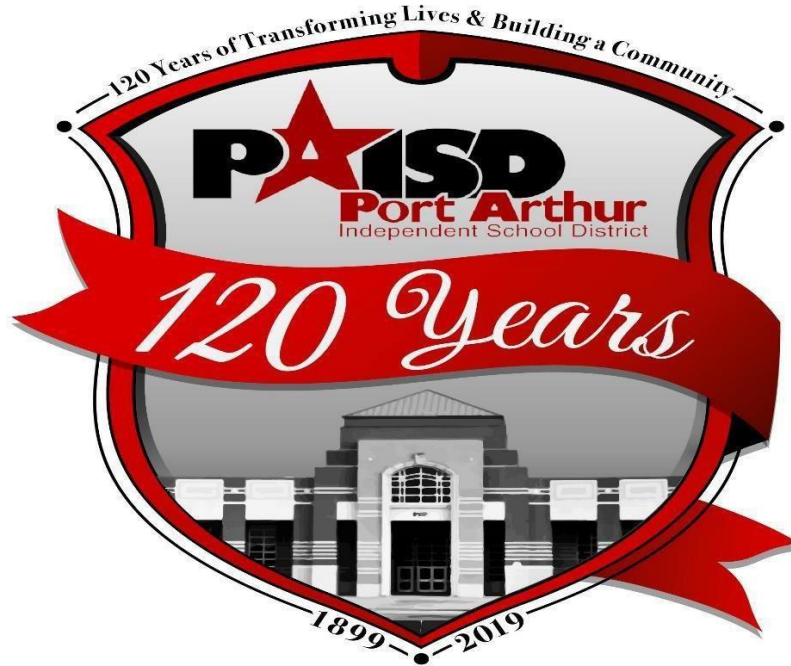


PORT ARTHUR ISD



STUDENT CODE OF CONDUCT

2023-2024

available online in English/Spanish
www.paisd.org

The Port Arthur Independent School District is an Equal Opportunity Employer in full compliance with the Title VI, Civil Rights Act, 1964; Title IX, Education Amendment, 1972; Section 504, and the Rehabilitation Act, 1973. It is the policy of the Port Arthur Independent School District not to discriminate based on sex, handicap, race, color, age, gender, or national origin in educational or vocational programs, activities, or employment. For further information, please contact Dr. Mark L. Porterie, Superintendent of Schools at (409) 989-6244.

PORT ARTHUR ISD

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2023-2024

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ACKNOWLEDGMENTFORM

Student Code of Conduct

Dear Student and Parent:

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

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for student misconduct, we encourage you to direct those questions to the student's teacher and/or appropriate campus administrator. The Student Code of Conduct is available online with a language translator tool.

The student and parent must sign this page in the space provided below and return the page to the student's homeroom teacher by September 27, 2023. Please note that failure to return this Acknowledgment Form does not release the student or parent from responsibility for knowing the contents of the Student Code of Conduct.

Thank you.

Dr. Mark L. Porterie, Superintendent of PAISD Schools

.....
We acknowledge that we have been informed that the Port Arthur ISD Student Code of Conduct for 2023-2024 is online in English/Spanish, located at www.paisd.org under the header entitled "*Students*". We understand that a hardcopy may also be viewed in the office of the Campus Behavior Coordinator (Assistant Principal) at the student's school. We further understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Student Code of Conduct.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

Please sign and date this page. Then, return it to the student's teacher. Thank you!

PORT ARTHUR ISD
Home-School Partnership Expectations

Parents or Legal Guardians are expected to:

