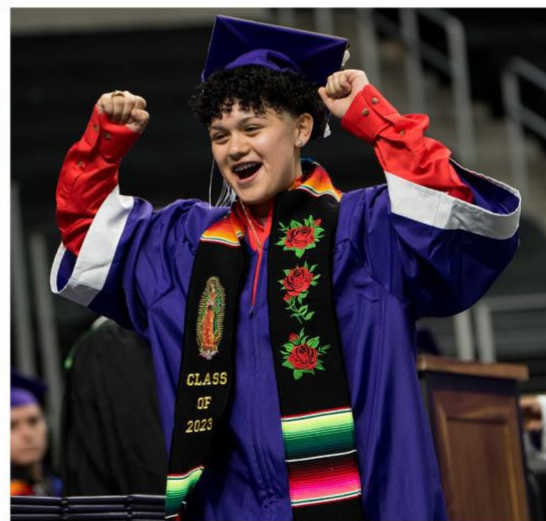


FORT WORTH ISD

# STUDENT CODE OF CONDUCT

2023-2024 | [www.fwisd.org/conduct](http://www.fwisd.org/conduct)

The Fort Worth ISD Student Code of Conduct, approved by the Board of Education, provides information and direction to students and parents regarding expectations of behavior and consequences for code violations. Parents and students are encouraged to read and regularly review the Code to ensure a safe and productive school year.



**Superintendent of Schools**

100 N. University Dr., Ste. SW 207 Fort Worth, Texas 76107  
OFFICE 817.814.1900 FAX 817. 814.1905  
www.fwisd.org



August 14, 2023

Dear Parent/Guardian:

I am excited to welcome you to the 2023-2024 school year! I hope you and your child are looking forward to a successful year in the Fort Worth Independent School District.

This year's **Student Code of Conduct** provides you with information regarding our high expectations of all Fort Worth ISD students. The Board of Education established the standards in the Student Code of Conduct so that schools continue to be safe places for teaching and learning.

The 2023-2024 Student Code of Conduct provides important information about required conduct and consequences for misconduct. Individual schools may develop campus-level student handbooks, but each one will reinforce this Student Code of Conduct and support both district policy and state law. Please contact your child's campus administrator if you have any questions regarding required student conduct and/or disciplinary consequences.

Your child's digital enrollment packet includes an acknowledgement option that allows for electronic distribution of the Student Code of Conduct. It **is your responsibility to 1) sign and submit the acknowledgement form and 2) access the Student Code of Conduct**. To receive your copy electronically, you may visit the Fort Worth ISD website at: [www.fwisd.org/codeofconduct](http://www.fwisd.org/codeofconduct). To obtain a paper copy, visit the administrative office at your child's school.

I hope you find the information in the Student Code of Conduct helpful. We encourage you to read it carefully and to review the information with your child.

Thank you for your support of the Fort Worth ISD and for sharing our high academic and behavioral expectations of students. Best wishes for a positive and productive school year.

Sincerely,

A handwritten signature in black ink, appearing to read "Angelica M. Ramsey".

Angelica M. Ramsey, Ed.D.  
Superintendent of Schools

## Fort Worth ISD Board of Education

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*2nd Vice President*

## Superintendent

**Dr. Angélica M. Ramsey**

## Mission

Preparing ***all*** students for success in college, career, and community leadership.

**Fort Worth Independent School District**

7060 Camp Bowie Boulevard | Fort Worth, Texas 76116

817.814.2000 | [www.fwisd.org](http://www.fwisd.org)

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# Superintendent's Acknowledgment

Dear Student and Parent/Guardian:

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

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or campus administrator.

Your child's digital enrollment packet includes an acknowledgment option that allows for electronic distribution of the Student Code of Conduct. It is your responsibility to: 1) sign and submit the acknowledgment form and 2) access the Student Code of Conduct. To receive your copy electronically, visit the Fort Worth ISD website at [www.fwisd.org/conduct](http://www.fwisd.org/conduct).

To obtain a paper copy instead, please visit the administrative office at your child's school. In the event you are unable to sign the digital form, the student, parent and/or guardian may sign the acknowledgment form on the next page and return it to your campus main office.

Thank you.



**Angélica M. Ramsey, Ed.D.**

Superintendent of Schools



# General Overview

## Purpose

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### Fort Worth ISD Board of Education

The Board of Trustees adopted this Student Code of Conduct (SCC) to promote a safe, secure, and optimal learning environment for all students. Inside you will find information regarding:

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

If there is a conflict between the SCC and the Student Handbook, the terms of the SCC will control. If there is a conflict between the SCC and local District policy, the more recently adopted item will control.

## Additional Rules

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Students may be subject to campus, classroom, transportation, extracurricular, and/or organization rules in addition to those found in the SCC. Students may face consequences under these additional rules as well as possible disciplinary action under the SCC. Further, to the extent a student engages in misconduct that is not specifically addressed in the SCC, the student may still be disciplined if the misconduct threatens students or staff or disrupts or interferes with the educational process, learning environment, or school safety.

### Unauthorized Persons

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

- 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.

## General Standards of Student Conduct

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In order to promote a positive educational experience for all students, the District expects students to adhere to seven basic standards of conduct:

- 1) exercise self-control, self-respect, and self-discipline,
- 2) demonstrate a positive attitude,
- 3) respect the rights and feelings of others,
- 4) respect school property and the property of others,
- 5) support the learning process,
- 6) adhere to rules, and
- 7) promote a safe environment that does not threaten school safety.

Because of significant variations in student conduct, it is not always possible for the SCC to address each and every act of student misbehavior. To that end, the District retains discretion to address student misconduct that is inconsistent with these seven standards even though the conduct may not be specifically included in the SCC.

As required by law, TEC 37.0012, a campus behavior coordinator (Principal) has the discretion to apply school-based discipline for specific violations or refer the matter to the Student Discipline and Placement department for review. Student Discipline and Placement supports campuses in interpreting and applying the FWISD Student Code of Conduct. District Hearing Officers help determine the least restrictive options for students requiring alternative placement. In addition, they offer a Diversionary Referral Program that some students may be eligible to participate in, in lieu of a level II DAEP. The hearing officer will determine eligibility for the Diversionary Referral Program. The department provides regular data reports to campuses on their disciplinary practices in the interest of decreasing suspensions and expulsions and improving the instructional continuity for students facing disciplinary action. The sequence of disciplinary action begins with the minimum disciplinary action and may progress to the more serious disciplinary consequences established in this code. The campus behavior coordinators and hearing officers will consider mitigating factors prior to determining student consequences for mandatory and discretionary incidents. The disciplinary action will draw on the professional judgment of teachers, principals, or designee and on a range of disciplinary management techniques, including restorative discipline practices. The consequence decision will be based on these factors, as well as the specific circumstances unique to the situation and the individual student involved.

## **Notice of Disciplinary Action**

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The campus behavior coordinator shall promptly notify the student's parent or guardian by phone or in person of any violation that may result in:

- In-school suspension
- Out-of-school suspension
- DAEP placement
- JJAEP placement
- Expulsion
- The student is taken into custody by law enforcement

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 must be made to provide written notice to the parent of the disciplinary action applied to the student the same day the action is applied. If a parent or guardian has not been reached by phone or in person by 5pm of the first business day after the day the disciplinary action is taken, the campus behavior coordinator shall mail a written notice of the action to the parent or guardian at the parent's or guardian's last known address by U.S. Mail.

## **Non-Discrimination**

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The District does not discriminate against students on the basis of race, sex, national origin, disability, religion, age, color, or ethnicity when enforcing the provisions of the SCC.

## Commitment to Equity

District students deserve a safe and respectful learning environment in which all students shall receive an education that maximizes their potential for success in college, a career, and community leadership. The District shall focus on improving its practices in order to ensure equity in education. The District recognizes that major historical and societal factors in our nation impact the inequity that exists within public schools. Purposeful action can be taken to identify, acknowledge, and overcome racial and ethnic disparities between students. The responsibility for addressing these disparities among students rests with the adults, not with the students. Board Policy AE (Local).

This Code of Conduct applies to all students. However, when enforcing its Code of Conduct, the District will comply with federal and state laws pertaining to students with disabilities. For more information about those specific procedures, please contact Patricia Sutton, Director of Special Programs.

## Discipline of Students with Special Needs

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### Students with Disabilities (Board Policy FOF)

The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. Education Code 37.004. The methods adopted in the Student Code of Conduct for discipline management and for preventing and intervening in student discipline problems must provide that a student who receives special education services may not be disciplined for bullying, cyberbullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. Education Code 37.001(b-1)

### Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting.

### Special Circumstances

School district personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- 1) Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or the District; or
- 2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or the District;
- 3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the District.

This Code of Conduct applies to all students. However, when enforcing its Code of Conduct, the District will comply with federal and state laws pertaining to students with disabilities. For more information about those specific procedures, please contact Patricia Sutton, Director of Special Programs.

## Student Not Yet Identified

A student who has not been determined to be eligible for special education, 504, or related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in IDEA if the District had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred.

