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

1. Verbal correction, oral or written.
2. Cooling-off time or a brief “time-out” period, in accordance with law.
3. Seating changes within the classroom **or** vehicles owned or operated by the district.

4. Temporary confiscation of items that disrupt the educational process.
5. Rewards or demerits.
6. Behavioral contracts.
7. Counseling by teachers, counselors, or administrative personnel.
8. Parent-teacher conferences.
9. Behavior coaching.
10. Anger management classes.
11. Mediation (victim-offender).
12. Classroom circles.
13. Family group conferencing.
14. Grade reductions for cheating, plagiarism, and as otherwise permitted by policy EIA (Local)
15. Detention, including outside regular school hours. (Parental notification required).
16. Sending the student to the office or other assigned area, or to in-school suspension (ISS).
17. Assignment of school duties such as cleaning or picking up litter.
18. Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school sponsored clubs and organizations.
19. Penalties identified in individual student organizations' extracurricular standards of behavior. FO (Local)
20. Restriction **or** revocation of district transportation privileges. (Parental notification required; Transportation privileges may be taken away from a student with disabilities only in accordance with state and federal law).
21. School-assessed and school-administered supervision.
22. Out-of-School Suspension (OSS), as specified in the OSS section in this Code.
23. Placement in a DAEP, as specified in BAC section of this Code.
24. Placement in a DAEP setting, as specified in the Placement for Certain Offenses section of this Code.
25. Placement, as specified in the Placement section of this Code.
26. Referral to outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
27. Other strategies and consequences as determined by school administration.

Note: Additional options added as part of an alternative or restorative discipline program. The following disciplinary consequences are prohibited:

1. Physical impact activities
2. Washing or laundering services
3. Other consequences prohibited by the Code of Conduct.

EXCEPTION: As part of their curriculum, the Brownsville Academic Center (BAC) will utilize and monitor physical impact activities as a consequence according to the procedures outlined in the "BAC Drill Instructor Juvenile Supervision Officer Guidelines" and as per the Boy's Town curriculum, and including Physical Restraint Techniques under the guidelines of "Handle with Care."

Prohibited Aversive Techniques

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

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

Notification

The campus behavior coordinator or appropriate administrator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school suspension or out-of-school suspension, and placement in a DAEP (BAC or JJAEP). The campus behavior coordinator or appropriate administrator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action 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 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).

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 (ISS),

- 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 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 Code of Conduct as a general conduct violation, DAEP offense or expellable 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 provided by the district.

DISCRETIONARY REMOVAL TO DAEP (BAC) - (30 Days)

The DAEP (BAC) shall be provided in a setting other than the student's regular classroom. An elementary school student may not be removed to a DAEP (BAC). For purposes of DAEP (BAC), elementary classification shall be kindergarten-5th grade and secondary classification shall be grades 6th-12th. Summer programs provided by the district shall serve students assigned to a DAEP (BAC) separately from those students who are not assigned to the program.

A student who is removed for an offense that otherwise would have resulted in a DAEP (BAC) removal does not have to be placed in DAEP (BAC) in addition to the placement.

In deciding whether to order placement 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 the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care) or
6. A student's status as homeless.

Discretionary Removal

A student may be placed in DAEP (BAC) for behaviors prohibited in the General Conduct Violations section of this Student Code of Conduct.

Misconduct Identified in State Law

In accordance to state law, a student may be placed in DAEP (BAC) for any of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Involvement in a public-school fraternity, sorority, or secret society, including participating as a member of pledge, or soliciting another person to become a pledge or member of a public-school fraternity, sorority, secret society or gang (See Glossary).
- Involvement in criminal street gang activity (See Glossary).
- Criminal mischief, not punishable as a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in DAEP (BAC) if the campus behavior coordinator or appropriate administrator has reasonable belief (See **Glossary**) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (See **Glossary**) of the Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

A campus behavior coordinator or appropriate administrator **may**, but is not required to, place a student to a DAEP (BAC) for off-campus conduct for which DAEP (BAC) placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

MANDATORY REMOVAL TO DAEP (BAC) - (45 Days)

Misconduct that requires DAEP (BAC) Removal

A student must be placed in a DAEP (BAC) if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school (See Glossary).
- Commits the following offenses on school property or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault with bodily injury (See Glossary) under Penal Code 22.01(a) (1).
 - (HB114) Sells, gives, possesses, uses, delivers to another person, or is under the influence of a controlled

substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in Expulsion on page 15.) See glossary for “under the influence”, “controlled substance,” and “dangerous drug.”