1. Attend school conferences; respond to the teacher's initial contact.
2. Assist their child in being properly attired for school according to the standard of dress.
3. Bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
4. Cooperate with school personnel when their child is involved in a discipline problem.
5. Cooperate with school administrators and teachers in their efforts to achieve and maintain a quality school system.
6. Cooperate with the school nurse to obtain state-required immunizations, to follow procedures for administration of medications at school, and to take/keep the student home when ill.
7. Demonstrate a positive attitude towards teachers, parents, and students.
8. Discuss work assignments and report cards with the student; request a conference with the teacher if their child receives a failing grade for the reporting period.
9. Encourage their child to adhere to the Student Code of Conduct and school discipline policies.
10. Ensure student safety by adhering to appropriate drop-off and pick-up times.
11. Establish and maintain a positive attitude toward education and school personnel.
12. Initiate conferences to discuss academic progress.
13. Maintain current addresses and phone numbers in the school office for home, work, and emergencies.
14. Promote their child's attendance at school tutorials as the need arises.
15. Provide appropriate identification when requested by school personnel.
16. Require and lead their child to develop proper study habits at home.
17. Send their child to school daily as required by law and promptly notify the school to explain absences and tardiness.
18. Sign the Student and Parent Acknowledgment Statement indicating that you are aware the Student Code of Conduct is available online and that a hard copy will be provided upon request to the campus.
19. Strive to prepare their child emotionally and socially to be receptive to learning and discipline.
20. Take an active interest in the overall school program.

STUDENT CODE OF CONDUCT

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact the Director of Special Education at 989-6225.

Purpose

The Student Code of Conduct (“Code”) is the district’s response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Port Arthur ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside 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 school campus or shall be available for review at the office of the campus principal and assistant principal. Additionally, the Code shall be **posted at www.paisd.org** Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, 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’s board of trustees, it has the force of policy. Therefore, in case of conflict between the Code and the Student 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 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods if 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, board member, 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 Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

Campus Behavior Coordinator

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 maintaining student discipline. Visit your school's website for a current list of the persons serving as a campus behavior coordinator, as well as, their email addresses and dedicated phone numbers, as per Senate Bill (SB) 1306.

Threat Assessment and Safe and Supportive School Teams

By virtue of Senate Bill (SB) 11, the campus behavior coordinators and other appropriate administrators will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law and shall take appropriate disciplinary action in accordance with the Student Code of Conduct.

Searches

District officials 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 investigation and searches.

School District Authority and Jurisdiction

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, 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

To ensure sufficient security and protection of students, staff, and property, the School Board employs Police Officers and other Security Personnel. In accordance with the law, the Superintendent and Board, through coordinated effort with the Campus Behavior Coordinators (Principals/Assistant Principals) and other district personnel, ensure that appropriate law enforcement duties are assigned to Police Officers and other Security Personnel.

By virtue of Senate Bill (SB) 1707, PAISD Police Officers and other Security Personnel should not be assigned duties outside of their purview of security. The Superintendent and School Board are required to ensure that District Police Officers and other Security Personnel are not tasked with behavioral or administrative duties better addressed by Campus Behavior Coordinators (Principals/Assistant Principals) and other district employees. The law enforcement duties of District Police Officers are listed in Board Policy CKE (Local), available in its entirety at www.paisd.org under Board Policy.

Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. District Police Officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law, as needed. In doing so, District Police Officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.

School District Authority and Jurisdiction

The law enforcement duties of District Police Officers continued

5. Enforce District policies on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations, as requested by the Superintendent and participate in administrative hearings concerning the alleged violations.
7. Carry weapons as directed by the Chief of Police and approved by the Superintendent.
8. Carry out all other duties, as directed by the Chief of Police or Superintendent.

The duties of Security Personnel include:

1. Provide on-site security to District campuses and facilities;
2. Monitor students in need of additional support;
3. Provide a liaison between school officials and the Port Arthur Police Department;
4. Assist parent-teacher organizations in the realization of common goals;
5. Assist school administrators in providing a safe and secure learning environment for the students, employees, and visitors of all District campuses and facilities;
6. Assist school administrators, teachers, and staff in the enforcement of the PAISD student code of conduct violations that are also violations of the law.

Standards for Student Conduct

“Parent” Defined

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

Participating in Graduation Activities

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code.

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

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

Unauthorized Persons

In the interest of school safety, a School Administrator, School Resource Officer and Police Officer have the authority to refuse entry or eject a person from district property for posing a risk of harm or inappropriate behavior.

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to immediately 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.**

The district 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.

What is criminal trespass?