## District Knowledge

The District shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

- 1) The parent of the student expressed concern in writing to supervisory or administrative personnel of the District, or to the teacher of the student, that the student needed special education and related services.
- 2) The parent requested an evaluation of the student for special education and related services; or
- 3) The student's teacher, or other District personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the District.

## Exception

The District shall not be deemed to have knowledge that the student had a disability if:

- 1) The parent has not allowed an evaluation of the student.
- 2) The parent has refused services; or
- 3) The student has been evaluated and it was determined that the student did not have a disability.

If the District does not have knowledge (as described above), the student may face the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

## Discipline Appeals

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The superintendent delegates all fact-finding authority to a Hearing Panel or designee. This panel is appointed by the superintendent for hearing an appeal of a DAEP placement for Level II only, and to establish a written record for review. The superintendent's Hearing Panel or designee shall conduct an informal proceeding no later than ten business days after receipt of the written request for an appeal. At this informal proceeding, the following procedures shall be followed:

- 1) The parent(s) and/or guardian(s) of the student shall be notified and requested to attend and participate in the proceeding.
- 2) The student shall be permitted the opportunity to explain his or her version of the incident.
- 3) The student shall be permitted to have adult or legal representation. An employee or legal counsel may also represent the District.
- 4) Written statements from witnesses and parties may be introduced as evidence.
- 5) No formal rules of evidence will be observed. Each party in turn, beginning with the student or parent(s) and/or guardian(s), shall be permitted to develop or rebut the evidence, present witness statements or other evidence, and recommend appropriate action to the Hearing Panel or designee.

- 6) The Hearing Panel or designee shall remain impartial and assist the parties in presenting all the facts and evidence in order to present a full account of the incident and shall render a decision in the matter.
- 7) The Hearing Panel or designee shall render a decision that determines whether the student violated the Student Code of Conduct and the appropriate duration of placement in a DAEP.
- 8) The decision of the panel or designee may be announced to the participants, but written notice of the decision shall be rendered to all parties within five working days following the proceeding.

## **Effect of Student Withdrawal**

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Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence should the student re-enroll in the District.

# Scope of the District's Disciplinary Authority

## General Authority

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

- At any time during the school day
- While traveling on District owned or operated transportation or during school-related travel. Including conduct at a school bus stop off campus
- While attending any school-sponsored or school-related activity, regardless of time or location
- As provided in extracurricular or organization handbooks, by-laws, constitutions, or other guidelines
- During lunch periods, including those in which a student leaves the campus
- While on school property
- For any school-related misconduct, regardless of time or location
- During online or other types of remote instruction
- Other off campus conduct as authorized and defined by Chapter 37 of the Texas Education Code, including cyberbullying
- For certain offenses against other students and school employees, regardless of time or location
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line
- If the student is a registered sex offender

## Searches

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A student's clothing, personal property, electronic equipment, method of transportation, or school property used by the student (such as lockers or desks) may be searched when there is reasonable cause to believe the search will reveal articles or materials prohibited by the District or other violations of school rules. Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students may be disciplined for possession of prohibited items discovered during a search. For more information about searches, please review the District's Student Handbook and policy FNF. (Local)

District personnel are prohibited from having a student remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, body cavities, undergarments of the student, or the chest of a student. Students are required to respect the rights and privileges of other students, teachers, staff, volunteers, and visitors to the campus. All students are expected to conduct themselves in accordance with the expectations set out in this code and common courtesies.



Students shall exercise their rights responsibly in compliance with the Student Code of Conduct and Board Policy. Students are required to report in good faith any misconduct by employees and other students. Students who violate the rights of others or who violate district, campus or classroom rules shall be subject to disciplinary action. School rules, and the authority of the District to administer discipline, apply whenever the interest of the school is involved on or off school grounds (including activities in conjunction with or independent of classes and school-sponsored activities).

## **Criminal Conduct**

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School administrators will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity. Certain acts of misconduct may constitute criminal offenses in addition to violations of the SCC. Because school discipline is independent of criminal proceedings, disciplinary consequences will not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.

Finally, as the District expects its students to adhere to certain standards of conduct, the District also expects that parents of our students and other visitors will comply with similar standards of conduct and civility expected of our students. Accordingly, a school administrator, resource officer, or school district peace officer may refuse to allow a person to enter or may eject a person from any property under the control of the school district if the person refuses to leave peaceably upon request, and 1) the person poses a substantial risk of harm to themselves or others, or 2) is behaving in a way that is inappropriate for a school setting. A person behaving inappropriately for a school setting may be removed if, prior to the person being removed from District property, 1) the school employee issued a verbal warning that the behavior was inappropriate and could lead to the person's removal of the individual and 2) the person persisted in the behavior. Any person removed from District property may appeal such removal under Board policy FNG (Local) or (GF) (Local) and shall be permitted to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it.

# Discipline Considerations & Techniques

## Discipline Considerations

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

- Degree of severity and risk of danger
- Effect of the misconduct
- Age and grade level of the student
- Legal requirements
- Frequency of the misconduct
- Student's demeanor
- Possibility of disruption of the school environment

## Mitigating Factors

When deciding to order a student to out-of-school suspension, DAEP placement, expulsion, or placement in JJAEP the District will consider: (1) self-defense (see definitions), (2) the student's intent (see definitions or lack of intent at the time of the misconduct), (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 to the extent required by state and federal law, (5) a student's status in the conservatorship of the Department of Family and Protective Services and (6) a student's status as homeless. These factors will be taken into consideration regardless of whether it is a discretionary or mandatory disciplinary consequence.

A student who, upon investigation, is found to be subject to bullying (see definitions) will not be disciplined on the basis of using reasonable self-defense (see definitions) in response to the bullying, as determined by the campus administration.

## Threat Assessment and Safe and Supportive School Team

The District will also establish a "threat assessment and safe and supportive school team" to serve at each campus of the district and will adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program, as well as conducting threat assessments. These will include assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior, gathering and analyzing data to determine the level of risk and appropriate intervention (including referring a student for mental health assessment and implementing an escalation procedure, if appropriate based on the team's assessment), and providing guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual.

Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student of the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to: (1) participate in the assessment, either in person or remotely; and (2) submit to the team information regarding the student. After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

## Security Personnel/School Resource Officers (SRO)

Finally, security personnel are important members of the District safety team. State law requires that the job duties of the peace officers, school resource officers and security personnel be listed in the District Student Code of Conduct. See job duties listed below:

To ensure sufficient security and protection of students, staff, and property, the district contracts with the Fort Worth Police Department/Benbrook Police Department/Forest Hill Police Department. School Resource Officers (SRO) promote a safer school environment through offense prevention, interventions with students, and application of the law. Student misconduct may violate school rules and local/state law. When applicable, the campus behavior coordinator will take appropriate school level actions as well as consult with SROs/ local law enforcement. Any action law enforcement authorities might take would be in addition to action taken by the school. A student may be cited or arrested. If the student is arrested, the parent/guardian must be notified in a timely manner by phone or in person. Law enforcement may transport the student to the Tarrant County Juvenile Detention Center and/or Mansfield City Jail. Disciplinary consequences for students with disabilities will follow the student's Behavior Intervention Plan, if one exists, and applicable federal and state law and guidelines except as provided by Section 37.007(e), in the Texas Education Code, the Student Code of Conduct is not required to specify a minimum term of removal under Section 37.006 or an expulsion under Section 37.007.

## Discipline Management Techniques

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

- Tier I Positive Behavior Intervention Strategies
- Multi-Tiered Systems of Support
- Teacher-parent telephone conferences
- Restorative Practices such as restorative chats, restorative circles, and circles of support can be used to establish a respect agreement, building school community, repairing harm, decision making strategies and/or teaching content.
- Student-parent-teacher conferences
- Counseling by teacher, counselor, or administrative personnel
- Bullying Contract
- Behavior coaching
- Conflict Resolution
- Separation or "stay away" agreements or orders.
- Digital citizenship lesson
- Cooling-off time or "time out"
- Referral to student support team, outside agency or Family Resource Center
- Administrator-teacher-parent telephone conference call
- Verbal correction

- Seating changes in the classroom
- Behavioral contracts
- Confiscation of items that disrupt the educational process
- Grade reductions as permitted by policy
- Mediation
- Anger management
- Apply behavior management strategies identified in individual student organizations or extracurriculars
- Detention
- Diversionary Action Plans developed at the department of Student Discipline and Placement (The campus behavior coordinator must accompany the student and parent for this option)
- Restitution or restoration
- Removal of student to the office, other assigned areas or in-school suspension
- Lowered conduct grade
- School-assessed and school administered counseling and/or group socialization skills training
- Placement in the On-Campus Intervention Program, as specified in the LEVEL I section of the Student Code of Conduct
- Loss or restriction of privileges, including participation or membership in co-curricular or extracurricular activities, seeking or holding honorary positions, or speaking at school activities
- Withdraw or restriction of bus privileges
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, by-laws, or other guidelines
- Out-of-school suspension (not to exceed three (3) consecutive school days, per incident)
- Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of the Student Code of Conduct
- Expulsion, as specified in the expulsion section of the Student Code of Conduct
- Other strategies and consequences as specified by the Student Code of Conduct
- Referral to law enforcement when inappropriate behavior violates local and/or state law

### **Physical Restraint**

Any district employee may, within the scope of the employee's duties, use and apply appropriate physical restraint to a student that the employee reasonably believes is necessary in order to:

- 1) Protect a person, including the person using physical restraint, from physical injury
- 2) Gain control of a weapon or other dangerous object
- 3) Prevent a student from fleeing when fleeing would put the student or others in danger
- 4) Protect property from serious damage

Remove a student from a specific location who is refusing a directive or command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures. (However, an employee is not allowed to use physical restraint as a disciplinary measure; corporal punishment is prohibited.) Restrain an irrational student. Irrational is defined for these purposes as the inability to think and reason clearly or logically.