- (HB114) Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
- 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.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Sells, gives, or delivers to another person or possesses or uses an e-cigarette.
- 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

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and

- 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) removal order.

- A copy of the DAEP (BAC) removal order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the

student for purposes of special education services shall be provided to the student and/or student's parents.

- Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.
- If the student is placed in the DAEP (BAC) and the length of removal is inconsistent with the guidelines included in this Code of Conduct, the removal order shall give notice of the inconsistency.

DAEP (BAC) at Capacity (HB 114)

If a DAEP (BAC) is at capacity at the time the campus behavior coordinator is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP (BAC) for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP (BAC) is at capacity at the time the campus behavior coordinator deciding placement for a student who engaged in violent conduct, a student placed in DAEP (BAC) for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP (BAC) available for the student who engaged in violent conduct. If a position becomes available in a DAEP (BAC) before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP (BAC) for the remainder of the period.

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 (BAC) shall not count toward fulfilling the total number of days required in a student's DAEP (BAC) removal order.

When there is more than one offense, or while pending removal to the DAEP (BAC) and another infraction occurs, the campus will have the removal terms run concurrently (not consecutively). The DAEP (BAC) Administrator shall administer the required diagnostic or benchmark assessments required by the district.

Exceeds One Year

Removal to DAEP (BAC) may exceed one year when a review by the home campus behavior coordinator or appropriate administrator determines the student is a threat to the safety to other students or to district employees.

Exceeds School Year

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

For removal to DAEP (BAC) extending beyond the end of the school year, the home campus behavior coordinator or appropriate 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 Glossary) that violates the District's Code of Conduct.

Exceeds 60 Days

For removal to DAEP (BAC) to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the campus behavior coordinator or campus administration.

Removal to DAEP (BAC) Appeals

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

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

Appeals shall be made to the Department of Pupil Services. Within 2 school days of receipt of campus removal letter from the campus behavior coordinator or appropriate administrator, the parent must submit written appeal notice to Department of Pupil Services, located at 708 Palm Blvd. and telephone number is (956) 544-3966.

The district shall delay disciplinary consequences pending the outcome of a DAEP (BAC) appeal. Any decision to remove a student to a DAEP (BAC) cannot be appealed beyond the board's designee, Department of Pupil Services, with exception of a different placement decision made by the ARD committee in the student's manifestation determination.

Restrictions during Removal at DAEP (BAC)

The District does not permit a student who is suspended or removed to DAEP (BAC) to attend or participate in any school-sponsored or school-related extracurricular or co-curricular activity including seeking or holding honorary positions and/or membership in school sponsored clubs and organizations.

A student placed in a DAEP (BAC) shall not be provided transportation unless he or she is a student with a disability who is entitled

to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan.

For seniors who are eligible to graduate and are assigned to DAEP (BAC) at the time of graduation, the last day of removal in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in DAEP (BAC) removal order.

Removal Review for DAEP (BAC)

A student removed to DAEP (BAC) shall be provided a review of his or her status, including academic status by the DAEP (BAC) Administrator, at intervals not to exceed 120 calendar days. In the case of a high school student, the student's progress towards graduation and student's graduation plan shall also be reviewed.

A review of a student status may result in a return to home campus at BAC's principal's discretion due to the following:

- The student has been displaced from the home campus more school days than the term placed.
- The student is passing the majority of his/her classes.
- Absences are predominantly excused.
- The student has had a good discipline record while at BAC.

The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent.