To promote the safety and security of students and staff, all visitors must check in at the office of all campuses. The Texas Penal Code §30.05 provides that a person commits criminal trespass if he/she enters or remains on property or in a building of another without effective consent and he/she had notice that entry was forbidden or received notice to depart but failed to do so. For the purpose of this statute, “enter” means the intrusion of the entire body and “notice” means (1) oral or written communication by the owner or someone with apparent authority to act for the owner, (2) fencing or other enclosure obviously designed to exclude intruders or (3) signs posted to be reasonably likely to come to the attention of

the intruders indicating that entry is forbidden. A person posing a substantial risk of harm to any person or behaving in a manner that is inappropriate for a school setting may be ejected or refused entry from district property by the School Administrator, School Resource Officer, or Police Officer.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG (LOCAL) or GF (LOCAL), as appropriate. 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.

Standards for Student Conduct

Every Port Arthur ISD student is expected to:

- ☐ Demonstrate courtesy, even when others do not.
- ☐ Behave in a responsible manner, always exercising self-discipline.
- ☐ Comply with the directives given by Teachers, Administrators, and other school/district personnel, authorized to supervise
- ☐ Attend all classes, regularly and on time, working hard to master the knowledge and skills taught by teachers and other instructional staff.
- ☐ Prepare for each class; taking appropriate materials and assignments to class, setting individual academic goals, and using good work habits to meet those goals.
- ☐ Meet district and campus standards of grooming and dress.
- ☐ Obey all campus, classroom, and bus rules.
- ☐ Respect the rights and privileges of students, teachers, and other district staff and volunteers, using only respectful language and actions.
- ☐ Respect the property of others, including district property and facilities.
- ☐ Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- ☐ Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations

The categories of conduct below are prohibited at 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-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain 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 in 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 Placement and/or Expulsion for certain offenses)
- ✓ 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, or 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, board member, 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** for amended definition, as per SB38.)
- ✓ Cause an individual to act through the use of or threat of force (coercion).
- ✓ Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- ✓ Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- ✓ Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- ✓ Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement and/or Expulsion for certain offenses)
- ✓ 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 DAEP Placement and/or Expulsions for certain offenses)
- ✓ Enter, without authorization, district facilities that are not open for operations.
- ✓ Damage to school district property equal to or in excess of \$2,500 is felony criminal mischief and requires placement in DAEP or expulsion.

Possession of Prohibited Items

Students shall not possess or use:

- ✓ Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
 - ✓ A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
 - ✓ A “look-alike” weapon 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 hand instrument designed to cut or stab another by being thrown;
 - ✓ Knuckles
 - ✓ A location-restricted knife;
 - ✓ A club;
 - ✓ A firearm;
 - ✓ A stun gun;
 - ✓ A pocketknife or any other small knife (less than five and one-half inches)
 - ✓ Mace or pepper spray;
 - ✓ Pornographic material;
 - ✓ Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device; Note: **HB 114** -mandatory DAEP for e-cigarettes
 - ✓ Matches or a lighter;
 - ✓ A firearm silencer or suppressor
 - ✓ 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.

Note: For weapons and firearms, see DAEP Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law. In accordance with section 37.007 (a) of the Education Code, possession of any knife, including pocketknives and knives with blades five and one-half inches long or longer, is punishable by Mandatory Expulsion. House Bill (**HB**) **446** removes knuckles from the list of prohibited weapons in Penal Code 46.05.

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- ✓ Display, turn on, or use a telecommunications device, including a cellular telephone, or other electronic device on school property during the instructional day, including during all testing. The use of cell phones in locker rooms or restroom areas, at any time, while at school or at a school-related or school-sponsored event is strictly prohibited.
- ✓ A student who displays, turns on, or uses a telecommunications device, *including cellular phones*, during the school day will have the device confiscated. The **parent** may pick up the confiscated telecommunications device from the Principal's Office for a fee of **\$15**. [*See policy FNCE] Students shall not use a telecommunications 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:

- ✓ Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement and Expulsion** for mandatory and permissive consequences under state law.)
- ✓ Possess or sell seeds or pieces of 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, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- ✓ Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See **glossary** for "abuse.")
- ✓ Abuse over-the-counter drugs. (See **glossary** for "abuse.")
- ✓ Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See **glossary** for "under the influence.")
- ✓ Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.
- ✓ Students, at school or at a school sponsored or school related event, may not possess, sell, or be under the influence of any other non-controlled (non-prescription or non-over-the-counter substance, or over the counter service which, in the judgement of the administration affects the central nervous system, creates or induces a condition of intoxication, hallucination, elation, or that changes, distorts, or disturbs the student's eyesight, thinking process, balance, or coordination.