### **Prohibited Aversive Techniques**

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

- Using techniques designed or likely to cause physical pain, 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 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 using 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)

Note: A student may be disciplined when necessary to address the student's behavior, to maintain order, or to protect other students, school employees, or property. A student shall be treated fairly and equitably. The campus behavior coordinator must consider mitigating factors regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action.

# General Types of Prohibited Conduct

## Misconduct Involving Others

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### School-Related (Level I)

Misconduct identified in the list of prohibited behaviors below, will result in the assignment of one or more “Discipline Management Techniques” if the behavior is committed at school, a school-sponsored or school-related activity, during school-related travel, while traveling on District owned or operated transportation, or when the District has “Disciplinary Authority” as described in the SCC.

- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm, threatens the safety of others, or actually causes injury to others
- Fighting (see definitions) or scuffling that may or may not result in physical pain, illness, or any impairment of a physical condition
- Hitting, pushing, or attempting to hurt another student
- Engaging in conduct that can or does cause bodily injury (see definitions)
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student or District employee, official, or volunteer to physical harm, confinement or restraint
- Bullying (see definitions)
- Cyberbullying (see definitions), including conduct that interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity
- Name-calling, ethnic or racial slurs, making racial comments to another student or employee, or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence
- Adding any substance, whether harmful or not, without permission to any food or beverages belonging to, in the possession of, or meant to be consumed by another student or District employee, official, or volunteer
- Engaging in harassment (see definitions) toward another student or a District employee, official, or volunteer, including harassment based on race, color, religion, national origin, disability, sex, gender, or age
- Engaging in sexual harassment (see definitions) or sexual abuse
- 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
- Invasive visual recording (see definitions)
- Inappropriate verbal (oral or written), physical, or sexual contact toward another student or a District employee, official, or volunteer, regardless of whether it is consensual
- Touching one's own private body parts in a sexual manner
- Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment



- Engaging in physical, sexual, verbal, or emotional abuse as a means to harm, threaten, intimidate, or control another person in a current or past dating relationship
- Engaging in oral or written threats to cause harm or bodily injury (see definitions) to another student, a District employee, official, or volunteer, or school property, including threats made using the Internet or other technology resources at school. Students may be disciplined for threats made outside of school, including website or Internet postings, if the threat causes a material or substantial disruption at school or is reasonably forecast to cause one
- Engaging in oral or written threats of any kind of violence, violent acts, or harm to another student or staff member, whether or not such threats are meant to be taken seriously
- Preparing a hit list (see definitions)
- Wrongfully obtaining and using another person's identifying information or personal data without permission to mislead, defraud, or deceive
- Hazing (see definitions)
- Retaliating against a student for (1) reporting either a violation of the SCC or bullying, or (2) participating in an investigation of a violation of the SCC or bullying

## **Possessing, Using, Giving, Selling, Buying, or Offering to Sell or Buy Prohibited Items**

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- Matches or a lighter
- Tobacco products
- Electronic cigarettes (see definitions), electronic vaping devices, personal vaporizers, electronic nicotine delivery systems or paraphernalia, including but not limited to Juul and Juul pods, vials, cartridges, or "pens" with liquid or any other types of material for use in such devices
- Fireworks or any other pyrotechnic device
- Smoke or stink bombs
- Laser pointers (unauthorized use)
- Pepper spray or other small chemical dispenser sold commercially for personal protection
- "Look-alike" drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy
- Prescription drugs except as permitted by District policy
- Less than a useable amount of stems, seeds, or other pieces of marijuana
- Paraphernalia (see definitions) related to any prohibited substance, including, but not limited to, marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage
- Designer drugs, synthetic marijuana, synthetic cannabinoids (such as K2 or spice), stimulants (such as bath salts), or analogs of any drug in any form, regardless of whether currently scheduled or classified as an illegal drug under state or federal law and regardless of whether the substance is legally sold or marketed as "herbal incense," "potpourri," "bath salts," or "not for human consumption"
- Razor blades, box cutters, or chains.
- Knives with a blade 5 ½ inches or less

- Hand instrument designed to cut or stab another by being thrown; including, but not limited to, a dirk, stiletto, dagger, poniard, bowie knife, sword, or spear
- Fake or “look-alike” weapons
- Deadly weapons (see definitions)
- Poisons, caustic acids, or other materials that may be toxic to the human body
- BB gun, air gun, or stun gun
- Ammunition, shells, bullets, or gunpowder
- Clubs, knuckles, firearm silencers, or similar dangerous weapons
- Material that is sexually-oriented, pornographic, obscene, or reveals a person’s private body parts
- Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety
- Articles not generally considered to be weapons when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another
- CD or DVD players, cassette players, electronic games, MP3 players, stereo head sets, or other electronic equipment for other than approved use
- Using, displaying, or having in operational mode a paging device, cellular telephone, or telecommunications device (see definitions) at school or school-sponsored or school-related activities, including using a cellular telephone to film other students and/or District employees

## **Misuse of Property**

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- Stealing from others, including the District
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony
- Damaging, destroying, or vandalizing property owned by others or the District
- Committing criminal mischief with damage in an amount less than \$2500
- Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means
- Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the District, or District employees, officials, or volunteers that does not rise to the level of arson or criminal mischief

## **Safety / Disruption**

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- Threatening to use or exhibit a firearm
- Discharging a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator, or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency
- Making or participating in false statements or hoaxes regarding school safety
- Making threats regarding school safety or harm to students and/or employees, regardless of intent

- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program, endanger others, or incite violence
- Throwing objects that can cause bodily injury or property damage
- Making false accusations or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer

## Technology

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- Sending, possessing, or posting electronic messages, videos, audio recordings, or images that are abusive, obscene, sexually oriented, harassing, threatening, intimidating, illegal, or that cause a material or substantial disruption at school, including cyberbullying (see definitions)
- Using any device or technology to copy or capture an image or the content of any District materials (such as tests or exams) without permission of a teacher or administrator
- Making, participating in the making of, transmitting to another via an electronic device, or posting to the Internet a digital video, audio recording, or image of an actual or simulated act that involves a crime or conduct prohibited by the Code of Conduct
- Using any device or technology to record the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or without the prior consent of the individual being recorded
- Using any device or technology to record the voice or image of another to take, disseminate, transfer, circulate, exhibit, present, or share audio, images, video, or photos that reveal private parts of the body that are normally covered by clothing
- Using the name, persona, or image of a student, District employee, or volunteer to create a web page or post one or more messages on a website without the other person's consent for purposes of harassing, intimidating, embarrassing, or threatening another
- Using email, websites, or electronic devices to engage in or encourage illegal conduct, violations of the SCC, or to threaten school safety
- Attempting to or successfully accessing or circumventing passwords or other security-related information of the District, officials, volunteers, employees, or other students by any means
- Attempting to or successfully altering, destroying, interrupting, intercepting, or disabling District technology equipment, District data, the data of other users of the District's computer system, or other networks connected to the District's system, including uploading or creating computer viruses, worms, or other harmful material
- Copying, downloading, reproducing, distributing, retransmitting, redisplaying, or modifying items from the District's website
- Engaging in any of the above forms of technological misconduct outside of school when such conduct causes a material or substantial disruption at school as determined by school officials

NOTE: Students will not be disciplined for technological misconduct related to possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not show, provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian. A consequence can be issued to a student who violates the code of conduct or when a student is determined to be an accomplice. A student is considered an accomplice to another person if they have knowledge that will promote or facilitate the misbehavior.