Additional Removal for Misconduct at DAEP (BAC)

If during the term of removal while at DAEP (BAC), the student engages in additional misconduct for which removal to DAEP (BAC) or placement to JJAEP is required, additional proceedings may be conducted and the campus behavior coordinator or appropriate administrator may enter an additional disciplinary order as a result of those proceedings. A student may have his/her time extended through a disciplinary hearing, if additional misconduct occurs.

Notice of Criminal Proceedings for DAEP (BAC)

When a student is placed in a DAEP (BAC) for certain offenses, the office of the prosecuting attorney shall notify the district **if**:

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

If a student was placed in a DAEP (BAC/JJAEP) for such conduct, on receiving the notice from the prosecutor, the campus behavior coordinator or appropriate administrator, shall review the student's placement and schedule a review with the student's parent not later than the third day after the campus behavior coordinator or appropriate administrator receives notice from the Administrator of Pupil Services. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the campus behavior coordinator or appropriate administrator, may continue the student's removal if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

If the offense warranted mandatory removal to a DAEP (BAC), the student or the student's parent may appeal the campus decision to the District Hearing Officer at the Department of Pupil Services. If the offense warranted placement at DAEP (JJAEP), the student or student's parent may appeal the District Hearing Officers decision to the District Committee. The student may not be returned to the regular classroom setting pending the appeal. In the case of an appeal, the District Hearing Officer shall review the notice from the prosecutor and receive information from the student, the student's parent, and the campus behavior coordinator or appropriate administrator, and confirm or reverse the decision. The District Hearing Officer shall make the record of the proceedings.

If the District Committee confirms the decision of the District Hearing Officer, the student and the student's parent may appeal to the board. The student may not be returned to the regular classroom pending the appeal.

Withdrawal during Removal Process for DAEP (BAC)

When a student violates the District's Code of Conduct in a way that requires or permits the student to be removed in a DAEP (BAC) and the student withdraws from District before a DAEP (BAC) removal order is completed, the campus behavior coordinator or appropriate administrator may complete the proceedings and issue a DAEP (BAC) removal order. If the student reenrolls in the District during the name or a subsequent school year, the campus behavior coordinator or appropriate administrator may enforce the order at that time, less any period of the removal that has been served by the student during enrollment in another district. If the campus behavior coordinator, or the appropriate administrator fails to issue a DAEP (BAC) removal order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP (BAC) removal order.

Students cannot be withdrawn to attend another campus until all pending disciplinary paperwork and placement removal are completed at the school where the offense occurred.

Newly Enrolled Students Removal Review for DAEP (BAC)

The district shall continue the DAEP (BAC) removal of a student who enrolls in the district and was assigned in a DAEP (BAC) in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP (BAC) removal from a district in another state shall be removed as any other newly enrolled student if the behavior committed is a reason for DAEP (BAC) removal in the receiving district.

If the student was placed in a DAEP (BAC) by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the removal so that the total removal does not exceed one year. After a review, however, the removal may be extended beyond a year if the campus behavior coordinator or appropriate administrator determines that the student is a threat to the safety of other students or employees or the extended removal is in the best interest of the student.

Emergency Removal

When an emergency removal is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given notice of the reason for the action. Not later than the 7th after the date of removal, the student shall be given the appropriate conference required for removal in a DAEP (BAC).

Note: A principal or principal's designee can order an immediate DAEP removal of a student in accordance with Section 37.019 Of the Education Code.

Transition Services

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

PLACEMENT FOR CERTAIN OFFENSES AT DAEP (BAC)

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

Registered Sex Offender

Upon receiving notification in accordance with law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

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

If the student is not under any form of court supervision, the placement may be in DAEP (BAC) or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be the regular classroom if the campus behavior coordinator or appropriate administrator determines that the student's presence in the regular classroom:

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

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

Placement of Newly Enrolled Sex Offender Student

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

Placement Appeal for Sex Offender

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

Placement for Certain Felonies

Regardless of whether placement is required or permitted by one of the reasons in the DAEP (BAC) / JJAEP Placement sections, in accordance with Education Code 37.0081, a student **may** still be placed in either DAEP (BAC) / JJAEP if the campus behavior coordinator or appropriate administrator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (See Glossary) of the Penal Code.