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, board members, 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.

Safety Transgressions

Students shall not:

- ✓ Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- ✓ Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- ✓ Make false accusations or perpetrate hoaxes regarding school safety.
- ✓ Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- ✓ Throw objects that can cause bodily injury or property damage.
- ✓ Discharge a fire extinguisher or set off a fire alarm 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 Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

Discipline Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members 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 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.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal law. In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see **glossary**) until an ARD committee meeting has been held to review the conduct. In deciding whether to order suspension, DAEP placement, or expulsion, 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.

Disciplinary Techniques

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

- ✓ Verbal correction, oral or written.
 - ✓ Cooling-off time or brief "time-out" in accordance with the law.
 - ✓ Seating changes within the classroom or vehicles owned or operated by the district.
 - ✓ Temporary confiscation of items that disrupt the educational process.
 - ✓ Rewards or demerits.
 - ✓ Scholastic penalties as permitted by policy
 - ✓ Behavioral contracts.
 - ✓ Counseling by teachers, school counselors, or administrative personnel.
 - ✓ Parent-teacher conferences.
 - ✓ Behavior coaching.
 - ✓ Anger management classes.
 - ✓ Mediation (victim-offender).
 - ✓ Classroom circles.
 - ✓ Family group conferencing.
 - ✓ Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
 - ✓ Detention, including outside regular school hours.
 - ✓ Sending the student to the office or other assigned area, or to in-school suspension.
- Note: State law limiting placement in out-of-school suspension to three days does not apply to placement in in-school suspension.

- ✓ Assignment of school duties, such as cleaning or picking up litter.
- ✓ Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- ✓ Penalties identified in individual student organizations' extracurricular standards of behavior.
- ✓ Restriction or revocation of district transportation privileges.
- ✓ School-assessed and school-administered probation.
- ✓ Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use in accordance with FO (Local).
- ✓ Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- ✓ Placement in a DAEP, as specified in the DAEP section of this Code.
- ✓ Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- ✓ Expulsion, as specified in the Expulsion section of this Code.
- ✓ Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- ✓ Other strategies and consequences as determined by school officials.

Prohibited Aversive Techniques

Aversion 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. According to SB 712 and HB 3630,

Aversive techniques include:

- ✓ Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- ✓ 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 to 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 prolonged 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 isolating 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 shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator 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 the student's parent with 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 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 designee shall provide the notice.

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. 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, the central administration office, or through *Policy On Line* at the following address: www.paisd.org. **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)

Bus Conduct

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

District rules and guidelines are applicable on the buses. Video cameras may be used to assist the District in assuring safe transportation for all students.

Students shall not:

- ✓ Bring liquid containers or animals on the bus
- ✓ Board or unload at incorrect stop
- ✓ Be disobedient or disrespectful to driver or bus aides or students
- ✓ Be excessively loud
- ✓ Use unacceptable, threatening, and/or profane language
- ✓ Eat/drink on bus, possess or use tobacco, possess or use e-cigarettes
- ✓ Fail to follow safe street-crossing procedures
- ✓ Fight/scuffle on bus
- ✓ Litter the bus or damage the inside or outside of the bus
- ✓ Move and/or not sit properly while bus is in motion
- ✓ Put head or hands out of the window
- ✓ Put self or others in danger
- ✓ Tamper with bus or equipment, and/or
- ✓ Throw objects

Removal from the School Bus for

Misconduct

A bus driver, in accordance with Section 37.0022 of the Education Code, may refer a student to the Campus Behavior Coordinator's office (Principal or Assistant Principal) to maintain effective discipline on the bus. The Campus Behavior Coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges. 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 discipline management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the Campus Behavior Coordinator 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.

Routine Referral

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator 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 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. When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

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

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

Returning a Student to the Classroom

A student, who 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.

A student who has been formally removed by a teacher for any other conduct 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

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense. The district 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 or placed in DAEP 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 a weapons offense, as provided in Penal Code Section 46.02 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.