## **Failure to Follow Rules**

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- Violating dress and grooming criteria
- Being insubordinate or otherwise failing to comply with lawful directives given by school personnel
- Attempting to or successfully evading, avoiding, or delaying questioning by a District employee or providing inaccurate information when questioned about possible violations of the SCC
- Failing to provide proper identification upon request of a District employee
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Code of Conduct or help conceal any violation
- Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others
- Unexcused tardiness to class
- Skipping school or class without the District's or parent/guardian's permission
- Leaving class, the campus, or school events without permission
- Enticing or preventing another student from attending school, class, or a school activity the student is required to attend
- Violating rules for conduct on school owned or operated transportation
- Violating rules for operating or parking a motor vehicle on school property
- Violating policies or rules for computer use, Internet access, technology, or other electronic communications or imaging devices
- Violating the District's medications policy regarding prescription and over-the-counter drugs
- Academic dishonesty, including cheating, copying the work of another, plagiarism, or unauthorized collaboration with another person in preparing an assignment
- Failure to comply with guidelines applicable to student speakers who are speaking at school-sponsored or school-related events
- Failure to ensure that personal property, mode of transportation, or school property used by the student does not contain prohibited items
- Violating other campus or classroom rules for behavior or district policies

## **Other Misconduct**

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- Using profanity, vulgar language, or obscene gestures
- Loitering in unauthorized areas

- Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to District employees
- Gambling or betting money or other things of value
- Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing
- Taking one or more steps toward violating the SCC even if the student fails to complete the intended misconduct

# Removal from District Transportation

## Reasons for Removal

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### Transportation

Appropriate student behavior is essential to the safe operation of District transportation. Students must comply with the expectations of the SCC while using District transportation. In addition to compliance with the SCC, students are expected to comply with the following transportation rules:

- Enter and exit transportation in an orderly manner at the designated stop
- Remain seated in designated seats facing forward
- Comply with lawful directives issued by the driver
- Follow the driver's rules for food or beverages
- Refrain from making loud or distracting noises
- Do not throw objects inside the transportation or out of the windows or doors
- Vulgar or abusive language is prohibited
- Do not shout at passing persons or vehicles
- Spitting or throwing anything in or out of the bus is prohibited
- Eating, drinking, smoking or possession of any illegal substances is prohibited on the bus
- Weapons and/or the use of any unsafe items is prohibited on the bus
- Fighting, pushing and or shoving is prohibited on the bus
- Keep aisles clear of books, bags, instruments, feet, or other obstructions
- Do not extend any body part, clothing, or other article outside of the transportation
- Keep hands, feet, other body parts, or objects to yourself
- Do not obstruct the driver's view
- Do not mark, deface, destruct, or tamper with seats, windows, emergency doors, or other equipment

### Procedure for Removal

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A driver of District owned or operated transportation may send a student to the administrator's office to maintain discipline during transport to or from school or a school-sponsored or school-related activity, to enforce the transportation rules, or when the student engages in behavior that violates the SCC. The administrator may use one or more discipline management techniques to address the behavior, which may include temporarily suspending or permanently revoking school transportation privileges.

The student will be informed of the reason for suspension or revocation of transportation privileges and will be given the opportunity to respond before the administrator's decision is final. Suspension of transportation privileges does not excuse a student from attending school. It is the responsibility of the parent/guardian and/or student to make alternate transportation arrangements to and from school.



# Removal from Classroom by Teacher

## Ordinary Teacher Removal

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A teacher may send a student to the campus behavior coordinator's office to maintain discipline in the classroom or when the student engages in behavior that violates the SCC. For these informal removals, the behavior coordinator will use one or more discipline management techniques to address and improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the behavior coordinator will employ other discipline techniques or progressive interventions to improve the student's conduct.

## Formal Teacher Removal

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### Chapter 37.002 - Texas Education Code

A teacher may remove a student from class when:

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

A teacher may document any conduct by a student that does not conform to the Student Code of Conduct and may submit that documentation to the principal. A teacher must remove a student from class if the student engages in conduct that requires or permits DAEP placement or expulsion under the Texas Education Code, in which case the procedures for DAEP placement or expulsion will apply.

## Placement During Removal

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

## Procedures for Teacher Removal

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

A student who is sent to the campus behavior coordinator's or other administrator's office through an ordinary or a formal teacher removal from class is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

## **Return to the Classroom**

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If the teacher removed the student from class because the student engaged in assault resulting in bodily injury, aggravated assault, sexual assault, or aggravated sexual assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. In other cases where the teacher initiates a formal removal, the student may only be returned to the teacher's class without the teacher's consent if the Placement Review Committee determines that the teacher's class is the best or only alternative.

# In-School Suspension (ISS)

## Reasons for ISS

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A student may be placed in an in-school suspension program at the discretion of the campus behavior coordinator. The parent and/or guardian must be notified by the school administrator before the in-school suspension placement becomes official. Parents/guardians shall be notified prior to a student serving detention that is scheduled before/after school hours. Transportation arrangements must be made with the parent/guardian prior to the scheduled detention.

## Procedure for ISS

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The student will be informed of the reason for placement in ISS and be given an opportunity to respond before the administrator's decision is final. While in ISS the student will complete assignments from his or her teacher.

# Out-of-School Suspension (OSS)

## Reasons for OSS

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Students may be suspended from school for any misconduct listed in any category of the SCC.

State law allows a regular education student to be suspended for as many as three (3) school days per behavior violation. Out-of-school suspensions will not exceed 3 consecutive school days for each separate behavior violation. There is not a limit to the number of times a student may be suspended in a semester or school year. If a student receives OSS for a partial school day, that partial day is considered one of three total allowable OSS days. An OSS may not exceed 3 consecutive school days TEC 37.005. An ARD must be held for special education students who have been assigned to 10 out-of-school suspension days in a single school year prior to any further out-of-school suspension days assigned.

## Procedure for OSS

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

## Assignments During ISS and OSS

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The student will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension. The student will have the opportunity to receive full credit for completed academic work when submitted in a timely manner and in accordance with the teacher or administrator's instructions. The student will be provided during the period of suspension, whether in-school or out-of-school, an alternative means of receiving all coursework provided in the classes in the foundation curriculum that the student misses as a result of the suspension, including at least one option for receiving the course work that does not require the use of the Internet.

## On-Campus Intervention Program (OCI)

The OCI Program will include equitable and restorative practices to motivate students, support students, and to provide healing to students. A student may be placed in the On-Campus Intervention program for six (6) consecutive school days for any offenses listed under Level I and/or Level II discretionary offenses. This includes incidents/ offenses occurring within 300 feet of school property, while attending a school sponsored event, or while attending a school related activity on or off school property.

Students placed in OCI are:

- prohibited from any other school campus
- prohibited from attending school sponsored events/extracurriculars

Disobeying this directive could result in further disciplinary action.

### **Grade Level and Other Restrictions on Suspension**

A student who is in third grade or younger cannot receive an out-of-school suspension unless, while at school or at a school-sponsored activity, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense, or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

A student who is homeless, as that term is defined in federal law for homeless children and youth, cannot receive an out-of-school suspension, unless the student engages in conduct that contains the elements of an offense related to weapons or a violent offense, or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

# Disciplinary Alternative Education Program (DAEP)

## Reasons for Mandatory DAEP Placement

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### School-Related (Level II)

Subject to the requirements of Texas Education Code, Section 37.009 (a), a student must be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct punishable as a felony
- Commits an assault (see definitions) resulting in bodily injury (see definitions) against another
- Is charged with possession or distribution of a controlled substance (see definitions), a dangerous drug (see definitions), or an alcoholic beverage.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not a punishable felony.
- Student possesses, uses, or is under the influence of marijuana, a controlled substance (see definitions), a dangerous drug (see definitions), or an alcoholic beverage in any amount not punishable as a felony. Students who possess, use, or are under the influence of marijuana within 300 feet of school property or while attending a school activity must complete a drug and alcohol awareness program approved by TEA within 30 days after the conduct occurred
- Possesses, uses, sells, gives, or delivers to another person an e-cigarette (see definitions)
- Engages in an offense relating to abusable volatile chemicals (see definitions)
- Engages in criminal mischief if the damage is greater than \$750
- Engages in public lewdness (see definitions)
- Engages in indecent exposure (see definitions)
- Engages in conduct that contains the elements of the offense of harassment under specific provisions of the Texas Penal Code (see definitions), against an employee of the school district

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

### Regardless of Location

- Issues a false alarm or report (see definitions) or a terroristic threat (see definitions) involving a public school
- Retaliates (see definitions) against any school employee
- Possesses, other than on his or her person, or uses a firearm (see definitions) as defined by state law. Note: Possession of a firearm as defined by federal law is an expellable offense
- Is a registered sex offender (see definitions) under court supervision, probation, community supervision, or parole
- Possesses, other than on his or her person, or uses a knife with a blade over 5½"
- Engages in expellable conduct if the student is between six and nine years of age



» Students who are: (1) convicted of continuous sexual abuse of a young child or children; or (2) convicted, receive deferred adjudication or deferred prosecution, been found to have engaged in delinquent conduct or conduct in need of supervision, or been placed on probation for either sexual assault or aggravated sexual assault against another student assigned to the same campus at the time the offense occurred will be placed in DAEP (or JJAEP as appropriate) on the request of the victim's parents if the victim student does not wish to transfer, and there is only one campus serving that grade level. Placement in this circumstance may be for any length of time considered necessary.