The student must have:

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

The campus behavior coordinator or appropriate administrator may order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,

3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Placement Hearing and Required Findings of Certain Offenses

The student must first have a hearing before the District Hearing Officer, who must determine that in addition to the circumstances above that allow for the placement, the student’s presence in the regular classroom:

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

Any decision of the District Hearing Officer under this section is final and may not be appealed.

Length of Placement for Certain Offenses

The student is subject to the placement until:

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

Placement Review

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board’s designee at the intervals not to exceed 120 days. In the case of a high school student, the student’s progress toward graduation and the student’s graduation plan shall also be reviewed. At the review, the student or the student’s parent shall have the opportunity to present arguments for the student’s return to the regular classroom or campus.

Newly Enrolled Students for Certain Offenses

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

DISCRETIONARY PLACEMENT AT (JJAEP) – 90 Days

In deciding whether to order a placement the district will 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.

Discretionary Placement: Misconduct That May Result in Placement (JJAEP)

Some of the following types of misconduct may result in mandatory placement in a DAEP (JJAEP), whether or not a student is expelled. (See **DAEP (BAC) Placement** on page 9).

Any Location

A student **may** be placed at DAEP (JJAEP) for:

- Engaging in the following no matter where it takes place:
- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student’s consent
- Conduct that contains the elements of assault under Penal Code 22.01 (a) (1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault
 - Sexual assault
 - Aggravated sexual assault
 - Murder
 - Capital murder
 - Criminal attempt to commit murder or capital murder
 - Aggravated robbery
 - Engages in deadly conduct (See Glossary)
- Breach of computer security (See Glossary)
- Engaging in conduct relating to a false alarm or report (including bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

A student may be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from

any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of **under amount of** marijuana, a controlled substance, or a dangerous drug. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See **glossary** for "under the influence.")
- Selling, giving, or delivering another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol. Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See **glossary**.)

Within 300 Feet of School

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line;

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See **glossary**.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Manslaughter.
- Criminally negligent homicide.
- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony controlled substance or dangerous drug offenses, not including THC.
- Unlawfully carrying on or about the student's person a handgun or location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)

Property of Another District

A student **may** be placed (discretionary) at DAEP (JJAEP) for committing any offense that is a state-mandated placement offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas (with exception of a different placement decision made by the ARD committee in the student's manifestation determination).

While Placed in DAEP (BAC)

A student **may** be placed (discretionary) at JJAEP for engaging in documented serious misbehavior that violates the district's Code of Conduct, despite documented behavioral interventions while placed in a DAEP/BAC (with exception of a different placement decision made by the ARD committee in the student's manifestation determination). For purposes of discretionary placements from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of other;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Penal Code 1.07; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Penal Code 21.07;
 - b. Indecent exposure under Penal Code 21.08;
 - c. Criminal mischief under Penal Code 28.03;
 - d. Hazing under Education Code 37.152; or
 - e. Harassment under Penal Code 42.07(a) (1), of a student or district employee.

MANDATORY PLACEMENT AT (JJAEP) – 180 Days

Misconduct that Requires Placement at (JJAEP):

A student **must** be placed at the JJAEP under Federal or State Law 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 (with exception of a different placement decision made by the ARD committee in the student's manifestation determination):

Under Federal Law

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See Glossary.)

Note: Mandatory placement under the Federal Gun Free School Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted

appropriate safeguards to ensure student safety.