The district shall use in-school suspension and incorporate a positive behavior program as a disciplinary alternative or consequence for students below Grade 3 who commit general conduct violations instead of out-of-school suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended, a student 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 before the administrator makes a decision.

The campus behavior coordinator shall determine the number of days of a student's suspension shall not exceed three school days. Chapter 37 does not place any limits on the number of times a student can be suspended in a semester or year.

In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take the following Mitigating Factors into consideration:

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.

Out-of-School Suspension

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 this 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.

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12. **Elementary students under age 6, at the time of the offense, shall not be placed in DAEP UNLESS they commit a federal firearms offense.**

Summer programs provided by the district shall serve students, assigned to a DAEP separately from those students who are not assigned to the program.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

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 DAEP Placement

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

Serious or Persistent Serious Misconduct includes but is not limited to:

- ✓ Actions or demonstrations that substantially disrupt or materially interfere with classrooms and 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 document.
- ✓ Refusal to accept discipline assigned by the Teacher, Principal, Assistant Principal, or other Supervisory Personnel
- ✓ Documented Recurring Serious Misconduct

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses: Note: Senate Bill 179, David's Law- Bullying/Cyberbullying legislation

- ✓ 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 or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- ✓ Involvement in criminal street gang activity. (See **glossary**.)
- ✓ 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 a DAEP if the Superintendent or the Superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than 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.

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

Mandatory Placement: Misconduct That Requires DAEP Placement

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

- ✓ Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- ✓ Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see **glossary**) under Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. 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. (School-related felony drug offenses are addressed in the **Expulsion** section.) (See **glossary** for *under the influence*, *controlled substance*, and *dangerous drug*)

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

Sexual Assault and 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 requests that the board transfer the offending student to another campus.

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.

Process

Removals to a DAEP shall be made by the campus behavior coordinator. In an emergency, the Principal or the Campus Behavior Coordinator may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a non-emergency basis.

Conference

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

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

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

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

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

Placement Order

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent. **HB 3928** amends Chapter 37 to require the district to provide information to a student's parent about the process for requesting a full individual and initial evaluation of the student for purposes of special education services when a student is placed for a mandatory DAEP offense.

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

DAEP at Capacity- **HB 114** states when a DAEP is at capacity, a student who engaged in conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical must be placed in ISS until the student can be transferred to a DAEP if space becomes available before the expiration of the period of the placement. In addition, when a DAEP is at capacity, a student in a DAEP for conduct related to marijuana, THC, e-cigarette, alcohol, or an abusable volatile chemical **may** be moved to ISS to create space for a student who engaged in violent conduct. If space becomes available, the removed student must be returned to a DAEP to complete the period of the placement.

Coursework Notice

The parent or guardian of a student placed in DAEP 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 Placement

The campus behavior coordinator shall determine the duration of a student's DAEP placement.

The duration of a student's placement shall be determined case-by-case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

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

Exceeds School Year

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

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Appeals

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

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with 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.paisd.org***

Appeals shall begin at *Level One* with the Campus Behavior Coordinator (Principal or Assistant Principal).

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board.

Restrictions During Placement

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

The district does not permit a student who is placed in a DAEP to 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.

The district shall provide transportation to students in a DAEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program 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 the DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

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

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

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district, including a district in another state.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement 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 oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

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 DAEP. See Policy FOCA (Legal) for more information. HB 2124 requires the DAEP administrator to provide the administrator of the campus where the student is returning with information about the student's progress while in the alternative setting, including an assessment of academic growth and results of any assessment given to the student, no later than the fifth day that the student is released back to campus.

Placement and/or Expulsion for Certain Offenses

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

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the 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 either DAEP or JJAEP for at least one semester.

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

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

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee 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 by the ARD committee.

Newly Enrolled Student

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

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator 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;
- ✓ Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- ✓ Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- ✓ Have 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
- ✓ Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

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 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

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

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

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, or
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 Expulsion: Misconduct That May Result in Expulsion

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

Any Location

A student **may** be expelled for:

- ✓ 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.
- ✓ 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:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- ✓ Breach of computer security. (See **glossary**)
- ✓ Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at 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 marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as

authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for “under the influence.”)