- Engages in a federal firearm offense if the student is six years of age or younger

### **Off-Campus**

A student must be placed in DAEP for engaging in a Title 5 (see definitions) felony offense or aggravated robbery while off-campus and not in attendance at a school-sponsored or school-related activity if:

- The student receives deferred prosecution
- A court or jury finds the student engaged in delinquent conduct, or
- The Superintendent or Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as either a Title 5 felony offense or aggravated robbery (as defined in the Penal Code)

## **Reasons for Discretionary DAEP Placement**

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### **School-Related (Level II)**

A student may be placed in DAEP for any of the following misconduct if committed while on school property, or while attending a school-sponsored or school-related activity on or off school property:

- Committing any offense included in the list of "General Types of Prohibited Misconduct" in this SCC
- The administrator has a reasonable belief that the student engaged in conduct punishable as a felony (other than aggravated robbery or a Title 5 felony), and the student's continued presence in the regular classroom is a threat to the safety of others or is detrimental to the educational process
- Off-campus conduct for which DAEP placement is required by state law when the administrator does not learn of the conduct until more than a year passes after the conduct occurred

### **Off-Campus**

- Engaging in criminal mischief if the damage is less than \$2500

### **Regardless of Location**

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

- If the student is a registered sex offender (see definitions) who is not under any form of court supervision. A registered sex offender who is not under any form of court supervision will be placed in regular classes if the student is not a threat to the safety of others, is not detrimental to the educational process, and such placement is not contrary to the best interests of the District's students
- Engages in bullying (see definitions) that encourages a student to commit or attempt to commit suicide
- Incites violence against a student through group bullying
- Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent
- Is involved with a public-school fraternity, sorority, secret society, or gang (see definitions), including participating as a member or pledge, or soliciting another person to become a member or pledge
- Is involved in criminal street gang activity (see definition)

## **Procedure for DAEP Placement**

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### **Central Office Conference Procedures**

The Board delegates to the Student Discipline and Placement Department and its administrators the authority to remove a student to a Disciplinary Alternative Education Program (DAEP). The conference shall be held. The hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedures, or decisions.

The hearing officer shall conduct an in-person conference, virtual, and/or teleconference for a student who is being recommended for a placement in a Level II or III DAEP. The hearing officer must consider mitigating factors (refer to pg.15). These are considerations for both mandatory and discretionary conferences. When possible, this conference shall be held within three days of the time of the offense. If after notice is provided to the student and the parent/guardian regarding the time and location of the conference, the hearing officer may hold the conference regardless of whether the student or student's parent/guardian attends. During the conference, the following procedures may be followed:

Advise the student of the conduct or offense with which he/she is charged

- Permit the student the opportunity to explain his/her version of the incident
- Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel
- Written statements from witnesses or parties may be introduced
- No formal rules of evidence will be observed. Each party in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence and request appropriate action of the central hearing officer
- The hearing officer shall remain impartial. The hearing officer shall assist the parties in presenting all the facts to present a full account of the incident. The hearing officer's decision will be based upon a consideration of the credible evidence offered and the discipline philosophy of the District. If the student is expelled to JJAEP, not later than the second business day after the hearing, the Board's designee will deliver to the Juvenile Court a copy of the order placing a student in at JJAEP and information required by Section 52.04 of the Family Code

- The student must enroll in the disciplinary alternative education program when the hearing officer informs the family a decision has been made to place the student in the DAEP regardless of if the family decides to appeal the decision
- The Student Discipline and Placement Department reserves the right to adjust the length of placements and determine the level of offense, as deemed appropriate under the circumstances present in each case

## **Record**

All proceedings shall be electronically recorded, or a stenographic record made to preserve a verbatim transcript of the hearing for appeal purposes.

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

No later than three school days after the student is removed from class, a campus administrator will schedule a conference with the campus behavior coordinator or other appropriate administrator, the student's parent/guardian, and the student. At the conference, the administrator will explain the allegations against the student, inform the student of the basis for the proposed DAEP placement, and give the student an opportunity to explain his or her version of the incident. The District may conduct the conference and make a discipline decision regardless of whether the student or the student's parent/guardian attends if the District made reasonable attempts to have them attend.

## **Diversionsary Referral Program**

Some students may be eligible to participate in a Diversionsary Referral Program as a form of intervention, the hearing officer will determine eligibility for the program. Only students in grades 5th through 12th are eligible to participate. They can only participate in this program once.

Until a placement conference can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension. The student may not be returned to the regular classroom pending the placement conference.

## **DAEP Placement Order**

If the outcome of the conference is to place the student in DAEP, the campus behavior coordinator or designee will issue a DAEP placement order. If the length of placement differs from the guidelines included in the SCC, the DAEP placement order will give notice of the inconsistency.

A copy of the DAEP placement order will be sent to the student and the student's parent/guardian. For those students placed in DAEP for a reason identified in the Texas Education Code, the District will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference. A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the DAEP placement order.

## **Length of DAEP**

The length of a student's placement in DAEP will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. All DAEP placements will result in placement for up to 45 school days.

Successful completion of school days will be determined at the discretion of the District. Days occurring during school closures when virtual instruction is taking place WILL NOT count as a successful completion of a day in the DAEP. The length of DAEP placement may not exceed one year unless, after review, the District determines that the student is a threat to the safety of other students or District employees.

If the DAEP is at capacity at the time a DAEP placement decision is made for a student who engaged in conduct related to marijuana, a vape, alcohol, or an abusable chemical, the student shall be:

- 1) placed in in-school suspension; and
- 2) if a position becomes available in the DAEP program before the expiration of the placement period, transferred back to the DAEP for the remainder of the placement order.

If the DAEP is at capacity at the time a DAEP decision is made for a student who engaged in conduct described under Section 37.007 that constitutes violent conduct, as defined by commissioner rule or administrator discretion in the absence of commissioner rule, a student who has been placed in the program for conduct related to marijuana, a vape, alcohol, or an abusable chemical:

- 1) may be removed from the DAEP and placed in in-school suspension to make space in the DAEP available for the student who engaged in violent conduct; and
- 2) if removed from the DAEP for this reason, shall be returned to the DAEP if space becomes available prior to the end of the placement period.

If the DAEP placement extends beyond 45 days or the end of the next grading period, whichever is sooner, the student or the student's parent/guardian may participate in a proceeding before the Board or Board's designee as provided in policy FNG (LOCAL). Any decision of the Board is final and may not be appealed.

### Merit Program

Students' DAEP placements may be reduced by meeting the expectations of a merit program. High School and Middle School students can earn 1 day less to their overall DAEP assignment for every 5 successfully completed days at Metro Opportunity Middle/High School or Insights Elementary School. A successfully completed day is defined as a full day of attendance without an incident of student misconduct.

Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year. For DAEP placement to extend beyond the end of the school year, the administrator must determine that:

- 1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or
- 2) the student engaged in serious or persistent misbehavior that violates the SCC.

*For purposes of this paragraph only, "serious or persistent misbehavior" means any misconduct identified as being punishable with placement in DAEP or expulsion or three or more violations of the SCC or repeated occurrences of the same violation.*

### Particular Rules for Registered Sex Offenders

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The general SCC rules for DAEP placement apply to registered student sex offenders (see definitions) except as modified in this section.

## Placement

Registered sex offenders will be placed in a Juvenile Justice Alternative Education Program (JJAEP) in lieu of DAEP if: (1) ordered to attend JJAEP by a court, or (2) if permitted by agreement between the District and the JJAEP.

## Length of Placement

Registered sex offenders under court supervision will be placed in DAEP for a minimum of 60 school days. Registered sex offenders who are not under any form of court supervision but are assigned to DAEP must serve a minimum of 60 school days.

## Transfers

Registered sex offenders under court supervision that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district, but will receive credit for any time already spent in DAEP.

Registered sex offenders who are not under any court supervision that transfer into the District will be placed in the regular classroom unless it is determined that the student is a threat to the safety of others, is detrimental to the educational process, or it is not in the best interests of the District's students.

## Periodic Review for Registered Sex Offenders

After 60 school days in DAEP, a review committee will determine by majority vote and recommend to Student Discipline and Placement whether the student should remain in DAEP or be returned to the regular classroom. Student Discipline and Placement will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, Student Discipline and Placement will follow the committee's decision to continue the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the District's students.

If the student remains in DAEP, the review committee will re-consider the student's placement before the beginning of the next school year.

## Appeals for Registered Sex Offenders

DAEP placement may be appealed as described in District policy FNG or FOC. However, the appeal is limited to the factual question of whether the student is required to register as a sex offender under the law. A decision of the District's Board of Trustees is final and may not be appealed.

## Other DAEP Issues

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### Grade Levels

Elementary students in through grade 5 will not be placed in DAEP with secondary students in grade 6 through grade 12.

### No Participation in Activities While in DAEP

Students placed in DAEP for any mandatory or discretionary reasons are not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district.

## Impact on Graduation

The District has the right to limit a student's participation in graduation activities for violating the District's student code of conduct. Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal.

Notwithstanding any other eligibility requirements, 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 a removal to a DAEP or expulsion during the semester immediately preceding graduation. Graduating seniors who have met all criteria for graduation and are assigned to a DAEP and/or expelled to JJAEP at the end of the school year, will not be allowed to participate in the graduation ceremony or in other related graduation activities, except graduation activities at the alternative placement site.