Under the Penal Code

- Unlawfully carrying on or about the student's person the following, in a manner prohibited by Penal Code 46.02:
 - A handgun, defined by state as any firearm designed, made, or adapted to be used with one hand. (See Glossary.)
Note: A student may not be placed solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG (LEGAL).]
 - A **location-restricted knife**, as defined by state law. (See Glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See Glossary).
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory placement offenses.
- Behaving in a manner that contains elements of the following offenses or a Title 5 felony offense (see Glossary) under the Penal Code:
 - Aggravated assault (bodily injury), sexual assault, or aggravated sexual assault
 - Arson (See Glossary),
 - Murder, capital murder, or criminal attempt to commit murder or capital murder,
 - Indecency with a child,
 - Aggravated kidnapping,
 - Aggravated robbery,
 - Manslaughter,
 - Criminally Negligent Homicide,
 - Continuous sexual abuse of a young child or children,
 - Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing, using, or being under the influence of a controlled substance, or dangerous drug.
 - Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age 10 Placement

When a student under the age of ten engages in behavior that should result in a placement to JJAEP, the elementary student shall be placed in an alternative setting at the elementary campus. A student under age 6 shall not be placed in a JJAEP unless the elementary student commits a federal firearm offense.

PLACEMENT PROCEDURES FOR JJAEP

Process for (JJAEP)

If a student is believed to have committed a placement offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within 7 school days. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom
- In-school suspension
- Out-of-school suspension (as a last resort)
- DAEP (BAC)

Placement Hearing for (JJAEP)

A student facing placement shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the District, and
2. An opportunity to present evidence and witnesses in the student's defense.

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

The board delegates the Administrator for Pupil Services authority to conduct hearings and place students to JJAEP.

Placement Reviewed by District Committee for (JJAEP)

After the due process hearing, the placed student may request that the District Committee review the placement decision. To appeal, the parents must submit a written request within 2 school days for BAC (3 days for JJAEP) after receipt of the written placement decision to the Director of the Department of Pupil Services, located at 708 Palm Blvd., (956) 544-3966. The Director of Pupil Services, must provide the student or parent written notice of the date, time, and place of the meeting at which the District Committee will review the decision. The District Committee will review the record of the placement hearing. They may also hear statements from the student or parent and from the campus behavior coordinator or appropriate administrator.

The District Committee will hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at that time of the placement hearing. The District Committee will make and

communicate its decision at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing for state- mandated offenses.

Placement Reviewed by School Board for (JJAEP)

If the resolution at the District Committee’s level is not to the student’s and/or parent’s satisfaction, the parent may appeal to the Board. The board shall review the record of the placement hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the District Hearing Officer from the Department of Pupil Services.

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

Placement Order to (JJAEP)

Before ordering the placement, the campus behavior coordinator or appropriate administrator shall take into consideration:

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

If the student is placed, the District Hearing Officer at the Department of Pupil Services, shall deliver to the student and the student’s parent a copy of the order placing the student.

Not later than the second business day after the hearing, the District’s Hearing Officers shall deliver to the JJAEP Administrator or designee a copy of the placement order and the information required by Section 52.04 of the Family Code.

If the length of the placement is inconsistent with the guidelines included in the Code of Conduct, the placement order shall give notice of the inconsistency.

Length of Placement to (JJAEP)

The length of placement shall be based on the seriousness of the offense, the student’s age, and grade level, the frequency of misbehavior, the student’s attitude, and statutory requirements.

The duration of student’s placement will be determined on a case by case basis. The maximum period of placement is one calendar year except as provided below.

A placement may not exceed one year unless, after review, the District Hearing Officer determines that:

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

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

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

Disciplinary Alternative Education Placement	Length of Time
Brownsville Academic Center (BAC)	45 School Days
Juvenile Justice Alternative Education Placement (JJAEP)	90 School Days / 180 School Days

Withdrawal during Process for Placement at (JJAEP)

When a student has violated the District’s Code of Conduct in a way that requires or permits placement at DAEP (BAC/JJAEP) from the district and the student withdraw from the District before the placement hearing takes place, the District Hearing Officer may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the District during the same or a subsequent school year, the DAEP (JJAEP) Administrator or campus behavior coordinator may enforce the placement order at that time, less any placement period that has been served by the student during enrollment in another district.