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

Within 300 Feet of School

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, or aggravated robbery.
- ✓ Continuous sexual abuse of a young child or disabled individual
- ✓ Felony drug- or alcohol-related offense.
- ✓ Unlawfully carrying on or about the student’s person a handgun or a 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 expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

A student **may** be expelled for engaging in documented serious misbehavior that violates the district’s Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, 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; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Penal Code Section 21.07
 - b. Indecent exposure under Penal Code Section 21.08
 - c. Criminal mischief under Penal Code Section 28.03

- d. Hazing under Education Code 37.152; (SB 37 eliminates the requirement that a report of hazing be made in writing) or
- e. Harassment under Penal Code 42.07(a)(1), of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled 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:

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 expulsion under the federal Gun Free Schools 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 the manner prohibited by Penal Code 46.02.
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.) Note: A student may not be expelled 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 in or preparing 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**.)
- ✓ Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See **glossary**.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or disabled individual.

- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol. **HB 114** removes the mandatory expulsion requirement for marijuana, THC, and alcohol-related offenses that are punishable as a felony
- ✓ Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

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

Process

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. 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.
- ✓ DAEP.

Hearing

A student facing expulsion 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,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

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

The Board of Trustees delegates to the Superintendent or Superintendent's designee authority to conduct hearings and expel students.

Board Review of Expulsion

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

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

The board shall consider and 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 shall not be deferred pending the outcome of the hearing.

Expulsion Order

Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

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, or
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 expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Superintendent or the Superintendent's Designee shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

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

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

Withdrawal During Process

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

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

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

Additional Misconduct

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

Restrictions During Expulsion

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

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

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

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

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

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

Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

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. See policies FOCA (LEGAL) and FODA (LEGAL) for more information. **HB 3928** requires the district to provide to a student's parent or person standing in parental relation to the student the process for requesting a full individual and initial evaluation of the student for purposes of special education services as part of the student's personalized transition plan.

Glossary

Abuse is improper or excessive use.

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

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, 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:
 - i. Knowing that it is within the limits of an incorporated city or town,
 - ii. Knowing that it is insured against damage or destruction,
 - iii. Knowing that it is subject to a mortgage or other security interest,
 - iv. Knowing that it is located on property belonging to another,
 - v. Knowing that it has located within it property belonging to another, or
 - vi. 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 damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part 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 that can reasonably be regarded 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 33.02, 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 dilutant, 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, defined by Penal Code 71.01, 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 name 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 42.06, 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, defined as any device for silencing, muffling, or diminishing the report of a portable firearm
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 person, including a district student, employee, board member, or volunteer; 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) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
 - e) Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

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.

Hazing, 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.

House Bill (HB) 1427 expands the offense of harassment under Penal Code 42.07 to include 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.

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 his or her anus or any part of his or her 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 Texas 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 Texas 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; or
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 excepted 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 all available information, including 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; 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.

Serious or persistent misbehavior includes, but is not limited to:

- ✓ Behavior that is grounds for permissible expulsion 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 schoolwork 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, assistant principal, 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 Section 46.01 of the Penal Code 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 tire

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

- ✓ Murder, manslaughter, or homicide under Sections 19.02,-.05, Penal Code;
- ✓ Kidnapping under Section 20.03, Penal Code;
- ✓ Trafficking of persons under Section 20A.02, Penal Code;
- ✓ Smuggling or continuous smuggling of persons under Sections 20.05 – .06, Penal Code;
- ✓ Assault under Section 22.01, Penal Code;
- ✓ Aggravated assault under Section 22.02, Penal Code;
- ✓ Sexual assault under Section 22.011, Penal Code;
- ✓ Aggravated sexual assault under Section 22.021, Penal Code;
- ✓ Unlawful restraint under Section 20.02, Penal Code;
- ✓ Continuous sexual abuse of a young child or disabled children under Section 21.02, Penal Code;
- ✓ Bestiality under Section 21.09, Penal Code;
- ✓ Improper relationship between educator and student under Section 21.12, Penal Code;
- ✓ Voyeurism under Section 21.17, Penal Code;
- ✓ Indecency with a child under Section 21.11, Penal Code;
- ✓ Invasive visual recording under Section 21.15, Penal Code;

- ✓ Disclosure or promotion of intimate visual material under Section 21.16, Penal Code; Sexual coercion under Section 21.18, Penal Code;
- ✓ Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Penal Code;
- ✓ Abandoning or endangering a child under Section 22.041, Penal Code;
- ✓ Deadly conduct under Section 22.05, Penal Code;
- ✓ Terroristic threat under Section 22.07, Penal Code;
- ✓ Aiding a person to commit suicide under Section 22.08, Penal Code; and
- ✓ Tampering with a consumer product under Section 22.09, Penal Code.