## Transportation

Students that have transportation designated in their IEP are entitled to that service when assigned to JJAEP.

The District will provide transportation to and from DAEP. This transportation privilege may be revoked if the student does not follow the transportation rules, refuses to cooperate with the driver or other District personnel involved in providing transportation or violates any provision of the SCC during transport.

## Periodic Review

The District will review a student's DAEP placement and academic status every 120 calendar days. In the case of a high school student, the student's progress toward graduation will be reviewed and a graduation plan will be established. At the review, the student or the parent/guardian will have an opportunity to present reasons for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

## Coursework Opportunity

Students placed in DAEP will have an opportunity to complete coursework required for graduation, at no cost to the student, before the beginning of the next school year. The home-school and/or referring school is responsible for providing AP and elective coursework not taught at the DAEP / JJAEP.

## Transition from DAEP

As soon as practicable after the DAEP administrator determines the date a student will be released from the program, the administrator will provide written notice of the date to the student's parent/guardian and to the administrator of the campus to which the student will return. The DAEP will also provide the campus administrator an assessment of the student's academic growth while attending the alternative education program and the results of any assessment instruments administered to the student. Not later than five instructional days after the date of release from the DAEP, the campus administrator will coordinate the student's transition to a regular classroom, which must include assistance and recommendations from school counselors, school district peace officers, school resource officers, licensed clinical social workers, campus behavior coordinators, classroom teachers who are or may be responsible for implementing the student's personalized transition plan, and any other appropriate school district personnel.



## Transition Plan

Each student must be provided a personalized transition plan developed by the campus administrator. The transition plan must include recommendations for the best educational placement of the student and the provision of information to the student's parent or person standing in parental relationship to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Texas Education Code, Section 29.004. The transition plan may include recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals; recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity; and a regular review of the student's progress toward the student's academic or career goals. If practicable, the campus administrator or designee will meet with the student's parent/guardian to coordinate plans for the student's transition.

## Effect of Student Withdrawal

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

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

## Student Transfers

The District will decide on a case-by-case basis whether students assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district will be required to complete the term of their DAEP placement or be placed directly into a regular classroom setting. In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the enrolling district. If the out-of-state DAEP placement period exceeds one year, the District will reduce the period of the placement so that the total placement does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interests of the student.

## Summer School

Students in DAEP during summer programs will be served alongside other students not assigned to DAEP.

## Summer Activities

Students whose DAEP placement continues past the end of the school year and into the next school year will not be permitted to participate in school-related activities occurring during summer months, including team camps, clinics, practices, and workouts.

## Criminal Proceedings

The review and appeal process described below is limited to retaliation or off-campus misconduct. It does not apply if the student was placed in DAEP as required by law for conduct occurring on or within 300 feet of school property, at a school-sponsored or school-related activity, or for a false alarm or report or terroristic threat involving a public school.



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

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

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

# Expulsion

## Reasons for Mandatory Expulsion

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### School-Related (Level III)

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

- Brings to school a firearm, as defined by federal law (see definitions)

Students whose offense involves a firearm must be assigned to JJAEP for one school-calendar year. If the offense occurs in the last six weeks of the school year, the placement may extend/begin into the first semester of the next school year. The placement duration will be determined by the hearing officer. The period or placement may not exceed one year unless, after review, it is determined that the student is a threat to the safety of other students or to District's employee.

- Possesses or uses a handgun\* on or about his or her person (see definitions)
- Possesses or uses a location restricted knife, on or about his or her person

*\* Firearm note: So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Texas Parks and Wildlife Department or an organization working with the Department.*

- Possesses, manufactures, transports, repairs, or sells one of the following prohibited weapons: an explosive weapon, machine gun, short-barrel firearm, armor-piercing ammunition, chemical dispensing device, zip gun, improvised explosive device, or tire deflation device (see definitions)
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children
- Sells, gives, delivers, possesses, uses, or is under the influence of a controlled substance (see definitions) or a dangerous drug (see definitions), if the behavior is punishable as a felony
- Commits a serious act or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony

### Regardless of Location

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

- Retaliates (see definitions) against a school employee or volunteer by committing a state-mandated expellable offense

## Reasons for Discretionary Expulsion

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### While in DAEP

A student may be expelled for engaging in documented serious misbehavior as defined by law (see definitions) while the student is placed in DAEP and on the DAEP site/campus despite documented behavioral interventions.

### School-Related

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

- Sells, gives, delivers, possesses, uses, or is under the influence of a controlled substance or a dangerous drug, if the conduct is punishable as a felony
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana (see definitions) or tetrahydrocannabinol (see definitions)
- Sells, gives, delivers, possesses, uses, or is under the influence of an alcoholic beverage or commits a serious act or offense while under the influence of an alcoholic beverage.
- Engages in misconduct that contains the elements of an offense relating to abusable volatile chemicals (see definitions)
- Commits an assault (see definitions) resulting in bodily injury to a school employee or volunteer
- Engages in deadly conduct (see definitions)

### Three Hundred Feet

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

- Possesses a firearm, as defined by federal law (see definitions)
- Possesses or uses a handgun\* on or about his or her person (see definitions)

*\* Firearm note: So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Texas Parks and Wildlife Department or an organization working with the Department*

- Possesses or uses a location restricted knife, on or about his or her person, if the student is younger than 18 years of age
- Possesses, manufactures, transports, repairs, or sells one of the following prohibited weapons: an explosive weapon, machine gun, short-barrel firearm, armor-piercing ammunition, chemical dispensing device, zip gun, improvised explosive device, or tire deflation device (see definitions)
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children

- Sells, gives, delivers, possesses, uses, or is under the influence of a controlled substance (see definitions) or a dangerous drug (see definitions), if the behavior is punishable as a felony

### **Regardless of Location**

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

- Commits aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery against another student
- Retaliates against a school employee or volunteer by committing an assault (see definitions) resulting in bodily injury
- Engages in felony criminal mischief
- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of a school district without consent and knowingly alters, damages, or deletes school district property or information or breaches any other computer, computer network, or computer system
- Engages in bullying (see definitions) that encourages a student to commit or attempt to commit suicide
- Incites violence against a student through group bullying
- Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent
- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district
- Issues a false alarm or report (see definitions) or a terroristic threat (see definitions) involving a public school

### **Title 5 Felonies Regardless of Location**

In addition to the expellable conduct listed above, a student may also be expelled and placed in Juvenile Justice Alternative Education Program if the student:

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

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

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

## **Procedure for Expulsion**

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### **Central Office Hearing**

The Board delegates to the Student Discipline and Placement Department and its administrators the authority to expel a student to JJAEP. The hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedures, or decisions.

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

### **Hearing Rules and Procedures**

The hearing officer shall conduct an in-person conference, virtual, and/or teleconference for a student who is being recommended for a placement in a Level II or III DAEP. The hearing officer must consider mitigating factors (refer to pg.16). These are considerations for both mandatory and discretionary conferences. When possible, this conference shall be held within three days of the time of the offense. If after notice is provided to the student and the parent/guardian regarding the time and location of the conference, the hearing officer may hold the conference regardless of whether the student or student's parent/guardian attends. During the conference, the following procedures may be followed:

- Representation by an adult, including the student's parent/guardian, who can provide guidance to the student and who is not an employee of the District; and
- Advise the student of the conduct or offense with which he/she is charged
- Permit the student the opportunity to explain his/her version of the incident
- Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel
- Written statements from witnesses or parties may be introduced
- No formal rules of evidence will be observed. Each party in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence and request appropriate action of the central hearing officer

- The hearing officer shall remain impartial. The hearing officer shall assist the parties in presenting all the facts in order to present a full account of the incident. The hearing officer's decision will be based upon a consideration of the credible evidence offered and the discipline philosophy of the District. If the student is expelled to JJAEP, not later than the second business day after the hearing, the Board's designee will deliver to the Juvenile Court a copy of the order placing a student in at JJAEP and information required by Section 52.04 of the Family Code
- The student must enroll in the disciplinary alternative education program when the hearing officer informs the family a decision has been made to place the student in the DAEP regardless of if the family decides to appeal the decision
- The Student Discipline and Placement Department reserves the right to adjust the length of placements and determine the level of offense, as deemed appropriate under the circumstances present in each case
- Representation by an adult, including the student's parent/guardian, who can provide guidance to the student and who is not an employee of the District
- An opportunity to question the District's witnesses; and
- An opportunity to testify and to review and present evidence and witnesses in the student's defense

Additional proceedings may be conducted and additional discipline may be imposed if the student engages in additional misconduct while the student is already expelled.

## **Record**

Additional proceedings may be conducted, and additional discipline may be imposed if the student engages in additional misconduct while the student is already expelled.

All proceedings shall be electronically recorded, or a stenographic record made to preserve a verbatim transcript of the hearing for appeal purposes.