If the campus behavior coordinator or the appropriate administrator fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct during Process of Placement at (JJAEP)

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

Restrictions during Placement at (JJAEP)

Placed students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of placement. No district academic credit shall be earned for work missed during the period of placement unless the student is enrolled in a JJAEP or another district approved program.

Newly Enrolled Student Placement at (JJAEP)

The campus behavior coordinator or the appropriate administrator shall continue the placement of any newly enrolled student placed from another district or an open-enrollment charter school until the period of the placement is completed.

If a student placed in another state enrolls in the District, the campus behavior coordinator or the appropriate administrator may continue the placement under the terms of the placement order, may place the student in a DAEP (JJAEP) for the period specified in the order, or may allow the student to attend regular classes if:

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

If a student is placed by a district in another state for a period that exceeds one year and the campus behavior coordinator or the appropriate administrator continues the student placement in a DAEP (JJAEP), the campus behavior coordinator or the appropriate administrator shall reduce the period of the placement so that the entire period does not exceed one year, unless after a review it is determined that:

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

Emergency Placement Procedures for DAEP (JJAEP)

When an emergency placement is **necessary to protect persons or property from immediate harm**, the student shall be given verbal notice of the reason for the action. Within seven days after the date of the emergency placement, the placement, the student shall be given appropriate due process required for a student facing placement at DAEP (JJAEP).

Placement of Students Under 10 Years of Age

The District may provide educational services to any student placed in a DAEP (JJAEP); however, educational services for elementary students in an alternative setting will be provided by the elementary campus.

Transition Services

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

Cyberbullying Terminology (as per Nancy Willard)

Flaming:	On-line fights using electronic messages with angry and vulgar language
Harassment:	Repeatedly sending nasty, mean, and insulting messages
Denigration:	Sending or posting gossip or rumors about a person to damage his or her reputation or friendships
Impersonation:	Pretending to be someone else and sending or posting material to get that person in trouble or in danger or damage that person's reputation
Outing:	Sharing someone's secrets or embarrassing information or images on-line
Trickery:	Talking someone into revealing secrets or embarrassing information, then sharing it on-line
Exclusion:	Intentionally and cruelly excluding someone from an on-line group
Cyberstalking:	Repeated intense harassment and denigration that includes threats or creates significant fear

GLOSSARY

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Penal Code 29.03(a) when a person commits robbery and:

1. Causes serious bodily injury to another; Uses or exhibits a deadly weapon; or
2. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death,
3. if the other person is:
 - a. 65 years of age or older, or
 - b. A disabled person.

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

Arson is defined in part by Penal Code 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a. Any vegetation, fence, or structure on open-space land; or b. Any building, habitation, or vehicle:
 - 1) Knowing that it is within the limits of an incorporated city or town,
 - 2) Knowing that it is insured against damage or destruction,
 - 3) Knowing that it is subject to a mortgage or other security interest,
 - 4) Knowing that it is located on property belonging to another,
 - 5) Knowing that it has located within its property belonging to another, or
 - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damage any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - Recklessly damages or destroys a building belonging to another, or

- Recklessly causes another person to suffer bodily injury or death.

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. 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;
 - d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
 - e. Making a telephone call and intentionally failing to hang up or disengage the connection;
 - f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
 - g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
 - h. 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.
 - i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

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.

Intimate visual material is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

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

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

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

Machine gun as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

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

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

Possession means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any school property used by the student, including but not limited to a locker or desk.

Prohibited weapon under Penal Code 46.05 (a) means:

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

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

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

Reasonable belief is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use using all available information and must consider the information furnished in the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code;
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Penal Code 21.07;
 - b. Indecent exposure under Penal Code 21.08;
 - c. Criminal mischief under Penal Code 28.03;
 - d. Personal hazing under Education Code 37.152; or
 - e. Harassment under Penal Code 42.07(a) (1), of a student or district employee.

Serious or persistent misbehavior includes but is not limited to:

- Behavior that is grounds for permissible placement or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.

- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is defined by 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 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.