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.

PORT ARTHUR INDEPENDENT SCHOOLDISTRICT

Standardized Dress Code

With regard to the “standard of dress” for students, our goal is to teach our students, especially our older students, the importance of looking professional AND to give our students the ability to express themselves, creatively, through clothing- that is not a distraction to themselves or others. We strongly encourage parents to monitor their children’s clothing; but ultimately the District determines the “standard of dress” for the students, who attend PAISD schools. PAISD is 100% committed to the safety and well-being of all students; and every student should attend school to learn. “Standardized Dress” continues as a means of improving campus safety, enhancing the learning environment, bridging socioeconomic differences, encouraging modesty, decreasing violence and theft, and helping parents and students resist social pressures to follow the latest trends. Furthermore, the District’s dress code was established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. Students and parents may determine a student’s personal dress and grooming standards, provided that personal dress and grooming comply with the following: Clothing and general appearance must not constitute a health or safety hazard AND must align with the dress guidelines published in Board Policy, the Student Code of Conduct, the Student Handbook, and the District’s website.

Standardized Dress Guidelines may be more restrictive than those published in the dress and grooming section of the Student Code of Conduct, Student Handbook and the District’s website. However, these additional guidelines should adhere to the general guidelines, as stated above, and be developed with the advice of a campus site-based committee. The guidelines should be publicized to the students and parents in a timely manner.

The Superintendent or the Board of Trustees, however, can amend the Standard of Dress at any time.

PORT ARTHUR ISD

Dress and Grooming (All Grade Levels)

The district's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. Students and parents may determine a student's personal dress and grooming standards, provided that they comply with the following:

Effective August 27, 2007: Board Policy FNCA

The Port Arthur Independent School District will continue the standardized dress code for the 2021-2022 school year. Standardized dress is being continued to improve campus safety, enhance the learning environment, bridge socio-economic difference, encourage modesty, decrease violence and theft, and help parents and students resist social pressures to follow the latest trends.

Grades Pre-K - 8th Grade

Shirts

- Solid colors: navy blue, white, light blue, red, gray and black
- Collared, knit, button polo/golf style shirt or dress style (oxford) buttoned shirts/blouses (long or short sleeve) and fits appropriately
- Undershirts must be white, black, gray, or same color as top shirt
- Shirts must be long enough to tuck in and always be tucked in

School Spirit Shirts

- May be worn only on days designated by Administration
- Jeans may be worn only on designated school-spirit days (Grades PK - 8), provided they are worn with appropriately approved school spirit shirts; (Grades 9-12) jeans may be worn on any day
- Exceptions may be made at the campus level with Administrative approval

Not

- See-through blouses or shirts, low-cut, strapless or bare midriff tops or clothing is not permissible.
- Underwear-type shirts may not be worn as outer garments. All shirts must be tucked in.
- Cap sleeves or sleeveless shirts
- Zippered shirts

Shorts, Skirts, Dresses, Pants, Slacks, Pants Suits, Jeans

Solid colors: Black, navy blue, or khaki pants (no jeans), skirts or knee-length shorts

- Knee length or longer
- Hemmed or cuffed; not dragging the floor
- Free from frays, holes, and cuts displaying skin underneath
- Belts must be worn; solid colors, appropriately sized, no excessive decorations, no oversized buckles, no ties, fringe or scarf-type belts.
- Pants must be worn at waist level and fit in the seat

Not Allowed

- Baggy, oversized styles, oversized pockets (cargo pants/shorts), spandex, low rise, and sweats are not permitted
- Coveralls and overalls are not permitted
- Leather, suede, and vinyl materials are not permitted
- Brads, studs, or other embellishments are not permitted
- No athletic-type shorts (shiny shorts)
- Leggings, stretch material, spandex and the like are not permissible.