## **Interim Placement**

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

## **Expulsion Order**

If the outcome of the expulsion hearing is that the student will be expelled, the appropriate administrator will issue an expulsion order and provide a copy to the student and the student's parent/guardian. If the duration of the expulsion differs from the guidelines in the SCC, the expulsion order will give notice of the inconsistency.

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

## **Length of Expulsion**

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The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. Both mandatory and discretionary expulsions will result in expulsion for up to 60 school days.

School days counted towards completion of the expulsion term will be determined at the discretion of the District. Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the administrator on a case-by-case basis.

An expulsion will not exceed one calendar year unless, after review, the District determines that:

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.

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

## **Other Expulsion Issues**

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### **Academic Impact**

Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP) or other District-approved program or as necessary to provide a free appropriate public education under IDEA.

### **Participation in Activities**

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

### **Age Restrictions**

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

### **Effect of Student Withdrawal**

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

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

### **Student Transfers**

The District will decide on a case-by-case basis whether students expelled from another Texas district or from an out-of-state school district will be required to complete the term of their expulsion, be placed in DAEP for the duration of the expulsion term or be placed directly into a regular classroom setting. To continue an out-of-state expulsion, the basis for the expulsion must also be a reason for expulsion in the enrolling district. If the out-of-state expulsion period exceeds one year, the District will reduce the period of expulsion so that it does not exceed one year unless the District determines that the student is a threat to the safety of others or extended expulsion is in the best interest of the student.



## Expulsion Appeals

A student or a student's parent(s) or guardian(s) may appeal in writing a Level III expulsion to the Juvenile Justice Education Program (JJAEP), to the superintendent or designee, both of which have been designated by the Board. This written appeal must be delivered to the Superintendent's office within five working days after receiving notification of the expulsion. Parent(s) and/or guardian(s) may also submit any information they believe is relevant to the appeal. The superintendent or designee may also investigate and request additional information that was not presented at the original hearing. If after review, the superintendent or designee determines that the reasons given in support of the expulsion are sound and substantiated, he or she shall issue a written notice informing the parent(s) and/or guardian(s) of his or her decision to sustain the expulsion within three working days of the conclusion of the review. The superintendent or designee may also take any action he or she deems appropriate to modify or overturn the placement and will notify the parent(s) and/or guardian(s) promptly of his or her decision in this regard. If at the conclusion of the investigation, additional information is brought forth that might increase the consequence, the superintendent or designee will review (within three days) the new information with parent(s) and/or guardian(s). Following this review, the superintendent or designee will issue a final ruling. Noncustodial parent(s) and/or guardian(s) may request in writing a copy of any written notification relating to a student's expulsion from school that is generally provided by the District to a student's parents. Consequences will not be delayed pending the outcome of the appeal.

## Searches, Board Policy FNF Legal

The Fort Worth ISD School officials may search a student's outer clothing, pockets, or property by establishing reasonable suspicion or securing the student's voluntary consent.

A search is reasonable if it meets both of the following criteria: The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation. The scope of the search is reasonably related to the circumstances that justified the search in the first place; i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

## Desks and Lockers

Desk, lockers, and similar items are the property of the District and are provided for student use as a matter of convenience. Lockers and desks are subject to blanket/random searches or inspections by District administrators. Searches or inspections may be conducted at any time and without notice. Students shall be fully responsible for the security and contents of desks or lockers assigned to them. Students shall make certain that lockers are locked, and that keys or combinations are not given to others. Students shall not place or keep in a desk or locker any article or material prohibited by law, District policy, or the Student Code of Conduct. Students shall be held responsible for any prohibited items found in their desks or lockers.

## Vehicles

Students shall be fully responsible for the security and contents of vehicles parked on school property. Students shall make certain that their parked vehicles are locked and that the keys are not given to others. Students shall not place or keep in a vehicle on school property any article or material prohibited by law, District policy, or the Student Code of Conduct. If there is reasonable cause to believe that a vehicle on school property contains contraband, it may be searched by school officials or by personnel whose services have been engaged by the District to conduct such searches. Students shall be held responsible for any prohibited items found in their vehicles on school property. If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parent. If the parents also refuse the search, the District may contact local law enforcement officials and turn the matter over to them, or the District may conduct the search.

The District shall use specially trained non-aggressive dogs to sniff out and alert to the current presence of concealed prohibited items and illicit substances as defined in FNCF (LOCAL) and alcohol; visits to the school shall be unannounced. The dogs shall be used to sniff the air in vacant classrooms, in vacant common areas, around student lockers and around vehicles parked on school property. The dogs shall not be used with students. If a dog alerts to a locker, a vehicle or an item in a classroom, the area may be searched by school officials. Searches of vehicles shall be conducted as described above.

## Electronic Storage

A peace officer may not search a person's cellular telephone or other wireless communications device, pursuant to a lawful arrest of the person, without obtaining a warrant under Code of Criminal Procedure 18.0215. A peace officer MAY search a cellular telephone or other wireless communications device without a warrant if:

- The owner or possessor of the telephone or device consents to the search
- The telephone or device is reported stolen by the owner or possessor; or
- The officer reasonably believes that: warrant has been issued for committing a felony offense; or there exists an immediate life-threatening situation, as defined by Code of Criminal Procedure 18.20. Code of Crim. Proc. 18.0215

**Specifically:** Lockers may be sniffed by trained dogs at any time. Vehicles parked on school property may be sniffed by trained dogs at any time. Classrooms and other common areas may be sniffed by trained dogs at any time students are not present. If contraband of any kind is found, the student shall be subject to appropriate disciplinary action. The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker, a student's vehicle parked on school property or on the student's person as a result of a search conducted in accordance with the policy.

## Metal Detectors

The District shall not tolerate actions that endanger the wellbeing of students or faculty or disrupt the educational process. Accordingly, upright, or hand-held metal detectors may be randomly used any time by the administration to safeguard students and maintain a safe environment.

Students shall be notified at the beginning of each school year that they will be subject to search by a metal detector on a random basis. All prohibited weapons and/or illegal contraband revealed shall be confiscated and turned over to applicable law enforcement agencies, which shall determine whether to initiate criminal prosecution. (See Board Policy FNCF or FNCG) Contraband found to be in violation of school board policy shall be confiscated by school personnel. School administrators will determine what, if any, disciplinary action is taken.

If a student refuses to comply with a metal detector search, the parent(s) and/or guardian(s) will be contacted. If the parent(s) and/or guardian(s) support their child's decision to refuse, the school liaison officer shall determine if a search is now mandatory for the safety of all. If not, the student shall be removed from the campus immediately and will be subject to appropriate disciplinary action. The second time a student refuses to comply with a metal detector search will result in immediate removal from school pending a central office conference.

### **Photographic/Video/Audio**

District video/audio equipment shall be used for safety purposes in monitoring student behavior on buses and in common areas on the district's campuses. Students may not photograph, videotape, or otherwise record students or staff during the instructional school day.

No photograph, video recordings or audio recordings may be taken or made on Fort Worth ISD premises unless authorized by the Superintendent, her/his designee, or principal for educational or school-related purposes. (section 26.009 of the Texas Education Code applies).

### **General Security - Acceptable Use Policy**

The Superintendent or designee shall implement, monitor, and evaluate electronic media resources for instructional and administrative purposes.

Access to the Districts' electronic communications systems which may include computers, software, communication tools (email, chat), access to internal networks (intranet), and access to external networks (internet) is a privilege, not a right. Fort Worth ISD requires that these systems be used in a responsible way, ethically, and in compliance with all legislation and other Fort Worth Independent School District (District) policies. [See Board Policy CQ]

All users shall be required to acknowledge receipt and understanding of all administrative regulations governing the use of the system and shall agree in writing to comply with such regulations and guidelines. Noncompliance with applicable regulations and guidelines may result in suspension or terminations of privileges and other disciplinary action consistent with District Policies. [See Board Policies DH and CQ, and the Student Code of Conduct]

### **Acceptable Use of Assets**

Assets include, but are not limited to, physical equipment such as desktop computers, servers, printers, laptops, telephones, mobile devices, and removable media (such as USB flash drives), as well as systems and services, such as the organizational network, internet, voicemail, and more. Organizational data is also considered to be an asset. All devices and systems are property of the District, and all use must be in accordance with established policies, standards, and guidelines.

This policy is applicable to all District stakeholders including full-time, part-time, and temporary employees, contractors, students, and interns. The requirements defined in this policy are applicable to all data, systems, and services owned and/or managed by the District.

Electronic mail transmissions and other use of the electronic communication system by students and employees shall not be considered confidential and may be monitored at any time by designated District staff.