Ties must be Solid colors in blue, black or khaki

Suits must be Blue or black

Sweatshirts, Cardigan Sweaters, and Vests

- Must be appropriately sized in the shoulders, sleeves, and length, and must be worn over collared polo shirt, blouse or turtleneck
- Hooded sweatshirts(“Hoodies”) must be appropriately sized, and in the following solid colors: blue, khaki, white, and Titan “spirit” colors: red, black, and silver (gray). “Hoodie” tops and hats/caps cannot be worn on the head in the buildings.

Not

- Oversized, sleeveless, or cap-sleeved, sweatshirts, or short vests or sweaters that hit above the waistline

Footwear

- Casual/Dress/Athletic – NO FLIP FLOPS, Crocs
- Appropriate school colors; black may be included for footwear
- Shoes must match and be buckled or tied if part of the shoe

Masks

- Must be appropriately sized for student face
- Must be worn over nose and mouth
- No obscene, inappropriate, vulgar or blatantly offensive words or pictures are appropriate.

Mask may not advertise or depict tobacco products, alcoholic beverages, drugs or any other prohibited substance.

Outerwear

Coats may be allowed in accordance with appropriate weather conditions. They may not be worn inside the school unless otherwise determined to be necessary by the Principal due to heating or cooling concerns. Coats are to be worn as they are designed to be worn; there is no restriction in the color of coats in the PAISD Dress Code Regulations/Guidelines

School letter jackets or school associated jackets are allowed

No inappropriate logos are allowed.

Not Allowed

- Trench coats- not allowed

Jewelry

- Extremely large or bulky jewelry will not be allowed. The District cannot be responsible for loss of jewelry worn to school. Jewelry should be removed for safety’s sake when using equipment for participating in athletics.
- Sunglasses may not be worn in the classroom, except when a doctor’s authorization is on file in the nurses’ office.

Other Guidelines

- Startling, unusual, or immodest attire of any sort shall not be permitted.
- Tops and bottoms do not have to be the same color (example: khaki slacks with light blue polo shirt)
- All clothing must be appropriately sized
- All clothing must be properly hemmed or cuffed
- Torn ripped, frayed, or cut clothing which displays skill will not be permitted
- Gang related clothing are not permitted
- Hats, scarves, bandannas, and hair coverings are not permitted (unless item is religious oriented and approved based on students' religious practice which is protected under the Religious Freedom Restoration Act)
- Hair is to be clean and well-groomed
- Unusual coloring dyes or excessive hairstyles that may be a distraction are not allowed.
- Visible body piercings other than earrings are not allowed
- No obscene, inappropriate, or vulgar tattoos or body art is permitted
- Secondary students are encouraged to wear ID badges at school. At school-related activities, ID badges must be shown upon entry.
- "Grills" or temporary decorations on teeth are not permitted
- Girls must wear sufficient undergarments that are not visible.

Special Needs Students

Students who have special needs may be granted a waiver on an individual basis by the administration.

Backpacks must be clear.

Exceptions to the dress code due to medical reasons may be granted subject to approval by Administration. Administration reserves the right to amend the dress code and to ban additional items without prior notification.

Violation Consequences:

Discipline for violation of the dress code will be as follows:

1. A STUDENT WHOSE CLOTHING VIOLATES THE DRESS CODE SHALL BE ASSIGNED TO IN-SCHOOL SUSPENSION EITHER FOR THE REMAINDER OF THE DAY OR UNTIL A PARENT OR DESIGNEE BRINGS AN ACCEPTABLE CHANGE OF CLOTHING TO THE SCHOOL.

2. REPEATED DRESS CODE OFFENSES MAY RESULT IN MORE SERIOUS DISCIPLINARY ACTION.

APPROPRIATE DISCIPLINE PROCEDURES SHALL BE FOLLOWED IN ALL CASES IN ACCORDANCE WITH THE STUDENT CODE OF CONDUCT.

If the principal determines that a student's grooming or clothing violates the school's dress code, the student will be given an opportunity to correct the problem at school. If not corrected, the student may be assigned to in-school suspension for the remainder of the day, until the problem is corrected, or until a parent or designee brings an acceptable change of clothing to the school. Repeated offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