### **Noncompliance**

Violations of this policy will be treated like other allegations of wrongdoing at the District and will be investigated per established procedures. Sanctions may include, but are not limited to, one or more of the following:

- 1) Oral and/or written warning

- 2) For Employees: Probation, suspension, or termination of employment
- 3) Discipline in accordance with the Student Code of Conduct
- 4) Legal action per applicable laws and contractual agreements

[View complete Acceptable Use of Assets Policy here.](#)

## Notice of Non-Disclosure

In accordance with Title IX, the district does not and is required not to discriminate on the basis of sex its educational programs or activities. The requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both. Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

The district has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment: Cynthia Allen, Interim Title IX Coordinator, Office of Employee Services 7060 Camp Bowie Boulevard, Fort Worth, Texas 76116 Telephone: (817) 814-1891, E-mail: [Cynthia.Allen1@fwisd.org](mailto:Cynthia.Allen1@fwisd.org)

Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL).

For concerns regarding discrimination based on disability, see ADA/Section 504 Coordinator/Foster Care Liaison Patricia Sutton, Director of Special Programs 7060 Camp Bowie Boulevard, Fort Worth, Texas 76116 Telephone: (817) 814-2876, E-mail: [Patricia.Sutton@fwisd.org](mailto:Patricia.Sutton@fwisd.org)

## For Other Complaints and Concerns

Usually, student or parent complaints or concerns can be addressed by a phone call or a conference with the teacher or principal. For those complaints that cannot be handled so easily, the District has adopted a standard complaint policy at FNG (LOCAL) in the district's policy manual. A copy of the policy can be obtained from the principal's office or on the district's Web site at <http://pol.tasb.org/Policy/Code/1101?filter=FNG>.

In general, the student or parent should submit a written complaint and request a conference with the campus principal. If the concern is not resolved, a request for a conference should be sent to the Superintendent's designee. If still unresolved, the District provides or the complaint o be presented to the Board.

# Definitions

## **ABUSABLE VOLATILE CHEMICALS**

Those substances as defined in Texas Health and Safety Code § 485.001.

## **ALCOHOLIC BEVERAGE**

Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

## **ARMOR-PIERCING AMMUNITION**

Handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers or other firearms.

## **ASSAULT**

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

## **BODILY INJURY**

Physical pain, illness, or impairment of a physical condition.

## **BULLYING**

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 written or verbal expression, including electronic communication, or physical conduct 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 or 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 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, including cyberbullying (see definition below). See District policy FFI for additional information regarding bullying.

## **CAMPUS BEHAVIOR COORDINATOR**

A Campus Behavior Coordinator, which has to be an administrator, is primarily responsible for maintaining student discipline and the implementation of any disciplinary actions. A campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques outlined in the Student Code of Conduct.

## **CHEMICAL DISPENSING DEVICE**

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

## **CLUB**

An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

**CONTROLLED SUBSTANCE**

A substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 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**

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

**CYBERBULLYING**

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

**DANGEROUS DRUG**

Substances as defined in Chapter 483 of the Texas Health and Safety Code, specifically 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.

**DEADLY CONDUCT**

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

**DEADLY WEAPON**

A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

**E-CIGARETTE**

"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. The term does not include a prescription medical device unrelated to the cessation of smoking. The term includes 1) a device described by the statute regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description, and 2) any component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**EXPLOSIVE WEAPON**

Any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror. It includes a device designed, made or adapted for delivery or shooting an explosive weapon.



**FALSE ALARM OR REPORT**

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

**FIGHTING**

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

**FIREARM (Federal law)**

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

**FIREARM (State law)**

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

**FIREARM SILENCER**

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

**GANG**

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

**GRAFFITI**

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

**HANDGUN**

Any firearm designed, made, or adapted to be fired with one hand.

**HARASSMENT (as defined by Board Policy and federal law)**

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



**HARASSMENT (as defined by the Penal Code)**

Actions against a school employee with intent to harass, annoy, alarm, abuse, torment, or embarrass, whereby the student initiates the communication and makes a comment, request, suggestion, or proposal that is obscene; threatens, in a manner reasonably likely to alarm the employee receiving the threat, to inflict bodily injury on the employee or to commit a felony against the employee, a member of the employee's family or household, or the employee's property; conveys, in a manner reasonably likely to alarm the employee receiving the report, a false report, which is known by the student to be false, that another person has suffered death or serious bodily injury; sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend an employee of the District; or publishes 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.

**HAZING**

Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student, for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization, if the act constitutes any type of physical brutality, involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student, or involves the consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, including in amounts that would lead a reasonable person to believe the student is intoxicated. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a school administrator, a peace officer, or a law enforcement agency. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

**HIT LIST**

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

**IMPROVISED EXPLOSIVE DEVICE**

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. The term does not include unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval; or an exploding target that is used for firearms practice, sold in kit form, and contains the components of a binary explosive.

**INDECENT EXPOSURE**

Those acts defined in Texas 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.

**INTENT**

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

**INTIMATE VISUAL MATERIAL**

Visual material 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.

**INVASIVE VISUAL RECORDING**

A person commits an offense if, without the other person's consent and with intent to invade the privacy of the other person, the person (1) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of an intimate area of another person if the other person has a reasonable expectation that the intimate area is not subject to public view; (2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another in a bathroom or changing room; or (3) knowing the character and content of the photograph, recording, broadcast, or transmission, promotes a photograph, recording, broadcast, or transmission described above.

**KNIFE**

A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing, including a switchblade.

**KNUCKLES**

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

**LOCATION-RESTRICTED KNIFE**

A knife with a blade over 5 ½ inches.

**MACHINE GUN**

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

**MARIJUANA**

The plant *Cannabis sativa* L., whether growing or not, the seeds of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds.

**ON OR ABOUT HIS OR HER PERSON**

Within the student's control and within arm's reach.

**PARAPHERNALIA**

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

**PERSISTENT**

Three or more violations of the SCC or repeated occurrences of the same violation.

**POSSESSION**

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

**POSSESSION OR PROMOTION OF LEWD VISUAL MATERIAL DEPICTING A CHILD**

Possessing, accessing, or promoting, lewd visual material depicting a child, as further defined by Texas Penal Code § 43.25 and punishable as a felony.

**PROHIBITED WEAPONS**

A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, machine gun, short-barrel firearm, zip gun, improvised explosive device or tire deflation device as further defined in Texas Penal Code § 46.05.

**PUBLIC LEWDNESS**

Those acts defined in Texas 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.

**REASONABLE BELIEF**

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

**RETALIATE**

Harming or threatening to harm another (1) on account of their service as a District employee or volunteer, (2) to prevent or delay another's service to the District, or (3) because the person intends to report a crime, including posting the residence address or telephone number of the employee on a publicly accessible website with intent to threaten harm or cause harm to the employee or the employee's family or household.

**SELF-DEFENSE**

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

**SERIOUS MISBEHAVIOR**

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

**SEX OFFENDER**

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

**SEXUAL HARASSMENT**

Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or conduct on the basis of sex prohibited by District policy FFH or FNC, when it is so severe, persistent, pervasive, and objectively offensive that it has the purpose or effect of effectively denying a person equal access to an educational program or activity. Conduct that meets the definitions of sexual assault, dating violence, domestic violence or stalking under federal law.

**SHORT-BARREL FIREARM**

A rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun if, as altered, has an overall length of less than 26 inches.

**SWITCHBLADE KNIFE**

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

**TELECOMMUNICATIONS DEVICE**

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

**TERRORISTIC THREAT**

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

**TETRAHYDROCANNABINOL (THC)**

The primary psychoactive component of the cannabis plant. A THC concentration of .3% or greater is prohibited in Texas.

**TIRE DEFLATION DEVICE**

A device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

## **TITLE 5 FELONY OFFENSES**

Offenses against the person that, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; invasive visual recording; sexual coercion; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; bestiality; voyeurism; disclosure or promotion of intimate visual material; and tampering with a consumer product.

## **UNDER THE INFLUENCE**

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

## **USE**

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

## **ZIP GUN**

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



# Acknowledgment Form

## Fort Worth ISD 2023-2024 Student Code of Conduct

Dear Parent/Guardian:

This Student Code of Conduct provides information regarding expectations for student behavior and consequences for misconduct. Please read and review the information in the Student Code of Conduct with your student so that you have a clear understanding of its content. Once you and your student have reviewed the Student Code of Conduct, please sign the acknowledgment form listed below and return it to Campus Behavioral Coordinator.

Please contact your student's teacher or campus administrator if you have any questions about the Code.

Student's Name: \_\_\_\_\_

Student's Campus: \_\_\_\_\_ Grade Level: \_\_\_\_\_

I have read and understand the Fort Worth ISD's Student Code of Conduct for the 2023-2024 school year. I understand that \_\_\_\_\_ (student name) will be held accountable for the behavior expectations and disciplinary consequences outlined in the Student Code of Conduct. I understand that the Student Code of Conduct governs all behavior at school, at school-sponsored and school-related activities, during online or other remote instruction, during school-related travel, or while traveling in a vehicle owned or operated by the District. I also understand the Student Code of Conduct governs some designated behaviors occurring within 300 feet of school property, some designated behaviors occurring off-campus, including certain electronic communications and postings, and any school-related misconduct regardless of time or location. I understand that a referral for criminal prosecution is possible for certain violations of law.

\_\_\_\_\_  
Parent/Guardian Printed Name

\_\_\_\_\_  
Student Printed Name

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date